

PART 1 THE CONSTITUTION: SUMMARY AND EXPLANATION

1. The Council's Constitution

- 1.1 Brighton & Hove City Council has agreed a Constitution which sets out how the Council operates. This Constitution describes the procedures which are followed to ensure that the Council acts in a way which is efficient, transparent and accountable to local people. Some of the procedures which are followed are required by law, while the Council has chosen to adopt others.
- 1.2 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.

2. Articles of the Constitution

- 2.1 Article 1 of the Constitution commits the Council to exercising all its powers and duties in accordance with the law and this Constitution, this in pursuit of the Council's purpose, ambition, priorities and values. Those are set out in the Council's Corporate Plan 2020 to 2023 and are summarised below.

Our **purpose** is to provide strong civic leadership to achieve our vision of a fairer city with a sustainable future. The Council's Corporate Plan sets out the overall direction for the Council. Our vision and priorities are described in the Plan.

We will be successful if we deliver our six priority outcomes, which are:

- A city to call home
- A city working for all
- A stronger city
- A growing and learning city
- A sustainable city
- A healthy and caring city

Our **values** describe the principles and professional behaviour required to modernise the Council:

- Collaboration
- Respect
- Openness
- Efficiency
- Customer focus
- Creativity

Our **service priorities** are set out in directorate and service plans which are published on our website.

2.2 In the achievement of its priorities, the Council will be guided by the Sustainable Community Strategy developed in partnership with local communities and the need to achieve best value in the delivery of services. The Local Strategic Partnership is responsible for developing the Sustainable Community Strategy and providing, together with the Council, community leadership and representation.

2.3 Articles 2 – 15 of the Constitution explain how the key parts of the Council operate:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Mayor (Article 4)
- The Full Council (Article 5)
- Committees and Sub-Committees (Article 6)
- Health Overview and Scrutiny (Article 7)
- The Audit and Standards Committee (Article 8)
- Joint Arrangements (Article 9)
- Officers (Article 10)
- Decision Making (Article 11)
- Finance, Contracts and Legal Matters (Article 12)
- Review, Revision, Suspension, Interpretation & Publication of the Constitution (Article 13)
- Role and powers of the Chairs (Article 14)
- Role and powers of the Leader (Article 15)

3. How the Council operates

3.1 The Council is composed of 54 Councillors (often called Members) elected every four years. 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 ward residents, including those who did not vote for them.

3.2 Councillors are expected to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Audit & Standards Committee promotes training and education and advises Councillors on the Code of Conduct.

3.3 All Councillors meet together as Full Council. Meetings of Full Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. Full Council is responsible for setting the policy framework and budget, including approving specified plans and strategies. It also holds the decisions of the Committees to account.

3.4 In addition to decision making meetings the Council may have deliberative debates when matters of Brighton & Hove -wide importance are discussed.

4. How decisions are made

4.1 Most day to day decisions are made by Committees, Sub-Committees and Officers. The Council has nine policy committees (Policy and Resources; Health and Wellbeing Board; Children, Young People and Skills; Tourism, Equalities, Communities and Culture; Housing; Environment, Transport and Sustainability; Planning; Licensing; Audit and Standards) and 3 Sub-Committees (Licensing Panel - which deals with licensing, registration and other appeals; Standards Panel and the Personnel Appeals Panel). When Committee decisions are to be made, these are published on the Council's Committee Work Programme in so far as they can be anticipated. These decisions will generally take place in open public meetings except where personal or confidential matters are being discussed.

5. Health Overview and Scrutiny

5.1 The Health Overview and Scrutiny Committee exists to meet the statutory requirements imposed on the Council in respect of health scrutiny. It scrutinises the planning, provision and operation of the health service and social care in the Authority's area as well as those functions exercised by the authority as a health service provider.

6. The Council's Staff

6.1 The Council employs staff (often 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 Conduct for Member/ Officer Relations governs the relationships between Officers and Members of the Council.

7. Citizens' Rights

7.1 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 of the Constitution. Some of these are legal rights, whilst others depend on the Council's own processes. Solicitors and local advice agencies can advise on individuals' legal rights.

7.2 Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

7.3 Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- inspect a copy of the Constitution and obtain a copy (NB there will be a fee payable for a copy of the Constitution to cover printing costs.)
- attend meetings of Full Council, its Committees and Sub-Committees except where confidential or exempt matters (including matters which involve personal, financial and/or commercial information) are being discussed;
- petition to request a referendum on changing governance arrangements (5% of the number of local government electors in the area are required to support such a petition and there are restrictions on the number of referendums which may be held in any given period);
- submit questions, deputation and petitions to Full Council and its Committees;
- trigger a Full Council debate on an issue supported by a petition with over 1,250 signatories;
- see non-confidential reports and background papers;
- complain to the Council about failures in services or maladministration;
- complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly, although they should only do this after using the Council's own complaints process;
- complain to the Council's Monitoring Officer if they believe 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.

7.4 For further information on the above rights as a citizen, please see the Council's website at www.brighton-hove.gov.uk or contact the Executive Lead for Strategy, Governance and Law by writing to them at Hove Town Hall, Norton Road, Hove BN3 3BQ.