

# **PART 1**

## **SUMMARY AND EXPLANATION**



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### 1. THE COUNCIL'S CONSTITUTION

- 1.1 Fenland District Council has agreed to a new Constitution which sets out how the Council operates, how decisions are made and the procedures that 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.
- 1.2 The Constitution is divided into 16 articles which set out the basic rules governing the Council business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

Article 1 of the Constitution commits the Council to provide clear leadership in the community in partnership with citizens, business and other organisations; to take decisions effectively, to hold decision-makers to public account, and to improve the delivery of services to the community. 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 (Article 5);
- Overview and Scrutiny decisions (Article 6);
- The Cabinet (Article 7);
- Regulatory and other committees and panels (Article 8);
- The Conduct Committee (Article 9)<sup>1</sup>;
- Area committees (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); and
- Suspension, interpretation and publication of the Constitution (Article 16).

### 2. HOW THE COUNCIL OPERATES

- 2.1 The Council comprises 39 councillors all elected every four years. Councillors are democratically accountable to the

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<sup>1</sup> Amendment approved 26<sup>th</sup> July 2012

residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

- 2.2 Councillors have to agree to a code of conduct to ensure high standards in the way they undertake their duties. The Conduct<sup>2</sup> Committee trains and advises them on the code of conduct.
- 2.3 All Councillors meet together as the Council and meetings are normally open to the public<sup>3</sup>. Here Councillors decide the Council's overall policies and set the budget (which includes the annual revenue budget and capital programme) each year. The Council also approves the Policy Framework which comprises a series of major plans. The Cabinet has to work within the Budget and the Policy Framework approved by the Council. The Council can approve (or reject) any proposals from Cabinet for action which is outside the Budget or the Policy Framework.

### **3. HOW DECISIONS ARE MADE**

- 3.1 The Cabinet is the part of the Council that is responsible for most day to day decisions. The Cabinet is made up of the Leader of the Council appointed by the Council, usually for a four year term, and up to nine Councillors appointed by the Leader to form the Cabinet. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan as far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for members of the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions that are in line 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 to the Council as a whole to decide.<sup>4</sup>

### **4. OVERVIEW AND SCRUTINY**

- 4.1 The Overview and Scrutiny Panels support the work of the Cabinet and Council as a whole. The Panels allows citizens to have a greater say in Council matters by holding enquiries into matters of local concern. Reports and recommendations are prepared by the Panels that advise the Cabinet and Council as a whole on its policies, budget and service delivery. The Panels also monitor the decisions of the Cabinet. They can "call in" a decision that has been made by the Cabinet but not yet implemented. This enables the Panels to consider if the decision is appropriate. They may recommend that the Cabinet

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<sup>2</sup> Amendment approved 26<sup>th</sup> July 2012

<sup>3</sup> Amendment approved 30<sup>th</sup> April 2020, deleted 7 May 2021

<sup>4</sup> Amendment approved 16<sup>th</sup> December 2010

reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.<sup>5</sup>

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

5.1 The Council has people working for it (called "officers") to give advice, implement decisions and manage the day to day delivery of 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 Councillors.

## **6. CITIZENS' RIGHTS**

6.1 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, while others depend on the Council's own processes. The local Citizens' Advice Bureau or a solicitor can advise on individuals' legal rights.

6.2 Where members of the public use specific Council services they have additional rights. These are not covered in this Constitution.

6.3 Citizens have a right to: -

- vote at local elections if they are registered;
- contact their local Councillor(s) about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its Cabinet, committees and panels<sup>6</sup> except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum for a mayoral form of executive;
- submit petitions in accordance with the Councils Petition Scheme<sup>7</sup>
- contribute to the investigations by the Overview and Scrutiny Panel by submitting evidence and comments on the enquiries being undertaken;
- find out from the Cabinet's forward plan what major matters are to be discussed by the Cabinet or decided by members of the Cabinet or officers and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided<sup>8</sup>;

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<sup>5</sup> Amendment approved 25<sup>th</sup> February 2010, amendment approved 26<sup>th</sup> July 2012

<sup>6</sup> Amendment approved 30<sup>th</sup> April 2020, deleted 7 May 2021

<sup>7</sup> Amendment approved 29<sup>th</sup> July 2010

- see reports and background papers and any record of decisions made by the Council and the Cabinet<sup>9</sup>;
- complain to the Council about the standard of service provided in accordance with the Council's complaints scheme;
- complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However they should only do this after using the Council's own complaints scheme;
- complain to the Conduct Committee<sup>10</sup> if they have evidence which they think that a Councillor has not followed the Council's code of conduct; and
- inspect the Council's accounts (when they are on deposit) and make their views known to the external auditor<sup>11</sup>.

6.4 The Council welcomes participation by its citizens in its work. Further information on your rights as a citizen can be obtained from the Council's Members Services at Fenland Hall, County Road, March, Cambridgeshire PE15 8NQ telephone 01354 654321<sup>12,13</sup>

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<sup>8</sup> Amendment approved 30<sup>th</sup> April 2020, deleted 7 May 2021

<sup>9</sup> Amendment approved 30<sup>th</sup> April 2020, deleted 7 May 2021

<sup>10</sup> Amendment approved 26<sup>th</sup> July 2012

<sup>11</sup> Amendment approved 30<sup>th</sup> April 2020, deleted 7 May 2021

<sup>12</sup> Amendment approved 25<sup>th</sup> September 2008

<sup>13</sup> Amendment approved 30<sup>th</sup> April 2020, deleted 7 May 2021