

CHORLEY BOROUGH COUNCIL CONSTITUTION OF THE COUNCIL

prepared and adopted by the Council pursuant to Section 37 of the Local Government Act 2000 on 6 November 2001, and re-adopted with subsequent amendments approved by the Council at meetings held up to and including August 2016

Contents

Part 1 – Summary and Explanation

Part 2 – Articles of the Constitution

Article 1 – The Constitution

Article 2 – Members of the Council

Article 3 – Citizens and the Council

Article 4 – The Full Council

Article 5 – The Mayor

Article 6 – Overview and Scrutiny

Article 7 – The Executive

Article 8 – Regulatory and other Committees

Article 9 – Officers

Article 10 – Decision-making

Article 11 – Finance, Contracts and Legal Matters

Article 12 – Review and Revision of the Constitution

Article 13 – Suspension and Interpretation of the Constitution

Article 14 – Appendices to the Constitution

Appendix 1 – Executive Arrangements

Appendix 2 – Responsibility for Functions

Appendix 3 – Standing Orders

[Part A Council Procedure Rules](#)

[Part B Consideration of Draft Plans and Strategies](#)

[Part C Officer Employment Procedure Rules](#)

[Part D Contracts Procedure Rules](#)

[Part E Public Questions/Speaking Procedure Rules](#)

Appendix 4 - Financial Procedure Rules

Appendix 5 - Other Procedure Rules

Part A - Access to Information Procedure Rules

Part B - Budget and Policy Framework Procedure Rules

Part C - Executive Procedure Rules

Part D - Overview and Scrutiny Procedure Rules

Appendix 6 – Members’ Code of Conduct and Dealing with Complaints about Members

Appendix 7 – Officers’ Code of Conduct

Appendix 8 – Protocol on Member/Officer Relations

Appendix 9 – Members’ Allowances Scheme

Appendix 10 – Proper Officer and Other Officer Appointments

Appendix 11 – Officers’ Management Structure

Summary and Explanation

The Council's Constitution

Chorley Council adopted a formal Constitution in November 2001 and it has been reviewed from time to time since that date. The Constitution contains Articles which set out basis rules and principles and these are developed in more detailed rules and procedures which appear later in the Constitution. These rules describe how the Council operates, how decisions are taken, and the procedures which ensure that decisions are efficient, transparent and accountable to local people.

The law requires some of these processes. The Council has chosen others.

The Constitution therefore provides a framework for Council decision makers to operate within. It describes how they will be held to account and it provides for the involvement of local people in the work of the Council. It is the framework through which the Council will deliver its Vision and its Strategic Objectives.

The Council's Vision

An ambitious council that achieves more by listening to the whole community and exceeding their needs.

The Council has four key priorities:

- Involving residents in improving their local area and equality of access for all;
- Clean, safe and healthy communities;
- A strong local economy; and
- An ambitious council that does more to meet the needs of residents and their local area.

The Council's Corporate Strategy is refreshed every year and provides the detail of how the Council aims to meet these priorities.

Values

The Council has agreed a set of core values which it aims to uphold and which should underpin the work and behaviour of individual Councillors and Officers. These are:

- **Forward-Thinking** - always ambitious to do better
- **Respect** - responding to the different needs and aspirations of our customers and those we work with
- **Professional** - striving to provide high quality services
- **Pride** in our jobs, pride in the Council, pride in Chorley

- **One Team, One Council**

How the Council Operates

Elected Councillors

There are 47 elected Members on the Council. They each represent a Ward and have been elected by voters living in that Ward.

In three out of every four years an election is held when roughly one third of the seats on the Council are contested. Councillors normally hold office for four years. However, elections are also held if a Member resigns, dies or is disqualified from being a Councillor. A Councillor elected in these circumstances will serve until the time when the Councillor he or she replaces would have left office.

Full Council

Councillors meet together as the Full Council. Full Council sets the major policies and budget of the Council and agrees the Constitution. It appoints the Mayor who chairs the Council meeting as well as performing civic and ceremonial duties. Full Council elects an Executive Leader and appoints the Executive Cabinet, it appoints the Overview and Scrutiny Committees and Regulatory Committees and it also appoints the Council's senior Officer, the Chief Executive.

Councillors Roles

Councillors main roles are:

- To act as champions for the community, representing and advocating for the whole community but with a particular responsibility for the residents of their Ward, including those who did not vote for them.
- To contribute to setting the policies and budget of the Council.
- Where they are Executive Members or members of regulatory committees, to take or participate in decision making on behalf of the Council.
- Either as members of Overview and Scrutiny Committees or individually to hold decision makers to account and to contribute to policy development
- To promote improvements in services which benefit the Community.
- To demonstrate high ethical standards and, in particular, to abide by the Council's Code of Conduct

Partnerships

The Council realises that it cannot do everything itself and that often the best way of tackling issues is for a variety of organisations to bring together their skills, ideas and resources to achieve results which no single organisation could manage. Because of this the Council is committed to working in partnership with other organisations which can contribute to success for Chorley. This includes other public sector bodies, traders and businesses, community groups, the faith and voluntary sector. The Council plays a leading role in the Public Services Reform Board which is made up of representatives from the various sectors working together to ensure high quality public services with the best outcomes and value for residents and providing better co-ordinated and integrated services which are intelligence led.

How Decisions Are Made

All decisions made on behalf of the Council must fall within the policies and the budget set by the full Council. Most decision making though takes place outside of the council meeting.

The Executive Leader and Cabinet

Most of decisions made on behalf of the Council fall within the remit of the Executive. The Council has an Executive Cabinet, which is made up of the Executive Leader, Deputy Leader and up to eight other Councillors, known as Executive Members.

Executive Members have particular areas of responsibility and may make decisions in relation to those areas. The Cabinet also makes decisions collectively.

The decisions to be made by the Executive Cabinet and Executive Members will normally be listed in a Notice of Executive Decisions regularly published on behalf of the Executive.

Regulatory and other Committees

Some decisions are not the responsibility of the Executive. These include the policy and budget setting functions performed by full Council. They also include other functions, mainly of a regulatory nature such as issuing licences, permissions and consents. The Council has appointed Committees made up of Councillors to take these decisions.

The Council's Employees

The Council's employees (usually called Officers) are responsible for the day-to-day delivery of Council services. Council Officers also offer advice to the Council's decision making bodies and advise on the development and implementation of Council policies. Some Officers have powers delegated to them on behalf of the Council. Usually those will be decisions of a managerial nature or the more routine regulatory decisions. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between Officers and Members of the Council.

Overview and Scrutiny

The Council has an Overview and Scrutiny Committee which supports the work of the Executive and the Council as a whole. The Committee operates as an Overview and Scrutiny Committee in its own right and appoints task and finish groups which undertake particular pieces of work.

Overview and Scrutiny hold the Executive to account by Scrutinising their decisions. This may be before they are made or before they are implemented through 'call in' mechanisms. In those cases the Executive can be asked to think again before implementing the decision. Decisions may also be scrutinised after they have been implemented to see whether they have achieved their aims.

The work of members involved in Overview and Scrutiny is directed at securing improvements which make Chorley a better place to live, work and visit. Overview and Scrutiny does this in a number of ways. One way is by reviewing areas of concern to Members and making recommendations for improvement. Another is by monitoring the performance of the Council against key targets. A third is by helping the Council to develop or review its policies.

Overview and Scrutiny Committee can also scrutinise the work of other bodies (particularly those in the public sector) who contribute to making Chorley the place it is. This includes scrutiny of crime and disorder through the local Community Safety Partnership.

Overview and Scrutiny in Chorley also goes beyond the work of the Committee and Task and Finish Groups. Full Council has an overview and scrutiny role, particularly on key policies. Members of the Council exercise that role by attending meetings of the Executive Cabinet, asking questions and making suggestions. Individual Members see how Council services, polices and practices impact on the individuals that the Council serves. By drawing these experiences to the attention of the decision makers, they perform a key scrutiny role.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes.

Citizens rights include the right to:

- Vote at local elections if they are registered;
- Contact their ward Councillor about any matters of concern to them;
- See a copy of this Constitution;
- Attend meetings of the Council, its Committees and the Executive Cabinet, except where personal or confidential matters are being discussed;
- Petition to request a referendum for an elected Mayor or an alternative form of governance of the Council;

- Contribute to investigations by the Overview and Scrutiny Committee or panels, including requesting a service review or calling in an Executive Decision;
- Find out what key decisions are to be discussed by the Executive or decided by the Executive or Officers, and when;
- Ask questions or make statements at meetings of the Council, Development Control Committee, the Executive Cabinet, the Overview and Scrutiny Committee;
- See reports and background papers and records of decisions made by the Council and the Executive;
- Use the rights contained in the Data Protection and Freedom of Information Acts to obtain information from the Council;
- Petition the Council to take action on a particular issue affecting the area;
- Complain to the Council about something they think the Council has done wrong or failed to do;
- 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 Information Commissioner if they think that the Council has not handled an information request properly;
- Complain to the Council if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- During the annual audit of the Council's accounts, inspect the Council's accounts and make their views known to the Council's external auditor.

The Council encourages interest by local citizens in its work. Anyone requiring further information or assistance is welcome anytime at the Civic Offices, Union Street, Chorley or telephone 01257 515151 or to visit the Council's website at www.chorley.gov.uk.