

Summary and Explanation

The Council's Constitution

The Crawley Borough Council has agreed a new constitution which sets out how the Council operates, how decisions are made and the procedures to be 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 15 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's in the Constitution?

Article 1 of the Constitution commits the Council to a number of key objectives. Articles 2 - 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 Commission (Article 6).
- The Cabinet (Article 7).
- Regulatory and Other Committees (Article 8).
- Area Committees and Forums (Article 9).
- Joint Arrangements (Article 10).
- Employees (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

The Council is composed of 37 Councillors with one-third elected three years in four. 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.

The Council has adopted a Code of Conduct which is based upon the general principles fundamental to public life so as to promote and maintain standards of conduct by Members and Co-opted Members of the Council. Councillors have a personal responsibility to comply with the provisions of the Code.

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 appoints a Leader for a 4-year term (or until the expiry of the Leader's term of office as a Councillor). The Leader appoints their Cabinet Members, a Deputy Leader and allocates responsibility to them (portfolios). The Council also appoints a number of Council Committees for decision-making purposes. At every ordinary meeting of the Council, there is public question time. The Council is responsible for the overall policy framework.

How Decisions Are Made

The Cabinet is part of the Council which is responsible for most day to day decisions. The Cabinet is made up of a Leader appointed by the Council and a Cabinet of up to nine Councillors appointed by the Leader, including a Deputy Leader. 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. If these major decisions are to be discussed with Council employees at a meeting of the Cabinet, this will generally be 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. To speed up decision-making and to allow the Cabinet to concentrate on major matters, Cabinet Members have the delegated power to make some decisions in relation to the areas within their portfolio and other decisions that have been delegated to them under the Scheme of Delegation as set out in Part 3 of this Constitution.

Scrutiny

There is an Overview and Scrutiny Commission which supports the work of the Cabinet and the Council as a whole. It allows citizens to have a greater say 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. The Overview and Scrutiny Commission also monitors the decisions of the Cabinet. 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 Employees

The Council has people working for it to give advice, implement decisions and manage the day to day delivery of its services. Some employees 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 employees and Members of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. They 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 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 and its Committees except where, for example, personal, exempt or confidential matters are being discussed, (citizens may make representations about why a Cabinet meeting or part of a Cabinet meeting, should be open to the public when notice of an intention to meet in private is published);
- petition to request a referendum on a mayoral form of Cabinet;
- petition to request a community governance review;
- be invited to participate in the Council's question time and to contribute to investigations by the Overview and Scrutiny Commission
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or employees, 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 in accordance with its complaints procedure;
- complain to the Ombudsman if they think the Council has not followed its own procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Monitoring Officer if they think 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
- submit a petition under the Crawley Borough Council Petitions Scheme.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Ann-Maria Brown, Head of Legal, Democracy and HR at the Town Hall, Crawley

The rights of citizens to inspect agendas and reports and attend meetings are explained in the Access to Information Procedure Rules which are set out in Part 4 of this Constitution.

The Council's Audit Manager (telephone Gillian Edwards on 01293 438384) or the local Citizens' Advice Bureau can advise on individuals' rights to obtain other information held by the Council (e.g. under the Data Protection and Freedom to Information Acts).