



Part 1

Summary and Explanation

Updated May 2012

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The Council's Constitution

This Constitution, 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 14 articles (sections) which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules, procedures and protocols at the end of the document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to working together with the local community to ensure that it uses its resources effectively, in order to maintain the Borough's economic prosperity, manage its environment and improve its residents' quality of life. Articles 2 – 14 explain the rights of citizens and how the Council operates, as set out below (the full detail of these Articles are set out in Part 2 of this Constitution).

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- Policy and Regulatory Committees (Article 6)
- The Standards Committee (Article 7)
- Tasks Groups, Local Strategic Partnership and Forums (Article 8)
- Joint Arrangements (Article 9)
- Officers (Article 10)
- Decision Making (Article 11)
- Finance, Contracts and Legal Matters (Article 12)
- Review and Revision of the Constitution (Article 13)
- Suspension, Interpretation and Publication of the Constitution (Article 14)

How the Council operates

The Council is composed of 28 Councillors who are elected every four years. 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/Governance 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. The Council encourages public participation by:-

- Liaison with and involvement of community groups representing all aspects of life in the Borough;
- Giving local Councillors the opportunity to make reports/statements on local issues within their wards;
- Public question time;
- The creation of Community Forums by the County Council other Forums and Task Groups giving local citizens, partner organisations and interested parties a greater say in Council and local community affairs.

The structure of decision making at Melton Borough Council takes the following broad form:

- The Full Council sets the policy framework and approves the budget;
- The "policy" committees implement and scrutinise the policy framework, review and examines matters of wider local interest, involving stakeholders in their deliberations and put proposals to the Full Council;

~~The Overview, Scrutiny and Audit Committee holds the policy committees to account in public, assists them in policy development and review and examines matters of wider local interest, involving stakeholders in their deliberations.~~

HOW DECISIONS ARE MADE

Most day-to-day decisions are made by policy committees and deal with the implementation of the policy framework and the following general matters:

Policy, Finance and Administration

- Effective use of the Council's finance, property assets and human resources.

Rural, Economic and Environmental Affairs

- Delivery of the Council's responsibilities under economic development; transport; waste management and environmental protection.

Community and Social Affairs

- Delivery of the Council's responsibilities in respect of housing, art, culture and sport and health and safety.

GOVERNANCE COMMITTEE AND ETHICAL GOVERNANCE PANEL

- Audit matters, constitution and governance, consultation and engagement, electoral matters, performance, risk management and voluntary sector relationships.

Other Committees also carry out a number of regulatory functions, including dealing with planning applications, licensing and most other regulatory business.

Meetings of the Council's policy committees are open to the public except where personal or confidential matters are being discussed.

~~OVERVIEW, SCRUTINY AND AUDIT~~

~~The Overview, Scrutiny and Audit Committee supports the work of the policy committees and the Council as a whole. It allows citizens to have a greater say in Council and local community matters by holding public inquiries into matters of local concern. These can lead to reports and recommendations which advise the policy committees and the Council as a whole on its policies, budget and service delivery. The Overview, Scrutiny and Audit Committee also monitors the decisions of the policy committees. It can "call-in" a decision which has been made by a policy committee but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that a policy committee or Full Council reconsiders the decision. It may also be consulted by policy committees on forthcoming decisions and on the development of policy.~~

TASK GROUPS, LOCAL STRATEGIC PARTNERSHIP AND FORUMS

In order to give local citizens and partner organisations a greater say in Council and local community affairs, a Local Strategic Partnership, an area committee and forums have been created. The Local Strategic Partnership is responsible for the preparation and implementation of the Sustainable Community Strategy for the Borough, with the ultimate aim of improving the quality of life of Melton's citizens. In order to do this, it will oversee and co-ordinate the work of any issue-based forums it may wish to establish. Before such forums are put in place, however, the Local Strategic Partnership (LSP) will consult with the Borough Council regarding proposed terms of reference. In this way, the LSP and the Borough Council will ensure that duplication is minimised, and that a forum is not being established for a task that would be better handled by a task group or other body. No forum may be established without the approval of the appropriate body, either the Local Strategic Partnership, or the Borough Council. In addition, the following participative and statutory forums will operate.

- Access Forum (participatory)
- Action for Youth (participatory)
- A Decent Place to Live group (participatory)
- Locality based Partnership Form
- Melton Area Safer Communities Partnership (statutory)

- Parish Council Liaison (participatory)
- People and Places Board (participatory)
- Seniors' Forum (participatory)
- Tenants' Forum (participatory)
- Town Centre Partnership (participatory)
- Vulnerable Adults and Families group (participatory)

The meetings of the forums are held in public and in general:

~~• advise the Policy and Overview, Scrutiny and Audit Committee on matters of interest in their area;~~

- assist all Councillors in listening to and representing their community;
- help to build partnerships between Melton Borough Council, other local public, private and voluntary sector organisations and the public.
- support the LSP in developing community strategies as part of the wider community planning process;
- undertake specific tasks relating to responsibilities covered by their terms of reference, delegations from higher bodies falling within those terms of reference or requirements set out in statutory provision.

In addition to the LSP and forums, the policy committees ~~and Overview, Scrutiny and Audit Committee~~ are underpinned by task groups which are small groups of Councillors, officers and other stakeholders working together on time limited, specific tasks/issues. Further details are set out in Article 9 and a protocol of operation is set out in Part 5 of this Constitution.

The Council's Staff

Officers are staff employed by the Council to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol is set out in Part 5 of this Constitution governs the relationships between officers 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 (Part 2). Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, for example 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 relevant 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;
- submit petitions and petition to request a referendum on a mayoral form of executive;
- participate in the Council's public question time, ask questions in relation to the Leader's report and local Councillors' reports, and contribute to investigations by the **Overview, Scrutiny and Audit** Policy Committees;
- see reports and background papers, and any record of decisions made by the Council and its committees;
- complain to the Council about service delivery in accordance with the Council's complaints procedure;
- 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, Ethical Governance Panel via 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; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. A booklet explaining how committees operate and rights to inspect agendas and reports is available from the Democratic Services section on 01664 502502 or on the Council's website at www.melton.gov.uk.