

## **Summary and Explanation**

Approved by the County Council at its  
meeting on 20 July 2018 and containing  
all subsequent approved amendments up  
to 1 March 2022

# Part 1

## Summary and Explanation

### 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 summary of the Constitution. It includes definitions and an index.

**Part 2** is a summary of the political governance of the Council.

**Part 3**, the Responsibility for Functions, explains who within the Council has powers to exercise specified powers and duties. It covers the decision-making by members and sets out the officer scheme of delegation. It includes the terms of reference (membership and remit) for each committee, panel and joint committee. There is an index at the start.

**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
2. Council
3. Decision-making and Committees general
4. Access to meetings and documents
5. Cabinet and Executive decision-making
6. Non-Executive Committees
7. Scrutiny
8. Appointment of Officers and Disciplinary Action
9. 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 Members' Allowance Scheme, sets out the scheme of payment to elected members.

## Definitions

Definition	Meaning
Adviser to Cabinet Member	A member appointed by the Leader to support the Cabinet Member in carrying out his or her responsibilities, subject to any limits made by the Constitution and such conditions or parameters as the Cabinet Member determines. The role profile for any Adviser will be settled by the Leader in consultation with the Director of Law and Assurance.
Background Paper (or document)	Any report or material or other document relied upon or referred to in a Decision Report and available to be taken into consideration in relation to a decision by a decision-maker.
Cabinet	The Leader and the cabinet members appointed by the Leader.
Cabinet Briefing meeting	An informal meeting of members of the Cabinet to receive briefing information and advice from officers.
Cabinet Member	An elected member appointed to the Cabinet by the Leader.
Cabinet Member decision	A decision of a Cabinet Member in respect of any of the matters referred to in the Scheme of Delegation as included in the portfolio of the Cabinet Member.
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 Scrutiny Committee to review and comment on 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	Elected member appointed by the County Council or by the relevant committee to chair a specified committee of the Council. 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	A group of elected members appointed by the Council to discharge a set of responsibilities defined in the Scheme of Delegation. This includes the Cabinet when acting collectively and any sub-committees which a committee may establish.
Confidential	Business of the Council which is not to be made public by law or information a government department or other agency with authority to do so 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 Constitution approved by the County Council for the purposes of Section 37 of the Local Government Act 2000.
County	The county of West Sussex.
County Council	The County Council of West Sussex.
Decision-making body	The County Council, the Cabinet, Cabinet Member, Governance and non-Executive committees and officers acting under delegated powers.

<b>Definition</b>	<b>Meaning</b>
Decision Report	The final document by which the County Council, the Cabinet, Cabinet Member, Governance and non-Executive committees and officers under delegated powers takes a decision or agrees a proposed decision.
Director	The title given to a senior officer of the Council with responsibility for a defined group of functions described in the scheme of delegation. Any reference to Director in the Constitution shall include the Assistant Chief Executive and the Chief Fire Officer.
Executive or the Executive	The Cabinet and individual Cabinet Members and officers in so far as they discharge Executive functions.
Executive arrangements	The political structure of the County Council comprising a Cabinet with a Leader, arrangements for overview and scrutiny by scrutiny committees and the discharge of non-Executive functions by committees.
Executive Decision Database (EDD)	The daily publication of executive decisions.
Executive functions	All those functions of the County Council which may lawfully be discharged by the Executive and 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 group 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 as being eligible for exclusion from publication or consideration in public, including personal details of staff or service users, legal proceedings, financial and business affairs of individuals or companies.
Forward Plan	The document published by the Council containing the particulars of proposed 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 elected member appointed by the County Council in accordance with Standing Order 2.11.
Leadership Group	The group of senior officers of the Council comprising the Chief Executive, all Directors and Assistant Directors.

<b>Definition</b>	<b>Meaning</b>
Local member	The elected member for any electoral area which is particularly affected by a proposed decision or other business of the Council.
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	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 or non-voting co-opted or appointed person.
Non-Executive committee	A committee appointed by the County Council to carry out non-executive functions (functions which may not be carried out by the Executive) delegated to it by the County Council and set out in the Scheme of Delegation.
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 Cabinet (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 Cabinet (Executive)	A decision-making meeting of the Cabinet (Executive) which is open to the public.
Scheme of Delegation	That part of the Constitution specifying the delegation by the County Council of its functions to members, committees or to officers.
Scrutiny Task and Finish Group	A small, cross-party group of members, without executive powers, appointed by a scrutiny committee from amongst its members or jointly by more than one scrutiny committee, to examine proposals of concern to the Scrutiny Committee(s). It may include a minority of representatives of outside bodies, experts or other interested parties as non-voting members.
Scrutiny Committee	An overview and scrutiny committee appointed by the County Council whose functions include holding to account the Executive or a defined set of responsibilities delegated to the Executive.
The Bulletin	A collection of information published to all members weekly.
Working Day	Any day which is not a weekend or a bank holiday and a working day shall end at 5 p.m.