

# How the Council Operates

## 1.1 The Council's Constitution

Westminster City 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.

The Constitution is divided into chapters which set out the basic rules governing the Council's business and also include more detailed procedures and codes of practice.

## 1.2 What's in the Constitution?

The Constitution commits the Council to delivering its priorities under the City for All programme, providing clear Leadership in partnership with local people, businesses and others with a stake in the well-being of the City of Westminster. It explains the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council
- Citizens and the Council
- The Council meeting
- The Leader and the Cabinet
- Committees
- Joint arrangements
- Officers and their Delegations
- Members Allowances
- Rules, Codes and Protocols
- Outside Bodies

## 1.3 How the Council operates

The Council is composed of 60 councillors elected every four years. 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.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee arranges training and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council elects a Leader who in turn appoints and provides leadership to a Cabinet. The Leader determines the number of Members who may be appointed to the Cabinet subject to the Cabinet not

exceeding 10 members of the Council (including the Leader) which is responsible for implementing the policies decided by the Council within the budget set. The Leader must appoint one of the members of the Cabinet to be his/her Deputy who shall, unless he/she resigns as Deputy, or is removed from office as Deputy or ceases to be a Member hold office until the end of the Leader's term of office. The functions of the Cabinet as a body and the functions of individual Cabinet members are determined by the Leader. The Leader's Terms of Reference are agreed by the Council. The Council also appoints Policy and Scrutiny Committees to help in policy formulation and to hold the Cabinet to account for its performance.

The procedure for Council meetings is set out in Chapter 2 of this constitution.

#### **1.4 HOW DECISIONS ARE MADE – THE EXECUTIVE**

The executive is the part of the Council which is responsible for most day-to-day decisions. The executive is made up of the Leader and the Cabinet. When major 'key' decisions are to be discussed or made, these are published on the Executive List in so far as they can be anticipated. Meetings of the Cabinet will generally be open for the public to attend except where 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.

#### **1.5 HOW DECISIONS ARE MADE – COUNCIL FUNCTIONS**

Whilst most decisions are taken by the executive (ie by the Cabinet or individual Cabinet Members) a number of important decisions are also taken by the full Council or by Committees or Sub Committees of the Council eg planning and licensing applications.

#### **1.6 POLICY AND SCRUTINY**

There are five Policy and Scrutiny committees who support the work of the executive and the Council as a whole. They allow citizens to have a greater say in Council matters by scrutinising matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Policy and Scrutiny committees also monitor the decisions of the executive. They can 'call-in' a decision which has been made by the executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the executive reconsider the decision. They may also be consulted by the executive or the Council on forthcoming decisions and the development of policy.

The work of the Policy and Scrutiny Committees is co-ordinated by the Westminster Scrutiny Commission who also scrutinises the work of the Leader of the Council.

## **1.7 The Council's Staff**

The Council has people working for it (called '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 code of practice governs the relationships between officers and members of the council.

## **1.8 Citizens' Rights**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Chapter 1. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Service can advise on individuals' legal rights.

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.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- find out what major 'key' decisions are to be discussed by the executive or decided by the executive or officers, and when;
- attend meetings of the executive;
- see reports and background papers, and any record of decisions made by the Council and executive;
- complain to the Council about any aspect of the City Council's services; or if they think the Council has not followed its own procedures properly.
- complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Reuben Segal on [rsegal@westminster.gov.uk](mailto:rsegal@westminster.gov.uk).

A statement of the rights of citizens to inspect agendas and reports and attend meetings is set out in the Access to Information Procedure Rules in Chapter 8 of this constitution.