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PART 1 – Introduction

The form of the constitution

This constitution provides an important means of enabling citizens and stakeholders to understand how the council makes decisions and who is responsible for those decisions. Section 37 of the Local Government Act 2000 requires each local authority to prepare, keep up to date and publicise a document known as the council’s constitution.

The constitution is at the heart of the local authority’s business. It allocates power and responsibility within the local authority and between it and others. For example, it delegates authority to act to individual officers and may enable members of the public to ask questions at a committee meeting. It also regulates the behaviour of individuals and groups through codes of conduct, protocols and procedure rules. This constitution is publicised and accessible to anyone interested in finding out how the council makes decisions or where responsibility lies.

Articles are intended to set the overall framework and in general will not be subject to frequent change. They are about what is to be done and by whom. Procedure rules, codes of conduct and the other material located after the articles are broadly about how the articles will be put into effect. They may be subject to more frequent change, especially as the council learns from the experience of operating this constitution.

How the council operates

The council is currently composed of 47 councillors, who are elected every four years. Councillors are democratically elected and are accountable to the residents of their ward. The overriding duty of councillors is to the whole community of Broadland, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The standards committee advises them on the code of conduct.
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 annually a leader and approves the nominations by political groups to serve on committees and sub-committees.

How decisions are made

The executive is the part of the council which is responsible for most day to day decisions. The executive is made up of seven members including the leader. The leader chooses the members to serve on the executive. When major decisions are to be discussed or made, these are published in the executive’s forward plan, insofar as they can be anticipated.

Meetings of the executive will be open to the public to attend except where personal or confidential matters are being discussed. The executive has to take decisions which are inline with the council’s overall policies and budget. If it wishes to make a decision, which is outside the policy or budget framework, this must be referred to the council to decide.

Overview and scrutiny

There is an overview and scrutiny committee, which supports the work of the executive and the council as a whole. The committee can produce reports and recommendations which advise the executive and council as a whole on its policies, budget and service delivery. The overview and scrutiny committee also monitors the decisions of the executive. It can call in a decision, which has been made by the executive but not yet implemented. This enables the committee to consider whether the decision is appropriate. The committee may recommend the executive reconsider the decision. The executive or council may also consult the overview and scrutiny committee on forthcoming decisions and development of policy.

The council’s staff

The council employs people (called officers) to give advice, implement decisions and manage day to day delivery of services. Some officers have specific statutory duties to ensure that the council acts within the law and uses its resources wisely. A protocol governs the relationship 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 detail in article 3. Some of these are legal rights and others depend on the council’s own processes. The local Citizens’ Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific council services 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, its committees and the executive except where, for example, personal or confidential matters are discussed;
- find out, from the executive forward plan, what major decisions are to be discussed by the executive or decided by the executive or officers, and when;
- see reports and background papers and any record of decisions made by the council and executive;
- complain about something the council has done wrong, something that the council should have done or if the council has not treated them in a professional or civil manner;
- complain to the Local Government Ombudsman if they think the council has not followed its procedures properly. However, they should only do this after having used the council’s own complaints process;
- 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
- inspect the council’s accounts and make their views known to the external auditor.
Main statutory documents

- Local Government Act 1972
- Local Government and Housing Act 1989
- Local Government Act 2000
- Local Government and Public Involvement in Health Act 2007
- Localism Act 2011