

CHAPTER 1 – 2 - INTRODUCTION, SUMMARY AND EXPLANATION

This document is the Council's Constitution. It contains details of how the Council works, how decisions are made and where to find information about the Authority.

You will see boxes at the beginning of each document like this which will give you a summary of what information you can expect to find within the document and provide you with a brief introduction

1.0 The Constitution

Purpose

- 1.1 This is a document to help residents, businesses, partners, stakeholders, Members and Officers understand how the Council works. Melton Borough Council will exercise all powers in accordance with the law and this Constitution.

How to use the Constitution

- 1.2 It is available on our website and a hard copy is available at the Council Offices.

- 1.3 If you have any queries about anything in this Constitution, please contact democracy@melton.gov.uk

1.4 Review of the Constitution

The Audit and Standards Committee on the advice of the Chief Executive, Monitoring Officer and Chief Finance Officer shall monitor and review the effectiveness of the Constitution to ensure that the aims are given effect.

1.5 Amendments to the Constitution

Amendments shall be made by Council following Audit and Standards Committee considering it. Minor amendments may be made by the Monitoring Officer in accordance with the Officer Scheme of Delegation.

1.6 Suspension of the Constitution

Only the Meeting Functions and Procedure Rules may be suspended in accordance with the relevant provision.

2.0 The Authority

Composition

- 2.1 Melton Borough Council has 28 elected Councillors (also called Members). View details of the political composition of the Council.
- 2.2 Each Member will represent residents in their Ward. There are 16 Wards in the Council's area. Members are elected every four years. [Find out when the next election will take place](#). Find out which Ward you are in and who your Councillors are. [See a list of all Councillors with their contact details](#).

3.0 **Councillors**

- 3.1 Members can hold office if they are registered voters of the Borough, or they live or work in the Borough.
- 3.2 Members are directly accountable to residents for how the Council is run. They have a duty to represent all constituents in their Ward and they must make decisions in the best interests of the Borough as a whole.
- 3.3 They are involved in decision making in the Council (Introduction to Decision Making gives details of how Members make decisions at the Council). Members can also represent the Council on outside bodies.
- 3.4 Members must adhere to a Members Code of Conduct and a Protocol on Member/Officer Relations. If you have any concerns about the conduct of a Member you can contact the Monitoring Officer at Monitoringofficer@melton.gov.uk
- 3.5 Members also must register and declare certain interests. You can access the Register of Members' Interests on the Council's website.

Members' Roles and Responsibilities are contained within Chapter One.

4.0 **How the Authority makes decisions**

- 4.1 All Members meet a number of times each year and collectively they are called 'Council' and sit at Council Meetings. You can get details of Council Meetings by looking at the Annual Calendar of Meetings. The Council appoints a Mayor (who is chair of the Council Meeting, performs the Council's civic role and represents the Council in the community) and a Deputy Mayor.

5.0 **Details of how the Authority operates**

- 5.1 The Authority (Melton Borough Council) operates an "executive" form of governance. This means that at the Council meeting, members appoint a Leader of the Council. The Leader then appoints up to 9 other councillors who, together with the Leader, form the Cabinet. Each of the councillors on the Cabinet is responsible for a particular area of the Council's activities (called "portfolios"). Cabinet Members are also called Portfolio Holders. See the current Cabinet portfolios. See the role of the Mayor and the Deputy Mayor. Cabinet agendas and minutes can be accessed on the Council's website.
- 5.2 At the Council Meeting Members also select which Members will sit on several Committees to deal with different aspects of the Council's functions.
- 5.3 There is also a Scrutiny Committee which helps the Cabinet formulate policy and holds the Cabinet to account.
- 5.4 This diagram shows the overall structure of the Council's decision-making arrangements.

6.0 **The Authorities Staff/Employees**

- 6.1 Members are supported by the Authority's staff/employees (who are also called "Officers"). Officers provide advice, implement decisions, and manage the day-to-day delivery of the Authority's services.

- 6.2 The most senior Officer is the Chief Executive. Other senior managers are responsible for specific Council services (Chief Officers). Some Chief Officers have specific duties (Statutory Officers) to ensure that the Council operates within the law and uses resources properly. These are the Monitoring Officer and the Chief Finance Officer (Section 151 Officer). See the Council's Senior Management Structure.
- 6.3 The functions and responsibilities which the Council has given to the Chief Officers are listed in the Officer Scheme of Delegation. The functions and responsibilities the Leader has given to them are listed in the Cabinet Scheme of Delegation.
- 6.4 The Council's Senior Leadership Team comprises the following Officers (all of whom are defined in law as Chief Officers other than the Assistant Director for Planning);
- Chief Executive (Head of Paid Service)
 - Director for Corporate Services (Chief Finance Officer)
 - Assistant Director for Governance and Democracy (Monitoring Officer)
 - Director for Housing and Communities
 - Director for Growth and Regeneration
- 6.5 Officers must comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations. To make certain decisions, Officers must consider finance and legal implications and they must comply with Finance, Contract and Legal Matters.
- 6.6 The recruitment, selection, discipline, and dismissal of Chief Officers must be conducted by the Employment Committee and in accordance with specific rules.
- 6.7 Chief Executive (Head of Paid Service)
The Chief Executive will report to Council on how the Council's functions are coordinated, number and grade of Officers required for the discharge of the functions and organisation of Officers.

The Chief Executive may not be the Monitoring Officer or Chief Finance Officer.

The Chief Executive must ensure access to information in accordance with the Access to Information Procedure Rules.

- 6.8 Monitoring Officer
The Monitoring Officer shall maintain an up-to-date Constitution and will ensure that it is publicly available.

After consulting with the Head of Paid Service and the Chief Finance Officer, the Monitoring Officer shall report to Cabinet and/or Council as appropriate if he/she considers that any proposal, decision, or omission has given rise to maladministration. Such a report shall have the effect of stopping the proposal or decision being implemented until the report has been considered.

The Monitoring Officer shall administer the process for determining complaints against Members.

The Monitoring Officer shall provide advice on the scope of powers and authority to take decisions and in relation to maladministration, financial, impropriety, probity and Budget and Policy framework issues to all Members and Officers in their respective roles.

The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.

6.9 Chief Finance Officer

The Chief Finance Officer shall have responsibility for publishing financial information to the public, media, and the community.

The Chief Finance Officer will have responsibility for the financial affairs of the Authority.

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer shall report to Cabinet and/or Council as appropriate (also the External Auditor) if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

The Chief Finance Officer shall provide advice on scope of powers and authority to take decisions and in relation to maladministration, financial, impropriety, probity and Budget and Policy Framework issues to all Members and Officers in their respective roles.

6.10 Duty to Provide Sufficient Resources to the Head of Paid Service, Monitoring Officer, and Chief Finance Officer

The Council will provide the Head of Paid Service, Monitoring Officer and Chief Finance Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

6.11 **Finance, Contracts and Legal Matters**

Finance

The Council manages its financial affairs in accordance with the Financial Procedure Rules.

6.12 Contracts

The way that the Council procures, enters into and/or manages contracts shall be in accordance with the Contract Procedure Rules.

6.13 Legal Proceedings

The Monitoring Officer is authorised to institute, defend, or participate in any legal proceedings in any case where such action is necessary, to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests.

6.14 Authentication of Legal Documents

The Chief Executive or Monitoring Officer (or any Officer who they authorise) shall sign documents which are necessary to any legal procedure or proceedings.

6.15 Common Seal of the Council

Certain documents as determined by the Contract Procedure Rules shall have the Council's Common Seal affixed to them rather than a signature of an Officer. The affixing of the Common Seal shall be attested by the Chief Executive or the Monitoring Officer (or any Officer who they authorise).

7.0 **Rights of citizens and residents**

7.1 Everyone has an equal right to access high quality Council services. Members of the public have rights to:

- vote at local elections
- attend the Council's meetings except where confidential or exempt information is being discussed. See Access to Information Procedure Rules
- Public Speaking and Questions. See Meeting General Procedure Rules
- contact local Councillors about any matters of concern – access Councillor details can be found on the Council's website
- contribute to investigations by the Scrutiny Committee See Scrutiny Committee Functions & Procedure Rules
- complain where there are problems with Council services – access the Complaints Policy
- complain to the Commission for Local Administration (the Ombudsman) if the Council has not followed its procedures properly – access the Ombudsman website
- complain to the Council if you believe there is evidence that a Member has not followed the Council's Member Code of Conduct – access the Code of Conduct Complaint Form
- inspect the Council's accounts
- request information.