

Part A – Your Council

Section A1 - An Overview of Cheshire West and Chester Borough Council

In Part A:-

This Section (A1) of the constitution provides an overview of the key components of Cheshire West and Chester Borough Council and a brief explanation of what they do and how they operate. The key components are:-

- Council
- the Cabinet (formerly known as the Executive)
- Area and Joint Working Arrangements
- Scrutiny Committees
- Officers

The rest of the constitution contains more detailed information about each of these components and how they operate.

Section A2 explains the core objective of the council's approach to decision making and outlines how this objective is achieved. It sets out the principles that all decision makers must follow.

Section A3 explains some of the rights and responsibilities of the people who live and work in the borough and how they can get involved in everything that the council does. It also explains how citizens can submit a petition to the council.

Part A – Your Council

Section A1:- An Overview of Cheshire West and Chester Borough Council

In this Section:-

- 1. The Council**
- 2. The Cabinet (formerly known as the Executive)**
- 3. The Relationship Between Council and the Cabinet**
- 4. Local Authority Functions and Powers**
- 5. Distribution and Delegation of Functions and Powers**
 - Council Functions
 - Council Committees and Officers
 - Cabinet Functions (known in law as Executive Functions)
- 6. Scrutiny**
- 7. Area and Joint Working Arrangements**
- 8. Officers**

1. The Council

- 1.1 Every four years the residents of the borough of Cheshire West and Chester elect 75 Councillors (known as members of the council, or simply “**Members**”) to represent them.
- 1.2 The phrase “the council” is generally used to refer to Cheshire West and Chester Borough Council as a whole. The term “**Council**” is used to mean all 75 Members acting collectively. It is these Members who are responsible for deciding what the borough’s priorities are and how to use the council’s resources to deliver those priorities.
- 1.3 More information about the roles and responsibilities of Council and how it operates can be found in Section B.

2. The Cabinet (formerly known as the Executive)

- 2.1 The Cabinet is a group of Members which meets regularly and is responsible for formulating proposals to Council about what the borough’s priorities should be, and how Council should use its resources to deliver them. Once agreed by Council, these proposals become the council’s “**Budget and Policy Framework**” (or simply the “**Framework**”).
- 2.2 The Cabinet is then responsible for making all of the necessary arrangements to ensure that the priorities identified by Council are delivered within the budgets and policies which Council sets.
- 2.3 More information about the roles and responsibilities of the Cabinet, individual Cabinet Members and how they operate can be found in Section C.

3. The Relationship Between Council and the Cabinet

- 3.1 Following elections to the council, Council chooses one Member to be the Leader of the Council (“**the Leader**”). The Leader then chooses between 2 and 9 more Members to form the Cabinet.
- 3.2 The Cabinet recommends the Framework to Council, but Council decides whether or not to adopt it. Council may adopt the Cabinet’s proposals either

with or without amendments. It may also choose to formulate and adopt its own Framework.

- 3.3 Once the Council adopts the Framework, the Cabinet is responsible for implementing it. The Cabinet has a lot of discretion as to how it implements the Framework but it must always act in accordance with the Framework set down by Council. Ultimately, the Cabinet is accountable to Council for its performance.

4. Local Authority Functions and Powers

- 4.1 Local authorities have a wide range of legal powers. They have powers to carry out the various legal duties or functions required of them by law (“mandatory functions”), and to engage in a wide range of other activities, either to supplement their mandatory functions, or to generally improve the wellbeing of their area (“discretionary functions”).
- 4.2 The law separates local authority functions (whether mandatory or discretionary), and any associated powers, into three main classes.
- 4.3 The first class of functions are functions which cannot be the sole responsibility of the Cabinet (referred to in the legislation as the Executive). An example of this class of function would be the process of adopting the Budget and Policy Framework. That is a function which is shared between the Cabinet and Council as explained above.
- 4.4 The second class of functions are functions which cannot be the responsibility of the Cabinet. These are mainly functions which are often described as “regulatory” functions, such as deciding planning and licensing applications, which must be discharged by Council.
- 4.5 The third class of functions are functions which can be the responsibility of the Cabinet, but do not have to be. These are known as “local choice” functions and Council has to decide whether or not the Cabinet should be responsible for discharging any or all of these functions.

5. Distribution and Delegation of Functions and Powers

- 5.1 As Council cannot discharge all of the authority's functions itself, it has to make arrangements for the distribution and delegation of its functions and powers.

Council Functions

- 5.2 Council has decided which local choice functions it does not want to allocate to the Cabinet. It has also decided which of those functions, and the functions referred to in paragraphs 4.3 and 4.4 above it wants to exercise (or reserve to) itself. These powers are set out in Section B1 but generally relate to strategic matters such as setting budgets and adopting key strategic policies.

Council Committees and Officers

- 5.3 To deal with the functions which Council has not reserved to itself, and which cannot be delegated to the Cabinet, Council has delegated powers to a number of committees, and to the authority's employees, who are known as "Officers". These arrangements are explained in Section B2 and F2.

Cabinet Functions (known in law as Executive Functions)

- 5.4 The Council has decided that all other powers and functions which are not subject to the arrangements set out in paragraphs 5.2 and 5.3 above will be discharged by the Cabinet. Whilst these powers have been delegated to the Cabinet, Council has put arrangements in place to govern how the Cabinet can discharge these powers. These arrangements are explained in Section C.

6. Scrutiny

- 6.1 The Council has appointed 1 overview and scrutiny committee and 1 sub-committee which are responsible for reviewing and scrutinising all of the council's work (including other organisations who we work in partnership with). In particular, the Scrutiny function is responsible for ensuring the effectiveness of the Cabinet.
- 6.2 It has a mandate to undertake reviews and scrutinise action (or inaction) in relation to general subject areas or in respect of particular matters before,

during, or after a decision is made. It assists Council and the Cabinet in developing the Budget and Policy Framework and in monitoring the performance of the authority, its committees, Members and Officers. It can make recommendations for change and has powers to intervene in the decision making process in certain circumstances.

- 6.3 Effective Scrutiny arrangements are an essential part of good governance in any local authority and are necessary to achieve value for money and best practice and to ensure that there are appropriate checks and balances on the exercise of powers.
- 6.4 More information about the roles and responsibilities of the Scrutiny committees and how they operate can be found in Section E.

7. Area Working and Joint Arrangements

- 7.1 The council recognises that different communities have different needs and it is important that those needs are met in the most appropriate way for the community concerned. It recognises that there are a range of public, private, and voluntary sector organisations which provide services to our communities.
- 7.2 It understands that the best way to ensure that communities receive the services they need, and to ensure best practice and value for money in service delivery, is to join forces with partner organisations and make arrangements to ensure that decisions about service delivery are made at the most appropriate level.
- 7.3 Council has put in place arrangements which enable it and the Cabinet to operate a number of area partnership boards and community forums designed to tailor local services to meet local needs.
- 7.4 It has also established arrangements with other local authorities to deliver back office services and manage pension fund investments.
- 7.5 More information on the council's joint and area working arrangements can be found in Part D of the Constitution.

8. Officers

- 8.1 The term “Officers” is used to describe all the people who work for or with the council to deliver services and can include employees, contractors, consultants, agency staff and volunteers. Officers advise and support Members, implement their decisions and manage the day-to-day delivery of services. The majority of decisions and actions taken by the council will be taken by Officers under arrangements that the Council has put in place for the delegation of powers.
- 8.2 Some officers have specific legal duties to ensure that the council acts within the law and uses its resources wisely. These officers are known as “Statutory Officers” or “Proper Officers” and have specific legal titles in addition to their normal job titles.
- 8.3 More information about the roles and responsibilities of Officers can be found in Part F.