

THE CONSTITUTION: SUMMARY AND EXPLANATION

Brighton & Hove City Council has agreed this 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 Council must operate in accordance with its Constitution and the rules set out in it.

The Constitution is divided into different sections which set out the rules governing the Council's business. The Council has chosen to make decisions through a Leader and Cabinet and this is explained below.

The Council's current corporate objectives and priorities are set out in the Council Plan. This is available on the Council's website.

The Constitution ensures that the Council's decision-making and governance arrangements support the corporate aims, objectives and priorities effectively and efficiently. It also ensures that the Council meets its legal duties.

The Constitution and its content

The Constitution is divided into sections as follows:

Part 1 – The Articles

- Article 1 - The Constitution
- Article 2 - Members and The Council
- Article 3 – Citizens and the Council
- Article 4 - The Mayor
- Article 5 - The Full Council
- Article 6 - Decision Making
- Article 7 - The Executive
- Article 8 - Officers

Part 2 - Allocation of Responsibilities

- Part 2A - Terms of reference of Council
- Part 2B - Terms of reference of Committees and Sub-Committees
- Part 2C - Terms of reference of Overview and Scrutiny Committees
- Part 2D – Terms of Reference of Other Bodies & Partnerships
- Part 2E – Allocation of Responsibilities to Leader and Cabinet
- Part 2F – Scheme of Delegation to Officers
- Part 2G - Functions not to be the Responsibility of the Executive

Part 3 - Rules of Procedure

- Part 3A - Council Procedure Rules
- Part 3B - Executive Procedure Rules

- Part 3B1 - Appendix to Executive Procedure Rules
- Part 3C - Committee Procedure Rules
- Part 3C1 - Overview and Scrutiny Sub-Committee Procedure Rules
- Part 3D - Budget and Policy Procedure Rules
- Part 3E- Access to Information Procedure Rules
- Part 3F - Petition Scheme

Part 4 - Regulations, Rules and Codes

- Part 4A - Financial Regulations and Financial Standing Orders
- Part 4B - Contract Procedure Rules
- Part 4C – Officer Employment Procedure Rules
- Part 4D - Member Code of Conduct and Procedure for Dealing with Member Complaints
- Part 4D1 - Arrangements regarding the Register of Members' Interests
- Part 4 D2 - Practice Note - Use of Council Facilities
- Part 4D3 - Guidance to Members and Officers on appointments to outside bodies
- Part 4E - Member Planning Code
- Part 4E1 – Public Questions at Planning Committee
- Part 4F - Code of Conduct for Officer-Member Relations
- Part 4G - Code of Corporate Governance
- Part 4H - Members' Allowance Scheme
- Part 4I - Code of Recommended Practice on Local Authority Publicity
- Part 4J - Code of Conduct for Officers

How the Council operates

The Council is made up of 54 councillors (excluding vacancies) who are elected every four years. Councillors are democratically accountable to residents of their electoral ward. The overriding duty of councillors is to the whole community of Brighton & Hove, but they have a special duty to their constituents, including those who did not vote for them.

All councillors meet together and this is called full Council. Meetings of the Council are normally open to the public. At these meetings the councillors decide the Council's overall policies and set the way that the budget will be spent and invested each year. The Council appoints the Leader who in turn appoints councillors to the Cabinet.

The Council also decides on the delegation of certain functions to the Cabinet and some committees and joint committees. The Council holds the Cabinet to account through the Overview and Scrutiny function, which also provides an opportunity for pre-decision involvement in decisions and policy development for the wider membership.

In performing their various roles, councillors are supported by the officers who give advice and implement decisions. Some decisions are delegated to officers to ensure

that the Council can act quickly and efficiently. Officers also ensure the Council acts within the law and uses resources efficiently and effectively.

How decisions are made

The Executive (or 'Cabinet') is the part of the Council responsible for most day-to-day decisions. The Executive is made up of a Leader appointed by full Council and between two and nine other councillors appointed by the Leader to the Cabinet.

When Key Decisions (these are specific significant decisions defined in Part 3B) are to be discussed or made, these are published in the Council's Forward Plan and a public notice is placed on the Council's website. If these decisions are to be discussed at a meeting of the Cabinet, this will generally be open for the public to attend except where Confidential or Exempt Information (defined in Part 3E) is being discussed. The Cabinet generally has to make decisions that are in line with the Council's overall policies and budget. If it wishes to make a decision that is not consistent with existing policies and budget, this must usually be referred to full Council to decide.

Overview and Scrutiny function

There are three Overview and Scrutiny Committees which support the work of the Council and the Executive. These Committees allow citizens to have a greater say in Council matters by holding public meetings to investigate matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies and service delivery. Overview and Scrutiny Committees also monitor decisions of the Executive. They can call-in a Key Decision which has been made by the Executive but not yet implemented. This enables consideration as to whether the decision is appropriate and may recommend that the Executive reconsiders the decision. The Overview and Scrutiny Committees may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

Other Committees

Further information on other Committees can be found at Part 2B of this Constitution.

The Council's staff

The Council employs staff working in many different ways to deliver services. Staff are referred to in this Constitution as officers. They give advice, implement decisions and manage the day-to-day delivery of services, ensuring that they operate impartially and work with all elected members. The most senior of these is the Chief Executive who is also the Head of Paid Service. All officers are required to ensure that the Council operates within the law and uses its resources wisely. The Protocol which governs the relationships between officers and Members of the Council is in Part 4F.

Public Participation

Participation arrangements for members of the public, residents of the area, businesses, community organisations, visitors and the Council's customers are set out in Part 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, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.

Further information on how to attend and get involved in council decisions can be found on the Council's website at: [Council and democracy \(brighton-hove.gov.uk\)](http://www.brighton-hove.gov.uk/council-and-democracy)