

PART 1 – Summary and Explanation

1.1 The Council’s Constitution

The City of Wolverhampton Council (“the Council”) has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are to be 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.

The Constitution sets out the basic rules governing the Council’s business. More detailed procedures, policies and codes of practice are provided in Part 4 and 5 of this Constitution.

1.2 How the Council Operates

The Council is comprised of 60 Councillors with one-third elected three years in 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 constituents, including those who did not vote for them.

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. Here councillors decide the Council’s overall policies and set the budget each year. The Full Council is the main forum for holding to account the executive (Cabinet). It sets the main policy framework within which the Council operates. The role of Full Council is set out in Part 2 of this constitution (chapter 4).

1.3 How Decisions Are Made

The Leader has overall responsibility for Executive decision-making powers and the delivery of the Council services and is elected by the Council for a four -year term at the Council’s annual meeting after elections. The Leader appoints annually Councillors to the Cabinet and the Cabinet Panels. – one of whom is to be his or her deputy leader – and decide on the scope of their respective functions/portfolios.

When Key Decisions are to be discussed or made, these are published in the list of Key Decisions insofar as they can be anticipated. If these Key Decisions are to be discussed at a meeting of the Cabinet, this will generally be open for the public to attend except where personal 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, this must be referred to the Full Council to decide.

1.4 Regulatory Committees

The law gives the Council powers to grant approvals, licences, consents, permissions and registration in matters such as planning, licensing, health - and safety, rights of way. These are not allowed to be dealt with by the Cabinet and these powers are exercised by Committees of the Council. A list of these Committees and their respective responsibilities is contained in Part 2.

1.5 Overview and Scrutiny

The Scrutiny Board and six Scrutiny Panels support the work of the Cabinet and the Council as a whole. They allow citizens to have a greater say in Council matters by enquiring into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Board and Panels also monitor the decisions of the Cabinet. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

1.6 Employees

The Council has employees working for it who perform a number of different roles, ranging from delivering services to giving advice, implementing decisions and managing the work of the Council. Employees operate in a politically neutral way, which Councillors must respect. Some employees have a specific duty to ensure that the Council acts within the law and uses its resources wisely. These employees are the Monitoring Officer and the Section 151 Officer. There is a protocol that governs the relationships between Councillors and employees which is set out in Part 5 of this Constitution.

1.7 Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Part 2, Chapter 3. Some of these are legal rights, whilst others depend on the Council's own processes.

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 included in the Electoral Register;
- contact their local councillor about any matters of concern to them. Contact details are available on request at the Civic Centre and from the Council's website;
- obtain a copy of the Constitution;

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- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- contribute to investigations by the Scrutiny Board or Panel;
- find out, from the Council's Key Decision List, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or employees, and when; attend meetings of the Cabinet where key decisions are being discussed or decided;
- petition to request a referendum on an elected mayor;
- petition the Council and receive a response
- view reports and background papers and any record of decisions made by the Council and Cabinet;
- use the Complaints and Compliments Procedure if they have a complaint about Council Services;
- 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;
- complain to the Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct.
- inspect the Council's accounts and make their views known to the Council's external Auditor.

Set out in Part 4, are the public's right of access to certain Council documents and information.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Director of Governance at the Civic Centre, St Peter's Square, Wolverhampton WV1 1SH.