

PART 1 - SUMMARY AND EXPLANATION

The Council's Constitution

Blaby District 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 provide a framework of democratic accountability aimed at continuous improvement of the delivery of services to the community be they residents, voluntary organisations, businesses, those travelling through, or to, the District of Blaby. Articles 2 - 16 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 Full Council meeting (Article 4).
- Chairing the Council (Article 5).
- Scrutiny (Article 6).
- The Cabinet Executive (Article 7).
- Other Committees (Article 8).
- The Standards Committee (Article 9).
- Not used (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making and Key Decisions (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

How the Council operates

The Council is composed of 39 Councillors 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 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 is responsible for approving the policy framework and the budget, provides the main political debating platform and holds the Cabinet Executive to account. It also retains responsibility for regulatory functions.

The Council at its Annual Meeting considers the proposition that the following Committees and any Sub-Committees of those Committees do not need to be established on a politically balanced basis:- (on the basis of a nem con vote - i.e. no one voting against).

- Appeals Against Dismissal Committee
- Audit Committee
- Chief Executive and Chief Officer Appointment Committee
- Committee for Disciplinary Action (Investigation of Alleged Misconduct) Head of Paid Service, Chief Finance Officer and Monitoring Officer
- Development Control Committee
- Dismissal Hearings Committee
- Licensing Committee
- Regulatory Committee
- Scrutiny Commission

At the Annual Meeting of the Council this decision must be re-stated in accordance with the Local Government and Housing Act 1989 otherwise membership arrangements will require revision to comply with political regulations.

How Decisions Are Made

The Cabinet Executive is the part of the Council which is responsible for most day-to-day decisions. The Cabinet Executive is made up of a cabinet of Councillors appointed by the Leader of the Council. When major decisions are to be discussed or made, these are published in the Cabinet Executive's forward plan insofar as they can be anticipated. If these major decisions are to be discussed with Council

Officers at a meeting of the Cabinet Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet Executive 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, subject to existing rules of procedure set out in Part 4, Section 3 of this Constitution.

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 Committees are open to the public except where personal or confidential matters are being discussed.

Scrutiny

The Scrutiny Commission advises the Cabinet Executive and the Council as a whole on its policies, budget and service delivery. The Scrutiny Commission also monitors the decisions of the Cabinet Executive.

The Scrutiny Commission appoints three Scrutiny Commissioners.

The Council's Staff

The Council has people working for it (called 'Officers') 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 code of practice 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. 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 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 Cabinet Executive;
- find out, from the Cabinet Executive's forward plan, what major decisions are to be discussed by the Cabinet Executive or decided by the Cabinet Executive or Officers, and when;
- attend meetings of the Cabinet Executive;
- see reports and background papers, and any record of decisions made by the Council and Cabinet Executive;
- complain to the Council through its complaints procedure;
- complain to the Ombudsman after first using the Council's own complaints procedure if they think the Council has not followed its procedures properly although the Ombudsman may get involved earlier in extenuating circumstances;
- complain 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. For further information on your rights as a citizen, please contact the Democratic Services Manager.

Details on access to information provisions are contained in Article 3 and Part 4 - Access to Information Procedure Rules.

References to legislation shall include any amending legislation.

