

# PART 1

## SUMMARY AND EXPLANATION

### The Council's Constitution

Lewes District Council has agreed a new 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.

The Constitution is divided into 16 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.

### What's in the Constitution?

Article 1 of the Constitution commits the Council to the provision of community leadership, environmental and financial stewardship, transparent and efficient decision-making, and to improvement, quality and equality in the delivery of services. 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 of decisions (Article 6).
- The Cabinet (Article 7).
- Regulatory and other committees (Article 8).
- The Standards Committee (Article 9).
- 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).
- Suspension, interpretation and publication of the Constitution (Article 16).

## **How the Council Operates**

The Council is composed of 41 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 or 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 and arranges to train 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 appoints the members of the Scrutiny Committee and all other council committees – for example, the Standards Committee and the Planning Applications Committee. The Council considers recommendations made to it by the Cabinet and the Scrutiny Committee and its Panels as to any changes in policy which might need to be made. Council meetings provide an opportunity for citizens and councillors to ask questions and raise issues of broad public interest. For a fuller description of the work of the Council, please see Article 4.

## **How Decisions are Made**

The Leader is responsible for discharging most day-to-day decisions, although the Leader may decide to delegate his/her powers to the Cabinet as a whole, to another individual member of the Cabinet, to a sub-committee of the Cabinet or to an officer of the authority. The Executive is made up of the Leader, who is appointed by the full Council, together with a Cabinet of between two and nine other councillors who are appointed by the Leader. The Leader determines the numbers of councillors (subject to a minimum of three and a maximum of ten forming the Cabinet).

When key decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated. If these key 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, confidential or, perhaps, exempt matters are being discussed. (For definitions of what is meant by "confidential" and "exempt" matters, please see Part 4 – Access to Information). 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.

## **Overview and Scrutiny**

The Scrutiny Committee supports and scrutinise the work of the Cabinet and the Council as a whole. It allows councillors outside the Cabinet and citizens to have a greater say in Council matters by investigating 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. The Scrutiny Committee also monitors the decisions of the Cabinet and can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables it to consider whether the decision is appropriate. The Committee may recommend that the Cabinet reconsiders the decision. The Committee may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy. The Scrutiny Committee will set up Panels to undertake much of its work.

## **The Council's Staff**

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 practice governs the relationships 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 more detail in Article 3. Some of these are legal rights, whilst 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, for example as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered for such elections,
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal, confidential or, perhaps, exempt matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;

- participate in the Council's public question time and contribute to investigations by the Scrutiny Committee when invited to do so;
- speak on planning applications at the Planning Applications Committee;
- find out, from the Cabinet's forward plan, what key decisions are to be discussed by the Cabinet or decided by the Cabinet, Lead councillors, or officers, and when;
- attend meetings of the Cabinet except where, for example, personal, confidential or, perhaps exempt matters are being discussed;
- see reports and background papers, and any record of decisions made by the Council, the Cabinet, Lead councillors, officers and other committees of the council
- complain to the Council if the Council has failed to do something it should have done, done something badly or treated someone unfairly or discourteously;
- 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;
- complain to the Standards Board for England 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 District Auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen to inspect council agendas and reports and to attend meetings that are open to the public, please contact:

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