

Summary and Explanation

The Council's Constitution

1. In May 2002, Hammersmith & Fulham Council adopted a new Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that it is 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.
2. The Constitution is divided into 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 later in the document.

What's in the Constitution?

3. Article 1 of the Constitution commits the Council to efficient, transparent and accountable decision-making in Local Government. Articles 2 – 16 explain the rights of citizens and how key parts of the Council operate. The main Articles are:
 - Members of the Council ([Article 2](#)).
 - Citizens and the Council ([Article 3](#)).
 - The Council meeting ([Article 4](#)).
 - Overview and Scrutiny of decisions ([Article 6](#)).
 - The Executive ([Article 7](#)).
 - Quasi-Judicial and other Panels and Committees ([Article 8](#)).
 - The Standards Committee ([Article 9](#)).
 - Officers ([Article 12](#)).
 - Decision making ([Article 13](#)).
 - Finance, Contracts and Legal Matters ([Article 14](#)).

How the Council operates

4. The Council is composed of 46 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.

5. Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Council's Standards Committee oversees the operation of this Code, provides advice and training for Councillors and considers complaints against Councillors and co-opted members.
6. All Councillors meet together as the full 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 is responsible for electing the Leader (who appoints the other members of the Executive [Cabinet]), and the memberships of Regulatory and Overview & Scrutiny Committees. This is carried out at the Annual Council meeting each year. At Ordinary and Budget Council meetings, Councillors may also submit special motions for debate. A formal vote is taken on these matters and any other issues raised.

How decisions are made

7. The Executive (Cabinet) is the part of the Council which is responsible for most significant day-to-day decisions. The Executive is made up of a Leader (who is elected by the Council), a Deputy Leader and a Cabinet of 6 other Councillors ("Cabinet Members") appointed by the Leader.
8. When major decisions are to be discussed or made, these are published in the Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed and decided on with Council officers at a meeting of the Executive, this will generally be open for the public to attend and/or submit a deputation, except where personal or confidential or exempt matters are being discussed. Members of the Executive may also consider petitions on other matters.
9. 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.

Overview and Scrutiny

10. Overview and Scrutiny Committees support the work of the Executive and the Council as a whole. These shadow the work of the Executive, and allow citizens to have a greater say in Council matters by way of:

- a deputation request;
 - a petition;
 - by being directly co-opted to sit on a Scrutiny Committee or task group;
 - by participating in select-committee style public inquiries;
 - or by contributing as an "expert witness" to matters of local concern.
11. The input from members of the public helps advise and inform the decisions of the Executive and the Council as a whole on its policies, budget and service delivery.
 12. Councillors (and voting Education Co-optees on education matters) can 'call-in' a decision which has been made by the Executive but not yet implemented (See Overview & Scrutiny Procedure Rules). This enables backbench Councillors to consider whether the decision is appropriate. They may recommend that the Executive reconsiders the decision, or that the Council determine the matter if it appears to be a breach of the agreed budget and policy framework. Overview & Scrutiny Committees may also be consulted by the Executive on forthcoming decisions and the development of future policy.

The Council's Staff

13. 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 protocol governs the relationships between officers and members of the Council .

Citizens' Rights

14. 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.
15. Where members of the public use specific Council services, for example as parents of a school pupil or as Council tenants, they have additional rights. These are not covered in this Constitution, but in separate documents available from the relevant Council department.
16. Citizens have the right to:

- vote at local elections if they are registered;
 - contact their local Councillor and the Council Leader about any matters of concern to them;
 - obtain a copy of the Constitution, if they wish;
 - attend meetings of the Council and its committees and panels except where, for example, personal or confidential or exempt matters are being discussed;
 - petition to request a referendum on a permitted change to the current form of Executive;
 - petition the Council, the Cabinet, a Cabinet Member or a Scrutiny Committee on other matters;
 - participate in and contribute to investigations by the Council's Overview & Scrutiny Committees or their task groups, or to submit a deputation request;
 - find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
 - attend or send a deputation to public meetings of the Executive where key decisions are being discussed or decided;
 - have access to a wide range of information, including reports, background papers and records of the Council, Executive and Committee decisions under the Freedom of Information Act 2000 and the Local Government Act 1972, subject to certain exemptions and restrictions;
 - complain to the Council or complain to the Ombudsman if they think the Council has not followed its procedures properly. (However, they should only approach the Ombudsman after following the Council's own complaints process);
 - complain to the Council's Standards Committee 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.
17. The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Council's Information Service or alternatively, visit the Council's website at www.lbhf.gov.uk

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