

## INTRODUCTION TO CRAWLEY BOROUGH COUNCIL'S CONSTITUTION

### 1. INTRODUCTION

- 1.1. Crawley Borough Council, its Councillors and officers work to serve those living, employed and studying in the Borough in the best way possible.
- 1.2. This Constitution sets out how the Council operates, how decisions are made and the procedures that are to be followed. The purpose of this document is to provide transparent and accountable decision making and to support the active involvement of the public in the process. The processes set out derive from a combination of legislation and local practice.
- 1.3. Nothing in this Constitution supersedes legislation. The Constitution has been approved by the Full Council.
- 1.4. This Constitution is separated into three sections:
  - **Section 1: Decision Making** – Includes details of the Council's decision making mechanisms and a scheme of delegation setting out who is responsible for taking which decision.
  - **Section 2: Procedure Rules** - Details how meetings are conducted and how decisions are taken.
  - **Section 3: Codes and Protocols** - Sets out the expected standards of behaviour for Councillors and Officers along with any other required Councillor related protocols.
- 1.5. Councillors will have access to this Constitution electronically and will be provided with guidance on its location and use during induction.
- 1.6. Any reference in this Constitution to statutory provisions includes any amendments and re-enactment of subordinate legislation thereof. Reference to any EU legislation in this Constitution will be taken to include any such transitional arrangements and/or legislation put in place in relation to Brexit.

### 2. HOW THE COUNCIL OPERATES

- 2.1. The Council is comprised of 36 Councillors who each serve for a four year term. Borough elections take place three out of every four years when a third of Council seats become available. Councillors are democratically accountable to residents of their Ward. Only registered electors of the Borough or those living, working or owning property in the Borough are eligible to hold the office of Councillor. The overriding duty of Councillors is to the whole community, but they have a special duty to all their constituents (including those who did not vote for them).
- 2.2. All Councillors meet together as the Full Council in public. At Full Council meetings Councillors decide the Council's overall policies and set the Budget each year. The Full Council appoints a Leader for a four 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 Full Council also appoints a number of Council Committees for decision-making purposes. At every ordinary meeting of the Full Council, there is public question time.

- 2.3. The Council has adopted a set of Code of Conduct documents to promote and maintain high standards of behaviour. Councillors have a personal responsibility to comply with the provisions of the Code.

### **3. COUNCILLORS**

- 3.1. A Councillor's role includes:

- Collectively being the ultimate policy makers.
- Contributing to good governance.
- Encouraging public participation and involvement in decision making.
- Dealing with their individual caseload and supporting their constituents in resolving particular concerns or grievances.
- Balancing different interests identified within their Ward and representing the Ward as a whole.
- Balancing the interests of their Ward and the Borough more generally.
- Participating in the governance and management of the Council.
- Being available to represent the Council on other bodies.
- Maintaining the highest standards of conduct and ethics.

- 3.2. If any Councillor fails to attend any Committee, Sub-Committee or a meeting of the Full Council as defined in Section 85 of the Local Government Act 1972 for six consecutive months, then, unless the failure is due to reasons approved by the Full Council, they will cease to be a Councillor.

- 3.3. Councillors are entitled to receive allowances in accordance with the Councillors' Allowances Scheme set out in this Constitution.

### **4. THE MAYOR**

- 4.1. The Full Council will annually elect a Mayor and Deputy Mayor who hold office until immediately after the election of a Mayor at the next annual meeting of the Full Council.

- 4.2. The Mayor is the First Citizen of the Borough and acts as an ambassador on behalf of the Borough. As a symbol of the Council and its area, the Mayor gives encouragement and shows appreciation for the many groups and organisations who also serve the residents of the Borough. The Mayor will attend such civic and ceremonial functions as they and the Council determine appropriate. The Mayor will act in a non-partisan manner and in the interests of the whole Council.

- 4.3. The Mayor has specific responsibilities as Chair of the Council, which are set out in the Full Council Procedure Rules.

### **5. COUNCIL OFFICERS**

- 5.1. The Council employs people (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. The Code of Conduct documents also govern the relationship between Officers and

Councillors, and includes an Officers' Code of Conduct which all officers must comply with.

- 5.2. The Council may appoint such officers as it considers necessary to carry out its functions. In addition, some Statutory Officers must be appointed. These are:
  - Head of Paid Service.
  - Monitoring Officer.
  - Section 151 Officer (Chief Finance Officer).
- 5.3. The responsibilities of these and other Chief Officers are set out in this Constitution.

## **6. RIGHTS OF MEMBERS OF THE PUBLIC**

- 6.1. **Voting:** Members of the public may vote at local elections if they are registered to vote.
- 6.2. **Contact their Local Councillor:** Members of the public may contact their local Councillor about matters of concern to them.
- 6.3. **Petitions:** Members of the public may present petitions to the Full Council and Committee meetings, providing that the requirements set out in the Petitions Scheme are met. The public may also petition to request a referendum on a mayoral form of Cabinet or to request a community governance review.
- 6.4. **Access to Information:** Members of the public have the right to access documents in accordance with the Access to Information Procedure Rules. Reports included in agendas will set out a list of background papers (non-published material used in creating the report) relating to the subject matter of the report. These background papers will be supplied at the request of members of the public and are available from the report author. The Council may make a reasonable charge for the supply of paper copies of agendas, reports, minutes and background papers to cover costs. The Council will give at least five clear working days' notice of any statutory meeting by publishing the agenda and reports which are to be considered on the Council's website.
- 6.5. **Attending Statutory Meetings:** Members of the public may attend meetings of the Full Council, its Committees and the Cabinet except, for example, where confidential or exempt matters are being discussed. A Calendar of meetings is available on the Council's website. All formal meetings of the Council (with the exception of the Employment Panel and Grants Appeal Panel) will be webcast subject to cost and practicality (*subject to commencement*).
- 6.6. **Speaking at a Statutory Meeting:** There are a number of meetings where the public can speak or ask questions such as the Full Council, the Cabinet, the Overview and Scrutiny Commission, the Audit Committee, the Governance Committee and the Planning Committee. These rights are set out in the relevant Procedure Rules.
- 6.7. **Council's Accounts:** Members of the public can inspect the Council's accounts and make their views known to the external auditor.
- 6.8. **Access to the Constitution:** The Monitoring Officer will ensure that copies of this Constitution are available for inspection at the Council's offices and via its website. A paper copy of this Constitution can be purchased by the public and local press on payment of a reasonable fee.

- 6.9. **Complaints:** If a member of the public has a concern about the actions of the Council, its officers or Councillors, they have the right to make a complaint to:
- The Council under its Complaints Procedure.
  - The Ombudsman after exhausting the Council's Complaints Procedure.
  - The Monitoring Officer about a breach of the Code of Conduct for Councillors.

The Council expects the public to behave responsibly in exercising these rights.

## 7. FINANCE, CONTRACTS AND LEGAL MATTERS

- 7.1. The Council shall have Legal and Financial procedure rules as set out in this Constitution. These will be reviewed regularly according to the Scheme of Delegation. The Scheme of Delegation sets out the authority to sign documents and make decisions.
- 7.2. The Common Seal of the Council will be kept in a safe place in the custody of the Head of Governance, People & Performance. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Governance, People & Performance should be sealed. The affixing of the Common Seal will be attested by the Head of Governance, People & Performance or some other person authorised by them.

## 8. SUSPENSION, INTERPRETATION AND REVISION OF THIS CONSTITUTION

- 8.1. **Suspension:** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved and the purpose of any suspension should be to enhance the democratic process, not restrict it.
- 8.2. **Interpretation:** The Monitoring Officer will interpret this Constitution and provide advice to the Mayor, Leader, Committee Chairs and officers as appropriate. The ruling of the Mayor/Chair, on the advice of the Monitoring Officer, as to the construction or application of this Constitution or as to any proceedings of the Full Council and its Committees shall be final. Such interpretation will have regard to the purposes of this Constitution as set out in this introduction.
- 8.3. **Revisions:** The Governance Committee will monitor and review the operation of this Constitution to ensure that the aims and principles of the document are given full effect. Changes to the Constitution may be considered by the Governance Committee or, where appropriate, the Cabinet or any other Committee of the Council, but in any event shall be referred to the Full Council for determination. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for a change from a Leader and Cabinet form of Cabinet to any alternative arrangements.