

PART 1

SUMMARY AND EXPLANATION

The Council's Constitution

The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these decisions 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.

What's in the Constitution?

The Constitution is made up of 16 sections setting out basic rules and more detailed rules, procedures and protocols.

How the Council operates

The Council is composed of 60 Councillors (also known as elected Members) with a third elected three years in four. Councillors are democratically accountable to residents of their Ward electoral division. 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 (**see Appendix 18**).

All Councillors meet together as the Council (also known as Full 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 the Council Leader for a term of 4 years. The Leader appoints the Deputy Leader and up to 7 other Councillors who together form the Cabinet.

HOW DECISIONS ARE MADE

Cabinet Arrangements

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Council Leader and Deputy and up to 7 other Councillors. When major decisions are to be discussed or made, these are published in the Cabinet's Forward Plan (**see**) in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet 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 Full Council to decide.

Scrutiny

There are four thematic scrutiny committees and a Health and Wellbeing Scrutiny Committee, on each of which non-Cabinet members of the Council are entitled to a seat, in accordance with the requirements of political balance.

The scrutiny committees support the work of the Cabinet and the Council as a whole. They carry out detailed investigations into matters of local concern - these lead to reports and recommendations which advise the Cabinet and the Council on its policies, budget and service delivery. The scrutiny process also monitors decisions of the Cabinet. Members can 'call-in' a decision which has been made by Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

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 (*see Appendix 20*).

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Section 3 of Part 2 of this Constitution. 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.

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, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a Mayoral form of Cabinet;
- from the Cabinet's Forward Plan, know what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided; except where, for example, personal or confidential matters are being discussed when there can be lawful exclusion;
- see reports and background papers, and any record of decisions made by the Council and Cabinet; except where, for example, personal or confidential matters are contained when there can be lawful exclusion;
- complain to the Council about any matter which the Council has carried out in the previous 12 months and in respect of which there is no statutory right of appeal;
- complain to the Local Government Ombudsman (LGO) if they think the Council has not followed its procedures properly. However, the LGO will

normally only consider complaints when the Council's own complaints process has been exhausted;

- complain if they have evidence which they think shows that a councillor has not followed the Members' Code of Conduct (**see Appendix 18**); 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 citizen's rights, please contact the Head of Business Improvement, Central Services and Partnerships.

A statement of the rights of citizens to inspect agendas and reports and attend meetings is set out in Appendix 11 of this Constitution. A copy is available from the Head of Business Improvement, Central Services and Partnerships and from the Reception desk at the Civic Offices, the Guildhall Customer Service Centre and the Kidsgrove Customer Service Centre.

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