

THE ARTICLES OF CONSTITUTION

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ARTICLE 1 - THE CONSTITUTION

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 are the Constitution of the Bromsgrove District Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- a. enable the Council to provide clear leadership to the community in partnership with citizens, businesses, and other organisations;
- b. support the active involvement of citizens in the process of local authority decision-making;
- c. help Councillors represent their constituents more effectively;
- d. enable decisions to be taken efficiently and effectively;
- e. create a powerful and effective means of holding decision-makers to public account;
- f. ensure that no-one will review or scrutinise a decision in which they were directly involved;
- g. ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- h. provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review 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 purposes stated above. The Council will monitor and evaluate the operation of the Constitution as set out in Article 16.

ARTICLE 2 - MEMBERS OF THE COUNCIL

2.1 Composition and eligibility

The Council will comprise 39 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State. Only registered voters of the District, or those living or working or owning property in the District, will be eligible to hold the office of Councillor.

2.2 Election and terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all Councillors

All Councillors will:-

- a. collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions;
- b. represent their communities and bring their views into the Council's decision-making process ie become the advocate for their communities;
- c. deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- d. balance different interests identified within their ward and represent the ward as a whole;

- e. contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- f. participate in the governance and management of the Council; and
- g. maintain the highest standards of conducts and ethics.
- h. be available to represent the Council on other bodies

The roles and responsibilities of Councillors are set out in more detail in Part 25 of this Constitution.

2.4 Councillors' Rights and Duties

Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

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 another Member of this Council or officer entitled to know it and any information so divulged to a councillor or officer is to be strictly on a confidential basis

For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 5 of this Constitution.

2.5 Conduct

Councillors will at all times observe the Members' Code of Conduct, gifts and Hospitality Code of Conduct, the Protocol on Member-Officer Relations and the Protocol on Relations Between Members set out in Parts 16, 17, 18 and 19 of this Constitution.

2.6 Allowances

Councillors will be entitled to receive allowances and/or salaries in accordance with the Members' Allowances Scheme set out in Part 15 of this Constitution.

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.1 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 5 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 and its committees or Boards except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) attend meetings of the Cabinet except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (iii) find out from the forward plan what key decisions will be taken by the Cabinet and when;
 - (iv) see reports and background papers, and any minutes of decisions made by the Council and the Cabinet (other than those comprising confidential or exempt information); and
 - (v) inspect the Council's accounts and make their views known to the external auditor.
- c. **Participation**
 - (i) Citizens may be invited to contribute to investigations by the Scrutiny Steering Board or Scrutiny Task Groups.
 - (ii) Citizens who attend any meeting of the Council are entitled to take a copy of the Agenda and associated reports available in the public gallery.
 - (iii) Citizens may be entitled to address committee meetings only where public participation has been agreed by the Council.

(iv) Citizens may be invited from time to time to contribute to other community forums.

d. **Complaints** Citizens have the right to complain to:

(i) the Council itself under its complaints scheme;

(ii) the Commissioner for Local Administration after using the Council's own complaints scheme;

(iii) the Standards Board for England about a breach of the Councillor's Code of Conduct.

3.2 Citizens' responsibilities

Citizens may not disrupt or cause undue disturbance at meetings. 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.

ARTICLE 4 – THE FULL COUNCIL

4.1 Meanings

"Policy Framework"

The policy framework means the following plans and strategies:-

- Annual Performance Plan
- Community Plan;
- Crime and Disorder Reduction Strategy;
- Plans and strategies which together comprise the Local Development Framework;
- The Development Plan;
- The Council Plan;
- Food Law Enforcement Service Plan;
- The plan and strategy which comprise the Housing Investment Programme;
- Local Agenda 21 Strategy;
- Service Business Plans;
- Inclusive Equalities Scheme;
- Improvement Plan.

"Budget"

The budget includes the allocation of financial resources to different services and projects, the medium-term financial plan, proposed contingency funds, the Council tax base, setting the Council tax and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits.

4.2 Functions of the full Council

Only the Council will exercise the following functions:

- a. adopting and changing the Constitution;
- b. approving or adopting the Policy Framework and the Budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- c. subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 5 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget
- d. appointing or removing from office:-
 - (i) the Leader
 - (ii) the Deputy Leader
 - iii) the Chairman or Vice-Chairman
- e. confirming the appointment of the Chief Executive;
- f. agreeing and/or amending the terms of reference for committees and Boards, deciding on their composition and, subject to Article 8.03, making appointments to them;
- g. the appointment and revocation of appointments of representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- h. adopting an allowances scheme under Article 2.06;
- j. changing the name of the area or conferring the title of honorary alderman

- k. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- l. all local choice functions set out in Table 1 of Part 3 of this Constitution (Responsibilities for Functions) which the Council decides should be undertaken by itself rather than the Cabinet; and
- m. all other matters which, by law, must be reserved to Council.

4.3 Council meetings

There are three types of Council meeting:

- a. the annual meeting;
- b. ordinary meetings;
- c. extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out:

- a. those functions which are the responsibility of the Council;
- b. those functions which are the responsibility of the Council and which it has delegated to committees or officers.

ARTICLE 5 – CHAIRING THE COUNCIL

5.1 Role and function of the Chairman

The Chairman and Vice-Chairman of the Council will be elected by the Council annually. The Chairman, and in his/her absence the Vice-Chairman, will have the following roles and functions:

- 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 the forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet or do not hold committee chairmanships are able to hold the Executive Cabinet and the Committee Chairmen to account;
- d. to promote public involvement in the Council's activities;
- e. to be the conscience of the Council; and
- f. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

The roles and responsibilities of the Chairman and Vice-Chairman are set out in more detail in Part 25 of this Constitution.

ARTICLE 6 – SCRUTINY STEERING BOARD

6.1 The Scrutiny Steering Board

The Council will appoint a Scrutiny Steering Board to discharge the functions conferred by section 21 of the Local Government Act 2000 (other than conducting best value reviews under section 5 of the Local Government Act 1999) or any regulations made under section 32 of the Local Government Act 2000.

6.2 Composition

The Scrutiny Steering Board will be composed of 7 Councillors, none of whom shall be members of:

- a. the Cabinet; or
- b. the Audit Board.

6.3 Terms of reference

The general terms of reference of the Scrutiny Steering Board will be to perform all overview and scrutiny functions on behalf of the Council in relation to any matter affecting the District and its inhabitants.

6.4 General role

The Scrutiny Steering Board will:

- a. review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- b. make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
- c. consider any matter affecting the area or its inhabitants;
- d. exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet and/or any policy or area committees (which might shall not arise before the Cabinet has made a decision).

6.5 Specific functions

The Scrutiny Steering Board may:

- a. assist the Council and the Cabinet in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- b. conduct research, community consultation and other consultation in the analysis of policy issues and possible options;
- c. consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- d. question members of the Cabinet and chief officers;
- e. 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;
- f. review and scrutinise the decisions made by the Cabinet, committees and Council Officers;

- g. review and scrutinise the performance of the Council in relation to its policy objectives and/or particular service areas;
- h. question members of the Cabinet, committees or Boards and chief officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decision, initiatives or projects;
- i. make recommendations to the Cabinet and/or the Council arising from the outcome of the scrutiny process;
- j. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Steering Board or Task Groups and local people about their activities and performance; and
- k. question and gather evidence from any person (with their consent).

6.6 Finance.

The Scrutiny Steering Board will exercise overall responsibility for any finances made available to it.

6.7 Officers.

The Head of legal and Democratic Services will in consultation with the Chairman of the Scrutiny Steering Board exercise overall responsibility for the work programme of any officers specifically employed to support their work.

6.8 Proceedings of Scrutiny Steering Board

The Scrutiny Steering Board will conduct its proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 [*check*]of this Constitution.

6.9 Annual Report

The Scrutiny Steering Board will report annually to Council on its workings together with recommendations for future work programmes and amended working methods if appropriate.

ARTICLE 7 - THE CABINET

7.1 Role

The Cabinet will carry out all the Council's functions which are not the responsibility of the full Council or any other part of the Council, whether by law or under this Constitution.

7.2 Composition

The Cabinet will consist of the Leader together with at least two, but not more than nine, Councillors appointed to the Cabinet by the Leader. Within these limits, the exact size of the Cabinet will be decided by the Leader.

7.3 Leader

The Leader will be a Councillor elected to the position of Leader by the Council at its annual meeting. The Leader will hold office until:

- a. he/she resigns from the office; or
- b. he/she is removed from office by resolution of the Council; or
- c. he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- d. he/she is no longer a Councillor.

7.4 Other Cabinet members

Other Cabinet members shall hold office until:

- a. they resign from office; or
- b. they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

- c. they are no longer Councillors; or
- d. they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect two working days after receipt of the notice by the proper officer.

7.5 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 7 of this Constitution.

7.6 Responsibility for functions

All Cabinet decisions will be taken by the Cabinet acting collectively except:

- a. when the Cabinet has made a decision in principle it may authorize the Leader or the Portfolio Holder with responsibility to finalise outstanding details in agreement with the appropriate Head of Service;
- b. when a decision regarding a Cabinet function requires attention as a matter of such urgency that formal reporting to Cabinet is not possible, the Leader may take that decision in consultation with the Chief Executive, the Section 151 Officer and the Monitoring Officer;
- c. the Leader may request the Scrutiny Steering Board, the Audit Board and the Performance Management Board to consider including issues within their work programme;
- d. when the Cabinet has arranged for a Cabinet function to be discharged by a Cabinet committee or an officer or by way of joint or local arrangements.

The Leader will maintain a List in Table 1 Part 3 of this Constitution (Responsibility for Functions) setting out which Cabinet committees, officers or joint or local arrangements are responsible for the exercise of particular Cabinet functions.

ARTICLE 8 - REGULATORY AND OTHER COMMITTEES

8.1 Regulatory and other committees

The Council will appoint the committees and boards set out in the table in Part 3 of this Constitution to discharge the functions described in that table.

8.2 Proceedings of Regulatory and Other Committees

Unless otherwise specifically provided for in Table 2 of Part 3 of this Constitution (Committees), in Parts 9 and 10 (Audit Board Procedure Rules and Performance Management Board Procedure Rules) or elsewhere in this Constitution, regulatory and other committees will conduct their proceedings in accordance with the Council Procedure Rules in Part 4 of this Constitution.

8.3 Appointment to Seats of Regulatory and other Committees

When the Council allocates seats on a regulatory or other committee to a political group, the appointment of Councillors to those seats shall be at the discretion of the leader of the appropriate political group who shall confirm in writing to the Chief Executive the appointment or removal of any member of that group to any regulatory or other committee.

ARTICLE 9 - AREA COMMITTEES

The Council may establish Area Committees which may take the form of:

- (i) consultative forums
- (ii) decision-making bodies to which either Cabinet functions or non-Cabinet functions may be delegated.

ARTICLE 10 - THE STANDARDS COMMITTEE

10.1 Standards Committee

The Council meeting will establish a Standards Committee to discharge the functions conferred by sections 53 to 56 of the Local Government Act 2000.

10.2 Composition

- a. **Membership.** The Standards Committee will be composed of:
 - (i) two/three/five District Councillors (other than the Leader) [with one member from the controlling political group and one Councillor nominated by the Leader of the Opposition/ to give political balance so far as is possible/];
 - (ii) at least two persons who are not Councillors or officers of the Council or any other body having a standards committee (independent members);
 - (iii) one member of a Parish Council wholly or mainly in the Council's area (Parish Members).
- b. **Appointment of Independent Members and Parish Members.** Independent Members and Parish Members shall be appointed by the Council in accordance with such process as the Council shall from time to time determine. The Council will appoint a nominated substitute Parish Member who may attend, participate in and vote at Standards Committee meetings in the absence of the Parish Member.
- c. **Voting.** Independent members and one Parish Member will be entitled to vote at meetings.
- d. **Parish members.** A Parish Member (one must be present when matters relating to parish Councils or their members are being considered).
- d. **Parish Councils.** The Standards Committee may establish a sub-committee to exercise the function set out in Article 10.03 h. below.
- e. **Chairing the committee.** The Chairman of the Committee shall be an Independent Member.

10.3 General Role

The Standards Committee will have the following roles and functions:

- a. promoting and maintaining high standards of conduct by Councillors and any co-opted members of Council bodies;
- b. assisting the Councillors and co-opted members to observe the Members' Code of Conduct;

- c. advising the Council on the adoption or revision of the Members' Code of Conduct;
- d. monitoring the operation of the Members' Code of Conduct;
- e. advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- f. granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- g. dealing with any report from a case tribunal, and any report from the Monitoring Officer on any matter which is referred by an ethical standards officer to the Monitoring Officer;
- h. the exercise of a - g above in relation to the Parish Councils in the Council's area and the members of those parish Councils;
- i. having an overview of the Council's whistle blowing policy;
- j. having an overview of complaints handling and ombudsman investigations;
- k. monitoring, and reviewing the operation of the Protocol on Member-Officer relations
- l. monitoring and reviewing the operation of the Protocol on Member-Member Relations;
- m. having an overview of the Council's decision-making processes to ensure compliance with this Constitution.

ARTICLE 11 - JOINT ARRANGEMENTS

11.1 Arrangements to promote well-being

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, 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 functions of that person or body, where legally permissible.

11.2 Joint arrangements

- a. The Council may establish joint arrangements with one or more local authorities and/or their Cabinets in order to exercise functions which are not Cabinet functions in any of the participating authorities, or in order to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b. The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- c. Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- d. The Cabinet may appoint members to a joint committee from outside the Cabinet, 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. In such circumstances the political balance requirements do not apply to such appointments.
- e. Details of any joint arrangements including any delegations to joint committees will be found in the table of Responsibility for Functions in Part 3 of this Constitution.

11.3 Access to information

- a. The Access to Information Rules in Part 5 of this Constitution apply.
- b. If all the members of a joint committee are members of the 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 Cabinet of any participating authority then the Access to Information Rules in Part V of the Local Government Act 1972 will apply.

11.4 Delegation to and from other local authorities

- a. The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- b. The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
- c. The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.5 Contracting out

The Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 12 - OFFICERS

12.1 Management structure

The full Council may engage officers as it considers necessary to carry out its functions. The establishment of the Council will include the following posts, who will be designated chief officers:

Chief Executive
Corporate Director (Resources)
Corporate Director (Services)
Assistant Chief Executive
Head of Culture & Community Services
Head of E-Government & Customer Services
Head of Financial Services
Head of Legal & Democratic Services

Head of Organisational Development & Human Resources
Head of Planning & Environment Services

The Council will designate the Chief Executive as Head of Paid Service and proper officer and will designate officers as Monitoring Officer and Section 151 Officer. These posts will have the functions described in Articles 12.2 – 12.4 below.

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 14 of this Constitution.

12.2 Functions of the Head of Paid Service

- a. The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- b. The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

12.3 Functions of the Monitoring Officer

- a. **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 consultation by members, staff and the public.
- b. **Ensuring lawfulness and fairness of decision making** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council, or to the Cabinet in relation to an Cabinet function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposals or decision being implemented until the report has been considered.
- c. **Supporting the Standards Committee** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

- d. **Receiving reports** The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the case tribunals.
- e. **Conducting investigations** The Monitoring Officer will conduct investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.
- f. **Proper Officer for access to information** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- g. **Advising whether Cabinet decisions are within the Budget and Policy Framework** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.
- h. **Providing advice** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors.
- i. **Restrictions on post** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

12.4 Functions of the Section 151 Officer

- a. **Ensuring lawfulness and financial prudence of decision making** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council, or to the Cabinet in relation to an Cabinet function, and 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.
- b. **Administration of financial affairs** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- c. **Contributing to Corporate Management** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

- d. **Providing advice** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- e. **Give financial information** The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.5 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer

The Council will provide the Monitoring Officer and Section 151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 19 of this Constitution.

12.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 13 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 the Tables at Part 3 of this Constitution.

13.2 Principles of decision-making

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

- a. proportionality (i.e. the action must be proportionate to the proposed outcome);
- b. due consultation and the taking of professional advice from officers;
- c. respect for human rights;
- d. a presumption in favour of openness;
- e. clarity of aims and desired outcomes;
- f. due regard for the Council's environmental objectives;
- g. due regard for the Council's duties in relation to crime and disorder;
- h. clear explanations of the options considered and the reasons for the decision reached.

13.3 Types of decision

- a. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.
- b. Key decisions are those which are likely to:
 - (i) 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) be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.

A key decision must be made in accordance with the requirements of the Cabinet Procedure Rules set out in Part 7 of this Constitution.

13.4 Decision making by the full Council

Subject to Article 14.8, each Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

14.05 Decision-making by the Cabinet.

Subject to Article 14.8, the Cabinet will follow the Cabinet Procedure Rules set out in Part 7 of this Constitution when considering any matter.

14.06 Decision-making by the Scrutiny Steering Board

The Scrutiny Steering Board will follow the Scrutiny Procedures Rules set out in Part 8 of this Constitution when considering any matter.

14.07 Decision making by other committees and sub-committees established by the Council

Subject to Article 14.8 other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them or such other Procedure Rules as are agreed by the Council and are set out in Table 2 of Part 3 of this Constitution (Committees), parts 9 and 10 (Audit Board Procedure Rules and Performance Management Board Rules) or elsewhere in this Constitution.

13.8 Decision making by Council bodies acting as tribunals

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 will 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.

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 11 of this Constitution.

14.2 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 12 of this Constitution.

14.3 Legal proceedings

The Chief Executive and the Head of Legal and Democratic Services are authorised to institute, defend or participate in any legal proceedings or action in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider 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 Chief Executive or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

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 Head of Legal and Democratic Services. 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 Head of Legal and Democratic Services should be sealed. The affixing of the Common Seal will be attested by the Head of Legal and Democratic Services or some other person authorised by him/her.

ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.1 Duty to Monitor and Review the Constitution

- a. The Standards Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

- b. 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:
 - (i) observe meetings of different parts of the member and officer structure;
 - (ii) undertake an audit trail of a sample of decision;
 - (iii) record and analyse issues raised with him/her by Councillors, officers, the public and other relevant stakeholders; and
 - (iv) compare practices in the Council with those in other comparable authorities, or national examples of best practice

15.2 Changes to the Constitution

- a. Changes to the Constitution shall not be approved unless two-thirds of the total membership of the Council shall agree
- b. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for a change from a Leader and Cabinet form of government to alternative arrangements, or vice versa.

ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.1 Suspension of the Constitution

The Articles of this Constitution may not be suspended.

16.2 Suspension of Rules

The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law:

- (i) Council Procedure Rules
- (ii) Scrutiny Procedure Rules
- (iii) Performance Management Board Procedure Rules

- (iv) Audit Board Procedure Rules
- (v) Cabinet Procedure Rules
- (vi) Officer Employment Procedure Rules
- (vii) Financial Regulations
- (viii) Contracts Procedure Rules
- (ix) Budget and Policy Framework Procedure Rules

16.3 Procedure for Suspension of Rules

A motion to suspend any Rules will not be moved without notice unless at least two thirds of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

16.4 Interpretation

Reference in any provision of this Constitution to the appointment of a person or a Member to an office shall be taken to include the removal of that person or Member from that office (subject to compliance with the Officer Employment Procedure Rules or other provision whether statutory or otherwise relating to the employment of staff).

16.5 Chairman's Ruling

The ruling of the Chairman of Council 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.

16.6 Publication

The Chief Executive will give a printed copy of this Constitution to each Councillor upon delivery to him/her of that individual's declaration of acceptance of office on the Councillor first being elected to the Council.

The Chief Executive will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

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