

# **PART 1 – SUMMARY AND EXPLANATION**

## **The Council's Constitution**

Chichester District Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these decisions are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others were chosen by the Council.

The Constitution is divided into 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 later in the document.

## **What's in the Constitution?**

Article 1 of the Constitution commits the Council to efficient, transparent and accountable decision making. Articles 2 to 14 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 Committee (Article 6)
- The Cabinet (Article 7)
- Regulatory and other committees (Article 8)
- Joint arrangements (Article 9)
- Officers (Article 10)
- Decision making (Article 11)
- Finance and contracts (Article 12)
- Review and revision of the Constitution (Article 13)
- Suspension, interpretation and publication of the Constitution (Article 14)

## **How the Council operates**

The Council is composed of 36 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 for them.

Councillors have to follow a code of conduct to ensure high standards in the way they undertake their duties. Training and advice for them on the Members' Code of Conduct is made available.

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 the Leader of the Council and appoints the membership of committees, except the Cabinet. The Cabinet is made up of the Leader of the Council and between 2 and 9 other councillors appointed

by the Leader. The Council has ultimate responsibility for reviewing performance of the Cabinet and other committees. In addition the public may ask questions at Council meetings.

### **How decisions are made**

The Cabinet is the part of the Council which is responsible for operational decisions. When major decisions ('key decisions') are to be discussed or made, these are published in the Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed at a meeting of the Cabinet, this will be open for 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 the budget or policy framework, this must be referred to the Council as a whole to decide.

### **Overview and scrutiny**

The Council has appointed an Overview and Scrutiny committee to undertake the following functions:

- a) Policy development and review
- b) Publicly holding the Cabinet to account
- c) Reviewing the deliverability of local services whether provided by the Council or external organisations
- d) Examining matters of wider local concern.

### **Non-executive Committees**

Non-executive Committees carry out a number of regulatory functions mostly where a matter may not be decided by the Cabinet. Although these committees are described as non-executive they do take decisions. The Regulatory Committees are the Planning Committee, the Alcohol and Entertainment Licensing Committee and the General Licensing Committee. There are also a Corporate Governance and Audit Committee and a Standards Committee, which promotes and maintains high standards of conduct.

### **Forums**

In order to give local residents a greater say in council affairs, the Council may set up forums on either a standing or a task and finish basis.

### **The Council's Officers**

The Council's employees (referred to as 'officers') 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 protocol governs the relationships between officers and members of the council.

## 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. The local Citizens' Advice Bureau or a solicitor can advise on individuals' legal rights.

Where members of the public use specific Council services, for example those relating to planning applications or housing benefit, they have additional rights. These are not covered in this 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
- obtain a copy of the Constitution
- attend meetings of the Council and its committees except where, for example, personal, confidential or exempt matters are being discussed
- petition to request a referendum on a mayoral form of executive
- participate in the Council's question time scheme
- find out, from the forward plan, what major decisions are to be discussed by the Cabinet and when
- attend meetings of the Cabinet where key decisions are being discussed or decided in public
- see public reports and background papers, and any record of decisions made by the Council and executive
- complain to the Council about the standard of service, the actions or lack of action by officers
- complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should normally do this only after using 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
- inspect the Council's accounts and make their views known to the external auditor, and
- inspect a wide range of documents under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004

The Council welcomes participation by its residents in its work. For further information on your rights as a resident, please contact the Public Relations Manager at East Pallant House, 1 East Pallant, Chichester or telephone 01243 534537.

The Council's email address is [contact@chichester.gov.uk](mailto:contact@chichester.gov.uk).

The Council's website address is [www.chichester.gov.uk](http://www.chichester.gov.uk) where a range of information and access to some services can be obtained.

The rights of the public to attend meetings of the Council, the committees and the Cabinet, to inspect their agendas, reports and minutes, are set out in Part 4.2 of the Constitution under the Access to Information Procedure Rules.