

Summary and Explanation

The Council's Constitution

Charnwood Borough Council has a 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 first part of the Constitution is divided into 16 articles which set out the basic rules governing the Council's business. The next part describes which parts of the Council are responsible for which functions. The remainder of the Constitution sets out more detailed procedures and codes of practice for how the Council should operate.

How the Council operates

The Council is composed of 52 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 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 (which includes the annual revenue budget and capital programme) each year. The Council also approves the Policy Framework which comprises its major plans.

How Decisions are Made

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. 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 the Policy Framework, this must be referred to the Council as a whole to decide. The Cabinet is made up of a Leader appointed by the Council and between two and nine councillors appointed by the Leader. Meetings of the Cabinet are normally held in public. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated.

Overview and Scrutiny

There are four permanent overview and scrutiny bodies which support the work of the Cabinet and the Council as a whole. They undertake inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery.

Scrutiny bodies also monitor the decisions of the Cabinet. They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsiders the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

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. The Constitution sets out those functions which the Council and the Cabinet have delegated officers to carry out. 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, while 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, the Cabinet and committees except where, for example, personal or confidential matters are being discussed;
- organise or sign a petition in accordance with the Council's Petition Scheme;
- petition to request a referendum on a mayoral form of executive;
- ask questions at meetings of the Cabinet or committees or speak at meetings of the Plans Committee, provided that they have followed the proper procedure;
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- see reports and background papers, and any record of decisions made by the Council and the Cabinet;
- complain to the Council about the services which it provides, in accordance with the Council's complaints scheme;
- 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 scheme;
- complain to the Standards Committee 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. Further information on a citizens' rights in relation to the Council can be obtained from the Head of Strategic Support at Council Offices, Southfields, Southfield Road, Loughborough, Leicestershire, telephone (01509) 634573.