

PART 1

SUMMARY AND EXPLANATION

1.1 PURPOSE OF THE CONSTITUTION

- 1.1.1 Section 37 of the Local Government Act 2000 requires each local authority to prepare, keep up to date and publish a document known as the Council's Constitution.
- 1.1.2 The purpose of the Constitution of Chelmsford City Council is to describe to councillors (also known as members of the Council), officers, and citizens how the Council makes decisions and governs itself.
- 1.1.3 The Constitution brings together in one document information to explain why the Council has a Constitution, how the Council operates, how decisions are taken and citizens' rights in relation to the decisions made by the Council.
- 1.1.4 The Constitution is divided into 16 Articles which set out the fundamental rules which the Council follows in carrying out its business. More detailed information and relevant supporting documents are set out in separate parts of the Constitution.

1.2 CONTENTS OF THE CONSTITUTION

- 1.2.1 Part 1 is a general introduction to and explanation of the Constitution.
- 1.2.2 Part 2 contains the core Articles of the Constitution. Article 1 outlines the key aims and principles on which it is based. Articles 2 to 16 explain how the key parts of the Council operate and how decisions are taken. Those Articles are:
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| Article 1 | Summary and Explanation |
| Article 2 | Elected Councillors |
| Article 3 | Citizens and the Council |
| Article 4 | The Full Council |
| Article 5 | Chairing the Council |
| Article 6 | The Leader of the Council |
| Article 7 | The Cabinet |
| Article 8 | Overview and Scrutiny |
| Article 9 | Councillor Advisory Bodies |
| Article 10 | Regulatory Committees |
| Article 11 | Governance Committee |
| Article 12 | Joint Arrangements |
| Article 13 | Officers |
| Article 14 | Decision Making |
| Article 15 | Finance, Contracts and Legal Matters |
| Article 16 | Review, Revision, Suspension, Interpretation and Publication of the Constitution |
- 1.2.3 Part 3 details which part of the Council is responsible for the various Council functions.
- 1.2.4 Part 4 sets out the detailed Rules which govern:
- a) Meetings of the Full Council, the Cabinet, Overview and Scrutiny Committee and other committees;

- b) Access to information held by the Council;
- c) The production of the Council's budget and its major policies;
- d) The employment of its staff; and
- e) The regulation of the Council's finances and contracts.

- 1.2.5 Part 5 sets out various protocols or codes of conduct which councillors and employees of the Council are expected to observe.
- 1.2.6 Part 6 details the allowances payable to councillors in connection with the performance of their duties.
- 1.2.7 Part 7 describes the structure of the Council's member bodies and the organisational structure of its Services.
- 1.2.8 Changes to the Constitution require the approval of Full Council.

1.3 **PRACTICE NOTES**

- 1.3.1 Throughout the Constitution reference is made to "Practice Notes", which provide guidance as to how the rules and procedures within it should be applied. They are accessible using the electronic hyperlinks provided in the Constitution.
- 1.3.2 Practice Notes do not form part of the Constitution. This means that changes in processes and procedures can be made without the delay that would otherwise result by having to seek the approval of Full Council.
- 1.3.4 The Practice Notes are nevertheless important to help explain how the Council operates and takes decisions and the appropriate Cabinet Member or Committee Chair will be consulted before they are finalised.

1.4 **HOW THE COUNCIL OPERATES**

Councillors

- 1.4.1 The Full Council comprises 57 councillors, who are elected every four years and are through this process accountable to residents in their wards. The overriding duty of councillors is to the City of Chelmsford as a whole, but they have a particular duty to all their constituents in their wards, including those that did not vote for them.
- 1.4.2 Councillors have to agree to follow a code of conduct to ensure high standards in the way they carry out their functions. The Code is set out in Part 5.1 of the Constitution. The Governance Committee advises on and oversees adherence to it.
- 1.4.3 All councillors meet together as the Full Council. Meetings of the Full Council are normally open to the public. Here the councillors decide the Council's overall policies and set the annual budget. The Full Council also appoints committees, which perform specific functions on its behalf. The public have the right to attend all such meetings and ask questions or make statements on any matter for which the Council is responsible, provided this is in line with the relevant rules of procedure as set out in Part 4 of the Constitution.

1.4.4 **The Council's staff**

The officers of the Council are its employees. They directly deliver the services provided by the Council within the policies and budgets set by the councillors. Senior officers advise the councillors on what, legally and financially, the Council can and cannot do and ensure that the decisions properly taken by them are put into operation. Officers are politically neutral and are expected to treat all councillors equally. They too have to follow a code of conduct when carrying out their duties as set out in Part 5.2 of the Constitution.

1.5 **HOW DECISIONS ARE MADE**

1.5.1 The Council's ability to make decisions fall into two legal categories, those which may be determined by the Council Leader and Cabinet, known as Executive functions, and those reserved to the Full Council, known as Council functions. These functions have been delegated by-

- a) Full Council to the committees as set out in Part 3.2 of the Constitution;
- b) The Council Leader as set out in Part 3.3 of the Constitution; and
- c) Full Council, committees, the Council Leader and Cabinet to officers as set out in Part 3.4 of the Constitution.

1.5.2 The Council has adopted the 'Leader with Cabinet' model for carrying out its Executive functions. The Constitution has been drawn up on this basis and its main elements emphasise the ultimate authority of the Full Council as a body, the leadership and initiative of the Leader and Cabinet, and the roles of the Overview and Scrutiny Committee. A summary of the roles and functions of these is set out below.

The Leader & Cabinet

1.5.3 The Leader and Cabinet are responsible for the Executive functions of the Council, namely most day-to-day decisions. The Cabinet is made up of the Leader of the Council and up to nine other councillors appointed by the Leader.

- a) When major decisions are to be discussed or made these are published in advance, insofar as they can be anticipated. When these major decisions are discussed at the Cabinet the meeting will generally be open to the public, except when exempt or confidential matters are discussed as defined in the Access to Information Rules set out in Part 4.6 of the Constitution. These rules explain the legal basis for when decisions ought to be taken in private and the reasons why.
- b) The Cabinet has to 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 policy or budget framework, this must be referred to the Full Council as a whole to decide.

Overview and Scrutiny

1.5.4 The Overview and Scrutiny Committee, which is appointed by Full Council:

- a) Examines the operation of existing policies to assess whether they are

working well and achieving their aims and recommends changes to the Cabinet and the Full Council if they are not;

- b) Monitors Cabinet decisions and can “call-in” decisions which have been made but not yet implemented and so enables the Committee to consider whether the decision is appropriate. Overview and Scrutiny can also recommend that the Cabinet reconsider the decision;
- c) May be consulted by the Cabinet or the Full Council on forthcoming decisions and on the development of policy.

Other Council bodies

1.5.5 Full Council has appointed a number of other committees to take the decisions reserved to it to ensure they are timely. These are set out in Part 3.2 of the Constitution.

1.5.6 The Full Council, Cabinet and committees may appoint other councillor bodies to advise on the development of new policy by looking in-depth at specific issues and carrying out consultation on new proposals. These may be permanent panels or appointed for a particular purpose.

1.5.7 The purpose for which these bodies have been established are set out in the Articles in Part 2 of the Constitution and the functions for which they are responsible are set out in Part 3.

1.6 CITIZENS' RIGHTS

1.6.1 Citizens have a number of rights in their dealings with the Council. These include access to information about the Council’s services and decisions, and asking questions or making representations before certain decisions are taken. The rights to participate are set out in various parts of the Constitution, the most significant of which are Article 3 and the Access to Information Rules in Part 4.6. More detailed information is also available on the Council’s website, www.chelmsford.gov.uk

1.7 AVAILABILITY OF THE CONSTITUTION

1.7.1 The Constitution is published on the Council’s website. A copy may be viewed by contacting the Customer Service Centre, in the Civic Centre, Duke Street, Chelmsford.