

## **PART 1 THE CONSTITUTION SUMMARY AND EXPLANATION**

### **1. The Council's Constitution**

- 1.1 Brighton & Hove City Council has agreed 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.
- 1.2 The constitution is divided into 15 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.

### **2. Purpose and Contents of the Constitution**

- 2.1 Article 1 of the constitution commits the Council to exercising all its powers and duties in accordance with the law and this constitution in pursuit of the Council's purpose, ambition, priorities and values which are set out in the Council's Corporate Plan 2011-2015 and summarised below:-

#### **Our Purpose**

- To represent citizens through democratic processes;
- To ensure and assure services for the city including statutory responsibilities;
- Safeguarding the most vulnerable;
- Leadership and co-ordination of council and the capacity and capability of partners;
- Value for money ensuring a best deal for council tax payers.

#### **Our Ambition**

- A high performing authority, a fantastic and distinctive place to live, work and visit;
- A leader of the city region;
- Demonstrably making best use of all resources. Seeking to become a self sustaining organisation serving its customers well;

#### **Our Priorities**

- Tackling Inequality;
- Creating a More Sustainable City;
- Engaging People Who Live and Work in the City;
- Modernising the Council.

## Our Values

- Respect: Embrace diversity with kindness and consideration and recognise the value of everyone;
- Collaboration: Work together and contribute to the creation of helpful and successful teams and partnerships across the council and beyond;
- Efficiency: Work in a way that makes the best and most sustainable use of our resources, always looking at alternative ways of getting stuff done and asking, “How can I improve that?”;
- Openness: Share and communicate with honesty about our service and self, whenever appropriate. Accept where we have to change in order to improve;
- Creativity: Have ideas that challenge the ‘tried and tested’, use evidence of what works, listen to feedback and come up with different solutions;
- Customer Focus: Adopt our Customer Promise to colleagues, partners, members and customers. We will be easy to reach, be clear and treat you with respect, listen and act to get things done.

2.2 In the achievement of its priorities the Council will be guided by the Sustainable Community Strategy developed in partnership with local communities and the need to achieve best value in the delivery of services. The Local Strategic Partnership is responsible for developing the Sustainable Community Strategy and providing, together with the Council, community leadership and representation.

2.3 Articles 2 – 15 of the constitution 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 Mayor (Article 4)
- The Full Council (Article 5)
- Committees and Sub-Committees (Article 6)
- Overview and Scrutiny (Article 7)
- The Audit and Standards Committee (Article 8)
- Joint Arrangements (Article 9)
- Officers (Article 10)
- Decision Making (Article 11)
- Finance, Contracts and Legal Matters (Article 12)
- Review, Revision, Suspension, Interpretation & Publication of the Constitution (Article 13)
- Role and powers of Chairs (Article 14)
- Role and powers of Leader (Article 15)

### **3. How the Council operates**

- 3.1 The Council is composed of 54 Councillors (often called Members) 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 ward residents, including those who did not vote for them.
- 3.2 Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Audit & Standards Committee promotes training and education and advises Councillors on the Code of Conduct.
- 3.3 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 is responsible for setting the policy framework and budget, including approving specified plans and strategies. It also, through the Overview and Scrutiny function, holds the decisions of the Committees to account.
- 3.4 In addition to decision making meetings the Council may have deliberative debates when matters of City-wide importance are discussed.

### **4. How decisions are made**

- 4.1 Most day to day decisions are made by Committees, Sub-Committees and officers. The Council has 9 policy committees (Policy & Resources; Adult Care & Health; Children & Young People; Economic Development & Culture; Housing; Environment, Transport & Sustainability; Planning; Licensing; Audit & Standards) and 4 Sub-Committees (Housing Management; Licensing Panel - which deals with licensing, registration and other appeals; Standards Panel and the Personnel Appeals Panel). When committee decisions are to be made, these are published on the Council's Committee Work Programme in so far as they can be anticipated. These decisions will generally take place in open public meetings except where personal or confidential matters are being discussed.

### **5. Overview and Scrutiny**

- 5.1 There are two Overview and Scrutiny Committees which support the work of the Council as a whole. The Committees may set up Panels to look at specific policy review or scrutiny issues. The Panels carry out reviews into matters of local concern and, in accordance with agreed procedures, enable citizens to have a greater say in Council matters. The Overview and Scrutiny Committees also monitor the work

programme of the policy committees and can call-in a decision which has been made but not yet implemented. This enables the Overview and Scrutiny Committees to consider whether decisions are appropriate. They may recommend that a policy committee or sub-committee reconsiders their decision. They may also be consulted by the policy committees or the Council on forthcoming decisions and the development of policy.

## **6. The Council's Staff**

6.1 The Council employs staff (often 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 Conduct governs the relationships between officers and Members of the Council.

## **7. Citizens' Rights**

7.1 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. Solicitors and local advice agencies can advise on individuals' legal rights.

7.2 Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this constitution.

7.3 Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- inspect a copy of the constitution and obtain a copy (NB there will be a fee payable for a copy of the constitution to cover printing costs.)
- attend meetings of the Council, its Committees and Sub-committees except where confidential matters (for example personal, financial or commercial information) are being discussed;
- petition to request a referendum on changing governance arrangements (5% of the number of local government electors in the area are required to support such a petition and there can be only one referendum in any period of 10 years);
- contribute to investigations by the Overview and Scrutiny Committees in accordance with the Council's procedures;
- submit questions, deputation and petitions to Council and Council Committees;
- trigger a full Council debate on an issue supported by a petition with over 1,250 signatories;
- see non-confidential reports and background papers;

- complain to the Council about failure in services or maladministration;
- complain to the Ombudsmen 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 believe 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.

7.4 For further information on the above rights as a citizen, please see the Council's website at [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk) or contact the Head of Democratic Services by writing to him at Kings House, Grand Avenue, Hove BN3 2SR.