

## **Annex 1.1 – Further Information on the Constitution**

### **1. The Constitution**

- 1.1. This Constitution, the core document and all its annexes, is the Constitution of the Borough Council of Epsom and Ewell (hereafter referred to as ‘the council’).

### **2. Powers of the council**

- 2.1. The council will exercise all its powers and duties in accordance with the law and this Constitution.

### **3. Purpose of the Constitution**

- 3.1. The purpose of the Constitution is to:
- i. Enable the council to provide clear leadership to the community in partnership with residents, businesses and other organisations.
  - ii. Support the active involvement of citizens in the process of local authority decision-making.
  - iii. Help councillors to effectively represent the people who live, work and study in the Borough.
  - iv. Enable decisions to be taken efficiently, effectively and transparently, and with due regard to probity and equity.
  - v. Create a powerful and effective means of holding decision-makers to public account.
  - vi. Ensure that no one will scrutinise a decision in which they were directly involved.
  - vii. Ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions.
  - viii. Provide a means of improving the delivery of services to the community.

### **4. Interpretation and review of the Constitution**

- 4.1. Where the Constitution permits the council to choose between different courses of action, the council will seek to exercise that choice in the way that it thinks will most closely achieve the purposes stated above. The council will monitor and evaluate the operation of the Constitution as set out in [Constitution](#) (Section 7).

### **5. Suspension of the Constitution**

- 5.1. Limit to suspension: The Constitution, including its annexes, may not be suspended. The rules specified below may be suspended by Full Council or committees to the extent permitted within those rules and the law.
- 5.2. Procedure to suspend: A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of the Full Council or the relevant committee are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out above.
- 5.3. Rules capable of suspension: The following rules may be suspended in accordance with the sections below:
  - i. Council procedure rules (as specified in the [Constitution](#), Appendix 4 and Appendix 5).
  - ii. Financial Regulations ([Council Operating Framework](#), Annex 5.1).
  - iii. Contract Standing Orders ([Council Operating Framework](#), Annex 5.2).

## **6. Interpretation**

- 6.1. The ruling of the Mayor as to the construction or application of this Constitution, or as to any proceedings of Full Council, shall not be challenged at any meeting of the council. Such interpretation will have regard to the purposes of this Constitution contained above, and to any advice given by the Monitoring Officer.

## **7. Publication**

- 7.1. The Chief Executive will ensure each councillor has access to the council's Constitution at the point they declare their acceptance of office, that is, when first being elected as a councillor.
- 7.2. The Monitoring Officer will make available copies for inspection at the council offices (Town Hall, Epsom), and for purchase by members of the local press and the public on payment of a reasonable fee.
- 7.3. The Monitoring Officer will ensure that the Constitution is made available, by electronic means, within the Borough and is updated as necessary.

## **8. Duty to monitor and review the Constitution**

- 8.1. The Monitoring Officer will ensure that the operation of the Constitution is monitored and reviewed to ensure that the aims and principles of the Constitution are given full effect. A report will be brought to Full Council on this at least once every year.

## **9. Changes to the Constitution**

- 9.1. Changes to the Constitution will only be approved by Full Council, after consideration of a proposal from the Standards and Constitution Committee (in respect of the council's rules of procedure and matters relating to the ethical framework or as deemed appropriate by the Monitoring Officer), Chief Executive, or the Monitoring Officer, or by way of councillors proposing a motion on notice in accordance with the council procedure rules set out in (as specified in the [Constitution](#) (Appendix 4 and Appendix 5). Non-substantive changes, that is those that do not change a process or meaning of a section / paragraph, can be updated by the Monitoring Officer in consultation with the Chair of Standards and Constitution Committee.
- 9.2. If at any time the council decides to change from its current committee form of governance, to a cabinet system, it must take reasonable steps to consult local electors and other interested persons in the Borough when drawing up proposals.