

PART 1

SUMMARY AND EXPLANATION

Summary and Explanation

1. THE COUNCIL'S CONSTITUTION

- 1.1 Cannock Chase District Council has adopted this Constitution setting 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 determine.
- 1.2 The Constitution explains the rights of citizens and how they can interact with the Council.
- 1.3 The Constitution is divided into Parts and Sections each of which set out the structure of the Council, who does what and the basic rules governing the Council's business.
- 1.4 The Council has adopted the 'Leader and Cabinet' executive arrangements after consultation and careful consideration of the needs of the community in order to provide effective leadership and the best quality of service.

2. THE CONSTITUTION

- 2.1 The Constitution commits the Council to managing its affairs in the best interest of the communities it serves. The Constitution is both the legal mechanism for, and description of, how the Council organises and does its work.

3. HOW THE COUNCIL OPERATES

- 3.1 The Council is composed of 41 Councillors. Elections are held for approximately one third of Councillors three years out of every four. Councillors are normally elected to serve for four years. Councillors are democratically accountable to residents in their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their Ward constituents, including those who did not vote for them.
- 3.2 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.
- 3.3 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 a Leader of the Council for 4 years who may then appoint up to 9 other members to form 'the Cabinet'. The Leader can only be removed from office by the Council. The Leader decides what matters are delegated to Cabinet or to individual members of the Cabinet, called Portfolio Leaders. The Constitution provides for the

actions and decisions of the Cabinet to be scrutinised by other elected Councillors and for disputes to be resolved.

4. HOW DECISIONS ARE MADE

- 4.1 The Council (where all 41 Councillors meet as a single decision making body) is the most important meeting of the Authority. Significant decisions affecting the District and how the District should be governed are decided by Council. The Council elects the Leader of the Council and appoints Councillors to committees, forums, and panels and allocates functions to these bodies. The Council sets the Policy Framework and annual Budget within which the whole Council should work.
- 4.2 The Leader of the Council and his Cabinet of up to 9 Councillors, including a Deputy Leader appointed by the Leader, is the part of the Council responsible for most day to day decisions. (The Leader and Cabinet are sometimes referred to as 'the Executive'.) Members appointed to the Cabinet are given specific areas of responsibility known as Portfolios. These members of Cabinet are also known as 'Portfolio Leaders'. When this Constitution refers to 'the Cabinet' it means the Leader of the Council and the other members of the Cabinet working together.
- 4.3 When key decisions are to be made, these are published in the Cabinet's forward plan in so far as they can be anticipated. Meetings of the Cabinet will generally be open for the public to attend except where personal or confidential matters are being discussed.
- 4.4 The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If Cabinet considers a matter which is outside the budget or policy framework, this must be referred to the Council for determination.
- 4.5 The Council appoints Committees to discharge its obligations. The Cabinet may appoint Sub-Committees of the Cabinet. Working groups may also be set up from time to time to deal with specific tasks and to provide the Council and/or Cabinet with information and advice.
- 4.6 The Council has Committees which carry out a number of regulatory functions, including dealing with planning applications and licensing matters. Meetings of these Committees are open to the public except where personal or confidential matters are being discussed.

5. OVERVIEW AND SCRUTINY

- 5.1 The Council is required to appoint at least one Overview and Scrutiny Committee (usually called a 'Scrutiny Committee') each year. A Scrutiny Committee holds enquiries in public into matters of local concern and may make reports and recommendations which advise the Cabinet and the Council on its policies, budget and service delivery and performance.
- 5.2 A Scrutiny Committee also monitors the decisions of the Cabinet and can 'call-in' a decision which has been made by the Cabinet but not yet

implemented. This enables them to consider whether the decision is appropriate and to make recommendations e.g. that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy. A Scrutiny Committee may set up such Panels as it considers appropriate to deal with reviews of service provision and delivery.

6. THE COUNCIL'S EMPLOYEES

- 6.1 The Council employs staff (called 'Officers') to give advice, implement decisions and manage day-to-day delivery of its services. Certain specific officers have specific duties to ensure that the Council acts within the law and uses its resources wisely.

NB. Councillors are also referred to as "Members".