

## **PART 1**

### **SUMMARY AND EXPLANATION**

| **CABINET MEMBERS VERSION**

| **With May/June 2013 Changes**



## 1. **Summary and Explanation**

### 1.1 **The Council's Constitution**

Coventry City Council has a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decisions 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 purpose of the Constitution is to ensure that the Council's decision-making and governance arrangements help the Council to achieve its corporate aims, objectives and priorities effectively and efficiently. It also ensures that the Council meets its legal duties.

**Comment [cab1]:** Formerly in Article 1

#### **Corporate Objectives and Values**

**Comment [cab2]:** Formerly in Article 1

Coventry – Proud to be a city that works...

...for jobs and growth  
...for better pavements, streets and roads  
...to support and celebrate our young people  
...to protect our most vulnerable residents

We're proud to do this by...

...being honest, fair and transparent when we make decisions.  
...working with residents, communities and partners to get things done  
...celebrating all that's good about our city and its future.

The Council's current corporate objectives and priorities are set out in its Corporate Plan. This is available on the Council's website at [www.coventry.gov.uk](http://www.coventry.gov.uk)

### 1.2 **What's in the Constitution?**

The Constitution is divided in 6 parts that govern how it operates

This part provides a summary and explanation of how the Council operates, including through any joint arrangements with other authorities. Part 2 sets out the Scheme of Delegation to committees, officers and through the Cabinet. Part 3 sets out the Rules and Procedures through which the Council operates and Part 4 Relevant Codes and Protocols. Towards the end there is the Scheme of Members Allowances in Part 5 as well as the Management Structure for the Authority in Part 6.

~~and, finally, in Part 7, Procedural Matters that support the operation of Council meetings and awards of Honorary Alderman etc.~~

### 1.3 **How the Council Operates**

The Council consists of 54 Councillors (sometimes known as "members") with one third elected three years in four, usually on the

first Thursday in May. In the fourth year, there are not normally local elections. There may be a by-election at any time (including in the fourth year) if a Council seat becomes vacant during a Councillor's term of office.

Councillors are democratically accountable to residents of their ward. There are 3 Councillors for each 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 follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Ethics Committee has overall responsibility for ensuring training on the Code is available for Members. The Code of Conduct for Elected and Co-opted Members is set out in Part 4.

All Councillors meet together as the Council and this is often called "full Council". Members of the public are welcome to attend Council meetings. Here Councillors make decisions that are reserved to full council (see Part 2), decide on some of the Council's policies and set the budget each year.

### **Calendar of Business and Schedule of Meetings**

At its annual meeting the Council will approve its planned Calendar of Business and Schedule of Meetings but nothing in this paragraph will prevent amendments being made to the Calendar of Business and Schedule of Meetings during the following 12 months in accordance with Part 3 of the Constitution.

**Comment [cab3]:** Formerly in Article 14

There are three types of Council meeting:-

**Comment [cab4]:** Formerly in Article 4

- (a) the annual meeting
- (b) ordinary meetings
- (c) extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 3 of this Constitution.

The Council is responsible for electing the Leader who in turn will appoint a Deputy Leader and Cabinet. The Council (through a scrutiny process and call-in of decisions) is ultimately responsible for holding the Cabinet to account. The role of the Council is set out in Part 2.

### **Interpretation**

**Comment [cab5]:** Formerly in Article 15

The ruling of the Lord Mayor as to the construction or application of this Constitution or as to any proceedings of the Council will not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution.

#### 1.4 How Decisions are Made

The Council has decided to adopt a Leader and Cabinet form of executive. The Executive is a group of Councillors responsible collectively for the executive functions of the Council. The Executive is known as the Cabinet. Individual Members of the Cabinet have responsibility for specific functions allocated to them by the Leader.

The Cabinet is the part of the Council which is responsible for developing the policies and strategies of the council and most of the decisions on service provision. The Cabinet is made up of the Leader, a Deputy Leader and, in accordance with legislation, up to eight other Cabinet Members appointed by the Leader. The Leader may also appoint Deputy Cabinet Members to assist Cabinet Members in their roles.

When major decisions are to be discussed or made, these are published in the Cabinet ~~Notice of Key Decisions~~~~Forward Plan~~ (which is available on the Council's website) insofar as they can be anticipated. If these major decisions are to be discussed at a meeting of the Cabinet, this will generally be open for the public to attend except where ~~personalexempt~~ or confidential matters 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 (set out in Part 3), this must be referred to the Council as a whole to decide.

The Constitution also provides an opportunity to focus decision making so that it enables the Council to:-

**Comment [cab6]:** Formerly in Article 1

- Provide clear leadership to the community in partnership with local people, communities, businesses and other organisations;
- Support the active involvement of local people and local communities in the process of local authority decision making;
- Help Councillors represent their constituents more 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 they were directly involved;
- Be clear about who is responsible for making specific decisions and that they explain the reasons for decisions; and
- Provide a means of improving the delivery of services to the community.

#### 1.5 Scrutiny

Scrutiny Boards support and challenge the work of the Cabinet and the Council as a whole. They allow citizens to have a greater say in

Council matters by holding inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet, the Council as a whole, and, in some cases, outside agencies on policies, budget, and service delivery. Members of the public may attend except where ~~exempt~~personal or confidential matters are to be discussed.

The Scrutiny Co-ordination Committee manages scrutiny business and also monitors the decisions of the Cabinet. Non-Cabinet Members can 'call-in' a decision which has been made by the Cabinet, but not yet implemented. The Scrutiny Co-ordination Committee then considers whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision.

Non-Cabinet Members may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

#### 1.6 **NeighbourhoodWard Forums**

In order to give citizens a greater say in Council affairs, Ward Neighbourhood Forums have been created. These cover each of the Council's Wards, encouraging local involvement in Council decisions, and participation in the development of Council priorities and policies. They involve Councillors, Council employees, the Police, community representatives, and voluntary groups for each Ward and are held in public.

#### 1.7 **Planning, Licensing and Regulatory, Audit and Procurement, Ethics, Emergency Planning Forum and Other Committees**

The Council has established a Planning Committee to deal with planning and development control matters.

The Council has established a Licensing and Regulatory Committee to deal with a range of functions relating to regulatory matters and licensing. Sub-Committees of the Licensing and Regulatory Committee deal with applications under the Licensing Act 2003 and the Gambling Act 2005.

An Ethics Committee promotes high standards of councillor conduct and deals with allegations of a breach of the Code of Conduct for Elected and Co-opted Members. There is also an Audit and Procurement Committee, a Health and Wellbeing Board and an Independent Remuneration Panel to advise on Members' allowances.

The Council has established an Emergency Planning Forum to deal with executive decisions during an emergency and the Council's response to an emergency.

In addition, elected Members take part when required in Appeals Committees and Appointment and Advisory Panels.

All these are explained in more detail in Part 2.

## 1.8 Key Roles of Councillors

### **The Lord Mayor**

**Comment [cab7]:** Formerly in Article 5

Coventry was established as a City in 1346 and has had a Mayor since that time. In 1953 the position of Lord Mayor was created by Royal Charter. The Lord Mayor is the first citizen of the City.

The Lord Mayor is a Councillor who is elected as Lord Mayor by the Council at its annual meeting.

The office of Lord Mayor and Deputy Lord Mayor by convention will be offered to the Councillor who has the longest service and has not previously held the office. If that Councillor declines that offer, then it is offered to the next person in order of length of service. Any Councillor who declines the offer may take up the offer in subsequent years.

### **Ceremonial Role**

**Comment [cab8]:** Formerly in Article 5

The Lord Mayor, and in his/her absence the Deputy Lord Mayor, will have the following roles and functions:-

The Lord Mayor as Coventry's first citizen will act as the non-political and ceremonial head of the City.

The office of Lord Mayor of the City of Coventry, together with the resources which the Office represents, are intended to benefit both the City and its citizens.

The Lord Mayor, as Coventry's "first citizen", will endeavour to focus engagements on promoting the Council's vision and the Coventry Community Plan whilst undertaking this traditional and civic role. To assist in meeting the City's needs, the Lord Mayor will promote the City to ensure it continually strives for prosperity and vitality, promotes equality of opportunity for Coventry citizens and builds cohesive communities.

To pursue this Mission the Lord Mayor will:-

- **Command** partnership working with other organisations to provide greater scope for the City.
- **Open doors** of opportunity and seek investment to maintain the City's image of success.
- **Value** the civic role and recognise its potential for the City.
- **Encourage** equal opportunities for all citizens within the community.
- **Network** with those who can bring benefit and prestige to the City.

- Thank those individuals and organisations who have brought success to the City.
- Receive visitors to the City promoting its historic past and exciting future.
- Yield opportunities to represent the City both at home, nationally and internationally acting as “Ambassador” for Coventry.

These key factors will be at the forefronts of minds as the Lord Mayoralty undertakes its duties and strives to achieve the City Council’s priorities.

In addition to the ceremonial role, the Lord Mayor and in his/her absence the Deputy Lord Mayor will have the following responsibilities:-

- To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary
- To Chair and preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community
- To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not in the Cabinet or who do not sit on committees or hold Chairs are able to hold the Cabinet Members, Chairs of Scrutiny and Committees Chairs to account.
- To promote public involvement in the Council's activities
- To attend such civic and ceremonial functions as the Council and s/he considers appropriate.

#### **The Deputy Lord Mayor**

**Comment [cab9]:** Formerly in Article 5

The Deputy Lord Mayor will also be elected at the annual meeting of the Council. S/he will have the following responsibilities:-

- To assist and deputise for the Lord Mayor in carrying out the responsibilities of that office.
- In the absence of the Lord Mayor, to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interest of the community.
- To attend such civic ceremonial functions as the Council and the Lord Mayor may determine to be appropriate.



## **Roles of All Councillors**

**Comment [cab10]:** Formerly in Article 2

All Councillors will:-

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions
- (ii) contribute to the good governance of the City and actively encourage community participation and citizen involvement in decision making
- (iii) effectively represent the interests of the communities of the City in their own ward and individual constituents
- (iv) respond to constituents' enquiries and representations, fairly and impartially
- (v) participate in the governance and management of the Council
- (vi) maintain the highest standards of conduct and ethics and observe the Code of Conduct for Elected and Co-opted Members ~~and the Protocol on Member/Employee Relations~~ set out in Part 4 of this Constitution
- (vii) be available to represent the City Council on other bodies
- (viii) attend meetings of bodies to which they are appointed or, if they are unable to attend, present their apologies with their reason for absence.

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 5 of this Constitution.

## 1.9 **The Council's Employees**

The Council has people working for it (called 'employees') to give advice, implement decisions and carry out the day-to-day delivery of its services. Some employees have a specific duty to ensure that the Council acts within the law and uses its resources wisely. The Management Structure is set out in Part 6.

~~A protocol governs the relationships between employees and Members of the Council and Employees must also comply with a Code of Conduct which is . The protocol on Member/Employee relations and the Employees' Code of Conduct are~~ set out in Part 4.

The recruitment, selection and dismissal of employees will comply with the Employment Procedure Rules set out in Part 3 of this Constitution

**Comment [cab11]:** Formerly in Article 11

## 1.10 **Working With Partners**

**Coventry Sustainable Community Strategy**

**Comment [cab12]:** Formerly in Article 1

The central plan for the city is the Coventry Sustainable Community Strategy, developed by the Coventry Partnership and adopted by the Council.

The Coventry Partnership brings together agencies across the city, building on the existing good links between organisations in the public, voluntary community and business sectors to work together to find new ways to improve the lives of people who live or work in Coventry, with particular emphasis on helping those neighbourhoods and communities with priority needs.

### **Partnership Working**

**Comment [cab13]:** Formerly in Article 10

The Council will be working with existing partners and creating new partnerships that will assist the Council in fulfilling its corporate vision and objectives. In addition the way in which the Council delivers some of its services and functions to citizens and businesses will change in order to ensure value for money is delivered. In part this will be achieved through more creative and effective partnership working and some of the Council's partnerships include:-

- The Coventry and Warwickshire Local Enterprise Partnership: the key aims of a LEP are of a Public/Private partnership approach to provide a long-term vision to create the right environment for growth and business through leadership, accountability and effective deployment of resources across the sub-region.
- Health and Well Being Board: the key aims are to assess the needs of the Coventry population, develop a Health and Well Being Strategy for the City and integrating commissioning across the NHS, social care and public health. There will be a separate scrutiny board to over see the work of the Board.
- Cross Public Sector Shared Services

### **1.11 Joint Arrangements**

**Comment [cab14]:** Formerly in Article 10

The Council or the Cabinet may exercise their functions in a number of ways, for example:-

- (a) enter into arrangements or agreements with any person or body;
- (b) establish joint arrangements with one or more local authorities to exercise functions;
- (c) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (d) exercise on behalf of that person or body any functions of that person or body.

The following provisions will apply to any joint arrangements:-

The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

The Council has, along with other local authorities in the West Midlands, established a Police and Crime Panel pursuant to the provisions of the Police Reform and Social Responsibility Act 2011.

## 1.12 **Contracts and Contracting Out**

Every contract made by the Council will comply with the Rules for Contracts ~~Procedure Rules~~ set out in Part 3 of this Constitution.

**Comment [cab15]:** Formerly in Article 13

The Council (for non-executive functions) and the Cabinet (for executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are permissible under specific legislation, subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contacting principles, provided there is no delegation of the Council's discretionary decision making.

**Comment [cab16]:** Formerly in Article 10

## 1.13 **Citizens' Rights**

The Council welcomes the participation of citizens in its work.

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. The local Citizens' Advice Bureau and Coventry Law Centre 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.

Citizens have the right to:-

- Vote at local elections if they are registered.
- Contact their local Councillor about any matters of concern to them in their ward.
- Contact the appropriate Cabinet Member about any matters of concern that relate to their portfolio.
- ~~Obtain a copy of Access to~~ Access to the Constitution.
- Attend all meetings of the Council, Cabinet, Scrutiny Boards, ~~Neighbourhood Ward~~ Forums, and its Committees except where ~~exempt personal~~ or confidential matters are being discussed (see Access to Information Procedure Rules in Part 3).

- Petition the Council on any matter ~~as provided for in Part 3.9,~~ including on excessive Council Tax rises ~~and to request a referendum for an Elected Mayor form of governance.~~
- Find out, from the Council , what major decisions are to be discussed by the Cabinet , individual Cabinet Members and employees and what decisions are likely to be taken by Cabinet in private and when
- See reports and background papers, and any record of decisions made by the Council, Cabinet, Scrutiny, and Committees individual Cabinet Members and executive decisions made by employees (except personal and confidential information).
- Complain to the Council about something the Council should have done that it has not done, something it should have done differently or something it has done that it should not have, through its complaints scheme.
- 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.
- Compliment the Council where the service they have received has been exceptionally good or speedy and which could help spread good practice across the Council.
- Complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct for Elected and Co-opted Members.
- Complain to the Council about any officers' actions or attitude.
- Inspect the Council's accounts during the limited period of the audit each year and make their views known to the external auditor. The period when accounts are open to inspection is publicised.

#### 1.14 **Citizens' Responsibilities**

Citizens must not be violent, abusive, or threatening to Councillors or employees and must not wilfully harm things owned by the Council, Councillors or employees.

**Comment [cab17]:** Formerly in Article 3

#### 1.15 **Changes to the Constitution**

The Constitution has been formally adopted by the Council. The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

The Monitoring Officer has authority to make minor amendments and corrections to the Constitution. The Leader may change Cabinet portfolios and delegations.

The Cabinet Member (Community Safety and Equalities) may make recommendations on changes to the Constitution to the Council..

Any other significant changes to the Council's decision-making arrangements and committee structure will need to be approved by the full Council, upon a simple majority vote, prior to implementation.

1.16

**Publication**

**Comment [cab18]:** Formerly in Article 15

- (a) The ~~Monitoring Officer Chief Executive~~ will give a printed copy of this Constitution to each Councillor upon delivery to him/her of that individual's declaration of acceptance of office on the Councillor first being elected to the Council.
- (b) The ~~Monitoring Officer Chief Executive~~ will ensure that copies are available for inspection on the Council's website and at Council offices, libraries and other appropriate locations, and can be purchased by the local press and the public on payment of a reasonable fee.
- (c) The ~~Monitoring Officer Chief Executive~~ will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.