

Part 1

Summary and Explanation

SUMMARY AND EXPLANATION

1. The Council's Constitution

Eastbourne Borough Council has agreed a new 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 the people it serves. 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 the ensuing parts of this Constitution.

2. What's in the Constitution?

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 corporate aims and values.

The Corporate Plan 2010/2015 identifies the Council's priority themes and aims for 2015.

The full Corporate Plan working document can be found at <http://www.eastbourne.gov.uk/>

The remaining Articles 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 Council (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Executive (Article 7).
- Regulatory and other committees (Article 8).
- Standards (Article 9).
- Area working arrangements (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).

3. Definitions of Key Terminology

Local Authorities use specific terminology to describe different aspects of their constitution. In Eastbourne and for the purpose of the content of this Constitution, the following Key Terminology is used: -

<u>Terminology Used</u>	<u>Definition</u>
Councillor	An elected Member of the Council
Officer	A paid member of staff employed by the Council
The Mayor	Chairman of the Council
The Leader	The Leader of the Controlling Political Party and Chairman of the Cabinet
The Chief Executive	The Council's most senior paid employee "Head of Paid Service"
The Executive	The Body of the Council responsible for the discharge of all Executive Functions
The Scrutiny Committee	The Body of the Council responsible for the overview and scrutiny function

4. How the Council operates

The Council is composed of 27 Councillors each serving elected terms of four years. All Councillors are elected together at elections held every 4 years. There are 3 councillors in each of 9 wards. 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.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

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 Mayor and Leader of the Council, appoints Councillors to committees and provides opportunity for debate on all decisions taken. Members of the public also have the opportunity to address the Council on any matter on its agenda other than confidential business.

5. How Decisions Are Made

The Executive is part of the Council that is responsible for most day-to-day decisions. The Executive is made up of the Leader of the Council and up to 9 Councillors from the majority political group, all appointed by the Leader of the Council. When major decisions are to be discussed or made, these are published in the Executive's Forward Plan in so far as they can be anticipated. These major decisions will generally take place in open public meetings except where personal or confidential matters are being discussed. The Executive 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 outside the budget or policy framework, this must be referred to the Council as a whole to decide.

6. Overview and Scrutiny

There is a Scrutiny Committee that supports the work of the Executive and the Council as a whole. It allows Councillors outside the Executive and citizens to have a greater say in Council matters by investigating matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committee also monitors the decisions of the Executive. It can "call-in" a decision which has been made by the Executive but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Executive reconsider the decision. It may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

7. The Council's Staff

The Council has people working for it (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 relationships between Officers and Councillors.

8. Structural Summary

A structural diagram is appended to this part of the Constitution. Although not intended to cover all detailed aspects, the intent is to give a general understanding as to how the different key parts of the Council's structure link up to achieve the overall decision making process.

9. Citizens' Rights

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.

Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

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, its Committees and the Executive except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate at Council and Committee meetings in accordance with the Council's public speaking rules;
- find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or Officers, and when;
- attend meetings of the Executive where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council, its Committees and the Executive;
- complain to the Council about Council services or how they feel they have been treated by the Council;
- complain to the 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 Standards Committee if they have evidence which they think shows that a Councillor has not followed the Members' Code of Conduct;
- inspect the Council's accounts and make their views known to the external auditor; and
- Request information from the Council under the Freedom of Information Act.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Peter Finnis, Head of Corporate Development on 01323 415003 or e-mail localdemocracy@eastbourne.gov.uk.

All citizens may attend meetings and inspect agendas and reports. These documents are available at least five clear working days before the meeting and can be viewed at the Town Hall. In addition, the meeting papers are placed on the Council's website at www.eastbourne.gov.uk.

(NOTE: This summary and explanation shall not be taken into account in the interpretation and operation of this Constitution.)