

## Summary and Explanation

### Introduction

Local councils, unlike principal authorities are not required by law to adopt a constitution, however they do need to adopt Standing Orders and Financial Regulations and to have other governing documents such as a Member Code of Conduct and a Publication Scheme.

Congleton Town Council has resolved to voluntarily adopt a constitution which will contain the statutory governance documents which it needs to publish as well as a number of other parts which will help to make its dealings more transparent to local people and businesses.

Its purpose is to enable local people to understand how their town is being governed and how they can become involved in the decision making. The first Constitution was formally adopted in April 2006, the 25<sup>th</sup> anniversary of the Town Council serving the Community. Several its constituent parts were previously adopted by Council as set out in the Index

**The Constitution also doubles as a handbook for Councillors, and it is available to them in electronic format.**

### Background – Local Government

Before considering the detail of how Congleton Town Council operates, it is useful to consider briefly where local government has come from and how it is evolving.

In Britain there is no codified constitutional document setting out the rights and responsibilities of local authorities and their relationship with National Government. Instead, there is a set of institutions and practices, some centuries old, that have been created and adopted in response to changing circumstances and which have gradually been given a statutory framework.

Local Government is in the public sector but is not a local civil service. It is political in nature because the people that determine its direction are democratically elected by local people. Central Government, however, has the capacity to direct and regulate councils through legislation and fiscal means. Local Government is first and foremost, a people business and service to the community is the cornerstone of its activity.

Local Government in England is a mixture of single and two-tier principal authorities and local councils. County councils and district councils (sometimes called borough councils) have a split responsibility for service provision, a situation which existed in Cheshire until 31<sup>st</sup> March 2009. Metropolitan and unitary authorities are all purpose and Cheshire East Borough Council now has this responsibility. The term “local council” means a parish or town council. It is, like all councils an elected corporate body, but has a far more limited range of duties and powers than the principal councils. As a ‘Local Council, Congleton Town Council is the most local form of government and therefore plays a vital role at the community interface.

Local government traditionally can only do what it is powered to do by statute, other acts are “ultra vires” (beyond the power of) which is the reverse of the position of an individual who can do anything which is not restricted by law. This position has been widened for principal authorities by the provisions of the Local Government Act 2000 which gives those councils the power to undertake a wide range of duties which they consider is likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area. This power is now available to qualifying local councils for the first time.

The Localism Bill 2011 gave the general power of competence (GPOC) to all principal councils and qualifying local councils. Congleton Town Council is currently a qualified council

### **Background – Congleton Town Council**

Congleton Town Council is one of the largest of 108 local councils within the Cheshire East district. Cheshire East Borough Council is itself one of 4 unitary (all purpose) councils in Cheshire. It was formed by merging the former boroughs of Congleton, Macclesfield and Crewe & Nantwich with part of Cheshire County Council on 1<sup>st</sup> April 2009.

Congleton Town was within the former Congleton Borough (District) until March 2009. The District of Congleton was formed in April 1974 by the merger of 5 former urban and rural authorities, Congleton BC, Alsager UDC, Congleton RDC, Middlewich UDC and Sandbach UDC. The first election for the District Council being held in June 1973. The grant of a Charter was approved in May 1974 which gave the Council “Borough” status and authorised the office of Mayor as first citizen of the Borough.

The original Congleton Borough Council, abolished on 31<sup>st</sup> March 1974, had been responsible for the geographical area of Congleton Town, currently covered by the Town Council. It was a non-county Borough Council which served as a principal authority within a two-tier local government system, sharing duties with Cheshire County Council.

Between 1974 and 1980, no formal “third tier” of local government was in place for Congleton, however an informal body of former mayors lobbied for town council status.

Congleton Town Council was inaugurated in 1980, and took up its responsibilities in April 1981, to provide the local council tier of local government for the town of Congleton, serving approximately 26,500 residents. It exists to serve as a vehicle of local opinion; to lead the Town’s governance; provide an effective link between the local residents and council taxpayers with the Cheshire East Borough Council; to express local feelings and interests and to keep watch on all developments within its boundaries. It has the responsibility to examine plans due for consideration by the Borough Council as planning authority. It also manages a range of local services and facilities and coordinates the promotion and regeneration of the Town.

The Town Council has a coat of arms which contains the moto “SIT TIBI SANCTA CAHORS COMITUM” which means “To thee be the band of comrades dedicated.” Its letter head also incorporates the common “Beartown, Where friends are made” branding.

### **How the Council Operates**

The Council is composed of 20 Councillors, representing two Town Wards. Council elections take place in May every 4 years, when a new Council is elected. The terms of office of councillors are four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later. 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.

Only registered voters of the Town or those living within 3 miles of the town or working there are eligible to hold the office of councillor, providing they are 18 years of age or over and not disqualified.

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Councillors must agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Audit and Governance Committee of the Borough Council trains and advises them on ethical issues and on the code of conduct.

All councillors meet as the Council. Meetings of the Council are normally open to the public and take place on a six-weekly cycle. Here councillors decide the Council's overall policies, set the budget each year and deal directly with the more major issues.

The Council appoints committees which deal with the more detailed or routine items of business. Many decisions are delegated by full Council to committees; however, a number of items are dealt with as recommendations to be ratified at a meeting of full Council. Council may also establish working groups, which do not usually have decision making powers but look at the detail of future policy or services in a depth which would not be possible in the formal arena.

### **How Decisions Are Made**

All formal meetings of Council and its committees are subject to statutory notice being given, and the Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. They can also be found on [www.congleton-tc.gov.uk](http://www.congleton-tc.gov.uk)

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public. Minutes from all formal meetings, including the confidential parts are public documents.

### **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. The Chief Officer heads up this paid service and has specific duties to ensure that the Council acts within the law and uses its resources wisely. A code ensures high standards of conduct and a protocol governs the relationships between officers and members of the council.

### **Citizens' Rights**

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. Where members of the public use specific council services they have additional rights. These are not covered in this Constitution but you will be told of them when you use the service.

Citizens have the right to:

- Vote at local elections if they are registered
- Contact their local councillor about any matters of concern to them
- View a copy of the Constitution
- Attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed
- Speak at public question time

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- Complain about any aspect of the Council's services. (If a complaint in the usual way does not bring satisfaction, the Council has a formal complaint procedure)
- Complain to the Borough Council's Monitoring Officer if they have evidence which 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 who checks the Council's book-keeping and expenditure
- View and in most cases obtain copies of documents set out in the Council's publication scheme.

The Council welcomes participation by its citizens in its work and welcomes interested people at its meetings.

## **Roles and Functions of All Councillors**

All councillors, whatever their formal position on the Council and party-political system, share common roles and responsibilities.

### **(a) Key Roles**

All councillors will:

- (i.) collectively be the ultimate policymakers and carry out a number of strategic and corporate management functions;
- (ii.) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (iii.) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iv.) deal with individual casework and act as an advocate for constituents in resolving concerns or grievances;
- (v.) balance different interests identified within the ward and represent the ward as a whole;
- (vi.) participate in the governance and management of the Council;
- (vii.) be available to represent the Council on other bodies; and
- (viii.) maintain the highest standards of conduct and ethics.

### **(b) Rights and Duties**

- (i.) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

- (ii.) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- (b) **Rights and Duties continued.**
  - (iii.) Unless specifically authorised to do so by the Council or a Committee, a Member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of their membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

### **Role and Function of the Mayor**

The Mayor will be the civic head of the Council, first citizen of the Town subject to deference to the Borough Mayor where appropriate. They will be a symbol of the Authority and an expression of social cohesion.

The Mayor will chair meetings of full Council and, in doing so, will promote political neutrality.

The Mayor will be elected by the Council annually at its Annual Meeting.

### **Deputy Mayor**

The Council will appoint a Deputy Mayor at the time the Mayor is elected, who shall assume the role of the Mayor when the Mayor is not present, or unable to fulfil that function.

### **Honorary Burgess**

The Council may award a title of "Honorary Burgess" in recognition of service to Congleton Town as set out in Standing Orders.