

# Part 1

# Summary and Explanation

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## The Council's Constitution

The London Borough of Ealing has agreed a new 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 law, while others are a matter for the Council to choose.

The constitution is divided into 17 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

## What's in the Constitution

Article 1 of the constitution commits the Council to provide leadership to the community it serves and to make decisions on its behalf in an effective, accountable and transparent manner. Articles 2 – 16 explain 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 Council meeting (Article 4)
- Chairing the Council
- Scrutiny of decisions (Article 6)
- The Cabinet (Article 7)
- General Purposes and other committees (Article 8)
- The Standards Committee (Article 9)
- North West London Joint Health Overview and Scrutiny Committee (Article 10)
- Citizens Tribunal (Article 11)
- Joint Arrangements (Article 12)
- Officers (Article 13)
- Decision making (Article 14)

- Finance, contracts and legal matters (Article 15)
- Review and revision of the constitution (Article 16)
- Suspension, interpretation and publication of the constitution (Article 17)

## **How the Council operates**

The Council is composed of 70 councillors elected every four years. Councillors are democratically accountable to residents of their ward but their overriding duty is to the whole community.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are open to members of the public except when personal or confidential matters are being discussed. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader, approves those matters which are part of the Council's policy framework and provides an opportunity through questioning and debate for the cabinet to be held to account. There is also the opportunity for the public to ask questions or make statements directly to the Council.

## **How decisions are made**

The cabinet is the part of the Council which is responsible for most day-to-day decisions. The cabinet is made up of the Leader and nine other councillors appointed by the Council. The Leader appoints members of the Cabinet. When major decisions are to be discussed or made, these are published in the cabinet's forward plan when they can be anticipated. These decisions will be taken in public, including any discussion with council officers, except where personal or confidential matters are being discussed. The cabinet has to make its decisions 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.

Decisions which are not made by the cabinet may either be dealt with the relevant Portfolio Holder or under officer delegated powers or if they concern a regulatory matter such as a planning or licensing application by the General Purposes Committee or the Planning Committee or the Licensing Committee.

## **Scrutiny**

Scrutiny committees and panels support the work of the cabinet and the Council as a whole. They allow citizens to have a greater say in council matters by looking into matters of local concern. These lead to reports and recommendations which advise the cabinet and the Council as a whole on its policies, budget and service delivery. Scrutiny committees and panels also monitor the decisions of the cabinet. They can consider decisions of the cabinet which have been “called in” which enables them to consider whether the decision is appropriate. They may recommend that the cabinet reconsider or amend the decision. 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 has people working for it (called ‘officers’) to 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. A Protocol governs the relationships between officers and members of the Council.

## **Citizens’ Rights**

Citizens have a number of rights in their dealings with the Council. These are set out in more details in article 3. Some of these rights are legal rights, while others depend on the Council’s own processes. Local advice agencies can advise on individuals’ legal rights.

Where members of the public use specific council services, for example as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in the constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the constitution;
- attend meetings of the Council, the cabinet and committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on governance structures;
- participate in question time at council and committee meetings;
- make representations direct to the planning committee about planning applications;
- find out, from the cabinet’s forward plan, what major decisions are to be discussed by the cabinet or decided by the cabinet or officers, and when;

- see reports and background papers, and any record of decisions made by the Council and cabinet;
- complain to the Council about any matter for which it is responsible through the complaints procedure;
- complain to the Ombudsman if they think the Council has not followed its own procedures properly. However, they should do this only after using the Council's own complaints process;
- complain to the Director of Legal and Democratic Services, if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The council has appointed a Citizens Tribunal. This is an independent body, with responsibility to hold the council and its partners to account in relation to race equality and to suggest ideas for how the council can promote race equality. The full responsibilities of the Citizens Tribunal are set out in Article 11.

The Council welcomes participation in its work. For further information on your rights as a citizen please contact the Democratic Services team, [DemocraticServices@ealing.gov.uk](mailto:DemocraticServices@ealing.gov.uk) . A statement of the rights of citizens to inspect agendas and reports and attend meetings is available from council receptions.