

CREWE TOWN COUNCIL CONSTITUTION

Adopted by Council: 17th May 2022
Review Date: April 2024

INTRODUCTION

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

Crewe Town Council have resolved to voluntarily adopt a constitution which will contain the Statutory Governance documents it needs to publish, as well as a number of other parts which represent best practice and will help to make its dealings more transparent to local people and businesses. The purpose of the constitution is to enable local people to understand how their Town is being governed and how they can become involved in decision making.

This first Constitution was adopted on 17th May 2022, and contains a number of constituent parts recently adopted by Council, as set out in the Index.

As you look down the contents page, you may see some gaps. This is because the Council is gradually reviewing and revising its governance documents and adding policies as they are developed.

The Constitution also doubles as a handbook for Councillors. It is available to them in hard copy or electronic format.

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SUMMARY AND EXPLANATION

BACKGROUND – LOCAL GOVERNMENT

Before considering the detail of how Crewe 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, a situation which still exists in many counties such as Staffordshire. Metropolitan and unitary authorities in some other parts of the Country are all purpose, which is the case in Cheshire, with Cheshire East being the unitary authority which includes Crewe. The term “local Council” means a parish or town Council. They are, like all Councils an elected corporate body, but have a far more limited range of duties and powers than the principal Councils. However, the 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 was widened for principal authorities and qualifying local Councils by the provisions of the Localism Act 2011, which introduced a General Power of Competence. In brief, this provides for a principal Council or qualifying local Council to have the power to do anything that individuals generally may do but with certain limitations. Crewe Town Council is currently eligible and has adopted this general power of competence.

BACKGROUND – CREWE TOWN COUNCIL

Crewe Town Council is known as a “local Council” was established in April 2013 following a referendum. The Council took over from the Charter Trustees who had been responsible for civic functions in Crewe since Crewe and Nantwich Borough Council was absorbed into Cheshire East Borough Council in 2009. The historic railway town had been at the centre of local government from 1889 until the formation of Cheshire East Borough Council. Until 1974 as a municipal borough Council and afterwards as the headquarters of Crewe and Nantwich Borough Council.

The town itself began to develop after the iconic railway station was opened in 1837. The station did not actually transfer into the town, from the adjacent parish (Crewe Green) until 1936. Crewe is the largest town in south Cheshire, with a population of approximately 55,000, living in some 22,500 households.

The Town Council is the level of government closest to the community and takes pride in its good relationship with the Town’s residents, businesses and voluntary sector. It represents the local community whenever necessary and demonstrates community leadership. The Council delivers a range of projects and services to the town, but has ambition to operate more public services so that standards may be maintained or enhanced. Look at the range of services under “Services” on our website.

HOW THE COUNCIL OPERATES

Crewe Town Council comprises 20 elected Councillors, who represent six different wards in the town, West Ward, St. Barnabas Ward, South Ward, North Ward, East Ward and Central Ward, Council elections take place in May every 4 years, when a new Council is elected. The most recent ordinary election was held in May 2019. 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, or living within 3 miles of the parish boundary 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 which includes the declaration of interests in matters considered by Council. The Council adopted its revised Members Code of Conduct in January 2020. Cheshire East Council is responsible for promoting and ensuring the standards of conduct by unitary and town Councillors. Their Monitoring Officer deals with complaints about the behaviour of Councillors under the Code.

All Councillors meet together as the full Council approximately every two months. The annual Town Council is held in May, with ordinary meetings every second month. The budget for the forthcoming financial year is decided in January. It is at full Council that members decide the Council's overall policies, set the budget each year and deal directly with the more major issues. Each year at the annual meeting Councillors elect a Town Mayor, who also holds the statutory position of Chair, and a Deputy Mayor. The Leader of Council is also the Chair of Finance and Governance Committee.

The Council appoints committees which deal with the more detailed or routine items of business. Certain decisions may be delegated by full Council to these committees, all other items are dealt with as recommendations to be ratified at a meeting of full Council. Council also establish working parties or sub-committees, 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.

The Council has a number of committees which include:-

- Finance and Governance Committee
- Community Plan Committee
- Operations and Improvement Committee
- Marketing and Events Committee
- Planning Committee
- Personnel Committee

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 each year. Meetings are always publicised on the website and the Council noticeboard. All formal meetings are open to the public and press. Reports to those meetings and relevant background papers are available for the public to see.

Occasionally, Council or committees may need by law 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.

COUNCIL OFFICERS

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 Town Clerk heads up this paid service and has specific duties as the “Proper Officer” to ensure that the Council acts within the law. The Town Clerk is also designated as “Responsible Financial Officer” to ensure that financial best practice is followed. 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 in the appropriate part of Council and committee meetings;
- Film, photograph or make an audio recording of the meeting for the benefit of those not attending, providing it is not disruptive.
- 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 to the Cheshire East Council’s Monitoring Officer if they have evidence which 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 external Auditor who checks the Council’s financial management 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 (or party-political system), share common roles and responsibilities.

(a) 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;
- maintain the highest standards of conduct and ethics.

(b) 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 disclose 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 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 has a statutory role and that is to chair meetings of full Council. In doing so, will promote political neutrality.

The Mayor will be the civic head of the Council, first citizen of the Town subject to deference to the Cheshire East Mayor or Chair where appropriate. He/She will be a symbol of the Authority and an expression of social cohesion. The Mayor will have a key role in promoting the town and will act as the Town Council's representative at official events.

The Mayor will be elected from amongst the Authority's members by full Council at its Annual Meeting and holds office for a year. The Council may elect a Mayor for a further term.

DEPUTY MAYOR

The Council 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.

LEADER OF COUNCIL

The Leader of Council is not a statutory position, but one determined by Crewe Town Council. He or she will be a Councillor elected to the position of leader by the Council annually. The Leader will hold office until he/she resigns from the office or until the next Annual meeting of Council.

The Leader of Council will be the Chair of the Finance and Governance Committee and will be recognised as the leader on all policy and business matters. The Leader will work with the Town Clerk in bringing matters of policy to the Council for determination.

The Leader of Council will be tasked with the following responsibilities:-

1. to advise Council on periodically reviewing policy and strategic priorities;
2. to work with Officers 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;
3. to promote public involvement in the Council's activities;
4. together with the Mayor and Deputy Mayor to promote the Council as a whole.

DEPUTY LEADER OF COUNCIL

The Council also appoint a Deputy Leader at the time the Leader is appointed, who shall assume the role of the Leader when the Leader is not available.