



MACCLESFIELD TOWN COUNCIL

CONSTITUTION



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SUMMARY AND EXPLANATION

1. 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, Officers Code of Conduct and a Publication Scheme.

Macclesfield Town Council have adopted a voluntary Constitution which contains 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 Constitution also doubles as a handbook for Councillors.

2. Local Government Background

Before considering the detail of how Macclesfield Town Council operates, it is useful to consider briefly where local government has come from and how it is changing. 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, where metropolitan and unitary authorities are all purpose. 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. Never the less it 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.



3. Macclesfield Town Council Background

Macclesfield Town Council was inaugurated in 2015, and took up its responsibilities to provide the local council tier of local government for the town of Macclesfield, serving approximately 52,000 residents. It exists to serve as a vehicle of local opinion; to provide an effective link between the local residents and council tax payers with the Unitary Borough Council of Cheshire East and to express local feelings and interests and to keep watch on all developments within the Town. It has the statutory responsibility to examine plans due for consideration by Cheshire East Borough Council as planning authority.

The Town Council has a coat of arms which contains the moto *Nec Virtus Nec Copia Desunt* (neither virtue or plenty are lacking).

4. How the Council Operates

The Council is composed of 12 Councillors, representing 7 Wards. Council elections take place in May every 4 years, when a new Council is elected. The terms of office of councillors is 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 or working there are eligible to hold the office of councillor, providing they are 18 years of age or over and not disqualified. Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

All councillors meet together as the Council. Meetings of the Council are normally open to the public and take place on a two-monthly 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 those committees, however a number of items are dealt with as recommendations to be ratified at a meeting of the Council. Council may also establish working parties, 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.



5. 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.

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.

6. The Councils Staff

The Council has people working for it (called 'officers') to give advice, implement decision and manage the day-to-day delivery of its services. The Town Clerk 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 of practice governs the relationships between officers and members of the council.

7. 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;
- 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;
- Present a petition to the Council;
- 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 complaints procedure);
- Complain if they have evidence which shows that a councillor has not followed the Members Code of Conduct and Constitution of Macclesfield Town Council.
- 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.

8. Roles and Functions of All Councillors

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

Key Roles.

All councillors will:

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

Rights and Duties.

- 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.
- 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.
- 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 his/her 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.

9. Roles and Functions 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. He / She 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.



10. 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.

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