

CHAPTER 1

Summary and explanation of the Council's Constitution

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The Council is the ultimate decision making body of Brentwood Borough Council and the principal forum for major political debate. All 39 Councillors who have been elected to represent the borough attend the Council meeting.

The Council decides the overall objectives, major policies and financial strategies of the Council. It also considers recommendations from the Scrutiny and Regulatory Committees on issues of significance.

Through the Constitution, it delegates responsibility for carrying out many of the Borough Council's functions and policies to its committees. It also agrees the membership of the committees/sub-committees.

The Council has, in accordance with Section 37 of the Local Government Act 2000, agreed this 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.

The Constitution is divided into 13 Articles which set out the basic rules governing the Council's business. Detailed procedures and codes of practice are provided in Chapters 3-7 of this document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to exercise all its powers and duties in accordance with the law and this Constitution. Articles 2-13 explains the rights of residents and how the key parts of the Council operate.

How the Council Operates

The Council is composed of 39 members who hold office for four years. Details of the political composition of the Council are available on the Council's website.

Meetings of the Council decide the Council's overall policies and set the budget each year. Council meetings are normally open to the public.

How Decisions are Made

Most decisions are made by committees. The Audit and Scrutiny Committee is responsible for all overview and scrutiny functions on behalf of the Council.

The Planning Committee, Licensing Committee and Audit and Scrutiny Committee perform quasi-judicial or regulatory functions.

All meetings of the Council's committees are open to the public except where the committee, in accordance with the Local Government Act 1972, decides to exclude the public because items include exempt or confidential information.

Overview and Scrutiny

There is an Audit and Scrutiny Committee that supports the work of the policy committees and the Council as a whole. They allow residents to have a greater say in Council matters by holding public inquiries into matters of local concern. These can lead to reports and recommendations which advise the policy committees and the Council as a whole on its policies, budget and service delivery. The Audit and Scrutiny Committee can also monitor the decisions of the policy committees. They can 'call-in' a decision made by a policy committee but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the policy committee or council reconsider the decision. They may also be consulted by policy committees on forthcoming decisions and the development of policy. Further details about the overview and Scrutiny Process is set out in Part 4 of the constitution.

The Council's Staff

The Council has people working for it to give advice, implement decisions and manage the day-to-day delivery of its services. Staff may be given delegated powers by the Council to make decisions on its behalf. Some staff have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol on member/staff relations governs the relationships between staff and members of the council. (Chapter 5 of this Constitution).

Residents' Rights

The Council welcomes participation by its residents in its work and the rights of residents in their dealings with the Council are set out in detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

