

# **SUMMARY OF THE CONSTITUTION**

## **1. THE CONSTITUTION**

- 1.1 Welwyn Hatfield Borough Council (the Council) has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
- 1.2 The Constitution is divided into 16 Articles which set out the basic rules governing the Council's business. These are followed by more detailed procedures and codes of practice which are contained in separate Rules, Codes and Protocols. The Constitution also makes it clear who is responsible for carrying out particular functions.

## **2. WHAT IS IN THE CONSTITUTION**

- 2.1 Article 1 of the Constitution commits the Council to provide clear leadership to the community in partnership with others. It aims to enhance the involvement of Citizens in decision making and to make the decision making process efficient, effective and transparent and those involved in it, accountable.
- 2.3 Articles 2 to 16 explain the rights of Citizens and how the key parts of the Council operate. These are:
- Councillors of the Council (Article 2)
  - Citizens and the Council (Article 3)
  - The Full Council (Article 4)
  - Chairing the Council (Article 5)
  - Overview and Scrutiny Arrangements (Article 6)
  - The Cabinet (Article 7)
  - Non-Executive Committees (Article 8)
  - The Standards Committee (Including Arrangements for Dealing with Complaints about the Code of Conduct for Councillors) (Article 9)
  - Area Committees and Forums (Article 10)
  - Joint Arrangements (Article 11)
  - Officers (Article 12)
  - Decision Making (Article 13)
  - Finance, Contracts and Legal Matters (Article 14)
  - Monitoring and Review of the Constitution (Article 15)
  - Suspension, Interpretation and Publication of the Constitution (Article 16)

## **3. HOW THE COUNCIL OPERATES**

- 3.1 The Council is composed of 48 Members (also called Councillors), with one-third elected three years in four. Councillors are democratically accountable to residents in their ward, although their overriding duty is to the whole community resident in the Council's area.
- 3.2 Councillors have to agree to follow a Code of Conduct to ensure high standards are maintained in the way they undertake their duties. The Council's Standards Committee is responsible for leading on training and advising Councillors on the Code of Conduct.
- 3.3 All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's major policies and set the budget each year. The Council appoints the Leader of the Council and Members of the Council's Committees (apart from the Cabinet). It holds the Cabinet to account by permitting petitions and questions to Members of the Cabinet from the public and Councillors who are not in the Cabinet.

#### **4. HOW DECISIONS ARE MADE**

- 4.1 The Cabinet is the part of the Council which is responsible for the majority of decisions relating to the delivery of services. Whilst day-to-day decisions will be made by Officers of the Council, the Cabinet itself will make decisions which will have a strategic or significant impact or involve significant expenditure or savings. The Cabinet is made up of up to ten Members of the Council to be determined by the Leader. It will publish decisions to be made in a forward plan which enables the public to have prior notice of matters to be determined by the Cabinet and also enables them to see associated papers and make comments. Most Cabinet meetings where decisions are to be made will be open for the public to attend except where confidential or exempt information is being discussed (the categories of exempt information includes information relating to particular Officers, tenants or recipients of Council services or financial assistance, negotiations relating to property, contracts or with Trade Unions and legal proceedings or advice). The Cabinet must make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

#### **5. OVERVIEW AND SCRUTINY**

- 5.1 An Overview and Scrutiny Committee has been appointed by Full Council. A key role of this Committee is to hold the Cabinet to account. This Committee will also be involved in policy and budget development and review, with the

objective of improving outcomes for the borough and its residents. The Overview and Scrutiny Committee may also consider any matter that affects the council's area or its residents. It also has statutory powers to scrutinise matters relating to the discharge of crime and disorder and health functions within the borough. The Committee may call upon Cabinet Members or Officers to explain decisions or advice given and may invite any stakeholders or members of the public to assist it with its enquiries. The Committee may commission Task and Finish Panels or hold special scrutiny events for matters requiring a more in-depth scrutiny.

## **6. THE COUNCIL'S STAFF**

6.1 The Council has Officers working for it to give advice, implement policies and budgetary decisions and manage the day-to-day delivery of its services. Certain Officers have specific legal duties to ensure that the Council acts within the law, (the Monitoring Officer) or uses its resources wisely, (the Chief Finance Officer). A Protocol governs the relationship between Councillors and Officers and is part of this Constitution.

## **7. CITIZENS' RIGHTS**

7.1 Citizens have a number of rights in their dealings with the Council. These are set out in Article 3 of this Constitution. Many of these are legal rights. Where Members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

7.2 Citizens have the following rights:

- To vote at local elections if they are registered.
- To contact their local Councillor about any matters of concern to them.
- To access the council's Constitution.
- To attend meetings of the Council and its Committees except where confidential or exempt information is being discussed.
- To petition to request a referendum on a mayoral form of executive.
- To participate in question time at meetings by submitting a question in writing or by electronic mail to the Governance Services Manager within the required deadlines.
- To present petitions at meetings and address the meeting in respect of the petition in accordance with the council's Petition Rules.
- To appear before the Overview and Scrutiny Committee, if invited to do so, to assist it in connection with the discharge of its functions.
- To find out from the Cabinet's forward plan what important decisions are to be dealt with by the Cabinet and when, how representations can be made in respect of a particular matter and relevant documents obtained.

- To attend Cabinet meetings (unless confidential or exempt information is being discussed or where the sole purpose of the meeting is to receive a briefing from Officers, including clarification on a particular matter or meetings to permit political discussions, without Officers present) and ask questions and present petitions.
- To see agendas and reports to be considered at meetings of the Council, the Cabinet and Committees which are open to the public and be supplied copies of such papers on payment of a reasonable fee.
- To see minutes of meetings excluding any part which discloses confidential or exempt information and be supplied with copies on payment of a reasonable fee.
- To inspect documents (called background papers) referred to in reports on which an important part of a report has been based for a period of four years from the date of the meeting and be supplied with copies on payment of a reasonable fee.
- To make representations about why a private section of a Cabinet meeting should be open to the public
- To complain to the Council about the Council's standard of service, action or lack of action.
- To complain to the Ombudsman if it is thought that the Council has not followed its procedures properly. However, this should only be done after using the Council's own complaints procedure.
- To complain to the Monitoring Officer if there is evidence which shows that a Councillor has not followed their Code of Conduct.
- To inspect the Council's financial accounts and make representations to the external auditor.

The Council welcomes participation by its Citizens in its work. For further information on your rights referred to above please contact the Governance Services Manager on [democracy@welhat.gov.uk](mailto:democracy@welhat.gov.uk)