



# CONSTITUTION OF THE COUNCIL

## Part 1

### SUMMARY AND EXPLANATION

#### The Council's Constitution

#### Local Government Act 2000 - SECTION 37 LGA 2000 (Constitutions) (England) Direction 2000

1. Wirral Metropolitan 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 16 articles, which set out the basic rules governing the Council's business, followed by the more detailed procedures, and codes of practice provided in standing orders, rules and protocols contained within the other parts of this Constitution.

#### What's in the Constitution?

2. This section of the Constitution (Part 1) provides a summary and explanation of how the Council operates, including an outline of the rights of citizens or residents in the Borough to engage with and participate in the Council's democratic processes.
3. Part 2 of the Constitution comprises 16 Articles providing details of the Council's decision-making structure and the duties and powers of its various bodies
  - (a) Article 1 sets out the purpose of the Constitution and the mechanisms for its review. Against this background, a principal purpose of the Constitution is to meet the objectives of the Council in its decision to adopt a committee system form of governance arrangements, which were:
    - **Accountability** – responsibilities and accountability should be clear, within the Council and to residents;
    - **Credibility** – governance should assist good decision making, which involve proper and early scrutiny;
    - **Transparency** – the decision-making process should be open and transparent to Members and to the public;
    - **Collaboration** - decision making should be collaborative across parties and less combative; and

- **Timeliness** – decision making should be both quick and effective and, when necessary, allow for urgent decision making.
- (b) Articles 2 to 13 explain the rights of citizens and how the key parts of the Council operate. These are:
- Members of the Council (Article 2)
  - The Public & the Council (Article 3)
  - Full Council (Article 4)
  - The Mayor (Article 5)
  - Policy and Services Committees (Article 6)
  - Delegated Authority and Review (Article 7)
  - Regulatory and Other Committees (Article 8)
  - Joint Arrangements (Article 9)
  - Leadership of the Council (Article 10)
  - Committee Chairs and Spokespersons (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)
4. Part 3 of the Constitution sets out who is responsible for making what decisions, including remits of Committees and a scheme of delegation to officers.
  5. Part 4 of the Constitution details the framework for the administrative conduct of the Council and its committees, including Standing Orders, Procedure Rules at meetings, Contract Standing Orders, Financial Regulations, procedures for tendering under the Standing Order limit and Access to Information Procedure Rules.
  6. Part 5 comprises a number of codes and protocols by which councillors and employees of the Council are bound, including some guidance on the Council's practices and the law.
  7. Part 6 is the current Members' Allowances Scheme.
  8. Part 7 is the Council's management structure (which may be via a link to another webpage).

## How the Council operates

9. The Council comprises 66 councillors (often referred to as ‘Members’ of the Council). Councillors serve for a four year term, with one third elected three years in four, being one of the three councillors in each ward. Full Council is the ultimate governing body of the Council and its membership comprises all the elected councillors at any one time. Each councillor is elected for a particular ward. Details of the current wards and councillors are on the Council’s website.
10. Councillors are democratically elected by, and accountable to, the residents of the Borough. They have no individual executive powers. Councillors influence and make decisions corporately through full Council and committee meetings.
11. The overriding duty of councillors is to the whole of the community that makes up the Metropolitan Borough of Wirral. Councillors must represent their constituents as a body and vote in the interests of the whole Borough. However, councillors have a special duty to the constituents within their ward, including those who did not vote for them. Councillors must comply with the Code of Conduct (see Part 5). The Council has appointed a Constitution and Standards Committee, which is responsible for encouraging, developing and maintaining high standards of conduct for all councillors. Article 8 provides more information about this Committee.
12. The Council is responsible for functions as provided by statute, but also has a general power of competence. The Council arranges for its functions to be carried out through its committee system and by delegated responsibilities to its senior employees. All committees, panels, working parties and forums are subordinate to the Full Council and dependent on it, through this Constitution and the policies and decisions agreed by it, for the delegation of powers and duties.
13. Full Council agrees the Council’s overall policies, sets the budget each year and sets the Council’s major plans, policies and strategies. Meetings of the Council are normally open to the public, except when ‘exempt’ or ‘confidential’ matters are being discussed (see the Access to Information Procedure Rules in Part 4 for more information about this).
14. Each year usually in May, at the Annual Council meeting, Full Council appoints councillors and representatives to committees and other bodies. **The current committee structure is shown on the chart below.** Full council also elects the Chairs and Vice-Chairs of Committees, including a Leader and Deputy Leader of the Council, at the first Annual Council meeting immediately following local government elections. The Full Council appoints councillors to all committees. Appointments to all committees, except currently the Constitution and Standards Committee, comply with the requirements of political proportionality set out in the Local Government and Housing Act 1989.
15. The Annual Council meeting elects a Mayor and a Deputy Mayor. The new Mayor may appoint a Mayor’s Chaplain. During his or her period of office, the Mayor is the first citizen of the Borough and chairs meetings of the full Council.

## How decisions are made

16. The Council has set up procedures to ensure that its functions are carried out effectively and efficiently in accordance with the principles of good administration.
17. Seven Committees are responsible for the Council's executive functions, referred to as the **Policy & Services Committees**. These are shown in the table below, summarised in Article 6 and the full terms of reference are set out in Part 3 of this Constitution.

With the exception of Policy & Resources Committee, these committees meet on a planned basis on an approximate six weekly interval in public (except where personal, exempt or confidential matters are being discussed) to take operational, policy and strategic decisions not reserved to Full Council or delegated to other committees or senior employees. Policy and Resources Committee is made up of the Leader, Deputy Leader and the Chairs of the other Policy & Services Committees, together with other Members of the Council as are required to achieve the required political balance. The other Policy & Services Committees are made up of a Chair and approximately ten other councillors.

18. There are procedures so that controversial decisions that would normally be made by Policy & Services Committees may be referred to Policy and Resources Committee or Full Council to determine, as set out in Article 7.
19. There are also formal **Decision Review Arrangements**. Decisions of both Policy & Services Committees and Key Decisions made by officers are subject to referral to the Decision Review Committee by any 6 Councillors within three days of the decisions being published. (See Article 7 and Part 4(3) of this Constitution for more information about this).
20. The Council has a number of additional statutory scrutiny functions as part of its **Overview and Scrutiny Arrangements**, which include:
  - matters relating to the health of the authority's population and can make recommendations to health bodies or other relevant authorities (and on a shared basis where matters also concern neighbouring Cheshire West and Chester Council area); and
  - the power to scrutinise the activities of those responsible for crime and disorder strategies, which is the Council and the police, as embodied by the Safer Wirral Partnership

The Council has determined that these overview and scrutiny functions are to be carried out by the Partnerships Committee, which will also scrutinise the functions and responsibilities undertaken by other bodies within the Borough, in addition to the joint committees for specific purposes with neighbouring authorities. The process for this is set out in Part 4(3) of this Constitution.

21. Overview and scrutiny as an approach, meaning the review of implementation of policies and develop of future policy, will be undertaken by the Policy & Services Committees. In doing so the committees will have regard to the process set out in Part 4(3) of this Constitution.

22. **Other Committees** with decision making powers, known as Regulatory, Statutory and Other Committees, include the Planning Committee, the Regulatory and Licensing Committees, Audit and Risk Management Committee, Pension Committee and Constitution and Standards Committee. These are shown in the table below, summarised in Article 8 and the full terms of reference are set out in Part 3 of this Constitution.
23. The Health and Wellbeing Board is a Committee of the Council made up of Councillors, but also officers of the Council and representatives from local health based organisations. It is a statutory forum required for discussing shared health and wellbeing issues and concerns.
24. The Council has also established an Audit and Risk Management Committee, to carry out the audit committee function, undertake reviews of the Council's approach to risk management and hold the function of approving the Council's accounts.
25. **All Committees** have to make decisions in accordance with the Council's Principles set out in Article 13. Any prospective decision that is outside the budget or policy framework or outside of the parameters agreed for in-year modifications (set out in Part 4(3) of this Constitution), may only form a recommendation and must be referred to the Full Council to decide.
26. **Panels, Forums, Working Groups, Liaison and Task & Finish Groups** may be established by Committees. Their purpose of these working groups is to examine in detail specific issues or aspects of policy, procedure or service, according to their remit. These groups do not take any decisions but inform the deliberations of the committees. Their membership may include councillors from each party, non-councillors by invitation and, occasionally, employees.
27. The Council is required to set up other joint bodies, as stipulated by legislation, for specific purposes.

### **Access to Information Requirements**

28. Meetings of Full Council, committees, panels, and forums are subject to the Access to Information Procedure Rules described in Part 4 (2) of the Constitution. Working groups and task and finish groups do not meet in public session and are not subject to these rules.

### **The Council's Employees**

29. Employees of the Council (referred to as "officers") manage the day-to-day delivery of Council services and carry out functions in accordance with the duties delegated to them by the Council. The most senior officers are designated as 'Chief Officers' and some as statutory chief officers under various legislation, responsible for leading the organisation and their statutory functions. Full Council agrees the overall scheme of delegations of authority to officers and Committees and Chief Officers set a

scheme of reserved decisions and authorisations particular to their terms of reference and portfolio of responsibilities. The current scheme is set out in Part 3.

Employees must be politically impartial and sensitive to the political environment. The role of some named officers is prescribed by legislation. A code of practice governs the relationships between employees and councillors. Some employees are politically restricted in accordance with the Local Government and Housing Act 1989. This means that they cannot participate in political activities. Article 12 and Part 5 gives more information about this.

## **Citizens' Rights**

30. Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 in Part 2. Some of these are legal rights, while others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.
31. 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.
32. The rights of citizens to inspect agendas and reports and attend meetings are set out in more detail in Part 4(2) of this Constitution under "Access to Information Procedure Rules".
33. For more information on the rights of citizens to engage with and participate in the Council's democratic processes, contact Democratic Services staff whose contact details can be found on the Council's website [wirral.gov.uk](http://wirral.gov.uk).

