

# PART 1

## INTRODUCTION AND SUMMARY

### **1.1 Our constitution**

- 1.1.1 Herefordshire Council, which is a unitary authority operating executive arrangements through a leader and cabinet, has agreed this 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 different parts which set out the basic rules governing the council's business as well as some of the detailed rules.

- 1.1.2 Article 1 of the constitution commits the council to providing clear community leadership and operating in a way which is transparent, efficient and accountable and upholds the values of the council. The remaining articles and parts of the constitution explain the rights of the public and how the key parts of the council operate:

- (a) Part 2 explains how key parts of the council work;
- (b) Part 3 says who does what;
- (c) Part 4 contains detailed rules about how particular things operate;
- (d) Part 5 provides more details and guidance about how councillors and council staff work together and how the public can participate;
- (e) Part 6 sets out the allowances that councillors are paid;
- (f) Part 7 explains the cabinet and scrutiny committee roles and the council's management structure.

### **1.2 How the council operates**

- 1.2.1 The council comprises 53 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community of Herefordshire, but they have a special duty to their constituents, including those who did not vote for them.

1.2.2 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The monitoring officer trains and advises on the code of conduct, including in relation to parish councils.

1.2.3 All councillors meet together as full Council. Meetings of full Council are normally open to the public and the councillors decide the council's overall policies and set the revenue budget and capital programme each year. At its annual meeting, full Council appoints one councillor to be the leader of the council.

### **1.3 How decisions are made**

1.3.1 Most day to day service decisions are taken by the staff of the council and in particular by their managers. Elected councillors sitting as the full Council will decide an overall framework of policies governing how services are to be provided.

1.3.2 The leader of the council approves the scheme of delegation of executive functions. The council's cabinet of councillors will make recommendations to the council about the policy framework and will itself take decisions that ensure services are provided within that framework.

1.3.3 For most "key" decisions to be made by the cabinet or by cabinet members the council is required to publish, in advance, information about the matter to be decided; who will be making the decision, the date or timescale for the decision, and the place where the decision will be made.

1.3.4 The cabinet can only make decisions which are in line with the council's overall budget and policy framework. If it wishes to make a decision which is contrary to the budget and policy framework, this must be referred to full Council to decide.

1.3.5 Full Council will appoint committees with power to carry out its non-executive and other functions (e.g. planning and licensing). Non-executive functions are those which the cabinet does not have the power to carry out.

1.3.6 The cabinet is held to account by the scrutiny committees appointed by full Council.

### **1.4 The council's staff**

1.4.1 The council has people working for it (called 'officers') to give professional 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 governs the relationships between officers and members of the council. This protocol is included within the constitution.

### **1.5 Citizens' rights**

1.5.1 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, while others are given at the discretion of the council, depending on the council's own processes.

- 1.5.2 Where members of the public use specific council services, for example as a parent of a school pupil or as a social care user, they may have additional rights. These are not covered in this constitution. Details of such rights may be obtained directly from the service concerned or from the council's customer services.
- 1.5.3 The council welcomes participation by its citizens in its work. A guide to public participation is included in part 5.