



# **TRAFFORD COUNCIL**

## **CONSTITUTION FOR EXECUTIVE GOVERNANCE**

**May 2023**

# **CONTENTS**

## **Part 1 – Summary and Explanation**

## **Part 2 – Articles of the Constitution**

- Article 1 – The Constitution
- Article 2 – Members of the Council
- Article 3 – The Council and its Community
- Article 4 – The Full Council
- Article 5 – Chairing the Council
- Article 6 – Overview and Scrutiny Committees
- Article 7 – The Executive
- Article 8 – Regulatory Committees
- Article 9 – The Standards Committee
- Article 10 – Not Used
- Article 11 – Joint Arrangements
- Article 12 – Officers
- Article 13 – Decision Making
- Article 14 – Finance, Contracts and Legal Matters
- Article 15 – Review and Revision of the Constitution
- Article 16 – Suspension, Interpretation and  
Publication of the Constitution
- Schedule 1 – Description of Executive Arrangements

## **Part 3 – Responsibility for Functions**

1. Responsibility for Local Choice Functions
2. Responsibility for Council Functions
3. Responsibility for Executive Functions – Delegations to Individual  
Executive Members
4. Scheme of Delegation to Officers
5. List of Proper Officer Designations

## **Part 4 – Rules of procedure**

- Council Procedure Rules (Standing Orders)
- Access to Information Procedure Rules
- Budget and Policy Framework Procedure Rules
- Executive Procedure Rules
- Overview and Scrutiny Procedure Rules
- Financial Procedure Rules
- Contracts Procedure Rules
- Officer Employment Procedure Rules
- Petition Scheme

## **Part 5 – Codes and Protocols**

Members' Code of Conduct  
Employees' Code of Conduct  
Overview and Scrutiny Protocols  
Protocol on Member/Officer Relations  
Planning and Development Management Committee Code Of Practice

## **Part 6 – Members' Allowances Scheme**

Members' Allowances Scheme

# SUMMARY AND EXPLANATION

## The Council's Constitution

Trafford 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 the law, while others are a matter for the Council to choose.

In delivering services and performing their duties all Councils work within a wider legal context which says how they should operate – this includes the Human Rights Act, Local Government Acts and various regulations. This constitution is a local expression of the way in which Trafford will operate within this wider framework.

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 the end of the document.

## Contents of the Constitution

Article 1 of the Constitution commits the Council to provide clear leadership to the community and to work with the community for the community. Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

Article 1	The Constitution
Article 2	Members of the Council
Article 3	The Council and its Community
Article 4	The Council meeting
Article 5	Chairing the Council
Article 6	Overview and Scrutiny of decisions
Article 7	The Executive
Article 8	Regulatory and other committees
Article 9	The Standards Committee
Article 10	Not Used
Article 11	Joint arrangements
Article 12	Officers
Article 13	Decision making
Article 14	Finance, contracts and legal matters
Article 15	Review and revision of the Constitution
Article 16	Suspension, interpretation and publication of the Constitution

Schedule 1: Description of Executive Arrangements

## **Other Parts of the Constitution**

- Part 3 Lists responsibilities for carrying out the Council's functions
- Part 4 Contains detailed rules of procedure for a variety of bodies and functions
- Part 5 Contains codes and protocols relating to Members of the Council and officers employed by the Council
- Part 6 Contains the Members' Allowances Scheme

## **How the Council operates**

The Council is composed of 63 councillors with one-third elected three years out of 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 ward constituents, including those who did not vote for them.

The Council has agreed a Code of Conduct (see Part 5 of this Constitution) to ensure high standards in the way that councillors carry out their duties. The Standards Committee trains and advises them on the code of conduct.

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 Meeting appoints one councillor to be the Executive Leader of the Council and also appoints councillors to the Executive. The Leader and the Executive Members together make up the Executive of the Council. The Executive is the part of the Council which is responsible for most day to day decisions. The Council is also responsible for the appointment of committees.

## **How Decisions are made**

The Executive is made up of the Leader who is a councillor and a Cabinet of up to nine other councillors. When major (or "key") decisions are to be discussed or made, these are published in a Notice published at least 28 days before a decision is to be made. 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. The only exception to this is if the decision needs to be taken urgently.

## **Overview and Scrutiny**

There are two overview and scrutiny committees which support the work of the Executive and the Council as a whole. They also look at the work of partners, including local health services. They allow the community to have a greater say in Council matters by making 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. Overview and Scrutiny committees also monitor the decisions of the Executive. The Scrutiny Committee can 'call-in' a decision which has been made by the Executive or by an individual Member of 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 Health Scrutiny Committee considers health matters and engages with health commissioners and providers in addition to the Executive.

### **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. A code of practice governs the relationships between officers and members of the Council.

### **Rights of Members of the Public**

The Council welcomes participation by its residents in its work. 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 a council tenant, they have additional rights. These are not covered in this Constitution.

Members of the public have the right to:

- vote at local elections if they are registered;
- contact a local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive if they are registered voters;
- submit or sign a petition asking the Council or the Executive to consider an issue (see part 4).
- contribute to investigations by the overview and scrutiny committees in whatever ways the committees consider appropriate.
- find out, from the Notice of key decisions to be taken, what major decisions are to be decided by the Executive or officers, and when;
- attend meetings of the Executive where key decisions are being discussed or decided except where, for example, personal or confidential matters are being discussed;

- see reports and background papers, and any record of decisions made by the Council and the Executive;
- Ask questions at any meeting of the Executive or Committee subject to the procedure rules set out in part 4 of the constitution.
- complain to the Council about any aspect of the services provided by the Council and receive a response within the time period set out in the Council's Complaints Procedure.
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after having first raised their complaint with the Council and given the Council a chance to respond; and
- inspect the Council's accounts and other published financial information and make their views known to the external auditor.

Where members of the public use specific Council Services for example as a school pupil or a Council tenant, they have additional rights. These are not covered in this Constitution.

The Council welcomes participation by its residents in its work. For further information on your rights, please contact your nearest information office at Access Trafford (telephone 0161 912 2000) or access the Council's web site on [www.trafford.gov.uk](http://www.trafford.gov.uk) In addition, rights are set out in the Access to Information Procedure Rules in Part 4 of this Constitution.