

Hastings Borough Council

Constitution of the Council

Part 1

Executive Summary

The Constitution, Part 1

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The Council's Constitution

1. This constitution 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.
2. 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 separate rules and protocols at the end of the document.

What is in the Constitution

3. Article 1 of the Constitution set out its purpose. Articles 2 to 15 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 Cabinet (Article 7)
 - Regulatory and other committees (Article 8)
 - The Standards Committee (Article 9)
 - Joint arrangements (Article 10)
 - Officers (Article 11)
 - Decision making (Article 12)
 - Finance, contracts and legal matters (Article 13)
 - Review and revision of the Constitution (Article 14)
 - Suspension, interpretation and publication of the Constitution (Article 15)

How the Council operates

4. The Council is composed of 32 councillors, one half elected every other year from May 2004. 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.
5. Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.
6. All councillors meet together as the Council. Meetings of the Council are normally open to the public.

7. The Council appoints the Leader of the Council, whilst the Leader of the Council appoints the Deputy Leader and other Cabinet members and allocates portfolios to Cabinet members.
8. Full Council is the main policy arena for the authority. Whilst the budget and many plans and strategies will be produced by the Cabinet, full Council has complete freedom in deciding whether to accept or amend these proposals, or indeed replace them completely. The Council meeting is also the main setting for holding the Cabinet to account, providing an opportunity for members of the Cabinet to be questioned by councillors or, indeed, members of the public.

How Decisions are made

9. The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Leader of the Council, the Deputy Leader and between one and eight other members as the Leader shall, from time to time, determine. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated. Cabinet meetings are generally 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, or in accordance with this Constitution.

Overview and Scrutiny

10. There are as many overview and scrutiny committees as the Council shall, from time to time determine, who complement the work of the Cabinet and the Council as a whole. The Overview and Scrutiny Committees allow citizens to have a greater role in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Overview and scrutiny committees also monitor the decisions of the Cabinet. They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

The Council's Staff

11. 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 Protocol (in part 5 of this Constitution) governs the relationships between officers and members of the council.

Citizens' Rights

12. 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. The local Citizens' Advice Bureau can advise on individuals' legal rights.
13. 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
 - present a petition to the Council
 - attend meetings of the Council and its committees or boards except where confidential or exempt matters are being discussed
 - petition to request a referendum on a mayoral form of Cabinet
 - ask questions at ordinary meetings of the Council. A period of up to 30 minutes is allowed for questions to be put by members of the public who live or work in the Borough
 - contribute to investigations by overview and scrutiny committees if invited to do so
 - find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or a committee of the Cabinet, and when
 - attend meetings of the Cabinet where key decisions are being discussed or decided
 - see reports and background papers, and any record of decisions made by the Council and Cabinet
 - complain to the Council about the provision of any of its services
 - 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 Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct, and
 - inspect the Council's accounts and make their views known to the external auditor.
14. The Council has a policy of open access to files and other records. The Council also holds as many meetings as possible in public, giving access to agenda, reports and many background documents. Whilst the Council adopts a strong policy of openness, there are safeguards to protect individuals' privacy and in relation to legal, commercial, financial or otherwise sensitive information and so some documents may not be publicly accessible.
15. The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Monitoring Officer, Muriel Matters House, Breeds Place, Hastings, East Sussex TN34 3UY..