

Part 1 - Summary and Explanation

The Council's Constitution

West Lancashire 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 law, while others are a matter for the Council to choose.

The Constitution is divided into 16 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.

What's in the Constitution?

Article 1 of the Constitution commits the Council to give leadership to the various communities within West Lancashire and to provide good quality services that meet the needs of those communities. Articles 2-16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council meeting (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny Committees (Article 6)
- The Cabinet (Article 7)
- Regulatory and other committees (Article 8)
- The Standards Committee (Article 9)
- Area Committees (Article 10)
- Joint arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

How the Council operates

The Council is composed of 54 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 Standards Committee 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. The Council will appoint the Leader for a period until the Annual Meeting following the end of his/her term of office as a Councillor (maximum four year term).

The Leader will:-

- determine the size of the Cabinet;
- appoint a Deputy and members to the Cabinet;
- allocate Portfolios or areas of responsibility to the various Cabinet Members;
- allocate decision making powers to the Cabinet and to individual Cabinet Members; and
- remove and replace Cabinet Members

The Council will review the work of the Cabinet through the Overview and Scrutiny Committees and when considering changes to the Policy Framework. It will also make arrangements for its planning and licensing work to be undertaken by specialist committees and for the ethical standards of the Council and the individual councillors and officers to be monitored through a Standards Committee.

HOW DECISIONS ARE MADE

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of a Leader who is elected by the Council and councillors appointed to the Cabinet by the Leader. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated. These major decisions will be discussed at meetings of the Cabinet which will generally be open for the public to attend except where personal or confidential matters are being discussed. 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. In addition, the Cabinet may have informal briefings with officers, which will be held in private.

OVERVIEW AND SCRUTINY

Overview and Scrutiny Committees

The Overview and Scrutiny Committees support the work of the Cabinet and the Council as a whole. Citizens have a greater say in Council matters through consultation exercises on specific matters of concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny Committees also monitor the decisions of the Cabinet. They can “call-in” a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

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 protocol has been introduced which will govern 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 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 through the use of the Citizen’s Panel and public consultation exercises on specific projects and policies;

- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers; and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and the Cabinet;
- complain to the Council about the service they have received through the Council's complaints procedure;
- 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 Council's 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 the Reception Desk at the Council's offices at 52 Derby Street, Ormskirk.

The Council has adopted procedures for citizens to have the right to inspect agendas and reports and to attend meetings. These procedures are set out in the Access to Information Procedure Rules in Part 4 of this Constitution.