

Chapter 1

The Council's Constitution – Summary and Explanation

Halton Borough Council has agreed a Constitution which 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 the law, while others are a matter for the Council to choose.

The Constitution is divided into 17 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.

Aims and objectives of the Council

The Council is committed to providing services to the Halton community, which are of a high quality in the most efficient and cost-effective way. This commitment is reflected in the duty to provide 'best value'. The Council has adopted a Vision which sets out the Council's aims and objectives for Halton.

Our Vision for Halton Borough Council

Halton will be a thriving and vibrant Borough where people can learn and develop their skills; enjoy a good quality of life with good health; a high quality, modern urban environment; the opportunity for all to fulfil their potential; greater wealth and equality; sustained by a thriving business community; and a safer, stronger and more attractive neighbourhood.

Therefore, the Council will work vigorously to see this vision realised and will make sure that:

- the community is offered leadership which maintains open and democratic processes that encourage local people to become involved in decisions that directly affect them and future generations;
- the community receives value for money services of the highest quality that are accessible, affordable and focused on local needs; and that
- the Council is a first class employer that engages a well-trained, motivated and committed workforce in a working environment of trust, co-operation and respect.

How the Council operates

The Council is composed of 56 councillors with one-third elected three years in four. 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 constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Audit and Governance Board trains and advises them on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. Annually, the Council is responsible for appointing the Leader, the Chairs/Vice Chairs and membership of Policy and Performance Boards, Forums, Panels and Committees. The Leader is responsible for appointing members to the Executive. Time is set aside at all Policy and Performance Boards for the public to ask questions. The Council also operates a call-in procedure for Executive decisions. Public speaking on planning applications has also been introduced at the Development Control Committee.

HOW DECISIONS ARE MADE

The Executive and its Sub-committees/Boards are the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of a Leader and cabinet of up to 9 Councillors whom he/she appoints. When major decisions are to be discussed or made, these are published in the Executive's Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal, confidential or exempt matters are being discussed. The Executive 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.

OVERVIEW AND SCRUTINY

There are six Policy and Performance Boards which support the work of the Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Policy and Performance Boards also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may identify and examine issues of interest or concern, contribute to the development of policy, and may also be consulted by the Executive or the Council with a view to making comments and recommendations to inform decision-making.

The Council now has a formal role in relation to the scrutiny of Health Services and has allocated this role to the Health Policy & Performance Board. Policy and Performance Boards also have scope to examine issues and activities involving other agencies, organisations and partnerships.

The Council's Staff

The Council has people working for it (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 Practice governs the relationships between Officers and Members of the Council.

Citizens' Rights

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

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.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a Mayoral form of Executive;
- Contribute to investigations by the Policy and Performance Boards by participating in public question time;
- find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or Officers, and when;
- attend meetings of the Executive where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Executive (except for exempt and confidential matters);
- complain to the Council about the standard of service or lack of action by the Council where the complainant remains dissatisfied with the Council's initial response;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;

- complain to the Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Mr. David Parr, Chief Executive, Municipal Building, Kingsway, Widnes WA8 7QF – Tel 0303 333 4300.

Citizens have a right to inspect agendas and reports and attend meetings. Citizens have a right to ask questions at Policy and Performance Board meetings and to take part in the public speaking on planning applications. Please refer to Appendix 1 and Appendix 6.