

# **PART 1**

## **SUMMARY AND EXPLANATION**

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## The Council's Constitution

The Council of the Metropolitan Borough of Rochdale has agreed a new 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, whilst 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 is in the Constitution?

The purpose of the Constitution is to:-

- Enable the Council to provide clear leadership to the community in partnership with members of the public, businesses and other organisations
- Support the active involvement of members of the public in the process of local authority decision-making as a means of strengthening and renewing local democracy through community partnership
- Help Councillors represent their constituents more effectively
- Enable decisions to be taken efficiently and effectively
- Create a powerful and effective means of holding decision-makers to public account
- Ensure that no one will review or scrutinise a decision in which he or she was directly involved
- Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions and
- Provide a means of resourcing and improving the delivery of services to the community in accordance with Best Value
- Enable the Council to combat poverty and social exclusion
- Enable the Council to promote equality
- Enable the Council to promote the regeneration of the Borough
- Enable the provision of a cleaner, safer and healthier environment

Articles 2 – 16 explain the rights of members of the public and how the key parts of the Council operate. These are:-

- Members of the Council (Article 2)
- Members of the public and the Council (Article 3)
- The Council meeting (Article 4)
- Chairing the Council
- The Executive (Article 6)
- Overview and scrutiny of decisions (Article 7)
- Regulatory and other non-Executive Committees and Sub-Committees committees (Article 8)
- The Standards Committee (Article 9)
- Township Committees (Article 10)
- 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 comprises 60 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 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 meeting appoints one Councillor to be the Leader of the Council. The Leader of the Council then appoints other Councillors to the Cabinet. The Cabinet and Township Committees together make up the Executive. The Executive is the part of the Council which is responsible for most day-to-day decisions. The Council is also responsible for the appointment of Committees.

## **How decisions are made**

### **The Executive**

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Cabinet and Township Committees. 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 with council officers at meetings, this will generally be open for the public to attend except where personal, confidential or exempt 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 two Overview and Scrutiny Committees which support the work of the Executive and the Council as a whole. These Committees produce reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. The Performance Scrutiny Committee also monitors the decisions of the Executive through the 'call-in' decisions which have 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 or ask the Council as a whole to determine whether the Executive should be recommended to reconsider the decision. The Policy Overview Committee may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy. A third Overview and Scrutiny Committee maintains an overview of the provision of local health services.

### **Township Committees**

In order to give members of the public a greater say in council affairs, four Township Committees have been created. These cover Heywood, Middleton, Pennines (Littleborough, Wardle, Milnrow and Newhey) and Rochdale. They involve Councillors for each particular area and will generally be open for the public to attend, except where personal, confidential or exempt matters are being discussed.

## 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 Protocol governs the relationships between Officers and Members of the Council. A joint venture company, the Impact Partnership, acts as an agent on behalf of the Council in respect of certain services. Employees are seconded to this Company and fulfil similar roles and responsibilities, having the same specific duties as Council Officers as previously exercised by Council Officers at an equivalent level. Separate staff employed by the joint venture company may exercise Council functions as authorised by the Council under contractual arrangements acting as the Council's agent.

## Rights of Members of the Public

Members of the public 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 a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in this Constitution.

Members of the public 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, its Executive and committees except where, for example, personal, confidential or exempt matters are being discussed
- Petition to request a referendum on a mayoral form of Executive
- Submit other petitions in accordance with the Council's Petition Scheme
- Participate in the Council's question time, participate in the Open Forum at Township Committees and contribute to reviews by the Overview and Scrutiny Committees
- 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
- See reports and background papers, and any record of decisions made by the Council, the Executive and Committees
- Complain to the Council about the standard of service, action or lack of action by the Council or its Officers affecting an individual member of the public or group of members of the public
- 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 Board for England if they have evidence which they think shows that a Councillor has not followed the Councillors' Code of Conduct, and
- Inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by members of the public in its work. For further information on your rights as members of the public, please contact the Council's Information Service on (01706) 647474.

The Council shall publish a statement which sets out the rights of the public to inspect agendas, reports and background papers and attend meetings. A copy of this statement

may be obtained at the Council's various information points. In addition, these rights are set out in the Access to Information Procedure Rules in Part 4 of this Constitution.