



# **Constitution**

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# CONSTITUTION OF THE COUNCIL

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# Part 1

## Summary and Explanation

# Summary and Explanation

## The Council's Constitution

Stafford Borough 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 16 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 at the end of the document.

## What's in the Constitution?

Article 1 of the Constitution commits the Council to providing clear leadership, supporting the involvement of citizens, efficient and effective decision making and providing the means to hold decision makers to account. Articles 2 -16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5)
- Overview and scrutiny of decisions (Article 6).
- The Executive consisting of the Leader of the Council and the Cabinet (Article 7)
- Regulatory and other Committees (Article 8)
- The Standards Committee (Article 9).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

## **How the Council Operates**

The Council is composed of 40 councillors elected every four years. Councillors are democratically accountable to residents of their wards. 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 trains and advises them on the code of conduct.

All councillors meet together as the 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 Leader of the Council who appoints the Cabinet. The Council appoints Scrutiny Committees which together with the Council hold the Leader and Cabinet to account.

## **How Decisions Are Made**

The Executive (which comprises the Leader and the Cabinet) is the part of the Council which is responsible for most day-to-day decisions. When major decisions are to be discussed or made, these are published in the Executives' forward plan in so far as they can be anticipated. Decisions of the Executive are made at meetings of the Executive; these will generally be open for the public to attend (except where personal or 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.

## **Overview And Scrutiny**

There are three scrutiny committees who support the work of the Executive and the Council as a whole. They may hold inquiries into matters of local concern. These may lead to recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. 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 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.

## Citizens' Rights

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.

Where members of the public use specific council services, for example as an applicant for planning permission, they may 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, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;
- participate in the Council's public question time;
- 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 meetings of the Executive where decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- complain to the Council;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using 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;
- inspect the Council's accounts and make their views known to the external auditor;
- the right to speak at the Planning Committee on planning applications, subject to the agreed protocol

The Council welcomes participation by citizens of the Borough in its work.



## Glossary of Terms Found in The Constitution

Type	Description
<b>Articles</b>	The basic rules setting out the different features of the Council's governance system and describing how the Council's business is governed.
<b>Budget and Policy Framework</b>	The Council's revenue and capital budget in any one year together with certain major plans and strategies as determined by the Government and the Council.
<b>Background papers</b>	Any papers on which a report was based or relied upon to a material extent. This excludes already published material, or papers which would include exempt or confidential information.
<b>Cabinet</b>	The Councillors who, together with the Leader and Deputy Leader, form the Executive.
<b>Call-in</b>	A mechanism that allows Councillors to review decisions taken by the Cabinet prior to its implementation.
<b>Chief Financial Officer</b>	Also known as the "Section 151 Officer". The officer responsible for the administration of the financial affairs of the Council. This is a statutory "Proper Officer" role and at Stafford Borough Council is undertaken by the Deputy Chief Executive.
<b>Co-opted member or independent member</b>	A person who is not an elected Councillor but is appointed to serve as a Member (voting or non-voting) of a Council Committee or Sub-Committee. This includes Independent Members on the Standards Committee.
<b>Committees</b>	Committees are charged with making decisions on behalf of the council where those decisions are prohibited by law or by local choice from being made by the Cabinet. Decisions that are made by committees include quasi-judicial matters such as deciding planning applications (Planning Committee) or licensing (Licensing Committee).
<b>Committee procedure rules</b>	Rules governing meetings of Council Committees and Sub-Committees
<b>Confidential information</b>	Information either given to the Council by the Government on terms which forbid its public disclosure or which cannot be publicly disclosed by court order.

Type	Description
<b>Constitution</b>	A document setting out how the council operates, how decisions are made and the council's procedural rules and codes of conduct.
<b>Councillors</b>	Elected representatives who collectively are the members of the Council (sometimes called "Members").
<b>Councillor session Items</b>	A facility for Members to receive consideration of an item at a Council meeting, Cabinet meeting or a Scrutiny Committee when they are not Members of that particular Committee, subject to certain stipulations.
<b>Delegated powers</b>	Specific powers given to a particular Cabinet Member, Officer, Committee or Sub-committee to take decisions on behalf of the council.
<b>Executive</b>	The leader, Deputy Leader and the portfolio holding Councillors collectively form the executive, and are legally responsible for implementing council policies within the budget and policy
<b>Framework set by the council</b>	Decision taking may be delegated to individual Cabinet Members, the Cabinet or to officers, but the Cabinet as a whole remains responsible for the decision and the action taken.
<b>Exempt information</b>	Information falling into one of seven categories set out in the Local Government (Access to Information) Act 1985 and updated by March 2006 statutory instruments, which usually cannot be publicly disclosed (see the access to information procedure rules).
<b>Forward Plan</b>	A schedule of all the key decisions to be taken over the next four months. The plan also includes budget and policy framework decisions to be considered by the Executive.
<b>Head of Paid Service</b>	The most senior officer, with overall responsibility for the management and operation of the council; also known as the Chief Executive.
<b>Heads of Service</b>	The most senior Council staff.
<b>Key Decision</b>	A decision taken, or to be taken, by or on behalf of the Cabinet, which is likely either to incur significant expenditure/make significant savings (i.e. £500,000 or more) or to have a significant impact on those living or working in one or more wards.
<b>Leader</b>	The Councillor appointed by the Council to provide leadership to the Council and to chair meetings of the Cabinet

Type	Description
<b>Mayor</b>	The Councillor appointed by the Council to chair meetings of the Council. The Mayor has special representative and ceremonial responsibilities, but is not a political leader (as the Mayor can be in some other local authorities).
<b>Member</b>	An Elected Member of the council or of a Committee as appropriate. It includes the co-opted members of Committees and Sub-Committees.
<b>Members Items</b>	A facility for Members to receive consideration of an item at a Scrutiny Committee when they are a Member of the Scrutiny Committee, subject to certain stipulations.
<b>Monitoring officer</b>	The officer responsible for ensuring that everything that the Council does is fair and lawful. At Safford Borough Council the monitoring officer is the Head of Law and Governance.
<b>Overview and Scrutiny</b>	A mechanism by which Non-Executive Members hold the Cabinet to account by questioning, challenging and monitoring their performance as well as contributing to the review and development of policy.
<b>Political proportionality</b>	Derives from legal rules that require that committees of the Council include elected politicians in proportion to the size of their political groups on the council as a whole.
<b>Portfolio Holder</b>	Responsible for ensuring the effective management and delivery of executive functions. Each Portfolio Holder has specific areas of responsibility.
<b>Procedure Rules</b>	Detailed rules which govern how the Council operates and how decisions are taken.
<b>Proper officer</b>	A senior officer of the Council who is given a set of responsibilities by statute.
<b>Public Question Time</b>	A facility for members of the public to receive consideration of an item at a Council meeting, the Cabinet or a Scrutiny Committee, subject to certain stipulations.
<b>Quasi-judicial</b>	Refers to a process of decision-making which is similar to a Court of Law, in that each party with an interest in the matter under discussion has an opportunity to make their case, following which the committee will make decision on the facts and representations.
<b>Quorum</b>	The minimum number of people who have to be present before a meeting can take place.

Type	Description
<b>Standards Board for England</b>	A national body, appointed by the Secretary of State, responsible for promoting and maintaining high standards of conduct by councillors.
<b>Substitutes</b>	Councillors on Scrutiny Committees can appoint a substitute councillor to attend a meeting when they cannot attend themselves, subject to certain stipulations.
<b>Terms of reference</b>	A written definition setting out the responsibilities and boundaries of a particular forum.
<b>Virement</b>	A virement is a movement of an approved budget from one budget heading or service to another.
<b>Working day</b>	This applies to the period of notice to be given for the publication of Agenda's, Members' Items, Councillor Session Items, Public Question Time, Call-in and Substitution requests. For example, all agendas and papers for public consideration must be available five clear working days before the decision is taken. The five days does NOT include the day the papers are sent out, the day of receipt or the date of the meeting (hence the use of "Clear"). "Working day" is taken to be Monday to Friday inclusive and excludes Saturdays, Sundays, bank holidays and any other days on which the Council's officers are closed. A "Working Day" means a period of 24 hours running from midnight to midnight.
<b>Ward</b>	Stafford Borough is divided into 26 electoral areas or wards, which are each represented by between one and three Councillors.