

# Part 1 – Summary and Explanation

## The Council's Constitution

Malvern Hills District Council has adopted a constitution which sets out how the Council operates, how decisions are made and the procedures followed to ensure that these decisions are efficient, transparent, and accountable to local people. Some of these processes are required by 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 accountable, transparent, effective, and efficient decision making and community leadership which involves local people, businesses, organisations, and its partners.

**Articles 2-16** explain the rights of residents and how the key parts of the Council operate.

Article 1	The Constitution
Article 2	Members of the Council
Article 3	Residents and the Council
Article 4	The Full Council
Article 5	Chairing the Council
Article 6	Overview and Scrutiny Committee
Article 7	Executive Committee
Article 8	Other Committees and Groups
Article 9	The Audit and Standards Committee
Article 10	Appointments, Disciplinary and Investigations Committee
Article 11	Joint Arrangements
Article 12	Officers
Article 13	Decision Making
Article 14	Finance, Contract, and Legal Matters
Article 15	Review and Revision of the Constitution
Article 16	Suspension, Interpretation and Publication of the Constitution

**Articles 1-16 may not be suspended**

# Part 1 – Summary and Explanation

## How the Council operates

The Council comprises 38 councillors elected every four years. The next ordinary election of councillors will be in May 2023 and every four years thereafter. Councillors are democratically accountable to residents of their wards of which there are 22. Some wards have more than one councillor. 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.

All councillors meet together as the Council. Meetings of the Council are normally open to the public except when matters containing “exempt information” or “confidential information” are being discussed. This type of information is defined in law and is usually personal, financial, contractual information or legally privileged. At the Council meeting councillors decide the Council’s overall policies (the policy framework) and set the budget and council tax each year. The Council appoints committees, sub-committees, panels, and groups to undertake functions on its behalf and provides the means by which these bodies can subsequently be held to account for the decisions they make.

Council meetings also provide an opportunity for the public to raise issues and ask questions in accordance with the public participation scheme on matters relating to the Council or the District.

## How decisions are made

Whilst Council approves the overall policy framework, most policy decisions are made by the following committee, which exercises executive powers on behalf of the Council:

- **Executive Committee** - implements policy and takes executive decisions (collectively) in respect of all Council matters and services which are not specifically reserved for Council or delegated to another Committee of the Council or to officers.

Other Committees carry out a number of regulatory functions as follows:

- Licensing Committee - licensing applications and appeals.
- Area Planning Committees – determination of planning applications.

## Part 1 – Summary and Explanation

Meetings of all the above committees by law are publicised well in advance and are open to the public except where matters containing “exempt information” or “confidential information” as defined in Part 4 of the Constitution are being discussed. The Council is committed to being open and transparent and will endeavour to deal with all matters in public wherever possible.

### Overview and Scrutiny

The Overview and Scrutiny Committee monitors the decisions of the Executive Committee and supports the policy development process by conducting in depth reviews.

The Overview and Scrutiny Committee allows residents to have a greater say in Council 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.

Any five councillors can “call in” a decision that has been made by Executive Committee within five days of the decision being taken. This enables the Overview and Scrutiny Committee to consider whether the decision is appropriate. The Overview and Scrutiny Committee may also be consulted by the Executive Committee on forthcoming decisions and the development of policy.

Meetings of the Overview and Scrutiny Committee are normally open to the public.

The Overview and Scrutiny Committee is supported in its work by **Task and Finish Groups**, which are formed to consider and review specific policy issues and make recommendations.

### The Council’s staff

The Council has staff (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. There is an extensive scheme of delegation whereby officers are permitted to make decisions in accordance with previously determined policies. A protocol governs the relationships between officers and members of the Council and this is rooted in mutual respect.

### Residents’ rights and responsibilities

Residents have a number of rights and responsibilities 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 Citizen’s Advice Bureau can advise on an individual’s legal rights.

## Part 1 – Summary and Explanation

Residents have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- inspect or 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 executive;
- participate at Council and other meetings where the council's various Public Participation/Speaking Schemes apply;
- see reports and background papers, and any record of decisions made by the Council or any of the committees that were open to the public (subject to statutory deadlines);
- complain to the Council if dissatisfied with any of the services it provides under its complaints process;
- make a complaint to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly. However, they are recommended to do this only after using the Council's own complaints process;
- complain to the Council's Monitoring Officer if they can show that a councillor has not followed the Members Code of Conduct (in line with the **Arrangements for Investigating Allegations of Breach of the Councillor Code of Conduct** at Part 5 of this Constitution); and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its residents in its work. For further information on your rights as a resident, please contact Democratic Services, The Council House, Avenue Road, Malvern (tel. 01684 862416/2273) or [committee@malvern hills.gov.uk](mailto:committee@malvern hills.gov.uk)