

CONSTITUTION 2021 – Version 2.2 (January 2023)
PART 1 – SUMMARY & EXPLANATION

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1.0 THE COUNCIL’S CONSTITUTION

Arun District Council has adopted 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.

The constitution is divided into 14 Articles which set out the basic rules governing the council’s business. More detailed procedures and codes of practice are then outlined in separate rules and protocols throughout the document.

Article 1 of the constitution commits the council to being open and responsive to the needs and aspirations of the community and to providing clear leadership in the community in partnership with residents, business and other organisations. To demonstrating efficient, effective and accountable decision-making with the active involvement of residents. To effective representation by councillors of their constituents; and to continuous improvements in service delivery.

2.0 HOW THE COUNCIL OPERATES

The council is composed of 54 councillors elected every 4 years. Councillors are democratically accountable to the 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.

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.

The council operates a committee system in accordance with the Local Government Acts 1972 and 2000, and the Localism Act 2011.

All councillors meet together as the Full Council. Meetings of the Full Council are normally open to the public. Here councillors decide the council’s overall policies and set the budget each year. The Full Council appoints from its own membership a Leader of the council.

3.0 HOW DECISIONS ARE MADE

Most decisions on council functions are dealt with by politically balanced committees, subject to the general oversight of the Full Council. The main committees are:

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- Policy and Finance
- Corporate Support
- Planning Policy
- Housing and Wellbeing
- Environment
- Economy

The council has adopted procedure rules for the review of decisions made by these committees in certain circumstances.

Decisions will also be made by Regulatory Committees covering the functions of:

- Audit and Governance
- Planning
- Licensing
- Standards

4.0 THE COUNCIL'S STAFF

The council has members of staff (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 governs the relationship between officers and members of the council set out in part 8 of the constitution.

5.0 RESIDENTS' RIGHTS

Residents 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 they have additional rights. These are not covered in the constitution.

Residents have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- view a copy of the constitution;
- attend meetings of the council and its committees except where, for example, personal or confidential matters are being discussed;
- submit petitions at meetings of the council;
- petition to request a referendum for a change of governance arrangements, e.g., a mayoral or cabinet form of executive;
- participate in the council's public question time;

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- see reports and background papers specified and any record of decisions made by the council and its committees unless the council decides the papers should not be made public. The Access to Information Procedure Rules at part 6 of this constitution explain the reasons why information may be withheld;
- complain to the council about the standard of service provided and any action or lack of action by the council and its officers in accordance with the complaints procedure;
- complain to the Local Government and Social Care Ombudsman or the Housing Ombudsman if they think the council has not followed its procedures properly. However, they may only do this after using the council's own complaints procedure;
- complain to the council's Monitoring Officer if they have evidence which 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.

The council welcomes participation by its residents in its work.

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Glossary of Terms

Set out below are the definitions for words referred to throughout this constitution. For more detailed descriptions, please refer to the body of the constitution or the relevant legislation.

<i>Agenda</i>	<i>A document comprising items and reports which sets out the business to be transacted at a meeting of the council, a committee, or sub-committee. The agenda is normally published at least five clear working days before the meeting</i>
<i>Committee</i>	<i>A group of elected members with delegated responsibility from the Full Council for collective decision making who will meet in public unless confidential or exempt business is being discussed</i>
<i>Full Council</i>	<i>The 54 councillors elected to Arun District Council</i>
<i>Councillor</i>	<i>A person elected to represent a ward on the council. A councillor is appointed at either a four-yearly election or a by-election (see “Member”)</i>
<i>Constitution</i>	<i>This sets out how the council operates, how decisions are made and how the procedures which are followed ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the council to choose</i>
<i>Head of Paid Service</i>	<i>A Statutory Officer (being the most senior officer of the council) appointed in consequence of the Local Government and Housing Act 1989</i>
<i>Leader of the Council</i>	<i>A councillor appointed by the council. Usually, the Leader of the largest political group of the council</i>
<i>Chair of the Council</i>	<i>The councillor appointed by the council annually to undertake civic duties and preside over Full Council meetings. The chair has no individual decision-making powers</i>
<i>Member</i>	<i>A term used to describe a councillor</i>
<i>Minutes</i>	<i>Brief notes of proceedings of a meeting and record of resolutions made by those present at the meeting.</i>
<i>Monitoring Officer</i>	<i>A Statutory Officer with particular responsibility for the lawfulness and probity of the council’s decision-making</i>

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	<i>appointed consequence of the Local Government and Housing Act 1989</i>
<i>Panel</i>	<i>A group of persons (whose membership may include elected members, officers, staff, independent persons, or just elected members, as occasion requires) established by Full Council or a committee with a specific function and terms of reference who will meet in private in view of the confidential or exempt information to be discussed</i>
<i>Proper Officer</i>	<i>An officer nominated by the council to undertake a particular function.</i>
<i>Regulatory Committees</i>	<i>The council’s committees which carry out its quasi-judicial functions (e.g., licensing, planning, etc)</i>
<i>Section 151 Officer (Chief Financial Officer)</i>	<i>A Statutory Officer responsible for the proper administration of the council’s financial affairs appointed in consequence of section 151 of the Local Government Act 1972</i>
<i>Sub-Committee</i>	<i>A group of elected members established by Full Council or a committee with delegated responsibility for collective decision making who will meet in public unless confidential or exempt business is being discussed</i>
<i>Ward</i>	<i>The defined area within the district which a councillor represents</i>
<i>Working Party</i>	<i>A group of elected members established by Full Council or a committee with a specific function and terms of reference who will generally meet in private (with varying degrees of informality) in view of the need for full and frank exchange of views and whose recommendations are reported to the parent body in open session</i>