

Throughout this document, according to context, “The Council” means either:

- the 55 Members of the Council (“Councillors”) meeting together in full Council or
- the statutory body administering local government in the London Borough of Havering

## 1. The Council’s constitution

The London Borough of Havering has a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decisions are properly made and are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others have been decided by the Council itself.

The constitution is divided into 12 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.

## 2. What’s in the constitution?

Article 1 of the constitution commits the Council to deliver its priorities under the corporate plan, and to provide clear community leadership in partnership with local people, partners, businesses and others with a stake in the well being of the London Borough of Havering. The rest deal with:

- (a) Members of the Council (Article 2)
- (b) Citizens and the Council (Article 3)
- (c) The Council and the Mayor (Article 4)
- (d) The Executive – Leader of the Council and Cabinet (Article 5)  
Overview and Scrutiny (Article 6)
- (e) Joint arrangements (Article 7)
- (f) Staff (Article 8)
- (g) Decision making (Article 9)
- (h) Finance, contracts and legal matters (Article 10)
- (i) Review and revision of the constitution (Article 11)
- (j) Suspension, interpretation and publication of the constitution (Article 12).

### **3. How the Council operates**

Councillors are democratically accountable to residents of their electoral 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.

Councillors have to comply with a code of conduct to ensure high standards in the way they undertake their duties.

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 Council elects a Leader, who then appoints a Deputy Leader and between two and eight other members who together with the Leader of the Council form the Cabinet. The Leader and Cabinet are responsible for implementing the policies decided by the Council within the budget. Functions of the Cabinet and individual Cabinet members are decided by the Leader. The Council is required by law also to appoint Overview and Scrutiny Committees to assist in policy formulation and to hold the Cabinet to account for its performance.

### **4 How decisions are made**

The Executive is accountable for most day-to-day decisions. The Executive is made up of the Leader and the Cabinet. The Leader is elected by the Council and is responsible for arranging for the exercise of all executive functions. The Leader appoints the Cabinet. When major decisions are to be discussed or made, these are published in the Leader's Forward Plan. If these major decisions are to be taken at a meeting of the Executive, the meeting will be open for the public to attend except where personal or confidential matters are being discussed. The Executive 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.

While most decisions are taken by the Executive (i.e. by or on behalf of the Cabinet or an individual Cabinet member), some important decisions are also taken by the full Council, or by its committees and sub-committees.

### **5. Overview and Scrutiny**

There are six Overview and Scrutiny Committees, known as sub-committees which support the work of the Overview and Scrutiny Board, the Executive and the Council as a whole. They have statutory powers to report and make recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny Sub-Committees also monitor the decisions of the Executive. The Overview and Scrutiny Board can "call-in" a decision which has been made by the Executive but not yet implemented. This enables it to consider whether the decision is

appropriate. It may recommend that the Executive reconsider the decision. It may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

The Overview and Scrutiny Board also deal with Councillor Calls for Action and sub-committees have power to scrutinise a number of partner agencies in relation to matters concerning the National Health Service and crime and disorder.

## **6. Health and Wellbeing Board**

The Council's Health and Wellbeing Board is a committee that includes NHS representatives as well as councillors and officers from the Council. Havering's local Healthwatch organisation is also represented. The Board works towards ensuring people in Havering have services of the highest quality which promote their health and wellbeing and to narrow inequalities and improve outcomes for local residents.

## **7. Other Committees**

The Council also appoints a number of other committees to undertake functions on its behalf that cannot be undertaken by the Executive. These include the Regulatory Services Committee (which deals with planning issues), the Audit Committee and the Pensions Committee.

## **8. The Council's staff**

The Council has staff to give advice, implement decisions and manage the day-to-day delivery of its services. Some staff have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between staff and members of the Council.

## **9. Citizens' rights**

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, while others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Citizens have the right to:

- (a) vote at local elections if they are registered
- (b) contact their local councillor about any matters of concern to them
- (c) obtain a copy of the constitution
- (d) attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed
- (e) petition to request a referendum on a mayoral form of Executive

- (f) find out, from the Leader's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or staff, and when
- (g) attend meetings of the Executive where key decisions are being discussed or decided except where, for example, personal or confidential matters are being discussed
- (h) see reports and background papers except those containing personal or confidential information, and any record of decisions made by the Council and Executive
- (i) complain to the Council about any aspect of the borough's services using the Council's formal complaints systems
- (j) complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should do this only after using the Council's own complaints process
- (k) complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's code of conduct, and
- (l) inspect the Council's accounts and make their views known to the external auditor.
- (m) Inspect the Register of Members' Interests

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

The Council welcomes participation by its citizens in its work. A statement of the rights of citizens to inspect agendas and reports and attend meetings is available.