

Part 1

Summary and Explanation

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Summary and Explanation

1. The Council's Constitution

- 1.1 Staffordshire Moorlands District 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 law, while others are a matter for the Council to choose.
- 1.2 The Constitution is divided into 15 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.

2. What's in the Constitution?

- 2.1 Article 1 of the Constitution explains the purpose of it and commits the Council to provide clear leadership to the community and involve its citizens in decision making as well as creating an effective method of holding decision makers to account and provide a means of improving service delivery.

Articles 2 - 15 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/Assembly meeting (Article 4).
- Chairing the Council/Assembly (Article 5)
- Overview and Scrutiny Panels (Article 6).
- The Cabinet (Article 7).
- Licensing and Regulatory and Planning Applications Committees and Appeals Board (Article 8).
- The Standards Committee (Article 9).
- Joint arrangements (Article 10).
- Officers (Article 11).
- Decision making (Article 12).
- Finance, contracts and legal matters (Article 13).
- Review and revision of the Constitution (Article 14).
- Suspension, interpretation and publication of the Constitution (Article 15).

3. How the Council Operates

3.1 The Council is composed of 56 Councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole of the community, but they have a special duty to their constituents, including those who did not vote for them.

3.2 All Councillors meet together as the Council or Assembly. Meetings of the Council or Assembly are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council will appoint the Cabinet, Overview and Scrutiny Panels and Committees. It will determine their powers and responsibilities as well as establishing a framework to ensure transparent and effective decision-making. In addition to formal meetings the Council will meet as necessary as an Assembly, relaxing formal rules for debate, to discuss major strategic issues and involve external agencies and individuals.

4. How Decisions Are Made

4.1 The Cabinet (Executive)

The Cabinet is the part of the Council which is responsible for taking most decisions. The Cabinet is made up of the Leader of the Council, four Cabinet Members, one of whom is designated a Deputy Leader and 1 Cabinet Support Member. When key decisions are to be discussed or made these will be published in the Cabinet's forward plan in so far as they can be anticipated. If these key decisions are to be discussed with Council Officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet 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.

5. Overview And Scrutiny

5.1 There are 4 Overview and Scrutiny Panels who support the work of the Cabinet and the Council as a whole. Their overview and scrutiny of decisions taken and to be taken leads to reports and recommendations which advise the Cabinet and Council as a whole on its policies, budget and service delivery. Overview and Scrutiny Panels also monitor the decisions of the Cabinet. Members can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables relevant Overview and Scrutiny Panels to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision or in some cases refer it to the Council. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

6. The Council's Staff

6.1 The Council employs 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.

7. Citizens' Rights

- 7.1 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 Bureaux can advise on individuals' legal rights.
- 7.2 Where members of the public use specific Council services, for example as a customer of a leisure centre, they may have additional rights. These are not covered in this Constitution.
- 7.3 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, its Committees and Panels except where, for example, personal or confidential matters are being discussed;
 - Petition to request a referendum on a Mayoral form of executive;
 - As business permits participate in the Assembly debates and contribute to investigations by the Overview and Scrutiny Panels;
 - Find out from the Cabinet's Forward Plan what major decisions are to be discussed or decided by the Cabinet or officers, and when;
 - Attend meetings of the Cabinet where key decisions are being discussed or decided;
 - See reports and background papers, and any record of decisions made by the Council and Cabinet;
 - Compliment or complain to the Council in accordance with its corporate procedures;
 - 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 procedure;
 - Inspect the Council's accounts and make their views known to the external auditor.
- 7.4 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Executive Director and Monitoring Officer at Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ or telephone 01538 395400.