

Part 1

Summary and Explanation

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The Council's Constitution

The Sunderland City Council has agreed a new 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.

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.

What's in the Constitution?

Article 1 of the Constitution commits the Council to providing leadership to the community with citizen involvement in effective and accountable decision-making.

Article 2-17 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Executive (Article 7).
- Regulatory and Other Committees (Article 8).
- The Standards Committee (Article 9).
- Area Committees (Article 10).
- Joint arrangements (Article 11).
- The Health and Wellbeing Board (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 (Article 17).

How the Council operates

The Council is composed of 75 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. 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.

At Council meetings councillors can ask the Leader and members of his/her executive, questions about their work in running the Council. Councillors can also debate issues which concern the city and once a year the Leader can hold a debate about the state of the city.

Sunderland City Council is a cooperative council and in being so will act ethically in all its actions while adhering to and actively promoting its cooperative values of self-help, self-responsibility, democracy, equality, equity and solidarity. These values will underpin its decision making and actions.

How Decisions are Made

The Executive

The Executive (known as the Cabinet) is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Leader, who is elected by the Council, and no more than nine councillors appointed by the Leader. When key decisions are to be discussed or made, these are published in the Cabinet's 28 Day Notice of Key Decisions and Executive Decisions in so far as they can be anticipated. If these major decisions are to be discussed with council officers 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 Council as a whole to decide.

Overview and Scrutiny

The scrutiny committee supports the work of the Cabinet and the Council as a whole. The scrutiny committee looks into matters of local concern and this leads to reports and recommendations which advise the executive and the Council on its policies, budget and service delivery. The scrutiny committee also monitors the decisions of the Cabinet. Subject to certain rules the scrutiny committee can ‘call-in’ a decision which has been made by the Cabinet but not yet implemented. This enables the committee to consider whether the decision is appropriate. In some circumstances the committee may recommend that the Cabinet reconsider the decision. The committee may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

Area Committees

In order to give local citizens a greater say in council affairs, 5 area committees have been created. These cover Sunderland North, Sunderland East, Sunderland West, Washington and the Coalfields. Their role is primarily a consultative one and they may report on matters of local concern to the Cabinet, overview and scrutiny committees or the Council. They may have some Cabinet and non-Cabinet functions and will have maximum spending limits. They involve councillors for each particular area and meetings are held in public.

The Health and Wellbeing Board

The Board brings together key NHS, public health and social care leaders in Sunderland to work in partnership to assess the broad health and wellbeing needs of the local population and to lead the statutory joint needs assessment. The Board will develop a joint high-level health and wellbeing strategy and may also commission work on policy research, service improvement and local needs.

The Council’s Staff

The Council has people working for it to give advice, implement decisions and manage 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. A protocol governs the relationships between employees and members of the council.

Citizens’ Rights

Citizens 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. Local Advice Centres can advise on individuals’ legal rights. Where members of the public use specific council services, for example as a parent of a school pupil, 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;
- 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;
- find out, from the Cabinet's forward plan, 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;
- see agendas reports and background papers, and any record of decisions made by the Council and Cabinet;
- complain to the Council about the standard of service, action or lack of action by the Council or its staff. Complaints should be made to the Council department concerned. Details of the complaints procedure can be obtained from Customer Services Manager at the Civic Centre.
- 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 Board for England if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts when on deposit and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Customer Services Manager Telephone 561 1065 at the Civic Centre or visit our website on www.sunderland.gov.uk.