

PART 1

THE COUNCIL'S CONSTITUTION

Wirral Borough Council's Constitution 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 the processes are required by the 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 later on in the document. These rules and protocols may be changed more frequently.

What's in the Constitution?

Article 1 of the Constitution commits the Council to exercising all its powers and duties in accordance with the law and this Constitution.

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 of the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny Committees (Article 6)
- Joint Health Scrutiny Committee(s) (Article 6A)
- The Cabinet (Article 7)
- Regulatory and Other Committees (Article 8)
- The Standards and Constitutional Oversight 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 66 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 and Constitutional Oversight 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 and Cabinet (the Executive) and hold the Executive to account. There will be an opportunity for members of the public to ask questions at Council meetings.

HOW DECISIONS ARE MADE

The Executive and its Committee is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader, who is elected by all Councillors and a Cabinet of 9 Councillors appointed by the Leader. 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 or confidential 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. Throughout this constitution document the terms "Leader and Cabinet" or "Cabinet" are used rather than "Executive".

OVERVIEW AND SCRUTINY

There are three Overview and Scrutiny committees who 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 Cabinet and the Council as a whole on its policies, budget and service delivery. These Committees also monitor the decisions of the Cabinet. They can 'call-in' a decision which has been made by the Cabinet or the Executive Board 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.

COUNCIL 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.

Where members of the public use specific Council services, for example as a parent of a school pupil, 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, Cabinet 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;
- submit petitions generally to Councillors or officers on matters of local concern;
- participate in the Council's question time and contribute to investigations by the Overview and Scrutiny committees;
- find out, from the Leader and Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and comment accordingly;
- see reports and background papers, and any record of decisions made by the Council and Cabinet, either on paper or electronically where reports and decision records are displayed on the Council's website;
- complain to the Council about any of the Council's services;
- 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 the Director: and Governance and Assurance (Monitoring Officer), Town Hall, Brighton Street, Wallasey, Wirral, CH44 8ED, who can let you have a statement of your right to inspect agendas and reports and attend meetings.