

## SUMMARY AND EXPLANATION

### The Council's Constitution

Tendring District 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.

### What's in the Constitution?

The Constitution is made up of seven major parts as follows:

- Part 1      The Summary and Explanation
- Part 2      The Articles of the Constitution
- Part 3      The Delegated Powers and Schedules of Responsibility for Functions
- Part 4      Council Procedure Rules
- Part 5      Rules of Procedure
- Part 6      Codes and Protocols
- Part 7      Members' Allowances Scheme

### Part 2    The Articles of the Constitution

Article 1 of the Constitution commits the Council to work towards its vision for Tendring as set out in the Council's Corporate Plan. Articles 2-16 explains the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny Committees (Article 6)
- The Cabinet (also referred to as the Executive) (Article 7)
- Committees (Article 8)

- Standards Committee and the Town and Parish Councils' Standards Sub-Committee (Article 9)
- Area Committees and Forums including Community Consultation and Participation (Article 10)
- Joint Arrangements (Article 11)
- Officers (Article 12)
- Decision Making (Article 13)
- Finance, Contracts and Legal Matters (Article 14)
- Review and Revision of the Constitution (Article 15)
- Suspension, Interpretation and Publication of the Constitution (Article 16)

**Part 3 Delegated Powers**

This part of the Constitution sets out the key delegated powers to each element of the Council's decision making structure.

**Parts 4 & 5 Procedure Rules for Operation of the Constitution**

Set out in these parts of the Constitution are the detailed rules and operating procedures that relate to each of the key sectors of the Constitution namely:

- Council Procedure Rules (Part 4)
- Rules of Procedure (Part 5)

**Part 6 Codes and Protocols**

This includes:

- The Members' Code of Conduct
- Complaints Procedure
- Monitoring Officer Protocol
- Independent Person Protocol
- Protocol on Members/Officer Relations

- Members' Planning Code & Protocol

## **Part 7 Members' Allowances Scheme**

The Members' Allowances Scheme is approved by the Council following consideration of the recommendations of the Independent Remuneration Panel on Allowances.

## **Part 8 Management Structure**

### **How decisions are made**

Decisions are taken on a day-to-day basis by the Cabinet, which is made up of the Leader of the Council and the Portfolio Holders appointed by the Leader. Key decisions to be made are published in so far as they can be anticipated. Meetings of Cabinet are generally open to the public to attend, except where personal or confidential matters are being discussed. The Cabinet has to make decisions in accordance with the Council's overall policies and budget. If it wishes to make a decision that is outside the Budget or Policy Framework, this must be referred to the Council as a whole to decide.

### **Overview and Scrutiny**

The Council has Overview and Scrutiny Committees that support the work of the Cabinet and the Council as a whole. These Committees may hold public inquiries into matters of local concern leading to reports and recommendations to advise the Cabinet and the Council as a whole on policies, budget/resources and service delivery. The Overview and Scrutiny Committees also monitor the decisions of the Cabinet and a decision that has been made by the Cabinet but not yet implemented can be "called-in". This enables the decision to be further considered. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

### **The Council's Staff**

The Council's staff (called "officers") give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

### **Citizens' Rights**

Citizens have a number of rights in their dealings with the Council, which are set out in more detail in Article 3. Some of these are legal rights and others depend on the Council's own processes.

Where members of the public use specific Council services, for example as a Council Tenant, they have additional rights which are not covered in this Constitution.

The Council welcomes participation by its citizens in its work.