

## SECTION 2

### THE COUNTY COUNCIL'S CONSTITUTION – ROLE AND PURPOSE

#### 1. What is the Constitution?

1.1 The Staffordshire County Council Constitution 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.

1.2 The Constitution is divided into Sections which explain how the Council makes its decisions by outlining how the different parts of the Council work and the basic rules governing the Council's business. These are:

- Members of the County Council (Section 3)
- Citizens and the County Council (Section 4)
- The County Council (Section 5)
- The Council's Cabinet (Section 6)
- Overview and scrutiny of decisions (Section 7)
- Other Committees (Section 8)
- Joint Arrangements (Section 9)
- Officers (Section 10)
- Procedural Standing Orders (Section 11)
- Access to Information Rules (Section 12)
- Financial Regulations (Section 13)

#### 2. Purpose and Interpretation of the Constitution

2.1 The purpose of the Constitution is to:

- (i) enable the County Council in partnership with citizens, businesses and other organisations, to provide broad leadership to and support for the communities of Staffordshire to improve their economic social and environmental well-being;
- (ii) support the involvement of citizens in the process of local authority decision-making;
- (iii) help councillors represent their constituents more effectively;
- (iv) enable decisions to be taken efficiently and effectively;
- (v) create a rigorous means by which decision-makers can be held to public account;
- (vi) ensure that no one will review or scrutinise a decision in which they have been directly involved;

- (vii) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
  - (viii) provide a means of improving the delivery of services to the community to meet the County Council's vision, as expressed in the policy themes on which the Council's Corporate Strategy is based.
- 2.2 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.
- 2.3 The ruling of the Chairman of the County Council on the construction or application of this Constitution or on any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution above.

### **3. Review of the Constitution**

- 3.1 The Audit and Standards Committee will review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. Where practicable, proposal for changes to the Constitution will be reported for consideration by the Audit and Standards Committee prior to consideration by Full Council.
- 3.2 The Chief Executive and the Director of Democracy, Law and Transformation as Monitoring Officer will monitor and report to the Audit and Standards Committee from time to time on the Constitution adopted by the Council and will make recommendations for ways in which it could be amended in order better to achieve the purposes set out above.
- 3.3 The Director of Democracy, Law and Transformation will have the authority to make minor and consequential amendments to the constitution to keep it up to date with legislative requirements and/or to keep the whole constitution in line with Council decisions made from time to time.
- 3.4 In the event of any proposals for a change in Executive arrangements from a Leader and Cabinet form of Executive to another form of Executive or vice versa, the Council will take reasonable steps to consult local electors and other interested persons in the area when drawing up proposals.
- 3.5 No change to any provision of this Constitution or to any sub-delegation scheme having effect under it shall, unless otherwise specified, invalidate any previous decision or action made or taken under such provisions.
- 3.6 Unless specified by a provision of the Constitution, any decision made by or on behalf of the County Council (including any plan, budget, policy or strategy approved by or on behalf of the County Council) prior to the coming into effect of the Constitution or the making of any change to it shall remain in force until it is amended varied or replaced.

#### **4. Suspension of the Constitution**

- 4.1 Any suspension of any part of the Constitution, in particular, but not exclusively, the Procedure Rules, and Finance and Contract Procedure Rules, shall only take place in accordance with the provisions in the specific rules themselves.

#### **5. Publication of the Constitution**

- 5.1 The Director of Democracy, Law and Transformation will give a printed copy of this Constitution to each member of the authority upon delivery of that individual's declaration of acceptance of office on the member first being elected to the Council.
- 5.2 The Director of Democracy, Law and Transformation will maintain and publish an up to date version of the Constitution on the Council's website and ensure that copies are widely available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.