

# Part 1

## Summary and Explanation

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## 1. THE COUNCIL'S CONSTITUTION

- 1.1 The London Borough of Enfield 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.
- 1.2 The Constitution sets 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.

## 2. HOW THE COUNCIL OPERATES

- 2.1 The Council is composed of 63 councillors elected every four years. Councillors are democratically accountable to 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 follow a code of conduct to ensure high standards in the way they undertake their duties. The Councillor Conduct Committee oversees trainings and advises ~~them~~ on the code of conduct.
- 2.3 All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. ~~The~~ Full Council is the main forum for holding to account the Executive (~~Cabinet~~). It sets the main policy framework within which the Council operates.
- 2.4 Enfield follows the the Leader and Cabinet Model. As the Council is subject to whole elections and the Leader and Cabinet Model is in operation, the Leader is elected at the first post-election annual general meeting.
- 2.5 The Deputy Leader is appointed by the Leader without reference to the full Council. The Leader appoints the Cabinet without reference to the full Council and determines the size of the Cabinet without reference to the full Council. The role of Full Council is set out in Part 2 of this constitution (chapter 4).

## 3. HOW DECISIONS ARE MADE

### The Cabinet

- 3.1 The Leader has overall responsibility for executive decision-making power and the delivery of Council services and is elected by the Council for a four-year

term ~~at the Council's annual meeting after elections (subject to the power to remove)~~. The Leader may appoint a Cabinet of up to nine Councillors, ~~—~~ one of whom is to be ~~his or her~~ their Deputy ~~L~~Leader, ~~—~~ and decide on the scope of their respective functions/portfolios. Any reference to the Cabinet within this Constitution is a reference to the Leader and such Members as the Leader may appoint.

- 3.2 When major decisions are to be discussed or made, these are published in the List of Key Decisions insofar 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 the public to attend except where personal or confidential matters are being discussed.
- 3.3 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 budget or policy framework, this must be referred to the Council as a whole to decide.

~~————— (updated Council: 31/3/10)~~

#### ~~1.4~~ **Overview And Scrutiny**

- 3.4 The Council has an Overview and Scrutiny Committee. ~~Its purpose and role is set out in Part 2, Chapter 5. Basically it~~ which provides a strong and independent leadership role in the Council's efforts to improve continuously the services provided. It allows residents to have a greater say in Council matters by publicly scrutinising 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. ~~It also monitors the decisions of the Cabinet. The Overview and Scrutiny Committee may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy~~
- 3.5 They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

~~————— The rules of procedure under which Scrutiny operates are set out in Part 4.2.~~

#### **Ward Forums**

- 3.6 Ward Fforums are run by the individual ward councillors. They are designed to be ward councillor led and to act as a forum for local debate and input into the Council. ~~The terms of reference for the forums are set out in Part 2 — Chapter 2.7 and the rules of operation within Part 4 — Chapter 4.4 of the Constitution. These meetings are held in public.~~

## The Council's Staff

- 3.7 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 code of conduct governs the relationships between officers and members of the Council (see Part 5.3).~~

## 1.4. RESIDENTS' RIGHTS

- 4.1 Residents have a number of rights in their dealings with the Council. ~~These are set out in more detail in Part 2, Chapter 3.~~ Some of these are legal rights, whilst others depend on the Council's own processes. The local Residents' Advice Bureau can advise on individuals' legal rights.
- 4.2 ~~—~~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 this Constitution.
- 4.3 Residents have the right to:
- (i) Vote at local elections if they are registered;
  - (ii) Contact their local councillor about any matters of concern to them.
  - (iii) Contact details are available on request at the Civic Centre and from the Council's website;
  - (iv) Obtain a copy of the Constitution;
  - (v) Attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
  - (vi) Petition to request a referendum on a mayoral form of executive (i.e. a directly elected Mayor);
  - (vii) Contribute to investigations by the Overview and Scrutiny Committee;
  - (viii) Find out, from the Council's Key Decision List, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
  - (ix) Attend meetings of the Cabinet where key decisions are being discussed or decided;
  - (x) Submit deputations and petitions to the Cabinet or Council departments;
  - (xi) See relevant reports and background papers, and any record of decisions made by the Council and Executive;

- (xii) Complain to the Council within the formal complaints scheme;
- (xiii) Complain to the 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 process;
- (xiv) Complain to the Councillor Conduct Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- (xv) Inspect the Council's accounts and make their views known to the external auditor.

~~Set out in Part 4, Chapter 6 are the public's right of access to certain Council documents and information.~~