

# Summary and Explanation

## THE COUNCIL'S CONSTITUTION

Calderdale Council agreed a constitution on 24<sup>th</sup> April 2002 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 the Council's choice.

The Constitution incorporating amendments approved by the Council to 15<sup>th</sup> February 2012, is divided into 16 articles setting 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 a system of efficient, transparent and accountable governance. In carrying out its duties and responsibilities the Council will act in an open and inclusive manner. 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 Full Council ([Article 4](#)).
- Chairing the Council. ([Article 5](#)).
- Overview and scrutiny of decisions ([Article 6](#)).
- The executive (the Cabinet) ([Article 7](#)).
- Regulatory and other committees in Councils operating executive arrangements ([Article 8](#)).
- The Standards Committee ([Article 9](#)).
- Area forums and 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 51 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 appoints the Leader and it also appoints the various scrutiny panels and committees of the Council. Members of the Council may present petitions to the Council on behalf of local people.

## **HOW DECISIONS ARE MADE**

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader elected by the Council and a Cabinet of between 2 and 9 Members 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 Cabinet, 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.

## **OVERVIEW AND SCRUTINY**

There are 5 overview and scrutiny committees (to be known as Scrutiny Panels) which support the work of the Executive and the Council as a whole. They look into matters of local concern and make reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Overview and scrutiny committees 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 recommend that the Executive reconsider the decision. They may also be consulted by the Executive 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 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 advisory bodies can advise on individuals' legal rights.

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 and its scrutiny panels and committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- speak at meetings with permission;
- 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 Cabinet except where, for example, personal or confidential matters are being discussed;
- see non-confidential reports and background papers, and any record of decisions made by the Council and the Executive;
- complain to the Council about a problem with a Council Service. The Council has a form which explains how this can be done;
- 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 procedure;
- complain to the Council's Standards Committee 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.

A statement of the rights of citizens to inspect agendas and reports and attend meetings is available on request at the Town Hall, Halifax.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Democratic and Partnership Service (Telephone 393037).

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