

## **PART 1 - SUMMARY AND EXPLANATION**

### **The Constitution**

All major Councils are required by law to prepare and keep up to date a Constitution. The Constitution explains and regulates how the Council operates, how decisions are made, and the procedures that are followed to ensure that the Council's activities are undertaken in a way that is efficient and transparent and that Councillors remain accountable to local people. The Constitution combines all the governance provisions that the Council is required by law to adopt, together with its traditional standing orders.

The Constitution is divided into 19 Articles, each of which sets out a particular part of the Council's method of operating. More detailed procedures are set out in separate Rules, Codes, Conventions and Protocols at the end of the document.

### **Summary of the Constitution**

**Article 1** sets out the aims and principles of the Constitution. **Articles 2 - 19** explain the rights of citizens and how the key parts of the Council operate. These are:

- Councillors (Article 2)
- Citizens and the Council (Article 3)
- The Council Meeting (Article 4)
- Mayor and Deputy Mayor (Article 5)
- Scrutiny Committees (Article 6)
- The **Cabinet** (Article 7)
- Ordinary Committees of the Council (Article 8)
- Health & Wellbeing Arrangements (Article 9)
- Totally Local Company Contributors Committee/ Stockport Homes Member Committee/ The Funding Committee (Article 10)
- The Standards Committee (Article 11)
- Area Committees (Article 12)
- Joint Arrangements (Article 13)
- Officers (Article 14)
- Decision-making (Article 15)
- Finance Contracts and legal matters (Article 16)
- Review and revision of the Constitution (Article 17)
- Suspension, interpretation and publication of the constitution (Article 18)
- Partnership Working (Article 19)

### **How the Council operates**

The Council is composed of **63** Councillors, with one-third elected three years in four. 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 ward constituents, including those that did not vote for them.

The Council has a **Code of Conduct for Councillors and Co-opted Members**, based on a nationally prescribed model, which aims to ensure high ethical standards and increase public confidence in the integrity of their local councillors and co-opted members. All Councillors and co-opted members have to agree that they will comply with the Code of Conduct. The Council's Standards Committee advises Members on the Code of Conduct.

All Councillors meet together at the **Council Meeting**. The Council Meeting is responsible for deciding the main policies and setting the budget each year. The Council Meeting also appoints the **Cabinet Leader**. **The Cabinet Leader appoints the Deputy Cabinet Leader** and the other members of the Cabinet, and allocates responsibilities ("portfolios") within the Cabinet.

### **How decisions are made**

The Cabinet is made up of the Cabinet Leader and between 2 and 9 other Councillors. It is responsible for implementing the policies of the Council Meeting in accordance with the agreed budget. Most decisions in relation to Council services are taken by the Cabinet or, in the case of day to day operational decisions, by officers authorised by the Cabinet. When major decisions are to be taken or considered they are published in advance in the Cabinet's Forward Plan, in so far as they can be anticipated. If these major decisions are to be considered at a meeting by the Cabinet that meeting will generally be open to the public, unless personal or confidential matters are to be discussed. If the Cabinet wishes to make a decision that is outside the Policy Framework or Budget this must be referred to the Council Meeting to decide.

### **Ordinary Committees**

Certain Council functions, notably regulatory functions and those which involve dealing with applications from individuals e.g. development control and licensing, are not the responsibility of the Cabinet and are dealt with by **Ordinary Committees**.

### **Scrutiny**

There are **5 Scrutiny Committees** that support and monitor the work of the Cabinet and the Council as a whole. They can allow Stockport citizens to have a greater say in Council matters by holding public inquiries into areas of concern. They commission reports and undertake reviews which advise the Cabinet and the Council Meeting on specific aspects of policy and its implementation. They monitor the decisions of the Cabinet and may hold hearings to investigate specific issues. They can also 'call-in' a decision made by or on behalf of the Cabinet, but not yet implemented, and may require that the Executive reconsiders it or refers it for a debate at a Council Meeting. They may also be consulted by the Cabinet or the Council Meeting on forthcoming decisions and on the development of policy.

### **Area Committees and Ward Committees**

In order to ensure that the Council stays in touch with local issues the Council has **7 Area Committees** made up of ward Councillors for those areas. Area Committees can be authorised by the Cabinet to make decisions on and deliver a number of locally based services, and they also decide some categories of planning applications and generally monitor the effect of council services in their areas. They also contribute a "local dimension" to the development of the Council's policies.

Ward Committees aim to provide people who live and work within a Ward with an opportunity to meet with their local Councillors to raise issues of concern to them, to allow Councillors to respond to local circumstances, and to generally enhance the participation of residents in the decision-making process of the Council.

Ward Committees seek to develop an effective partnership between local people and the Council through their local Councillors on matters in the Ward with a view to ensure that the

needs of the Ward and local people are identified that these brought to the attention of the relevant Council Directorate, Cabinet Members or other public body.

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

The Council employs **officers** to give advice to all parts of the Council, support Councillors in their work, implement decisions and undertake the day to day planning and management of the wide range of functions undertaken. Certain senior officers have special roles and duties to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between Councillors and officers.

### **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. 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 this Constitution
- attend the Council Meeting and Committee meetings except where confidential matters are being discussed
- petition to request a referendum on an elected mayoral form of Cabinet
- participate in the Council's question time processes
- find out, from the Cabinet's Forward Plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers
- attend meetings of the Cabinet where key decisions are being discussed or decided
- see reports and background papers and the record of decisions taken by the Council Meeting, Committees and Sub-Committees, and the Cabinet.
- complain to the Council under its published Complaints Procedure
- complain to the Ombudsman if they think that 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 Monitoring Officer if they have evidence that shows that a Councillor has not followed the Council's Code of Conduct, and
- inspect the Council's accounts and make their view known to the external auditor
- obtain a copy of a statement of the rights of citizens to inspect agendas and reports and attend meetings.