

Part 1

Summary and Explanation

The Council's Constitution

Horsham District Council has agreed this 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 17 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.

The content of the Constitution

Article 1 of the Constitution commits the Council to:

- (a) enable the Council to provide clear leadership to the community in partnership with members of the public, businesses and other organisations;
- (b) support the active involvement of councillors and members of the public in the process of local authority decision-making;
- (c) help councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no one will review or scrutinise a decision for which he or she was responsible;
- (g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) provide a means of continuing to improve the delivery of services to the community.



Articles 2 – 17 explain the rights of councillors and members of the public and how the key parts of the Council including officers operate. These are:

- Members of the Council (Article 2)
- Members of the public and the Council (Article 3)
- The Council meeting (Article 4)
- Chairing the Council (Article 5)
- The Executive (Article 6)
- Scrutiny and Overview of decisions (Article 7)
- Development Control and Licensing Committees (Article 8)
- The Standards Committee (Article 9)
- Area Committees (Article 10)
- Advisory Groups and Forums (Article 11)
- Joint arrangements (Article 12)
- Officers (Article 13)
- Decision-making (Article 14)
- Finance, contracts and legal matters (Article 15)
- Review and revision of the Constitution (Article 16)
- Suspension, interpretation and publication of the Constitution (Article 17)

How the Council operates

The Council is composed of 44 councillors elected every four years subject to review by the Boundary Committee for England. 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.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Chairman and Vice-Chairman of the Council under the Local Government Act 1972 and an Executive of not more than 10 comprising Leader and the Cabinet under Executive Arrangements drawn up under the Local Government Act 2000.

How decisions are made

The Executive is the part of the Council which is responsible for most day-to-day decisions. It may appoint committees to assist it with its work numbering not more than 10 of its members. When major decisions are to be made, these have to be published in the Executive's Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed at a meeting of the Executive, this will



be open for the public to attend except where personal or confidential matters are being discussed. The Executive 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.

Scrutiny and Overview

The Scrutiny and Overview Committees support the work of the Executive and the Council as a whole. They allow members of the public to have a greater say in Council matters by holding investigations into 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. Scrutiny and Overview Committees also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. They may recommend that the Executive reconsiders the decision and can insist that the matter is referred to the Council. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy. A Scrutiny and Overview Committee will have specific responsibility for commissioning and carrying out fundamental service reviews as part of the implementation of Best Value. The Council has at present only one Scrutiny and Overview Committee.

Statutory Area committees, joint arrangements, consultative forums advisory groups and working groups

The Council may from time to time set up statutory Area Committees. They involve councillors for that area and are held in public. Joint arrangements can be made by the Council with other local authorities. The Executive can create consultative forums and advisory groups and the Scrutiny and Overview Committees can create working groups to assist them in reaching decisions and recommendations.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, make decisions within a scheme of delegation approved by the Council, 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 relationships between officers and members of the Council.

Citizens' Rights

Members of the public 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 an applicant for planning permission, they have additional rights. These are not covered in this Constitution.

Members of the public 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 and its committees and the Executive except where confidential or exempt matters (as defined by the Local Government Act 1972) are being discussed;
- petition to request a referendum on a mayoral form of Executive;
- participate in the Council's question time and contribute to investigations by the Scrutiny and Overview Committees;
- speak at meetings of the Council, committees, the Executive and other bodies;
- find out, from the Executive's forward plan, the nature and timing of major decisions to be discussed by the Executive or decided by the Executive or officers;
- see reports and background papers, and any record of decisions made by the Council, its committees and the Executive and officers;
- complain to, comment to or praise the Council;
- complain to the Council's Standards Committee.
- complain to the Ombudsman if they think the Council has not followed its procedures properly, (although the Ombudsman expects that the Council's own complaints procedure should be used first);
- complain to the Standards Board for England if they have evidence which they think shows that a councillor has not followed the Council's Code of Members' Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by members of the public in its work. For further information on the rights of members of the public contact the Council Secretary and Solicitor. A copy of the Council's statement of the public's rights to information is set out at Part 4E.

