Constitution
Part 1- Summary and Explanation
SUMMARY AND EXPLANATION

The Council's Constitution

The Council of the Borough of Rochdale has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, whilst others are a matter for the Council to choose.

The Constitution is divided into 15 articles which set out the basic rules governing the Council’s business. Detailed procedures and codes of practice are provided in separate rules and protocols supporting this document.

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
- Enable the Council to combat poverty and social exclusion, and promote wellbeing
- 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 – 15 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 (Article 5)
- Executive Arrangements (Article 6)
- Overview and scrutiny of decisions (Article 7)
- Regulatory and other Committees of the Council (Article 8)
- Township Committees (Article 9)
- Joint arrangements (Article 10)
- Officers (Article 11)
- Decision making (Article 12)
- Finance, contracts and legal matters (Article 13)

October 2018
Review and revision of the Constitution (Article 14)
Suspension, interpretation and publication of the Constitution (Article 15)

How the Council operates

The Council is made up of 60 Councillors. There are 3 Councillors for each of Ward in the Borough. Councillors are normally elected for a period of 4 years. The Council holds a local election every year for three years, with one Councillor per Ward elected each time. The fourth year is used for other types of election, including parliamentary elections. Councillors are elected by and are democratically accountable to the 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 Audit and Governance Committee and the Monitoring Officer oversees and advises Councillors on the Code of Conduct.

All Councillors meet together as the Council and 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 one Councillor to be the Leader of the Council, who appoints other Councillors to serve on the Cabinet. The Cabinet, individual Portfolio Holders, Township Committees and officers together make up the Executive. The Council is responsible for the appointment of Committees.

How decisions are made

The Council

The Council is made up of all 60 Councillors meeting together. The Council elects the Mayor to Chair the meetings of the Council and to lead the Civic function. The Council agrees the higher level policies and the budget, and determines responsibility for Council decision making, appointing Committees and delegating responsibility to Officers.

The Cabinet

The Cabinet is made up of the Leader of the Council and between two and nine further Councillors appointed by the Leader. Most operational decisions are taken by the Cabinet or by Officers who have been authorised by the Leader and/or the Cabinet. When major decisions are to be discussed or made, these are published in a Notice published 28 days prior to a decision being taken, in so far as they can be anticipated. If these major decisions are to be discussed at meetings, these will generally be open for the public to attend except where personal, confidential or exempt matters, of which notice has been given, 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.

Overview and Scrutiny
The Overview and Scrutiny Committees support the work of the Cabinet and the Council as a whole. The Committees are consulted by the Cabinet on the development of policy and the Council’s budget. The Committees monitor decisions of the Cabinet and can ‘call-in’ decisions which have been made but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision or ask the Council as a whole to determine whether the Cabinet should be recommended to reconsider the decision. The Committees are able to produce reports and recommendations to advise the Cabinet and the Council on policies and service delivery issues. One Overview and Scrutiny Committee also maintains an overview of the provision of local health services and providers.

**Township Committees**

Four Township Committees give members of the public a greater say in council affairs and enable local decision making. These cover Heywood, Middleton, Pennines (Littleborough, Wardle, Milnrow and Newhey) and Rochdale and involve all Councillors for each particular area. The meetings will generally be open for the public to attend, except where confidential or exempt matters are being discussed.

**Council Committees**

Certain functions, such as regulatory matters, acting as Trustee, and staffing matters relating to senior staff are not Cabinet responsibilities but are considered by Committees appointed by the Council or by Officers under delegated powers.

**Council 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.

**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 an applicant for a Council service, they have additional rights under legislation 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, the Cabinet and Committees except where confidential or exempt matters are being discussed
• Petition to request a referendum on a mayoral form of Executive
• 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 notice of key decisions and notice of private business, what major decisions and what business is to be taken in private by the Cabinet or Township Committees or decided by the Cabinet, Township Committees or officers
• See reports, background papers and any record of decisions made by the Council, the Cabinet 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 Council’s Monitoring Officer if they have evidence which they believe 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. The Council shall publish a statement which sets out the rights of the public to inspect agendas, reports and background papers and attend meetings. In addition, these rights are set out in the Access to Information Procedure Rules in Part 4 of this Constitution.