

Part 1

Summary and Explanation

1. The Council's Constitution

- 1.1 Blackpool 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.
- 1.2 The Constitution is divided into 18 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.

2. What's in the Constitution?

- 2.1 Article 1 of the Constitution commits the Council to a community leadership role, a commitment to work with others and a duty to provide an efficient, effective and accountable decision making process. Articles 2 – 17 explain the rights of citizens and how the key parts of the Council operate.

3. How the Council operates

- 3.1 The Council is composed of 42 councillors elected every four years. The Council's next full elections are in May 2019. 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.
- 3.2 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.
- 3.3 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 has a responsibility to hold to account the Executive and its committees and is the main forum for debating policy and the budget. The Council also appoints an Audit Committee to ensure a robust counter fraud culture is maintained and backed by effective controls and procedures, which define the roles of management and internal audit.

4. How decisions are made

- 4.1 The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of a Leader and a Cabinet of nine other councillors whom the Leader has appointed. The Leader of the Council has also appointed one of these Cabinet Members as his deputy along with a Cabinet Secretary.
- 4.2 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 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.

5. Overview and scrutiny

- 5.1 There are scrutiny committees, which undertake the overview and scrutiny function of the authority and support the work of the Executive and the Council as a whole. They hold the Executive to account and look at the performance of Council services. The committees allow citizens to have a greater say in Council and health related matters, for example they may hold investigations into matters of local concern. These may lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. The scrutiny committees monitor Executive decisions and may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.
- 5.2 The scrutiny committees consider the 'call-in' of an Executive decision, which has been made, but not yet implemented in order to consider whether the decision is appropriate. They may recommend that the Executive reconsiders the decision or may refer the matter to the full Council.

6. The Council's staff

- 6.1 The Council employs 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 is in place which governs the relationships between officers and members of the Council.

7. Citizens' rights

- 7.1 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.
- 7.2 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.
- 7.3 Citizens have certain rights in relation to voting, access to information, dealings with their local councillor and when they contact the Council. They can also submit petitions to the Council.
- 7.4 There are different types of petitions. The Council's response to a petition will depend on what the petition asks for and how many people sign it. The Council would like to hear from people who live, work or study in Blackpool, but would take equally seriously a petition from visitors to the town on a subject that was connected with one of Blackpool's visitor attractions or events.

CONSTITUTION GLOSSARY

These are plain English definitions for words referred to within this Constitution. For more detailed descriptions, please refer to the body of the Constitution or the relevant legislation.

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| <i>Agenda:</i> | A document comprising items and reports which sets out the business to be transacted at a meeting of a committee or sub-committee. The agenda is normally published at least five clear working days before the meeting. |
| <i>Cabinet:</i> | The councillors who, together with the Leader, comprise the Executive. |
| <i>Cabinet Member:</i> | A councillor who serves on the Executive, but is not the Leader of the Council. |
| <i>Council:</i> | The 42 councillors elected for Blackpool. |
| <i>Councillor:</i> | A person elected to represent their ward on the Council. A councillor is appointed at either a four- yearly election or a by-election. |
| <i>Constitution:</i> | This 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. |
| <i>Executive:</i> | Comprises the Leader of the Council and those councillors appointed to the Cabinet. |
| <i>Executive arrangements:</i> | The arrangements made for the discharge of the authority's Executive functions. |
| <i>Forward Plan:</i> | Contains details of all matters likely to be the subject of a key decision within the coming months. It is updated monthly and is publicly available. |
| <i>Head of Paid Service:</i> | The most senior officer of the Council. |
| <i>Key decision:</i> | This is an Executive decision if it comes within the following categories: <ul style="list-style-type: none"> i) It involves expenditure or savings (including receipt or loss of income) of £250,000 or over in relation to the budget for the service or function to which it relates, but excludes any decision: <ul style="list-style-type: none"> • taken as a consequence of the Council's Treasury Management Strategy for the current financial year • taken as a direct consequence of an earlier key decision • involving the purchase of property or land unless the amount is £500,000 or over and only then if it is at market valuation • involving the grant of loans, including those under the Blackpool Investment Fund, unless the amount is £500,000 or over |

- identified within the Council’s agreed budget for the current financial year where there is clear intention of the decision to be taken.

- ii) It is likely to have a significant positive or negative impact on the people living or working in an area comprising two or more wards.
- iii) It makes recommendations on the Council's policy and budget frameworks.
- iv) If the decision is to approve a ‘plan or strategy’, reserved for Executive approval only, as set out in the constitution.

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| <i>Leader of the Council:</i> | A councillor appointed by the authority to lead the Executive. Usually the Leader of the largest political group of the Council. |
| <i>Mayor:</i> | The Councillor appointed by the authority annually to undertake civic duties. The Mayor has no decision making powers, but serves as Chairman of the Council. |
| <i>Member:</i> | A term used to describe a Councillor. |
| <i>Minutes:</i> | A public record of decisions taken at meetings of the Council, its committees and sub-committees. |
| <i>Monitoring Officer:</i> | The officer with a particular responsibility for the lawfulness and probity of the Council’s decision making. |
| <i>Overview and scrutiny</i> | The work done by the committees appointed by the Council and also Scrutiny Panels to carry out the overview and scrutiny function of the authority. |
| <i>Political assistant:</i> | A person appointed to provide assistance to the members of a political group to which members of the authority belong. |
| <i>Proper Officer:</i> | An officer nominated by the Council to undertake a particular function. For the purposes of this Constitution, the Proper Officer is the Director of Governance and Partnerships. |
| <i>Regulatory committees:</i> | The Council’s committees which carry out its quasi-judicial functions (eg licensing, appeals, planning etc). |
| <i>Statutory Finance Officer:</i> | The officer responsible for the administration of the Council’s financial affairs. |
| <i>Ward:</i> | The defined area within the Borough which a councillor represents. The councillor is elected to represent the interests of the constituents in his/her ward. |