

London Borough of Hounslow Constitution May 2024

PART 2

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ARTICLE 1 – THE CONSTITUTION

Introduction

This Article sets out the fundamental provisions of the Constitution. It confirms that the Authority will act within the law and the provisions of this Constitution, and also that the Authority will monitor and review its Constitution. It also provides for methods of changing the constitution, and for its publication.

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its appendices as set out in the contents page, is the Constitution of the Council of the London Borough of Hounslow.

1.3 Purpose of the Constitution

The purpose and principles outlined in the Constitution seek to:

- (a) enable the Council to provide clear leadership to the community;
- (b) work in partnership with citizens, businesses and other organisations;
- (c) support the active involvement of citizens in the process of local authority decision making;
- (d) help Councillors represent their constituents more effectively;
- (e) enable decisions to be taken efficiently and effectively;
- (f) create a powerful and effective means of holding decision makers to public account;
- (g) provide excellent standards of ethics and probity in decision making;
- (h) ensure that those responsible for decision making are clearly identifiable to local people;
- (i) explain the reasons for decisions; and
- (j) provide a means of improving the delivery of services to the community.

1.4 Interpretation of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the above purposes.

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council.

Such interpretation will have regard to the purposes of this Constitution.

1.5 Review and Amendment of the Constitution

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

ARTICLE 2 – MEMBERS OF THE COUNCIL**2.1 Composition and eligibility**

- (a) **Composition.** The Council comprises 62 Council members, otherwise called councillors. Two or three councillors are elected by the voters of each electoral ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of the London Borough of Hounslow or those living or working there are eligible to hold the office of councillor.

2.2 Election and terms of councillors

The regular election of councillors is held on the first Thursday in May every fourth year from the date of the previous municipal elections in 2022, the first council election following the ward boundary changes. The terms of office of councillors start on the fourth day after being elected and finish on the fourth day after the date of the next regular election. Vacancies in the office of councillor are filled by a by-election; those elected at a by-election hold office until the fourth day after the date of the next regular election.

2.3 Roles and functions of all councillors

- (a) **Key roles.** All councillors will:
- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
 - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests within the ward and represent the ward as a whole; (e) be involved in decision-making;
 - (v) be available to represent the Council on other bodies;
 - (vi) maintain the highest standards of conduct and ethics; and
 - (vii) take part in member development and training.
- (b) **Rights and duties**
- (i) Councillors will have such rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
 - (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or member of staff entitled to know it.
 - (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this constitution.

2.4 Conduct

Councillors will at all times observe the Members' Code of Conduct, the Protocol on Member/Officers Relations, the Protocol on Probity in Planning matters and the Protocol on Gifts and Hospitality set out in Part 5 of this constitution.

2.5 Allowances

Councillors are entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this constitution.

PART 2

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.01 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

- (a) **Voting and petitions** - Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.
- (b) **Information** - Citizens have the right to:
 - (i) attend meetings of the Council, Cabinet and its Committees, except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;
 - (ii) find out from the Forward Plan what Key Decisions will be taken by the Cabinet or an officer under executive delegated authority and when;
 - (iii) see agendas, reports by officers and background papers, records of decisions made by the Council or Cabinet and any records of decisions made by an officer; and
 - (iv) inspect the Council's accounts and make their views known to the external auditor.

Public rights to information, including to record meetings, are explained in more detail in the Access to Information Procedure Rules set out in Part 4

- (c) **Participation** - Citizens have the right to:
 - (i) speak or ask a question at meetings as the rules of those meetings might allow, including the Council's Cabinet or Planning and Licensing Committees;
 - (ii) contribute to investigations and reviews as and when Overview and Scrutiny Committees or Panels are exercising their review functions;
 - (iii) participate in consultations; and
 - (iv) submit petitions to Councillors or officers about matters that are of local concern.
- (d) **Complaints** - Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme;
 - (ii) the Ombudsman after using the Council's own complaints scheme;
 - (iii) the Monitoring Officer about a breach of the Councillors' Code of Conduct.

3.02 Citizens' responsibilities

- (a) Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.
- (b) Citizens are expected to conduct themselves in an appropriate and respectful manner. This is particularly important when attending or addressing meetings where there are likely to be a wide range of views strongly held by different sections of the community where emotions will run high. Citizens' rights of participation are dependent upon:
 - (i) refraining from causing damage to property;
 - (ii) respecting the diversity and equality of all sections of the community
 - (iii) respecting the integrity of the roles that Members and professional officers of the Council are required to undertake; and
 - (iv) avoiding language, making statements or behaviours that are racist, derogatory or offensive, such conduct can amount to a criminal offence and may also amount to slander or libel.
- (c) Citizens are legally required to register to vote and actively encouraged to exercise their vote as part of their commitment to citizenship and local democracy.

ARTICLE 4 – THE FULL COUNCIL

Introduction

This Article defines the functions that are reserved for decision by the full Council.

The Council is responsible for approving the policy framework and the annual revenue and capital budget. The Council also retains responsibility for regulatory functions (which include planning, licensing and health and safety at work); certain constitutional and quasi-legislative functions (primarily the conduct of elections and making of by-laws) and those local choice functions which the Council is free to decide whether they are the responsibility of full Council or the Executive. The Council also has a role in holding the Executive to account.

4.01 **Composition.**

The Full Council is made up of all 62 elected Members.

4.02 **Council Meetings**

There are three types of Council meeting:

- (a) The Annual Meeting
- (b) Ordinary meetings
- (c) Extraordinary meetings

Meetings will be conducted in accordance with the Council Procedure Rules (Standing Orders) in Part 4 of this Constitution.

4.03 **Functions and Powers**

Full Council has a number of specific functions reserved to itself or allocated to it by statute, which include:

- (a) approving the Council's Budget;
- (b) approving the Council's Policy Framework;
- (c) adopting and amending the Constitution;
- (d) establishing committees, agreeing their terms of reference and deciding their composition
- (e) adopting the Pay Policy Statement;
- (f) appointing the Head of Paid Service, the Chief Finance (section 151) Officer and the Monitoring Officer; and
- (g) adopting the Members Allowances Scheme.

4.04 **Budget and Policy Framework**

- (a) **Budget** – means the approval or adoption of the estimates of the amounts to be aggregated in making each year's calculation of the council tax requirements, together with the approval or adoption of plans or strategies for the control of the local authority's borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision. This will include such matters as:

- (i) the allocation of financial resources to different services and projects;
 - (ii) proposed contingency funds;
 - (iii) setting the financial reserves for meeting estimated future expenditure, any account deficit for earlier financial years not already provided for and for potential emergencies;
 - (iv) decisions relating to the control of the Council's borrowing requirement;
 - (v) treasury management functions;
 - (vi) the control of its capital expenditure; and
 - (vii) the setting of virement limits.
- (b) **Policy Framework** - means the following:
- (i) Those plans and strategies where adoption or approval is required to be reserved to a meeting of full Council as determined by regulation 4 or schedule 3 (Functions not to be the sole responsibility of an authority's executive) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), being:
 - Annual Library Plan (Section 1(2) of the Public Libraries and Museums Act 1964(1))
 - Crime and Disorder Reduction Strategy (Sections 5 and 6 of the Crime and Disorder Act 1998(2))
 - Development Plan Documents (Section 15 of the Planning and Compulsory Purchase Act 2004(3))
 - Licensing Authority Policy Statement (Section 349 of the Gambling Act 2005(4))
 - Local Transport Plan (Section 108(3) of the Transport Act 2000(5))
 - Plans and alterations which together comprise the Development Plan (Part 2 of, and Schedule 8 to (the Planning and Compulsory Local Plan) Purchase Act 2004(6))
 - Youth Justice Plan (Section 40 of the Crime and Disorder Act 1998(8))
 - (ii) Those plans and strategies where Council has determined adoption or approval is required to be reserved to a meeting of full Council, as provided for by regulation 5(1) and paragraph 1 of schedule 4 (Circumstances in which functions are not to be the responsibility of an authority's executive) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), currently being:
 - Council's Corporate Plan;
 - Corporate Equalities Objectives; and
 - Corporate Parenting Strategy.

- (c) The Budget and Policy Framework Rules in Part 4 of this Constitution sets out the process by which the Executive proposes the adoption or approval of the Budget or Policy Framework for consideration by full Council.

4.4 **Responsibility for Functions**

Part 3 of this Constitution sets out the responsibilities for the Council's functions, as reserved to full Council and as delegated to a Committee and Sub-Committee, an officer or to another local authority.

ARTICLE 5 – THE MAYOR

Introduction

This Article explains the functions and office of the civic Mayor, whose role is as both the chair of the Council and the first citizen of the Borough.

The Mayor is elected from amongst the councillors and takes place during the annual meeting of the Council, usually during the month of May. The term of office lasts for one year.

The Council does not have an ‘executive mayor’ as some councils do, who are directly elected decision-makers, but instead has a Leader and Cabinet executive (explained in Article 6). The Mayor cannot be a member of the Council’s Cabinet.

The Mayor is required to preside over full meetings of the Council. In doing so the Mayor’s role is to ensure fairness and the proper conduct of meetings in compliance with both the law and the council’s own Standing Orders and procedural rules

In carrying out their ceremonial duties as first person of the Borough, the Mayor offers an official welcome to visitors to the town, acts as official host on occasions of civic hospitality and also plays a key role in promoting the Borough’s area. This can play an important role to encourage business and commerce to the area and helps to promote many local initiatives.

5.1 Mayor and Deputy Mayor

5.1.1 The Mayor will be elected by the Council annually.

5.1.2 The Deputy Mayor will be appointed by the Council annually.

5.1.3 Neither the Mayor nor Deputy Mayor may be a member of the Executive.

5.2 Civic and Ceremonial

5.2.1 The Mayor shall be the First Citizen of the Borough;

5.2.2 The Mayor will promote the Council as a whole and act as a focal point for the community;

5.2.3 The Mayor will preside over civic functions;

5.2.4 The Mayor is to attend such civic and ceremonial functions as the Council and or the Mayor determines appropriate. They will be a symbol of the Authority and will perform their duties in a manner that develops and reinforces the social cohesion of the Borough;

5.2.5 The Mayor will personally select a charity or charities and raise funds specifically for it or them during his or her year of office;

5.2.6 The Mayor will act as a non-partisan ambassador of the Council at notable events, for example, in meeting and greeting international delegations;

5.2.7 The Mayor will support activities for Remembrance Sunday and other similar locally marked national events.

The Deputy Mayor may stand-in for the Mayor in respect of all civic and ceremonial roles and functions whenever the Mayor is unable to act (for example, due to an overlap of events). If the Deputy Mayor is also unavailable to perform a role or function it shall be open for the Mayor to request a former Mayor of the Borough still serving as an elected Councillor (and, in the absence of any such Councillor, another Councillor will be asked by the Mayor or proper officer to fulfil the role) to act in his or her place for that particular occasion.

5.3 **Chairing the Council**

The Mayor and, in their absence, the Deputy Mayor will have the following responsibilities in respect of full Council:

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and a place at which Members are able to ask questions of the Leader and the Chairs of Committees and are able to hold each other to account; and
- (d) to promote public involvement in the Council's activities.

Where both the Mayor and Deputy Mayor are absent from a meeting of full Council, another member of the Council (who may not be a member of the Executive) will be chosen by the members of the Council present to preside.

PART 2**ARTICLE 6 - THE EXECUTIVE: LEADER AND CABINET****6.1 The Executive**

- (a) The Council operates executive arrangements as its adopted form of governance, provided for under Part 1A (Arrangements with respect to local authority governance in England) of the Local Government Act 2000.
- (b) Under its executive arrangements, the executive consists of a councillor who is elected by full council as executive leader, and who appoints two or more councillors of the authority to the executive, referred to as the Leader and Cabinet executive.

6.2 Role of the Executive

The Executive is responsible for the exercise of all of the Authority's functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution

6.3 Form and composition

- (a) The Leader and Cabinet executive will consist of the –
 - (i) a Councillor of the authority elected as leader of the executive by the authority (referred to as “the Leader”); and
 - (ii) at least two but not more than nine Councillors (“other Cabinet Members”) appointed from time to time by the Leader.
- (b) The Cabinet may not include the Mayor or Deputy Mayor of the Council.

6.4 Leader of the Council

- (a) Executive arrangements may provide for the term of office of the Leader, which shall be
 - (i) as elected to the position of Leader by the Council at the Annual Meeting following the four-yearly elections; and
 - (ii) to remain as Leader until the Annual Meeting following the next four yearly elections, or until:
 - (1) they resign from office;
 - (2) they become ineligible to be a Member of the Council, either for a specific period or indefinitely; or
 - (3) they are removed from office by a resolution of the Council, which may be by way of a motion fully set out in the agenda for the meeting, requiring a simple majority, or by alteration of the term of office of the Leader under these executive arrangements.
- (b) If the Leader is not elected or does not stand for re-election as a councillor at the four-yearly elections, they will remain in office as a Member of the Council during the period that they continue as Leader between the election and the first Annual Meeting at which a new Leader will be elected.

- (c) In the event of there being a vacancy in the office of Leader:
 - (i) If this is in consequence of being removed by resolution of Council, a new Leader may be elected at the meeting at which the leader is removed from office; or
 - (ii) Council shall elect a new Leader at its next ordinary meeting or at an extraordinary meeting called for the purpose of electing a new Leader.

6.5 Other Cabinet Members

- (a) Other Cabinet Members shall be appointed and their portfolios and functions shall be determined from time to time by the Leader.
- (b) The power of appointment by the Leader with respect to other Cabinet Members shall include the power to remove any of them from the Cabinet and to determine whether or not to appoint one or more other Councillors in their place (subject to the limitations in paragraph 6.3 above).

6.6 Deputy Leader

- (a) The Leader must appoint one Cabinet Member to be Deputy Leader.
- (b) The Deputy Leader is to hold office until the end of the term of office of the Leader, or until:
 - (i) they resign from the office;
 - (ii) they cease to be a Cabinet Member; or
 - (iii) they are removed from the office of Deputy Leader by the Leader.
- (c) If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in the Leader's place.
- (d) If for any reason the Leader is unable to act or the office of Leader is vacant and the Deputy Leader is unable to act or the office is vacant, then the Cabinet must act in the Leader's place or must arrange for a Cabinet Member to act in the Leader's place.

6.7 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in **Part 4C** of this Constitution.

6.8 Allocation of portfolios and executive functions

- (a) Cabinet Members will have the responsibilities as determined by the Leader from time to time. Details of the current Cabinet Members and the Cabinet Portfolios allocated to them are available on the Council's website.
- (b) The Leader may discharge any executive function or may arrange for the discharge of any of those functions by the Cabinet, a committee of the Cabinet, a Cabinet Member, an Area Committee or an officer of the authority.
- (c) The Leader shall give notice in writing to the proper officer, to be maintained as a list, setting out which individual members of the Cabinet, committees of the Cabinet, joint

arrangements or officers of the Council are responsible for the exercise of particular executive functions. Where the list forms a Scheme of Delegation this shall be included within the Responsibility for Functions set out at **Part 3B** (Delegation of Duties to the Cabinet Portfolio Holders and Terms of Reference of Advisory Panels and Consultative Forums) and **Part 3C** (Delegation to Officers) of this Constitution.

- (d) The Executive may establish sub-committees to carry out Executive functions (for example, the Shareholders Committee). Such committees must consist only of Executive members as set out at **Part 3B** (Delegation of Duties to the Cabinet Portfolio Holders and Terms of Reference of Advisory Panels and Consultative Forums).

6.9 Cabinet Assistants

- (a) The Leader or Cabinet may appoint one or more other Councillors to assist Cabinet Members in the exercise of their portfolio, known as a Cabinet Assistant.
- (b) The functions of a Cabinet Assistant are subject to the limitations in paragraph (c) below, but shall otherwise be as determined from time to time by the Leader and which may include:
- (i) to undertake specific tasks and research and attend conferences, seminars and meetings, as requested by the Cabinet Member, so as to keep abreast of current policy and development initiatives;
 - (ii) to attend Cabinet Briefings with a Cabinet Member;
 - (iii) to attend (but not vote) at Cabinet Meetings as an observer who may be invited to speak;
 - (iv) to represent the Cabinet Member (but not at meetings where the Cabinet Member has decision making powers or voting rights on behalf of the Council);
 - (v) to formally speak at events and functions on issues within his or her area of responsibility, where the Cabinet Assistant has received a specific named invitation to speak and the Cabinet Member agrees; and
 - (vi) to liaise with non-executive Members in order to ensure that the Cabinet Member is fully aware of issues which are of concern to other Members.
- (c) A Cabinet Assistant may not:
- (i) take decisions;
 - (ii) deputise for a Cabinet Member at Council Meetings;
 - (iii) deputise for a Cabinet Member at a meeting at which a Cabinet Member may exercise decision making powers or voting rights on behalf of the Council;
 - (iv) be a member of an Overview and Scrutiny Committee or Panel which scrutinises portfolio of the Cabinet Member they assist; or
 - (v) be the Mayor or Deputy Mayor of the Council.
- (d) The role of a Cabinet Assistant may attract a special responsibility allowance.

ARTICLE 7 – OVERVIEW AND SCRUTINY COMMITTEES

7.1 Appointment

The Council will at its Annual Meeting constitute and appoint one or more committees of the authority to be an Overview and Scrutiny Committee required under section 9F of the Local Government Act 2000.

7.2 Role

An Overview and Scrutiny Committee (or the overview and scrutiny committees, and any joint overview and scrutiny committees, between them) is to undertake no other role than the exercise of their power to:

- (a) review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive, including the power to review or scrutinise an executive decision made but not implemented via exercise of 'Call-In';
- (b) review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;
- (c) make reports or recommendations to the Council (including a committee of the Council) or the Cabinet with respect to the discharge of any functions which are not the responsibility of the executive; and
- (e) make reports or recommendations to the Cabinet on matters which affect the authority's area or the inhabitants of the Borough.

7.3 Approach to Scrutiny

Effective scrutiny may be undertaken in a number of ways to contribute towards the decision-making process. As part of this, Members of Overview Scrutiny bring a perspective to the decision-making process that is different and independent from that provided by Cabinet members or officers, which can help decisions to be more robust.

Scrutiny may be conducted as:

- (a) **Post-decision scrutiny** - which takes place in response to decisions that have already been made. This is particularly useful for influencing policy changes in the medium to long term.

Call-in – is a specific aspect of post-decision call-in, where an executive decision, made but not yet implemented, may be delayed and referred to the Overview & Scrutiny Committee or Panel for review and for the executive to revisit the issues. Call-in is a tool that should be used in exceptional circumstances and for issues of particular contention, the conditions for which are set out in the Overview and Scrutiny Procedure Rules set out in Part 4C of this Constitution. To use it otherwise would prolong the decision-making process overall and create unnecessary tension between the executive and the scrutiny committee.

- (b) **Pre-decision scrutiny** - which is intended to help to avoid the need for call-in, where scrutiny may be planned during the work programming activity of the Committee or Panel or at the request of the Cabinet and could take place well in advance or immediately before a decision is made. Looking at decisions before they are made

provides an important means to influence and improve decisions before they are finalised. It gives scrutineers an opportunity to challenge assumptions that may have been made as the decision was developed; it also gives them the chance to consider how decision-makers have considered what risks might arise from the implementation of the decision, and how those risks might be mitigated.

7.4 Functions

In undertaking their role an Overview and Scrutiny Committee may undertake the specific functions of:

(a) Policy development and review, to:

- i) assist the Council and the Cabinet in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question members of the Cabinet or Committees and Chief Officers about their views on issues and proposals affecting the area; and
- v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and

(b) Scrutiny, to:

- i) review and scrutinise the decisions made, or are due to be made, by the Cabinet, Committees and Chief Officers, both in relation to individual decisions and over time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and particular service areas;
- iii) question Members of the Cabinet, Committees and Chief Officers about their decisions, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the Cabinet, appropriate Committee or Council arising from the outcome of the scrutiny process;
- v) review and scrutinise the performance of other public bodies in the area, and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and
- vi) question and gather evidence from any person (with their consent).

(c) An overview and scrutiny committee may not discharge any functions other than those set out under this section and sections 9FA to 9FI of the Local Government Act 2000 (as amended).

7.5 Terms of Reference

The terms of reference of the Overview and Scrutiny Committee, Committees or standing sub-committees (Panels) are as set out at **Part 3A** of this Constitution (Matters Reserved to the Council and Terms of Reference and delegation of duties to Committees & Sub-Committees of the Council)

7.6 Proceedings

Proceedings of an Overview and Scrutiny Committee or sub-committee (Panel) shall take place in accordance with the Overview and Scrutiny Procedure Rules set out at **Part 4C** of this Constitution.

ARTICLE 8 – REGULATORY AND LICENSING COMMITTEES

8.1 Appointment

The Council will at its Annual Meeting constitute and appoint:

- (a) one or more committees of the Council to discharge such of those functions that cannot be the responsibility of the Executive and Council that the Council as the Council may determine; and
- (b) a committee of at least ten, but not more than fifteen, Members of the Council to discharge the functions of the Council as licensing authority under section 6 of the Licensing Act 2003; and

as set out at **Part 3A** of this Constitution (Matters Reserved to the Council and Terms of Reference and delegation of duties to Committees & Sub-Committees of the Council)

8.2 Proceedings of regulatory committees (planning regulatory licensing and general purposes)

The Regulatory Committees are committees of the Council established under sections 101 and 102 of the Local Government Act 1972 and shall:

- (a) conduct their proceedings in accordance with the relevant provisions of the Council Procedure Rules (standing orders) as set out at **Part 4A** of this Constitution; and
- (b) be politically balanced as required under section 15 of the Local Government and Housing Act 1989

8.2 Proceedings of Licensing Act Committee

The Licensing Act Committee is established under section 6 of the Licensing Act 2003 and will:

- (a) conduct the proceedings and functions of the Licensing Committee and the Licensing Sub-Committees and their hearings in accordance with the provisions of the Licensing Act 2003, the Gambling Act 2005 and their Regulations;
- (b) will otherwise and so far as is practicable conduct their proceedings in accordance with the provisions of the Council Procedure Rules (standing orders), Access to Information Procedure Rules or other requirements at **Part 4** of this Constitution as set out at Part 4A of this Constitution (in the event of any conflict between the relevant Regulations and the Council Procedure Rules(standing orders) at Part 4 of this Constitution, the provisions of the Relevant Regulations shall prevail); and
- (c) need not be politically balanced but may be constituted of the same members as the politically balanced committee responsible for discharging regulatory licensing matters.

ARTICLE 9 – CORPORATE GOVERNANCE AND OTHER COMMITTEES (AUDIT, STANDARDS, PENSIONS, ETC.)**9.1 Appointment**

The Council at its Annual Meeting may constitute and appoint one or more committees of the Council or joint committees to discharge advisory functions or functions that are not to be the responsibility of the Executive in accordance with best practice, statutory requirements or the wishes of the Council.

9.2 Functions

Other committees of the Council may be established to exercise functions concerning

- employment of staff (officers);
- audit and risk management;
- standards and councillor conduct;
- constitutional oversight;
- pensions;

and other such matters that are not matters to be determined by the Executive, are not considered to be regulatory or licensing matters and are outside of the general role or function of the overview and scrutiny committee(s).

9.3 Constitution and Terms of Reference

The committees as established by Council, their membership, delegations of authority and terms of reference are to be set out at **Part 3A** of this Constitution (Matters Reserved to the Council and Terms of Reference and delegation of duties to Committees & Sub-Committees of the Council)

9.4 Proceedings

Committees of the Council are established under sections 101 and 102 of the Local Government Act 1972 and will:

- (a) conduct their proceedings in accordance with the relevant provisions of the Council Procedure Rules and other procedure rules (standing orders) as set out at **Part 4** of this Constitution; and
- (b) be politically balanced as required under section 15 of the Local Government and Housing Act 1989 (except where agreed otherwise in-year with no member voting against).

ARTICLE 10 – AREA COMMITTEES AND FORUMS

10.1 Area Committees

The Council or the Executive may establish one or more area committees to exercise functions of the Executive and of the Council relevant to that area only.

Area committees and their functions are established under Section 102 of the Local Government Act 1972, as provided for by Regulation 16A (Area committees and sub-committees in England) of the Local Government (Committees and Political Groups), and under section 9E the Local Government Act 2000, the form and membership of which must adhere to the particular provisions provided.

10.2 Area Forums

Area Forums are a meeting of councillors within a defined area, held in a formal setting but with the aim of bringing together residents, councillors, officers from across the Council and local community groups and businesses so that residents can participate in discussing the decisions that most affect them and get a better understanding of the Council's contribution and support for their neighbourhood.

Area Forums have no decision making power themselves but are bodies of influence, established so that residents can use their Area Forum to have their say on issues that involve their locality, by engaging directly with their ward councillors and by developing a local partnership based on common goals and a commitment to working together to achieve them.

10.3 Establishment and Functions

The Council may appoint area committees or area forums as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

Terms of reference and composition of the area committee or area forum shall be set out within **Part 3A** of this Constitution.

10.4 Executive members on area committees and forums

A Cabinet Member may serve on an area committee or forum if otherwise eligible to do so as a Councillor.

10.5 Proceedings

Area committees shall conduct their proceedings in accordance with the relevant provisions of the Council Procedure Rules and other procedure rules (standing orders) as set out at **Part 4** of this Constitution.

ARTICLE 11 – JOINT ARRANGEMENTS

11.1 Arrangements to promote well-being

In order to promote the economic, social or environmental well-being of its area, the Council or the Cabinet may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any function of that person or body.

11.2 Joint arrangements

- (a) The Council may establish Joint Arrangements with one or more local authorities, and/or their Executives, to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve direct delegation or the appointment of a joint committee with these other local authorities (under sections 101 and 102 of the Local Government Act 1972).
- (b) The executive Leader or (unless the executive leader otherwise directs) the Cabinet, Cabinet Committee or Cabinet Member may establish Joint Arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may be direct or may involve the appointment of joint committees with these other local authorities (under section 9EB (Joint exercise of functions) of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012).
- (a) Details of any joint arrangements, including any delegations to joint committees, will be found in the Council's scheme of delegations in **Part 3** of this Constitution.

11.3 Joint Committees

Where a joint committee is to be established with another authority:

- (a) The number of members to be appointed, their term of office, and the area (if restricted) within which a joint committee with other local authorities is to exercise its authority shall be fixed, and the members appointed to that joint committee shall be made:
 - (ii) where the joint committee is to discharge functions which are all the responsibility of the full Council, by the full Council;
 - (iii) where the joint committee is to discharge functions, some of which are the responsibility of the full Council and some of which are the responsibility of the Cabinet, by the full Council with the agreement with the Cabinet; and
 - (iv) where the joint committee is to discharge functions which are all the responsibility of the Cabinet, by the Cabinet.
- (b) Where appointments to a joint committee are made by the Council under (a)(i) and (a)(ii) above, and those appointments are made from Members of the Council, the appointments must reflect the political composition of the local authority as a whole.
- (c) Where appointments to a joint committee are made by the Council under (a)(ii) above:

- (i) where only one member of the authority is a member of the joint committee, that person may be, but need not be, a member of the Cabinet; and
 - (ii) where more than one Member of the authority is a member of the joint committee, at least one of those members must be a member of the Cabinet.
- (d) Where appointments to a joint committee are made by the Cabinet under (a)(iii) above, those appointments need not reflect the political composition of the local authority as a whole, and the Cabinet may only appoint Cabinet Members, except: where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a Member for a Ward which is wholly or partly contained within the area, and political balance requirements do not apply to such appointments.
- (e) The Access to Information Rules in Part 4 of this Constitution apply. If all the members of a joint committee are members of the Executive/Cabinet in each of the participating authorities, then its access to information regime is the same as that applied to the Cabinet. c) If the joint committee contains Members who are not on the Executive/Cabinet of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 **Delegation to and from other local authorities**

- a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- b) The Cabinet may delegate executive functions to another local authority or, in certain circumstances, the Executive of another local authority.

11.05 **Delegation to and from other local authorities**

In certain circumstances, bodies and partnership working will allow decisions to be made in partnership with central government and government bodies, such as a combined authority or with the National Health Service as part of the integrated care system (ICS).

ARTICLE 12 – OFFICERS

12.1 Management Structure

- (a) **General** - The Council shall appoint such staff as they think necessary to hold office for the proper discharge by the authority of such of the Council's functions (or another authority's functions under joint arrangements) as fall to be discharged by them and on such reasonable terms and conditions, including conditions as to remuneration, as the Council think fit.
- (b) **Chief Officers** - The full Council will engage persons who will be designated Chief Officers and deputy chief officers (as defined below), which shall include:
- (i) the statutory chief officers, being the Head of Paid Service, Chief Finance (s.151) Officer, Monitoring Officer, Director of Children's Services (DCS), Director of Adult Social Services (DASS) and Director of Public Health (DPH); and
 - (ii) such other chief officers and deputy chief officers as are considered necessary by the authority for the co-ordination and discharge of its different functions; and
- (c) **Structure** - The Head of Paid Service will determine and publicise a description of the overall directorate structure of the Council, showing the management structure and deployment of officers. This is set out in **Part 7 [E]** of this Constitution and may be found on the Council's [website](#).
- (d) **Appointments** - Officer appointments are made in accordance with the Officer Employment Procedure Rules set out **at Part 4[J]** of the Constitution and Chief Officer appointments must be made in compliance with the Council's Pay Policy Statement.

12.2 Functions of Chief Officers

- (a) **Definition** – For these and all other purposes, a Chief Officer of the Council is defined in Part 1 of the Localism Act 2011 and includes each of the following—
- (i) the head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989;
 - (ii) its monitoring officer designated under section 5(1) of that Act;
 - (iii) a statutory chief officer mentioned in section 2(6) of that Act;
 - (iv) a non-statutory chief officer mentioned in section 2(7) of that Act; and
 - (v) a deputy chief officer mentioned in section 2(8) of that Act
- each of whom will be subject to specific duties in respect of the legislation related to their post, some of which are described further below.
- (b) **General Role** - Chief Officers are the Council's most senior post-holders who are responsible for the day-to-day managerial and operational decisions within the Council and provide support to all Members in their several roles. The generic role of Chief Officers is to:
- (i) to support and advise the Council, its Leader and Cabinet executive and its committees on policy and delivery in order that Members' decisions are based on appropriate advice and information that is both legally and financially sound;

- (ii) to ensure that the policies and decisions of the Council are formulated and implemented effectively and efficiently;
- (iii) to provide strong managerial leadership and direction, foster cross directorate working and implement organisational improvement;
- (iv) to set high standards and drive up the performance, effectiveness and reputation of the Council;
- (v) to work with outside bodies and access additional funds and resources in order to support the Council's programmes of work;
- (vi) to recruit, develop, motivate and inspire staff; and
- (vii) to ensure that the Council's staff work in an ethical environment in accordance with the Council's Officer Code of Conduct and the principles of public life (sometimes referred to as the Nolan principles).

12.3 Governance Chief Officers

- (a) The Council will designate the following posts as shown:

<i>Post</i>	<i>Designation</i>	<i>Legislation</i>
Chief Executive	Head of Paid Service	Section 4, Local Government and Housing Act 1989
Director of Law and Governance	Monitoring Officer	Section 5, Local Government and Housing Act 1989
Director of Resources	Chief Finance (s.151) Officer	Section 151, Local Government Act 1972 & s.114 Local Government Finance Act 1988

Such posts will have the functions described below.

(b) Functions of the Head of Paid Service

- (i) **Discharge of functions by the Council** - The Head of Paid Service where he or she considers it appropriate to do so will report to the authority on:
 - (1) the manner in which the discharge of the Council's functions is co-ordinated;
 - (2) the number and grade of officers required for the discharge of functions;
 - (3) the organisation of officers; and
 - (4) the appointment and proper management of the authority's staff.
 in accordance with section 4 of the Local Government and Housing Act 1989
- (ii) **Restrictions on functions** - The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

(c) Functions of the Monitoring Officer

- (i) **Maintaining the Constitution** - The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by Members, officers and the public.
- (ii) **Ensuring lawfulness and fairness of decision making** - After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council, or to any relevant committee, if he or she considers that any proposal, decision or omission would give, is likely to give, or has given, rise to a contravention of any enactment or rule of law, or any maladministration. Such a report has the effect of stopping the proposal or decision being implemented until the report has been considered.
- (iii) **Supporting the authority's duty to promote and maintain high standards of conduct** - The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Committee with responsibility for standards. The Monitoring Officer will establish and maintain the Register of Members' Interests and ensure it is kept up to date and made publicly available.
- (iv) **Conducting Investigations** - The Monitoring Officer will conduct, or arrange to have conducted, investigations in relation to allegations that member or co-opted member of the authority has failed to comply with the Members' Code of Conduct and in relation to public interest disclosures (whistleblowing) complaints in accordance with the authority's adopted procedures, policies and protocols.
- (v) **Proper Officer for Access to Information** - The Monitoring Officer will ensure that the decisions of Council and its committees, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (v) **Contributing to corporate management** - The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional administrative and legal advice.
- (vi) **Providing advice** - The Monitoring Officer will provide advice on issues concerning the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and whether decisions made under delegated authority are in accordance with the terms of delegation established by the Council (the Budget and Policy Framework) to all Members and will support and advise Members and officers in their respective roles.
- (vii) **Personal duty** - The duties of the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 shall be performed by him or her personally or, where he or she is unable to act owing to absence or illness, personally by such member of his or her staff as have for the time being been nominated by the monitoring officer as his or her deputy for the purposes of this legislation.
- (viii) **Restrictions on functions** - The Monitoring Officer may not hold the post of Head of Paid Service nor the post of Chief Finance Officer.
- (ix) **Monitoring Officer Protocol** - Set out at Part 5(9) of this Constitution is a protocol which explains the role and function of the Monitoring Officer and the arrangements established for ensuring the role is effectively carried out.

(d) Functions of the Chief Finance Officer

- (i) **Ensuring lawfulness and financial prudence of decision making** - After consulting with the Head of Paid Service and Monitoring Officer, the Chief Finance Officer will report to the Full Council, or to any relevant committee, and to the Council's external auditor if he or 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.
- (ii) **Administration of financial affairs** - The Chief Finance Officer will have responsibility for the proper administration of the financial affairs of the Council.
- (iii) **Public financial information** - The Chief Finance Officer will provide financial information about the Council to Members of the Council, the media, members of the public and the community.
- (iv) **Internal Audit** - The Chief Finance Officer will ensure there is maintained an adequate and effective internal audit function.
- (v) **Contributing to corporate management** - The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (vi) **Providing advice** - The Chief Finance Officer will provide advice on issues concerning the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and whether decisions made under delegated authority are in accordance with the terms of delegation established by the Council (the Budget and Policy Framework) to all Members and will support and advise Members and officers in their respective roles.
- (vii) **Personal duty** - The duties of the Chief Finance Officer under Section 114 of the Local Government Finance Act 1988 shall be performed by him or her personally or, where he or she is unable to act owing to absence or illness, personally by such member of his or her staff as have for the time being been nominated by the chief finance officer for these purposes under sub-section 114(6) of that Act.
- (viii) **Restrictions on functions** - The Chief Finance Officer may not hold the post of Monitoring officer and should not hold the post of Head of Paid Service.

(e) Duty to provide sufficient resources

The Council is under a duty to provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such staff, accommodation and other resources as are, in that officer's opinion, sufficient to allow their respective legal duties (as described above) to be performed.

12.4 **Conduct**

Officers will comply with the [*Officers' Code of Conduct and*] the Protocol on Member and Officer Relations set out in **Part 5C** of this Constitution.

12.5 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in **Part 7 [E]** of this Constitution.

ARTICLE 13 – DECISION MAKING

13.1 Responsibility for Decision Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.2 Principles of Decision Making

All decisions of the Council shall be made in accordance with the following principles:

- (i) observance of the relevant code(s) of conduct;
- (ii) proportionality (i.e. the action must be proportionate to the desired outcome);
- (iii) rationality (the decision shall not be so unreasonable that no reasonable Council could have reached it, having taken into account all relevant considerations, and having ignored irrelevant considerations);
- (iv) due consultation and the consideration of professional advice from officers;
- (v) respect for human rights;
- (vi) legal compliance (including having due regard to the various duties to do so);
- (vii) a presumption in favour of openness; and
- (viii) clarity of aims and desired outcomes.

13.3 Type of Decision

(a) Council decisions

Decisions relating to the functions listed in Part 3A will be made by the full Council and may not be delegated or, subject to statutory reservations, the Council may arrange for the discharge of any of their functions by a committee, a sub-committee or an officer of the authority or by any other local authority.

(b) Executive decisions

An executive decision is one that is the responsibility of the Leader of the Council to discharge or, as the Leader may determine, be discharged by the Cabinet, a committee of the Cabinet, an individual Cabinet Member, a joint committee, another local authority or an officer. Functions that are not stated in the Local Authorities (Functions and Responsibilities) Regulations 2000 or in other legislation to be non-executive functions are, by default, executive functions.

(c) Key Decisions

A Key Decision is an executive decision that must adhere to a greater degree of openness and rigour. A key decision is currently defined in Regulations (Statutory Instruments 2012/2089) as one which:

- (i) results, or is likely to result, in the Council incurring expenditure which is, or the making of savings which are significant having regard to the Council's budget for the service or function to which the decision relates; or

- (ii) is significant in terms of its effect on communities living or working in an area comprising two or more wards.

In determining the meaning of 'significant' regard is to be had to any guidance to be issued by the Secretary of State and, in the absence of any such guidance, is to be interpreted as:

- (iii) it involves expenditure or the making of savings of an amount in excess of £1 million for capital expenditure or £500,000 for revenue expenditure or, where expenditure or savings are less than the amounts specified above, they constitute more than 50% of the budget attributable to the service in question; or
- (iv) a decision which, in the view of the Leader, will have a significant effect on a significant number of people).

(b) **Requirements of a Key Decision** - A key decision may only be taken:

- (i) following notice being given (the Forward Plan) as may be required by the Council's Access to Information Procedure Rules set out at **Part 4E** of this Constitution;
- (ii) on consideration of a full report by the relevant officer(s), published as may be required by the Council's Access to Information Procedure Rules set out at **Part 4E** of this Constitution, and which shall contain as a minimum:
 - (1) a recommended decision;
 - (2) an explanation of the reasons for the recommendation being put forward;
 - (3) details of any alternative options, if any, considered and rejected for recommendation;
 - (4) details of any consultation undertaken or proposed including, in respect of consultation undertaken, the nature and extent of the consultation undertaken with stakeholders and the overview and scrutiny committees and the outcome of that consultation;
 - (5) a consideration of the financial and legal issues pertaining to the matter, and such other matters as governance chief officers (the Head of Paid Service, Chief Finance Officer or Monitoring Officer) may require, which may include risk, staffing, equalities, crime and disorder and climate change implications; plus
 - (6) a list compiled of any Background Papers to the report, which are those documents other than published works that, in the opinion of the proper officer, relate to the subject matter of the report or, as the case may be, the part of the report and:
 - (aa) disclose any facts or matters on which the report or an important part of the report is based; and
 - (bb) were relied on to a material extent in preparing the report; and
- (iii) subject to delayed implementation to permit a request for the decision to be reviewed ('call in') in circumstances set out in **Part 4 [C]** of this Constitution.

13.4 **Recording of decisions**

Executive and non-executive decisions are to be recorded and published in accordance with the Council's Access to Information Procedure Rules set out at **Part 4E** of this Constitution.

13.5 **Decision making by the full Council**

Subject to Article 13.9 below, the Council meeting will follow the Council Procedure Rules set out in Part 4A of this Constitution when considering any matter.

13.06 **Decision making by the Leader and Cabinet**

Subject to Article 13.9 below, the Leader and Cabinet will follow the Executive Procedure Rules set out in Part 4C of this Constitution when considering any matter.

13.07 **Decision making by the Scrutiny Commission and Scrutiny Panels**

The Scrutiny Commission and Scrutiny Panels will follow the Scrutiny Procedure Rules set out in **Part 4[C]** of this Constitution when considering any matter, subject to Article 13.9 below.

13.08 **Decision making by committees and sub-committees established by the Council**

Subject to Article 13.9 below, other Council committees, sub-committees or panels will follow those parts of the Council Procedure Rules set out in Part 4A of this Constitution as apply to them.

13.9 **Decision Making by Council Bodies Acting as Tribunals**

- (a) **Fair Hearing** - The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person shall follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.
- (b) **Decision making in private** - Subject to any statutory rules or procedures detailed elsewhere in the Constitution, a body acting as a tribunal is permitted, when all evidence has been submitted and speakers (if any) have finished, will hold discussion in the presence of the speakers and, as appropriate and in compliance with the Access to Information Procedure Rules (Part 4E), the public and press, and the decision making may thereafter be taken in private adjournment. Decisions will then normally be announced to those present and remaining post-adjournment, at least in summary form, before a decision is issued in writing.

ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

14.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in **Part 4G** of this Constitution.

14.2 Contracts

Every contract made by the Council will comply with the Contracts Standing Orders set out in **Part 4F** of this Constitution.

14.3 Legal proceedings

The Monitoring Officer, or in their absence or acting under delegated authority, the Deputy 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 the officer considers that such action is necessary to protect the Council's interests.

14.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer, or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding the amount as specified in the Contract Standing Orders is entered into on behalf of the local authority shall be made in writing. Such contracts must either be made under the common seal of the council witnessed by the Director of Law and Governance (Monitoring Officer) or an authorised officer duly delegated with such authority by the Director of Law & Governance (Monitoring Officer) as stated in **Part 3 C**.

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer or some other person authorised by them.

ARTICLE 15 – REVIEW AND REVISION OF THE CONSTITUTION

15.1 Duty to Monitor and Review the Constitution

The Monitoring Officer shall monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

The Monitoring Officer will report to Council or the committee with relevant terms of reference to advise on their consideration of the aims, principles and workings of the Constitution.

15.2 Protocol for Monitoring and Review of Constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task, the Monitoring Officer may:

- (a) Observe meetings of different parts of the member and officer structure;
- (b) Undertake an audit trail of a sample of decisions;
- (c) Record and analyse issues raised with them by Members, officers, the public and other relevant stakeholders; and
- (d) Compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.3 Changes to the Constitution

(a) Approval.

Changes to this Constitution will only be approved by the full Council after consideration of the proposal by the committee holding the relevant terms of reference (where constituted) following receipt of a written report of the Monitoring Officer, except that:

- (i) changes recommended following a review of the Constitution may be referred directly to Council by the Monitoring Officer following their consideration by a cross-party constitutional member working party; and
- (ii) changes to the Articles of this Constitution will only take effect from the meeting of Council following the meeting that determines the approval (unless legal advice is received from the Monitoring Officer requiring earlier implementation); and
- (iii) minor and consequential changes, such as those:
 - (1) to factual references;
 - (2) as are required by legislative or legal changes and developments;
 - (3) to reflect changes in procedures and protocols adopted by Committees; and
 - (4) to reflect revised arrangements for the distribution of responsibilities and the delegation of powers to officers in accordance with decisions taken by the appropriate committee or chief officer authorised to take such action

may be made by the Monitoring Officer.

- (b) **Change from a Leader and Cabinet form of executive to another form of executive, a committee form of governance or alternative form of governance.**

In drawing up any proposals to change from a Leader and Cabinet form of Executive to any other arrangements, the Council must take reasonable steps to consult with local electors and other interested persons in the area.

ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**16.1 Suspension of the Constitution**

- (a) **Limit to Suspension** - The Articles of this Constitution may not be suspended. The standing orders of the Council contained in the Procedure Rules at Parts 2 to 5 may be suspended by the full Council to the extent permitted within those Procedure Rules and the law.
- (b) **Suspension of Rules**. Certain standing orders of the Council contained in the Procedure Rules of this Constitution may be suspended by the full Council but only to the extent permitted within those Rules and the law. Any suspension of the Rules must be in accordance with the Council Procedure Rules set out in Part 4A of this Constitution.

16.2 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.3 Publication

- (a) **Members** - The Monitoring Officer will ensure that the Constitution is brought to the attention of each Member upon delivery to him/her of their individual's declaration of acceptance of office on first being elected to the Council and shall also provide a printed copy to that Member upon request.
- (b) **Public and press** - The Monitoring Officer will ensure that the Constitution will be available electronically on the Council's website and that copies can be purchased by members of the local press and the public on payment of a reasonable fee.

Schedule 1: Description of Executive **Arrangements**

The following parts of this Constitution constitute the Council's executive arrangements:

1. Article 6 (The Leader and Cabinet) and the Executive Procedure Rules (Part 4C);
2. Article 7 (Overview and Scrutiny);
3. Article 10 (Area Committees);
4. Article 11 (Joint arrangements);
5. Article 13 (Decision making) and the Access to Information Rules (Part 4E); and
6. Part 3 (Responsibility for Functions).