

Part 1

Summary and Explanation

New version for July 2018

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The Constitution

West Sussex County Council is required by law to prepare and keep an up-to-date Constitution. This explains how the County Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

West Sussex County Council has agreed this Constitution, which combines all the governance provisions it is required by law to adopt, together with its Standing Orders which set out how it conducts its meetings. These documents together provide the framework within which the County Council operates.

Part 1 is a brief summary of what is contained in the Constitution. It also contains definitions and an index.

Part 2 is a brief introduction to the main aspects of political governance at the Council and how the Council works.

Part 3, the Responsibility for Functions, explains who within the Council has powers to exercise various powers and duties. This covers the member-level areas of decision-making and sets out an officer scheme of delegation. The terms of reference (including membership and remit) for each member-level committee, panel and joint committee are found within this section. There is an index at the start of this section.

Part 4, Standing Orders, rules and other procedures, sets out the rules to be followed by the Council to ensure that its decisions and actions are legal, financially sound and carried out in accordance with policy frameworks. Standing Orders set out rules in several sections:

1. Introduction	6. County Local Committees
2. Council	7. Non-Executive Committees
3. Decision-making and Committees general	8. Scrutiny
4. Access to meetings and documents	9. Appointment of Officers and Disciplinary Action
5. Cabinet and Executive decision-making	10. Delegations to Officers

Where there is any inconsistency between any document in Parts 3 and 4 of the Constitution and Part 2, the documents in Parts 3 and 4 prevail.

Part 5, the Code of Conduct, sets out the high standards of conduct that are expected of members and officers in their Council business. There is an index at the start of this section.

Part 6, the Member Allowance Scheme, sets out the scheme of payment to elected members.

Definitions

Definition	Meaning	References
Adviser or Senior Adviser to Cabinet Member	A member appointed by the Leader to support the Cabinet Member in carrying out his or her responsibilities, subject to those limits made by the Constitution and such limits, conditions or parameters as the Cabinet Member determines. The significance, complexity and range of matters allocated and the amount of time and level of workload required will determine whether the member is identified as an Adviser or Senior Adviser.	
Cabinet	The Leader and Cabinet Members appointed by the Leader.	
Cabinet Board meeting	An informal meeting of members of the Cabinet to receive briefing information from officers.	
Cabinet Member	An elected member appointed to the Cabinet by the Leader.	
Cabinet Member matter	A decision of a Cabinet Member in respect of those matters referred to in the Scheme of Delegation.	
Cabinet portfolio	A function or collection of functions of the County Council allocated by the Leader to a Cabinet Member.	
Call in	The exercise of the right by a Select Committee to review the proposed exercise of a function of the Executive before it may take effect.	
Chairman	Chairman of the County Council or the person presiding at a meeting of the County Council.	
Chairman of a committee	Includes the vice-chairman of the committee or any other member of the committee nominated by the chairman to act on his or her behalf or acting in his or her absence.	
Committee	Includes the Cabinet (except in respect of political proportionality), the Governance, Area, County Local Committee, non-Executive and Select Committees established from time to time by the County Council together with any sub-committees which they may establish.	
Confidential	Matters not to be made public by law or information a government department has given to the County Council upon terms which forbid the disclosure of the information to the public.	
Constitution	The collection of documents called the	

Definition	Meaning	References
	Constitution approved by the County Council for the purposes of Section 37 of the Local Government Act 2000.	
Councillor Call for Action	<p>The process whereby a County Local Committee may refer a matter to a Select Committee for consideration, or if the matter is of pressing local need or urgency, directly to a Cabinet Member through the relevant Executive Director with a copy to the Select Committee. To do so the matter should meet the following criteria:</p> <p>(1) It raises an issue of significant local concern.</p> <p>(2) It concerns a matter for which the County Council has responsibility.</p> <p>(3) It has not recently been considered or determined by the decision-maker or Select Committee.</p> <p>(4) There is not a more suitable mechanism for dealing with the matter.</p>	
County	The county of West Sussex.	
County Council	The County Council of West Sussex.	
County Local Committee	A committee appointed by the County Council to discharge any of its functions (whether Executive or non-Executive functions) and which complies with the definition of Area Committees set out in Section 18(3) of the Local Government Act 2000.	
Decision-making body	The County Council, the Cabinet, Cabinet Member, County Local Committee, Governance and non-Executive committees and officers under delegated powers.	
Document	Any report or background papers, other than that only in draft form, taken into consideration in relation to a decision by a decision-making body.	
Executive or the Executive	The Cabinet and individual Cabinet Members, County Local Committees and officers in so far as they discharge Executive functions.	
Executive arrangements	The description of the political structure of the County Council described as such in the Constitution, and comprising a Cabinet	

Definition	Meaning	References
	with a Leader, and separate arrangements for overview and scrutiny by Select Committees and the discharge of non-Executive functions.	
Executive Decision Database (EDD)	The daily publication of Executive decisions.	
Executive Director	The Chief Executive and those members of the Executive Leadership Team who are not Directors.	
Executive functions	all those functions of the County Council which are not non-Executive functions as defined in the Scheme of Delegation within the Constitution.	
Executive Task and Finish Group	A small, cross-party team of members, of up to seven members without Executive powers appointed by a Cabinet Member to undertake work related to the development of policies, plans or commissioning intentions. It will operate for a time-limited period set by the Cabinet Member and its terms of reference and any report will be available for all members. It may include a minority of representatives of outside bodies, experts or other interested parties as non-voting members.	
Exempt information	Information as defined in the Local Government Act 1972 and includes personal details of staff or clients, legal actions, financial and business affairs of individuals or companies.	
Forward Plan	The plan containing the particulars of key decisions required by the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 (as amended).	
Key decisions	Those Executive decisions which are likely to result in significant expenditure or savings or to have significant effects on communities living or working in two or more electoral divisions of the county; "significant" in either case shall be determined by the County Council from time to time, and set out in the Constitution.	
Leader of the Council (the Leader)	The person appointed by the County Council in accordance with Standing Order 2.11.	
Local member	The member for any electoral area which is particularly affected by the proposed	

Definition	Meaning	References
	decision.	
Meeting	A formal meeting of the County Council or a committee, the agenda and papers for which are published under the Local Government Act 1972.	
Member	<ul style="list-style-type: none"> • In relation to the County Council means an elected member of the County Council • In relation to any committee, means a person appointed as a member of that committee, including a voting co-opted or nominated member. 	
Members' Information Service (MIS)	A bulletin of information published to all members weekly.	
Non-Executive committee	A committee appointed by the County Council outside the Executive arrangements to undertake the non-Executive functions delegated to it by the Scheme of Delegation.	
Partnership Board	A Board comprising cross-party elected members, senior officers and representatives of a contractor or partner of the County Council whose role is to oversee the development of the commercial relationship with the contractor or partner and the performance of a relevant contract against defined objectives.	
Policy Framework	Executive functions which are reserved by law or by the Scheme of Delegation to the County Council for determination (defined in paragraph 2 of Appendix 1 of Part 3).	
Private meeting of the Executive	A meeting, or part of a meeting, of the Cabinet meeting as a decision-making body during which the public is excluded to avoid the disclosure of confidential or exempt information or to maintain orderly conduct or prevent misbehaviour.	
Public meeting of the Executive	All decision-making meetings of the Executive which are open to the public.	
Report	The final document on which the County Council, the Cabinet, Cabinet Member, County Local Committee, Governance and non-Executive committees and officers under delegated powers take a decision or agree a proposed decision. It does not include draft reports.	
Scheme of Delegation	That part of the Constitution specifying the delegation by the County Council of its functions.	

Definition	Meaning	References
Scrutiny Task and Finish Group	A small, cross-party team of members of the County Council, without Executive powers but appointed by a Select Committee from amongst its members or jointly by more than one Select Committee, to examine proposals of concern to the Select Committee(s) through their programme of work. It may include a minority of representatives of outside bodies, experts or other interested parties as non-voting members.	
Select Committee	An overview and scrutiny committee appointed by the County Council whose functions include holding to account the Executive.	
Working Day	Any day which is not a weekend or a bank holiday and a working day shall end at 5 p.m.	