



**South
Staffordshire
Council**

PART 1

SUMMARY AND EXPLANATION

May, 2011

The Council's Constitution

South Staffordshire Council has 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. Others are based on choices made by the Council.

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 managing its affairs in the best interests of its community. 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 (Article 7)
- Regulatory and other committees. (Article 8)
- Panels and Forums (Article 9)
- The Standards Committee (Article 10).
- Joint arrangements (Article 11).
- Employees (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 made up of 49 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. An up to date list of Councillors can be viewed on the Council's website (www.sstaffs.gov.uk) and at the Council Offices, Codsall.

The last whole Council election was held in May, 2011. Councillors have two main roles. They are to:-

- represent the whole community by making decisions about Council policies, services and finances; and
- represent the interests of the people in their ward

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.

At its first Annual Meeting after a whole Council election, the Council appoints a Leader of the Council ("the Leader") for a term of office ending on the day of the next post-election Annual Meeting, unless the Leader is removed from office or resigns, ceases to be a councillor or is disqualified from being a councillor before that day.

The Leader determines the size of and appoints between 2 and 9 members of the Council to the Cabinet (known as "the Executive"). These members are known as Executive Members. The Leader also allocates areas of responsibility to members of the Executive (known as "portfolios") hence the alternative title of the Executive Members "Portfolio Holders" and may remove them from the Executive at any time.

The Council can remove the Leader during his or her term of office by approving a proposal to do this at a formal meeting of the Council. If the Council passes a resolution to remove the Leader, it will elect a new Leader at the same time or a subsequent meeting.

The Leader is required to appoint one of the members of the Executive to be his or her deputy, to hold office until the end of the term of office of the Leader (unless that person resigns as Deputy Leader of the Council, ceases to be a member of the Council or is disqualified, or is removed from office by the Leader).

The Council also deals with other matters including those reserved to it by Law, all matters dealt with by the Council, as a whole are listed in Article 4.

How decisions are made

The Executive 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 Executive's "Forward Plan" in so far as they can be anticipated. If these major decisions are to be discussed at a meeting of the Executive, this 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.

May, 2011

Meetings of the Council and other Committees including meetings of the Executive are open to the public except where personal or confidential matters are being discussed.

It is not presently proposed to appoint any Sub-Committee of the Executive.

Currently the Executive comprises 6 members, each of which is allocated one of the following programme areas (or portfolios):

- partnership services;
- support services;
- direct services;
- public health protection services;
- environmental services; and
- strategic services.

The Leader of the Council is responsible for the partnership services portfolio.

The arrangements do not provide for formal substitution of Executive members as this would reduce transparency and blur accountability. The Executive is not therefore able to have formal substitutes or deputies who are not themselves members of the Executive. In the event of absence of an Executive member, the Leader of the Council will take the decision personally or will decide which of the Executive Members, if any, makes the decisions for the absent member of the Executive. Further details of the Executive are set out at Article 7 of this Constitution.

Overview and Scrutiny

There is one Overview and Scrutiny committee to support the work of the Executive and the Council as a whole. The Overview and Scrutiny Committee appoints 4 Scrutiny Panels annually of which 3 panels each "shadow" 2 Portfolios and 1 panel deals exclusively with the Health Scrutiny Agenda.

The Overview and Scrutiny Committee and the Scrutiny Panels allow citizens to have a greater say in Council matters by looking in detail into matters of local concern. These enquiries lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee and the Scrutiny Panels also monitor the decisions of the Executive. They can call-in a decision which has been made by the Executive collectively or individually but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsiders the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

The Overview and Scrutiny Committee comprises all councillors who are not members of the Executive or of the Audit Committee. The Committee usually meets in public. However, on occasion confidential or private matters may be discussed, and at such times it will not be open to the public to attend.

The powers of the Scrutiny Panels aligned to the Portfolios include:

- review of decisions or action taken by the Executive either collectively or individually and a report to the Council or the Executive in respect of those functions:

- review of decisions or action taken in respect of any functions which are not the responsibility of the Executive and make similar reports to the Council or the Executive in respect of those functions;
- to review all key decisions proposed by the Deputy Leaders whose portfolios they are responsible for scrutinising;
- make reports or recommendations in respect of any matter which affects the local authority's area or its inhabitants;
- scrutinise the best value reviews carried out by members of the Executive and monitoring improvement proposals.
- require a decision proposed but not implemented be reconsidered by the decision maker.

This Constitution provides that any member of the Council can ask for a matter to be discussed at a meeting of the Overview and Scrutiny Committee or at a meeting of the relevant Scrutiny Panel. The Overview and Scrutiny Committee and the Scrutiny Panels have the right to require members of the Executive to appear before them to answer questions.

Non-Executive councillors, the Monitoring Officer, and the Chief Finance Officer have five days to call-in any decision made by an Executive member individually or by the Executive collectively. The detailed arrangements are set out in the Scrutiny Procedure Rules in this Constitution.

A member of the Council can also "call in" decisions delegated to employees (other than those individual applications reserved to the Regulatory or Licensing Committees) for scrutiny by the Overview and Scrutiny Committee or the relevant Scrutiny Panel. Further details of the Overview and Scrutiny Process are set out at Article 6 of this Constitution.

In addition to monitoring and in-depth review work, each Select Committee has responsibility for:-

Councillor Calls for Action (CCfAs): CCfAs can be initiated by any Councillor in order to raise a persistent problem that affects a significant number of local residents and has failed to be resolved through the other channels available. CCfAs will be considered by the Overview and Scrutiny Committee or the relevant Scrutiny Panel.

Petitions: Considering petitions requisitioning a Senior Officer give evidence at a public meeting. (Details of the Council's Petitions Scheme can be found on the Council's website www.sstaffs.gov.uk).

In addition, Executive members are responsible for carrying out Service Reviews which are, in turn, looked at by the Scrutiny Panels.

Regulatory and Other Committees

The Council has appointed a Regulatory Committee and a Licensing Committee to deal with matters mainly relating to applications from individuals for consents, approvals and permissions from the Council and a number of other similar functions.

It has also appointed an Audit Committee to deal with internal and external audit matters.

The Council has appointed an Investigatory and Disciplinary Committee and a Disciplinary and Grievance Appeals Committee to deal with specified employment matters.

Further details of these committees are set out in Article 8 of this Constitution.

Standards Committee

The Council has, as required by Law, established a Standards Committee to deal with matters relating to the Code of Conduct for Councillors and various governance related issues. Further details of the Standards Committee are set out at Article 10 of this Constitution.

The Council's Staff

The Council has people working for it (called 'employees') to give advice, implement decisions, and manage the day-to-day delivery of its services. Some employees 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 employees and councillors. The Council's most senior member of staff is the Chief Executive.

Working in Partnership

The Council is increasingly working in partnership with other organisations to provide seamless, high quality services to its residents and businesses. Further details of the formal partnership arrangements can be found at Article 11 of this constitution. Currently the most significant of these formal arrangements are delivered via:-

- The South Staffordshire Local Strategic Partnership (LSP)
- The South Staffordshire Community Safety Partnership

Local Strategic Partnership

The Council acts as Secretariat to the South Staffordshire Local Strategic Partnership, which is a non-statutory body involving most public and voluntary organisations within the district and some private sector organisations. The underlying purpose of the Partnership is to improve partnership working and service delivery within the district for the benefit of the inhabitants of the district through the development of a sustainable Community Strategy and delivering local priorities. The Partnership is currently chaired by the Chief Executive of South Staffordshire Housing Association. The structure involves a full meeting of the membership of the Partnership annually and regular meetings of the Executive. There are a number of theme groups dealing with various issues. The Community Safety Partnership constitutes one of the theme groups and the others are Health and Well Being, Economic Vibrancy, Housing, Environmental Quality and Children and Young People.

Community Safety Partnership

The Community Safety Partnership is a statutory body set up under the Crime and Disorder Act 1998 and Police Reform Act, 2002 specifically to reduce crime and disorder reduce the fear of crime and promote ways in which people can feel safe and secure in their homes and in their local area. The body is a partnership organisation including members from the District Council, County Council, Police Authority, Primary Care Trust and Fire Authority. Central Government funding is provided to assist in programmes to undertake this work and is administered through Staffordshire County Council.

It is the responsibility of the partnership in consultation with the Safer and Stronger Steering Group to set targets for the reduction of crime and disorder and to take action to endeavour to achieve those targets.

South Staffordshire Rural Transport Partnership

The Council has established a Rural Transport Partnership to consider all aspects of rural transport, rural isolation, accessibility and concessionary travel scheme issues. All relevant organisations are represented on the Partnership.

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 individual's legal rights. Where members of the public use specific council services, 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 this 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 (a local authority may not have more than 1 referendum in any period of 10 years);
- find out, from the Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or employees, and when;
- attend meetings of the Executive (except where, for example, personal or confidential matters are being discussed);
- see reports and background papers, and any record of decisions made by the Council and the Executive subject to safeguards concerning sensitive matters;
- complain to the Council about any matter for which the Council is responsible, the Council has a formal complaints procedure to assist someone to do this – a leaflet explaining this procedure is available from the Council Offices, details of the procedure can be found on the Council's website;
- 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 Standards Committee if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct for Councillors; and
- inspect the Council's accounts and make their views known to the external auditor.
- obtain details of Councillors, names and addresses and their political groups.

The Council welcomes participation by its citizens in its work.

Copies of documents available to the public are normally deposited at the Council Offices. Reports recently submitted to the Council, the Executive and Committees and Sub-Committees are available on the Council's website, as are the minutes of recent meetings setting out the decisions taken. Major Policy Documents are also made available on the website (www.sstaffs.gov.uk).

DIAGRAM OF THE STRUCTURE OF THE COUNCIL

The structure is set out in the diagram below. The structure has 7 main elements.

The Council (all 49 Councillors)

The Executive – the Leader of the Council plus 5 Executive members (“Portfolio holders”) appointed by the Council

Regulatory Committee (all 49 Councillors)

Licensing Committee (15 Councillors)

Audit Committee (6 Councillors – who are not members of the Executive)

Overview & Scrutiny Committee (the 43 Councillors – who are not members of the Executive performing the Overview and Scrutiny function, principally through the work of its Scrutiny Panels)

The Standards Committee (18 members – 6 members of the Council, 6 independent members, 6 Parish Councillors)

Investigatory and Disciplinary Committee – 7 members of the Council who are not members of the Disciplinary and Grievance Appeals Committee

Disciplinary and Grievance Appeals Committee – 7 members of the Council who are not members of the Investigatory and Disciplinary Committee

- NB.
- (i) The South Staffordshire Joint Parking Committee deals with Civil Parking Enforcement in accordance with the agreement between South Staffordshire Council and Staffordshire County Council.
 - (ii) The Housing Review Panel advises the Deputy Leader (Direct Services) re: reviews under Section 202 of the Housing Act, 1996 (as amended by the Homelessness Act, 2002) and determines appeals against decisions to refuse, suspend or cancel membership of the Property Accreditation Scheme.

(See Diagram overleaf)

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