

# **PART 1**

## **SUMMARY AND EXPLANATION**

# The Council's Constitution

Manchester City Council's ~~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, while 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 Parts 3 to 8 of the Constitution.

## What's in the Constitution?

Article 1 of the Constitution sets out the purpose of the Constitution. Articles 2 - 16 explain how the key parts of the Council operate, and the rights of citizens.

These Articles are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The **Full** Council ~~meeting~~ (Article 4)
- Chairing the Council (Article 5)
- ~~Overview and s~~Scrutiny of decisions **Committees** (Article 6)
- The Executive (Article 7)
- Regulatory and other committees (Article 8)
- The Standards Committee (Article 9)
- Area 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 is composed of 96 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. The Code of Conduct for Members is set out at Part 6 Section A of the Constitution.

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.

### **How decisions are made**

The Executive is part of the Council which is responsible for most day-to-day decisions. The Executive is made up of a Leader appointed by the Council and a cabinet of up to 9 other councillors (including a Deputy Leader) whom the Leader appoints. When major decisions are to be discussed or made, these are published in the Executive's Register of Key Decisions (formerly referred to as the Forward Plan) in so far as they can be anticipated. If these major decisions are to be discussed with council officers 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 (except in the case of urgency).

### **Overview and Scrutiny (referred to in Manchester as 'Scrutiny')**

There are 6 overview and scrutiny committees (referred to in Manchester as 'scrutiny committees') which support the work of the Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Scrutiny committees also monitor the decisions of the Executive. They can 'call-in' a decision which has 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. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

### **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. The Member/Officer Relations Protocol which is set out at Part 6 Section F of the Constitution governs the relationships between officers and members of the council.

### **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 an individual's 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 the Constitution.

### **Citizens have the right to:**

- vote at local elections if they are registered;

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- 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 public meetings of the Executive except where, for example, personal or confidential matters are being discussed;
- inspect agendas and reports except those which contain, for example, personal and confidential matters;
- petition to request a referendum for a different form of governance arrangements;
- ~~participate in the Council's question time and~~ contribute to investigations by scrutiny committees;
- find out, from the Executive's Register of Key Decisions, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- attend meetings of the Executive where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- exercise their rights under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 to obtain information held by the Council;
- complain to the Council under the Council's own complaints process;
- 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 if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work.