

The Council's Constitution

East Sussex County Council has an agreed 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.

References to legislation including statutory instruments contained within this Constitution may have been superseded and therefore substituted by changes derived from the European (Withdrawal) Act 2018 (“the Act”) and subordinate legislation introduced following the United Kingdom’s exit from the European Union. Users should check references contained within to ensure that they are up to date.

References to European Union legislation, obligations and directives within the Council’s Constitution, policies, practices and guidance should be read as ‘retained’ European Union legislation, obligations and directives.

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. (See Part 2 of the Constitution). More detailed procedures and codes of practice are provided in separate rules and protocols in subsequent parts of this document.

What's in the Constitution?

Article 1 of the Constitution sets out its purpose and the overall objectives of the County Council. 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 Council meeting (Article 4)
- Chairing the Council (Article 5)
- Overview and scrutiny of decisions (Article 6)
- The Cabinet (Article 7)
- Regulatory and other Committees (Article 8)
- The Standards Committee (Article 9)
- Area Committees (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

The Council is composed of 50 councillors elected every four years. Councillors are democratically accountable to residents of their electoral division. 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.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee advises them on the code of conduct.

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 revenue budget and capital programme each year. The Council elects the Leader and the Leader appoints the Deputy Leader and other members of the Cabinet. Full Council is the main policy arena for the authority. Whilst the budget and many plans and strategies will be proposed 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 an opportunity for Councillors to hold the Cabinet to account, allowing members of the Cabinet to be questioned by councillors and members of the public.

How Decisions are Made

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 up to 8 other councillors. The Leader is elected by the County Council and the Leader appoints the other Cabinet members. 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 Leader and the Cabinet have to make decisions which are in line with the Council's overall policies and budget. If the Leader and the Cabinet wish 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

The scrutiny committees, together with the Health Overview and Scrutiny Committee and Audit Committee, support the work of the Cabinet and the Council as a whole. They can allow citizens to have a greater say in Council matters by holding inquiries in public 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 Leader and Cabinet. They can 'call-in' a decision which has been made by the Leader and Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Leader and Cabinet reconsider the decision. They may also

be consulted by the Leader and Cabinet or the Council on forthcoming decisions and the development of policy.

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 members of the council.

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. The local Citizens' Advice Bureau can advise on individuals' legal rights.

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.

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, the Cabinet and the Council's Committees except where, for example, personal or confidential matters are being discussed;
- see reports and background papers, and any record of decisions made by the Council and Cabinet which are not exempt or confidential;
- petition to request a referendum on a mayoral form of Cabinet;
- participate in the Council's question time and contribute to investigations by the overview and scrutiny committees if invited to do so. At each ordinary meeting of the Council a period of up to 30 minutes is set aside for questions from the public;
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;

CONSTITUTION – PART 1 – SUMMARY AND EXPLANATION

- complain to the Council. The Council has a complaints procedure, involving a three stage process, including a complaints panel led by an independent person who does not work for 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 Council's 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 County Council has a policy of open access to files and other records and each department has been required to produce a Code of Practice which encourages openness. The County Council also holds as many meetings as possible in public, giving access to agendas reports and any background documents. While the County Council adopts a strong policy of openness there have to be safeguards to protect individuals' privacy and in relation to legal, commercial, financial or otherwise sensitive information.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Council's Assistant Chief Executive at County Hall, Lewes BN7 1UE.