

PART 1 – SUMMARY AND EXPLANATION

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1.0 THE COUNCIL'S CONSTITUTION

Arun District Council has 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.

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.

Article 1 of the Constitution commits the Council to provide clear leadership in the community in partnership with residents, business and other organisations; efficient, effective and accountable decision making with the active involvement of residents; effective representation by Councillors of their constituents; and continuous improvements in service delivery.

Articles 2-16 explain the rights of residents and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Residents and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny (Article 6)
- The Cabinet (Article 7)
- Regulatory and other Committees (Article 8)
- Standards Committee (Article 9)
- Joint 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)

2.0 HOW THE COUNCIL OPERATES

The Council is composed of 54 Councillors elected every 4 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.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

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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 holds to account the Cabinet and other committees and panels. It is responsible for changes to the Constitution of the Council and the various codes and protocols contained in it.

3.0 HOW DECISIONS ARE MADE

The Cabinet is the part of the Council which is responsible for most decisions. The Cabinet is made up of the Leader of the Council, the Deputy Leader, and 6 other councillors appointed by the Leader. When major decisions are to be discussed or made, these are published in the Forward Plan as far 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 members of the public to attend except where personal or confidential matters are being discussed. 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 of the budget or policy framework, this must be referred to the Council as a whole to decide.

4.0 OVERVIEW AND SCRUTINY

There is one Overview Select Committee, the functions of which are those of a scrutiny committee. The Committee supports the work of the Cabinet and the Council as a whole. It allows residents to have a greater say in Council matters by holding inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council on its policies, budget and service delivery. The Overview Select Committee also monitors the decisions of the Cabinet. It can consider a 'call-in' of a decision which has been made by the Cabinet or an Individual Cabinet Member but not yet implemented. This enables the Committee to consider whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision. It may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

5.0 THE COUNCIL'S STAFF

The Council has members of staff (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 relationship between Officers and Members of the Council.

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6.0 RESIDENTS' RIGHTS

Residents 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.

Where members of the public use specific Council services they have additional rights. These are not covered in the Constitution.

Residents have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- view a copy of the Constitution;
- attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;
- submit petitions at meetings of the Council;
- petition to request a referendum for a change of governance arrangements, e.g. a mayoral form of executive;
- participate in the Council's question time;
- find out, from the Forward Plan, what major decisions are to be discussed by the Cabinet or the Council;
- attend meetings of the Cabinet where key decisions are being discussed or decided, except where, for example, personal or confidential matters are being discussed;
- see reports and background papers specified and any record of decisions made by the Council and Cabinet;
- complain to the Council about the standard of service provided and any action or lack of action by the Council and its officers in accordance with its complaints procedure;
- complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly. However, they may only do this after using the Council's own complaints procedure;
- complain to the Council's Monitoring Officer if they have evidence which 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.

The Council welcomes participation by its residents in its work.