



HARTLEPOOL BOROUGH COUNCIL CONSTITUTION

Part 1 Summary and Explanation

SUMMARY AND EXPLANATION

1. Introduction

Hartlepool Borough Council was established as a small unitary authority in April 1996. From May 2013 the Authority has operated a Committee system of governance with a Leader and Ceremonial Mayor.

In July 2017, the Authority formally launched its Council Plan and Financial Strategy covering the three year period up to 2020 along with a five-year capital investment programme. The aim of this ambitious plan and the financial strategies is to develop and promote Hartlepool as an outstanding place to live, learn, work and visit. The Council Plan can be viewed at

[https://www.hartlepool.gov.uk/downloads/download/677/council_plan_2017 - 2020](https://www.hartlepool.gov.uk/downloads/download/677/council_plan_2017_-_2020)

Summary and Explanation

2. The Constitution

The Constitution of Hartlepool Borough Council (the Authority) has set out how the Authority 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 Authority to choose. The Constitution has been developed in accordance with the Local Government Act 1972, the Local Government Act 2000 and the Localism Act 2011. These Acts, along with the Local Government and Housing Act 1989, are the key statutory references for the provisions of this Constitution. Any changes to the Constitution are likely to be initiated by both legislation and local experience.

3. What is in the Constitution?

The Constitution is divided into 15 Articles that set out the basic rules governing the Authority's business. More detailed procedures and codes of practice are provided in separate rules, codes and protocols also set out in the Constitution.

Article 1 sets out the purpose of the Constitution. Articles 2 – 15 explain the rights of citizens and sets out a framework for how the key parts of the Authority operate, these are:

- Elected Members of the Authority ([Article 2](#)).

- Local People and the Authority ([Article 3](#)).
- Full Council ([Article 4](#)).
- The Ceremonial Mayor (Article 5).
- The Leader of the Council ([Article 6](#)).
- Policy Committees ([Article 7](#)).
- Regulatory and other Committees ([Article 8](#)).
- Joint Committees and Partnership Boards ([Article 9](#)).
- Community Forums ([Article 10](#)).
- Officers ([Article 11](#)).
- Decision Making ([Article 12](#)).
- Finance, Contracts and Legal Matters ([Article 13](#)).
- Review and Revision of the Constitution ([Article 14](#)).
- Suspension, Interpretation and Publication of the Constitution ([Article 15](#)).

4. How the Authority operates

The Authority is made up of 33 Elected Members. The Authority's area is divided into 11 Wards and three Elected Members are elected by the voters in each Ward. Each year an election for one seat in each Ward within the Authority's area is held. This means that the election of a third of all Elected Members will be held each year, except in every fourth year when no election is held.

Elected Members must follow a code of conduct to ensure high standards in the way they undertake their duties. The Authority has a duty to promote and maintain high standards of conduct by Elected Members and co-opted Members of the Authority. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Audit and Governance Committee when the Committee fulfils its responsibilities in relation to such standards.

When all Elected Members formally meet together this is called a meeting of Full Council. Meetings of Full Council are normally open to the public. Here Elected Members decide the Authority's overall

policies and set the budget each year. Further details of how meetings of the Authority operate can be found in Article 4 and the Council Procedure Rules, contained within Part 4 of this Constitution.

5. How decisions are made

Most of the Authority's day to day decisions are made by Policy Committees, Sub-Committees or through Officers. The Authority has 5 Policy Committees which deal with the functions, plans and strategies and service areas as set out within Article 7 and Part 3 (Functions and Responsibilities) of this Constitution. When major decisions (called key decisions) are to be discussed or made, then these are published in the Authority's Forward Plan insofar as they can be anticipated. The public are entitled to attend meetings of Policy Committees when proposed decisions are discussed, except where personal or confidential matters are being considered.

Policy Committees may only take decisions that comply with the budget and specific plans agreed at Full Council. Any proposed decisions that are not in compliance must be referred by a Policy Committee to Full Council for a decision. A Policy Committee may refer any other matter to Full Council for determination should it choose to do so. In addition, not less than 17 Elected Members of Council (at least one half of the composition of Council) may request the referral of a major decision to Full Council for debate and decision. Such a referral must take place in accordance with the Rules of Procedure set out within Part 4 of the Constitution. Committees also carry out a number of regulatory functions, including dealing with planning applications, licensing and most other regulatory business. Meetings of the Authority's Policy, Regulatory and other Committees are open to the public except where personal or confidential matters are being discussed.

6. Statutory Scrutiny

The Authority has a number of statutory scrutiny responsibilities in relation to health and crime and disorder, as defined within the Health and Social Care Act 2012 and Police and Crime Act 2006. In fulfilling these roles, the Audit and Governance Committee is responsible for the review and scrutiny of matters relating to the planning, provision and operation of health services. It is also designated as the Authority's 'Crime and Disorder Committee' with responsibility for the review and scrutiny of crime and disorder matters. These roles and responsibilities are more fully set out within Part 3 – Responsibility for Functions.

7. The Authority's Staff

The Authority has people working for it (called 'Officers') to give advice, implement decisions and manage the day-to-day delivery of its

services. Officers can be staff who are engaged in short term, agency contracts or other non-employed capacity. Some Officers have a specific duty to ensure that the Authority acts within the law and uses its resources wisely. More information about Officers of the Council can be found in Part 1- Article 11 and the decisions delegated to Officers are set out in Part 3 of the Constitution. A protocol governs the relationships between Officers and Elected Members of the Authority and can be found in Part 5 – Codes and Protocols of this Constitution.

8. People's Rights

People have a number of rights in their dealings with the Authority. These are set out in more detail in [Article 3](#). Some of these are legal rights, whilst others depend on the Authority's own processes. Solicitors and local advice agencies can advise on the legal rights of individuals.

Where people use specific services, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.

People have the right to:

- vote at local elections if they are registered;
- vote at any Council Tax Referendum ;
- contact their local Elected Member about any matters of concern to them;
- obtain a copy of the Constitution;
- attend (and record or film) meetings of the Full Council and its Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a constitutional change as to how the Authority should be run (5% of the number of local government electors within the Borough are required to support a petition and there can only be one referendum in any period of 10 years);
- participate in the Full Council's question time and contribute to inquiries in accordance with the relevant procedure rules;
- find out, from the Authority's Forward Plan, what key decisions are to be discussed by the Policy Committees or by Full Council, and when;

- see reports and background papers, and any record of decisions made by Full Council and its Committees or Officers in accordance with the relevant procedure rules;
- complain to the Authority about the way in which services are being delivered;
- complain to the Ombudsman if they think the Authority has not followed its procedures properly. However, they should normally do this after using the Authority’s own complaints process;
- complain to the Monitoring Officer if they have evidence which they think shows that an Elected Member has not followed the Authority’s Code of Conduct; and
- inspect the Authority’s accounts and make their views known to the external auditor.

9. Further information

The Authority welcomes participation by the town’s people in its work. For further information on your rights or about this Constitution, please contact:

Democratic Services Team
Chief Executive’s Department
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY

Telephone: 01429 523193

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