

# **PART 1**

## **SUMMARY AND EXPLANATION**

### **1. What is the Constitution?**

- 1.1 The Constitution of Rother District Council 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 law, while others are a matter for the Council to choose.
- 1.2 References to legislation including statutory instruments contained within this Constitution may have been superseded and therefore substituted by changes derived from the European (Withdrawal) Act 2018 (“the Act”) and subordinate legislation introduced following the United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.

### **2. How the Council operates**

- 2.1 The Council consists of 38 Councillors elected every four years and 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.
- 2.2 All Councillors meet together as the Council, where they decide the Council’s overall policy framework and set the budget each year; meetings of the Council are normally open to the public. The policies and procedures adopted by the Council provide the rules under which the Council operates; policies are usually developed and or amended to reflect the values of the Council’s administration, through the Council’s overview and scrutiny function and consultation with relevant stakeholders.
- 2.3 The Council appoints the Leader to serve for a term of four years who in turn appoints a Deputy Leader and Members to the Executive (Cabinet).
- 2.4 Councillors must agree to follow the code of conduct adopted by the Council to ensure high standards in the way they undertake their duties.

### **3. How decisions are made**

- 3.1 The Executive (Cabinet) is the part of the Council which is responsible for most day-to-day decisions. The Leader is responsible for the allocation and discharge of all executive functions (i.e. what Cabinet portfolios will exist, how they will be allocated and delegations etc.).
- 3.2 All meetings of the Cabinet will be open for the public to attend except where exempt information or confidential matters are being discussed. If the Cabinet wishes to hold a meeting or part thereof in private, public notice must be given to allow the public to make representations about why the proposed meeting or part thereof should be open to the public. Further details can be found at Part 4-2, Access to Information Rules of this Constitution.

- 3.3 When key decisions are to be discussed or made, these are published in the Cabinet's Forward Plan in so far as they can be anticipated. Key decisions include any Executive decision which is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant (£100,000) having regard to the local authority's budget for the service or function to which the decision relates; or be significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority. 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.

## **4. Overview and Scrutiny**

- 4.1 The Council shall appoint at least one overview and scrutiny committee which may pre-scrutinise and review the decisions of the Cabinet. Overview and scrutiny committees may make reports and recommendations to the Cabinet and to the Council on policies, budget and service delivery.
- 4.2 They may involve non-councillors from other public bodies, voluntary and community groups in their work and undertake enquiries into matters of local concern.
- 4.3 Overview and scrutiny committees also monitor the decisions of the Cabinet and may call-in a decision which has been made, but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. Overview and scrutiny committees may also be consulted by the Cabinet or the Council on forthcoming decisions.

## **5. The Council's Officers**

- 5.1 The Council has people working for it called officers to give advice, implement collective decisions and manage the day-to-day delivery of its services. Officers and councillors work together within a protocol that governs their working relationships (see Part 5 Codes and Protocols). Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

## **6. Citizens' Rights**

- 6.1 Citizens have a number of rights in their dealings with the Council. These are set out in Article 3.