

PART 1 - SUMMARY AND EXPLANATION

Effective from ~~20-9 May 2023~~¹⁵

Approved by Council on ~~X 2023~~^{30 March 2015}

The Council's Constitution

In accordance with Section 9P of the Local Government Act 2000, Fylde Borough Council has a formal Constitution, which sets out:

- how the Council operates;
- how decisions are made; and
- the procedures that are to be followed in order to ensure that the decisions are efficient, transparent and accountable to local people.

The law requires some of these processes. Others are a matter for the Council to choose.

The Constitution is divided into ~~15~~⁴ Articles, which set out or refer to the basic rules governing the Council's business. More detailed procedures and codes of practice are then set out in separate rules and protocols at the end of the document.

Contents of the Constitution

Article 1 of the Constitution commits the Council to providing clear leadership to the community, actively involving citizens in decision making and helping councillors represent their constituents more effectively. Articles 2 to 15 explain the rights of citizens and how the key parts of the Council operate.

How the Council Operates

The Council is composed of ~~37~~⁵⁴ Councillors elected every four years, or at a by-election to fill a casual vacancy.

Councillors are democratically accountable to residents in their electoral ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their ward residents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct and uphold the principles of the protocol on member-officer relations to ensure high standards in the way they undertake their duties. The Monitoring Officer, ~~and her Deputies~~, in consultation with the Council's ~~Audit and~~ Standards Committee, ~~trains~~ and ~~advises~~ on these issues.

The Council operates a committee system in accordance with the Local Government Acts 1972 ~~and~~⁷ 2000 and the Localism Act 2011.

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 from among its own membership a Leader of the Council.

How Decisions Are Made

The council appoints committees of councillors to take most day-to-day decisions. Each committee works within the policies and budget set by the council. There are mechanisms in the constitution that allow the council to take decisions on matters that would normally be taken by committees.

The Council's Staff

The Council employs Officers whose duties are to give advice, implement decisions and manage the day-to-day delivery of the Council's 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 Councillors.

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 Citizens' Advice Bureau can advise on individuals' legal rights.

They 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.

Glossary of Terms

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.

<u>Agenda:</u>	<u>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.</u>
<u>Committee:</u>	<u>A group of elected members with responsibility for collective decision-making</u>
<u>Council:</u>	<u>The 37 Councillors elected for Fylde.</u>
<u>Councillor:</u>	<u>A person elected to represent their ward on the Council. A Councillor is appointed at either a four-yearly election or a by-election.</u>
<u>Constitution:</u>	<u>This sets out how the Council operates, how decisions are made and how the procedures which are followed 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.</u>
<u>Head of Paid Service:</u>	<u>The most senior officer of the Council (See section 4 of the Local Government and Housing Act 1989).</u>
<u>Leader of the Council:</u>	<u>A Councillor appointed by the authority. Usually the Leader of the largest political group of the Council.</u>
<u>Mayor:</u>	<u>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.</u>
<u>Member:</u>	<u>A term used to describe a Councillor.</u>
<u>Minutes:</u>	<u>A public record of decisions taken at meetings of the Council, its Committees and Sub-Committees.</u>
<u>Monitoring Officer:</u>	<u>The Officer with a particular responsibility for the lawfulness and probity of the Council's decision making (See section 5 of the Local Government and Housing act 1989).</u>
<u>Proper Officer:</u>	<u>An Officer nominated by the Council to undertake a particular function. For the purposes of this Constitution, the Proper Officer is the Head of Paid Service.</u>
<u>Regulatory Committees:</u>	<u>The Council's Committees which carry out its functions of decision-making on individual applications and permissions (e.g. licensing, appeals, planning etc).</u>
<u>Section 151 officer (chief finance officer)</u>	<u>The statutory officer responsible for the administration of the council's financial affairs (see section 151 of the Local Government Act 1972).</u>

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Section 151 Officer (Chief Financial Officer):	The Statutory Finance Officer responsible for the administration of the Council's financial affairs.
Ward:	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.