

THE CONSTITUTION OF ROTHER DISTRICT COUNCIL

Part 1 Summary and Explanation

THE COUNCIL'S CONSTITUTION

1. The Constitution of Rother District Council 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 law, while others are a matter for the Council to choose.
2. The Constitution is divided into 16 Articles which set out the basic rules governing the Council's business.
3. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

WHAT IS IN THE CONSTITUTION?

4. Article 1 of the Constitution commits the Council to exercise all its powers and duties in accordance with the law and this Constitution.
5. 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 Full Council (Article 4)
 - Chairing the Council (Article 5)
 - Overview and Scrutiny Committees (Article 6)
 - The Executive (Cabinet) (Article 7)
 - Regulatory and other Committees (Article 8)
 - Standards (Article 9)
 - Area Committees and Forums (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

6. The Council is currently composed of 38 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.
7. Councillors have to agree to observe a code of conduct to ensure high standards in the way they undertake their duties. The Council has a duty under the Localism Act 2011 to promote and maintain high standards of conduct by Members and co-opted Members of the authority.
8. 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 Leader to serve for a term of 4 years. The Leader appoints a Deputy Leader and Members to the Executive (Cabinet). The Council holds to account the Executive and other Committees of the Council. Periods of up to 30 minutes are allowed for both members of the public and Members of the Council to ask questions of the Executive (Cabinet). At the instigation of the Leader of the Council, meetings of the Council may include the opportunity for informal debate on a specified issue affecting the governance of the District, arising otherwise than out of the formal reports presented to the Council. Provision also exists for an annual State of the District debate to be held.

HOW DECISIONS ARE MADE

9. The Executive (Cabinet) is the part of the Council which is responsible for most day-to-day decisions. The Executive is to be made up of the Leader and must comprise 2 or more Members up to a maximum of 10 at the Leader's discretion. The Leader is responsible for the allocation and discharge of all executive functions (i.e. what Cabinet portfolios will exist, how they will be allocated and delegations etc). A Deputy Leader with the power to act in the Leader's absence must be appointed (and may also be removed) by the Leader.
10. All meetings of the Executive will be open for the public to attend except where exempt information or confidential matters are being discussed. If the Executive wishes to hold a meeting or part thereof in private, public notice must be given to allow the public to make representations about why the proposed meeting or part thereof should be open to the public. Further details can be found at Part 4-2, Access to Information Rules of this Constitution.
11. When key decisions are to be discussed or made, these are published in the Executive's Forward Plan in so far as they can be anticipated. Key decisions include any Executive decision which is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant (£100,000) having regard to the local authority's budget for the service or function to which the decision relates; or be significant in terms of its effect on communities living or working in an area comprising 2 or more wards in the area of the local authority. The Executive 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

12. Overview and Scrutiny Committees support the work of the Executive and the Council as a whole. They allow citizens to have a greater say in Council matters and will, where appropriate, consult the public on matters of local concern.
13. Overview and Scrutiny Committees can conduct work through the formation of formal Sub-Committees and non-formal working parties / groups, the latter of which can comprise a smaller number of Councillors and non-Council Members. The formation of such informal working parties / groups allows the Council to consider matters in private to formulate its ideas on a given matter. These informal groups have no decision making ability and merely report on its recommendations to its' parent Committee. Scrutiny Committees submit reports and recommendations which advise the Executive and the Council on its policies, budget and service delivery.
14. Overview and Scrutiny Committees also monitor the decisions made by the Executive. Overview and Scrutiny Committees can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables the relevant Scrutiny Committee to consider whether the decision is appropriate. For details of the call-in procedure see the Overview and Scrutiny Procedure Rules at Part 4 of this Constitution. Overview and Scrutiny Committees may recommend that the Executive reconsider the decision. The Committees may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

AREA COMMITTEES OR FORUMS

15. Outside the area of Bexhill-on-Sea, 3 tiers of local government exist enabling the views of the public to be represented. In the absence of a Parish or Town Council in Bexhill-on-Sea to represent their views the Bexhill Town Forum exists as an independent body, funded through a special expense on Bexhill residents. The Forum has no executive decision-making powers and its membership is open to all residents of Bexhill.

THE COUNCIL'S STAFF

16. The Council employs staff ("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 protocol governs the relationships between officers and Members of the Council.

CITIZENS' RIGHTS

17. Citizens have a number of rights in their dealings with the Council. These are set out 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.
18. Members of the public using specific Council services may also have additional rights. These are not covered in this Constitution.

19. 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, Cabinet, Committees and Sub-Committees except where, for example, personal or confidential matters are being discussed;
- speak at Planning Committee meetings in accordance with the provisions of the planning application petitions and speaking at Planning Committee procedure;
- petition to request a referendum on a mayoral form of Executive;
- submit a petition in accordance with the Council's Petition Scheme;
- participate in the Council's question time and contribute, by invitation, to investigations by Overview and Scrutiny Committees;
- find out, from the Executive's Forward Plan, what key decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- attend public meetings of the Executive when both key and non-key decisions are being discussed or decided;
- with the knowledge of all persons present at a meeting, record, broadcast and report meetings of the Council that are open to the public;
- make representations about why proposed private Executive meetings or part thereof should be open to the public;
- see reports and background papers, and any records of decisions made by the Council and Executive, excluding exempt or confidential information;
- complain to the Council if they are dissatisfied with the action or lack of action taken by the Council on a matter which is the Council's responsibility in accordance with the Council's Corporate Complaints Procedure;
- complain to the Local Government and Social Care 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 Council's Monitoring Officer if they have evidence which they think shows that a Parish, Town or District Councillor has not observed the relevant Members' Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

20. The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Council's Democratic Services Section at the Town Hall, Bexhill-on-Sea, TN39 3JX; telephone 01424 787813; e-mail: democraticservices@rother.gov.uk or visit the Council's website at www.rother.gov.uk.