

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 1

THE CONSTITUTION

Powers of the Council

1. The North Dorset District Council will exercise all its powers and duties in accordance with the law and this Constitution. It will do so to the benefit of the people of the District and its other customers and in a fair and equitable manner.

The Constitution

2. This Constitution and its appendices, is the Constitution of the North Dorset District Council until otherwise amended in accordance with the provisions set out within this document.

Purpose of the Constitution

3. The purpose of this Constitution is to : -
 - Enable the Council to provide clear leadership to the community in partnership with the people of North Dorset, businesses, the voluntary sector and other public bodies, including Town and Parish Councils.
 - Support the active involvement of the people of North Dorset in making decisions which affect them and decisions made by this Council
 - Ensure that Councillors can represent and support their constituents effectively
 - Enable decisions to be made efficiently and effectively
 - Set out a transparent, powerful and effective means of holding decision makers to account by the public and Elected Members
 - Ensure that decisions made by an individual or body can be scrutinised by another
 - Set out the standards of behaviour which are expected of those in public life and in the way they conduct their relationships
 - Enable the Council to act as the steward of its environment and the resources provided to it.

Interpretation and Review of this Constitution

4. Wherever there is any doubt about what this Constitution intended the Council will always interpret it in accordance with the spirit and intentions of the Constitution. In doing so it will always put the interests and needs of the people and the environment of North Dorset first and judge any actions against this criterion.

5. The Council will keep the working of this Constitution under review. It will do so in accordance with Articles 14 and 15.

Standing Orders

6. Any provision of this Constitution that fulfils a statutory requirement for the provision of Standing Orders shall be construed as being a Standing Order for that purpose.

ARTICLE 2

MEMBERS OF THE COUNCIL

Composition of the Council

1. The Council will comprise 33 councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

Eligibility

2. To be eligible to be a Councillor a person must be a registered voter of the district or live or work in the district. The following are disqualified from being a councillor :
 - Any person who, subject to certain statutory exceptions, holds paid office or is employed by North Dorset District Council
 - Any person who is the subject of a bankruptcy restrictions order or interim order. Any person who, within five years before the date of the election had received a sentence of imprisonment of three months or more without the option of a fine
 - Any person disqualified from being elected or being a member of the Council by virtue of any statutory provision

Election and terms of councillors

3. The regular election of councillors is normally held on the first Thursday in May every four years, beginning in 2003. Casual vacancies will be dealt with by way of election as and when they arise. The Council is not obliged to call a by-election if a vacancy falls within the 6 months prior to a scheduled election of the whole Council.
4. 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.

Roles and functions of all councillors

5. It is the responsibility of Councillors:-
 - a) To represent the interests and concerns of all residents in North Dorset and in particular residents in their Ward in a manner which balances the different interests within the district and their ward:-
 - To the Council, its Cabinet or Officers
 - on matters under Council or Cabinet consideration
 - on matters that require attention
 - on matters on which the Members have been consulted

- To represent their communities and to bring their views into the Council decision making process;
 - To become the advocate of and for their communities.
 - To deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances.
 - To balance different interests identified within their Ward and represent the ward as a whole
- b) To participate in Full Council meetings:
- Bring forward issues of concern to the residents of their ward (eg via petitions, questions and motions)
 - Corporate decision-making on the Councils budget, levels of Council Tax and strategic policy framework arising from reports from the Cabinet
- c) To assist in the development of Council policy
- In the work of Overview and Scrutiny Committees
 - In the work of advisory panels
- d) To contribute to the Cabinet decision-making process
- Commenting on matters on which specifically consulted as a local ward councillor
 - Commenting on proposed executive decisions
- e) To participate in the work of committees of the Council which
- Make decisions on non-executive functions
 - Undertake an overview and scrutiny role in respect of the Council's activities and the actions of the Council's Cabinet
 - Deal with ethical standards
 - Deal with appointments, appeals or complaints (where appropriate)
- f) To participate as ward members in the work of Council
- Keep councillors in touch with local issues and concerns
 - To liaise with town and parish councils and to aid communication between them and the Council
 - Be the champions of their areas
 - Be a focus for public participation
 - Help develop partnership working/liaison with other organisations on local issues
 - Provide local member input to existing and future locality-based partnership arrangements
 - Have a general advisory/consultative role
 - Provide a "scrutiny" perspective on service provision locally
- g) To uphold the highest standards of ethics and conduct and to promote these within the work of the Council.

Rights and duties of all Councillors

6. Councillors have certain rights and obligations in relation to their role. They will have the right 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. This right applies to the specific role they are fulfilling when requesting the access and may not apply to all circumstances.
7. Councillors will not, save as is lawfully permitted, make public, information which is confidential or exempt or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.
8. When attending meetings of Council bodies, whether they are a Member of that body or not, to declare any personal or prejudicial interest they may have in any matter under discussion.
9. Where a body of the Council is sitting in either a quasi-judicial capacity or considering issues personal to an Officer or Member then, at any time when the press and public are excluded, Members of the Council who are not sitting on that body shall also be excluded unless requested to remain by the body.

Conduct

10. Councillors must at all times observe:
 - the Members' Code of Conduct;
 - the Protocol on Member/Employee Relations; and
 - the Code of Conduct for Members and Officers dealing with Planning Matters.

Allowances

11. Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

ARTICLE 3

MEMBERS OF THE PUBLIC AND THE COUNCIL

Rights of Members of the Public

1. The Council exists to serve the people of North Dorset and this Constitution recognises this in a number of ways. This Article sets out the rights of the public to know what the Council is doing and how they are entitled to learn of this and how they can participate in and contribute to the Council's processes.

Information

2. Members of the public have the right to: -
 - Attend meetings of the Council and its committees, including the Cabinet, except any part of a meeting in which confidential or exempt information is likely to be disclosed, or in the case of the Cabinet, private meetings
 - Find out from the Forward Plan what key decisions will be taken by the Cabinet and employees and when
 - See various documents including certain reports, background papers and records of decisions
 - Inspect the Council's accounts and make their views known to the external auditor
 - Inspect the Register of Interests declared by Councillors.

The public's right to information and to attend meetings are set out in detail in part 4 of this Constitution

Involvement

3. Members of the public currently have the right to participate in Public Question Time sessions at meetings of the Council and Overview and Scrutiny Committees. The Council has made a commitment to more public consultation, involvement and participation and will introduce arrangements over a period of time to make this possible. The Council presently has a protocol to permit members of the public to speak at meetings of the Development Control Committee. Members of the public may be permitted to speak at meetings of other Council bodies, including Cabinet at the Chairman's discretion

Complaints

- 4 Members of the public have the right to complain to:
 - The Council itself under its complaints procedure.
 - The Local Government Ombudsman, after using the Council's own complaints scheme
 - The Standards Board for England about a breach of the Code of Conduct for Councillors.

Right to vote

5. Members of the public who appear on the electoral register and who are not otherwise excluded may vote at District Council elections.

Petitions

6. Members of the public have a right to petition the Council on any matter and to have the petition received by the Chairman or Vice Chairman at a meeting of the Full Council (or, at the discretion of the Chairman or Vice Chairman, a more appropriate committee).
7. Members of the public on the electoral roll for the District have the right to sign a petition to request a referendum for a change to the executive arrangements operated by the Council and to vote on this.

Responsibilities of Members of the Public

8. Members of the public will be treated with respect and courtesy by members of the Council and its staff and are, in turn, expected to show the same respect for the rights, conventions and property of the Council, its members and employees.

Members of Other Councils

9. This Council and Dorset County Council operate a reciprocal 'Open Door' protocol which allows Members of either authority to attend and speak at each other's meetings on matters of local interest (but not including any part of a meeting where the press and public are excluded).

ARTICLE 4

THE FULL COUNCIL

The Role of the Full Council

1. Full Council has a variety of roles including regulating the business of the Council, approving the policy framework and the annual budget, making appointments, debating significant issues and considering recommendations. A list of functions solely or partly undertaken by Full Council including those plans or strategies that are adopted / approved by Full Council (the Policy Framework) is set out below. Only the Council will exercise the following functions:
 - a) adopting and changing the Constitution;
 - b) approving or adopting the Policy Framework and the budget;
 - c) subject to the Urgency Procedure contained in the Cabinet Procedure Rules in Part 4 of this Constitution, or as otherwise provided, making decisions about any matter in the discharge of an executive 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 the Leader
 - e) agreeing and/or amending the terms of reference of non executive Committees, deciding on their composition and making appointments to them;
 - f) appointing representatives to outside bodies;
 - g) adopting an Allowance Scheme for Members
 - h) changing the name of the area and conferring the title of honorary Alderman;
 - i) confirming the appointment of the Head of Paid Service;
 - j) making, amending, revoking, re-enacting or adopting by-laws and promoting or opposing the making of local legislation or personal bills;
 - k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive;
 - l) all other matters which, by law, must be reserved to Council.

The policy and financial framework currently comprises the following:-

- Best Value Performance Plan
- Community Care Plan
- Community Strategy
- Crime and Disorder Reduction Strategy
- Plans and alterations which together comprise the Development Plan
- Local Development documents
- Documents forming the Housing Strategy
- The Council's Corporate Plan for Improvement
- The Annual Budget
- The medium term financial plan
- The Waste Reduction Strategy
- Equalities Schemes

The above apply so far as they relate to District Council functions.

Debates and Questions at Council Meetings

2. The Council meeting will provide a forum for councillors to propose motions and for the consideration of and debate on matters of public interest and policy formulation. It will also give non-Executive councillors the opportunity to question individual Members of the Cabinet and Chairmen of Committees and comment on actions taken and issues arising since the previous Council meeting.

Council meetings

3. There are three types of Council meeting: -
 - The Annual Meeting;
 - Ordinary meetings;
 - Special (extraordinary) meetings.

These meetings will be called and conducted in accordance with the Council Rules of Procedure contained in Part 4 of this Constitution.

ARTICLE 5

CHAIRING THE COUNCIL

Title of the Person Chairing Council Meetings

1. The person chairing meetings of the North Dorset District Council is known as the Chairman of the Council. There is also a Vice Chairman of the Council.

Appointment and Period of Office

2. The Chairman and Vice Chairman of the Council are appointed annually by majority vote of the Council. The period of office may be extended by the Council; there will be no maximum period for which the office may be held.
3. Neither the Chairman nor the Vice-Chairman shall be a Member of the Executive.

Roles and Functions of the Chairman of the Council

4. The Chairman of the Council has three main roles in North Dorset District Council:
 - The Civic/Ceremonial role
 - Chairing the meeting of the Council
 - The resolution of disputes.

The title Chairman is applied to both males and females. The Council Chairman has a formally recognised consort.

Civic and Ceremonial Role

5. The Chairman of the Council will be the first citizen of the District and will take precedence in the District accordingly. The Chairman represents the Council at official functions and acts as the principal host at Council civic functions.
6. The Chairman of the Council is responsible for proposing to the Council an annual programme of civic events which s/he will draw up in consultation with the Political Group Leaders Group and the Chief Executive. Where the Chairman is unable or unwilling to undertake the Civic and Ceremonial aspects of the role but is able to fulfil the remainder, the Council may, by majority vote of the Council, vest these roles in the Vice Chairman with commensurate changes to the status and allowances. The programme runs from July to June annually.

Chairing the Meeting of Full Council

7. The Chairman of the Council or, in his/her absence the Vice Chairman, chairs all meetings of Full Council and takes a neutral, speaker-style approach to the role. The Chairman will not speak to the matter under debate from the Chair. The primary responsibilities of the Chairman are to : -
 - Preside over the meetings of the Council so that its business can be conducted efficiently and with regard to the rights of the Members and the community
 - Uphold the principles of this Constitution throughout the proceedings and in the compilation of the Agenda for meetings
 - Interpret the Constitution where necessary in accordance with its principles
 - Manage Council meetings through the consent of the Members and in accordance with the Constitution
 - Ensure that the Council's principles for public participation are upheld at all times
 - Decide on matters relating to Agenda management when consulted by the Council's managers
 - Make a casting vote when there is a tie.

Voting

8. The Chairman of Council will be elected in the same way that other Members are elected and will have responsibilities to his/her constituents. Therefore, although s/he will not normally speak or comment on the subject under discussion from the chair, when the motion is put, the Chairman will be free to cast his/her own original vote in whatever manner s/he please.
9. In the event of a tie when a matter is put to the vote, the Chairman will make a casting vote. The casting vote will be cast at the absolute discretion of the Chairman and will not be subject to regulation, precedent or convention; however, the vote is to be cast either for or against the motion and regardless of whether the Chairman cast his/her original vote.

Resolution of Disputes

10. The Chairman's role in resolving any dispute between the Cabinet and the remainder of the Council over major policy or the setting of an annual budget is described more fully in the Policy and Financial Framework Procedure Rules in Part 4. The Chairman will use his/her good offices to ensure that a legal budget can be set within statutory requirements by calling together the principals to any dispute and mediating between them.

The Vice Chairman of the Council

11. The Council will appoint a Vice Chairman to assist the Chairman with the Civic role. The Vice Chairman will undertake civic and representative duties when the Chairman is unable to do so and may, at the request of and by agreement with the Chairman, fulfil certain roles in his/her own right.
12. The Vice Chairman will take the Chair at Council meetings when the Chairman is absent and will become responsible for doing so as set out above. The Vice Chairman will also act as Chairman for an item when the Chairman wishes to speak in relation to it. The Vice-Chairman is empowered to discharge the functions and duties of the Chairman under this Article when the Chairman is absent.

Allowances and Expenses

13. The Chairman's and Vice Chairman's roles will be onerous and time-consuming and the Council has decided that it will pay a "special responsibility allowance" in recognition of this. Out of pocket expenses for clothing and other miscellaneous costs will also be met. See Part 6 of the Constitution for further details.

ARTICLE 6

OVERVIEW AND SCRUTINY COMMITTEE

1. The Overview and Scrutiny role is seen as crucial to the working of a Council under a modernised Constitution. The scrutiny function enables Members to hold the Cabinet and Senior Managers to account. It also enables Members to review policy and its implementation and consider any matters which have a bearing on the community which the Council represents.
2. All Members of the Council who are not Members of the Cabinet are part of the Council's scrutiny function. The role of the scrutiny area of the Council is not to be the opposition, but to ensure that the needs of the community are understood and met and that proper decision making is undertaken. Therefore, there is a valid role for Members of all groups (and individuals) to review the workings of the Council and, in the light of the needs revealed, propose policy and services to meet them.
3. The Council appoints a Committee to undertake the management of the Overview and Scrutiny role. The other two Committees will undertake more detailed work in each of the main areas.
4. The scrutiny role is a powerful one with scrutiny committees legally allowed to summon Cabinet Members and Senior Managers to attend meetings and require them to answer questions (except questions they would not be required to answer in a court of law). The scrutiny bodies can insist that decisions of the Cabinet and managers are reviewed and can hold them to account to ensure they are properly taken in the prescribed manner - ie openly and fairly.

Member Interests

5. It is vital that where a review of a decision or action includes a matter in which one of the scrutiny Members participated they must declare the interest.

The Overview and Scrutiny Committee

Chairman and Membership

6. The non-executive Members of Council appoint both the Chairman and Vice-Chairman of the Overview and Scrutiny Committee ("OSC"), the Policy Review Committee ("PRC") and the Service Review Committee ("SRC"). The OSC consists of six other Members, including the Chairman and Vice Chairman of each of the two other Committees (see below) and one Member each appointed by those Committees. Its Quorum shall be 5. Substitutes from the two other Committees will be allowed in respect of Members unable to attend a meeting of the Overview and Scrutiny Committee.

The Chairman and Vice-Chairman of the Overview and Scrutiny Committee are allowed to act as substitutes on either the Policy Review Committee or Service Review Committee and Members of either the Policy Review Committee or Service Review Committee may act as substitutes on the other of those Committees.

Role of the OSC

7. The OSC acts as the managing and co-ordinating body of the scrutiny function of the Council. It is responsible for drawing up programmes of work for the two other Committees, in consultation with the relevant Committee and the Cabinet. These programmes of work will be wide-ranging and place emphasis on the needs of the community and the work of the Council. They will not generally involve detailed analysis of current work of the Council. In addition it will review the Cabinet's proposed annual and periodic Forward Plans and has the right to question the Cabinet about these.

Delegated and Referred Powers

8. The OSC has delegated power to undertake all those matters identified in sections 21(2) and (5) of the Local Government Act 2000 (as amended from time to time).

Call-in

9. The OSC also acts as the call-in body of the Council with the authority to review individual decisions and seek their Call In for reconsideration. It has the right to question Cabinet Members and Senior Managers about day to day management matters and the general running of the Council. The OSC may also refer Cabinet decisions to Full Council if it believes that they are contrary to the policy and financial framework.
10. A Call-in procedure is set out in Part 4 of this Constitution. The OSC may call-in a decision both before it is actually made or afterwards. The Chairman of the OSC may attend Cabinet as a right and also has the right to speak and question during all public Cabinet meetings. The Chairman will also be the person normally consulted before implementation of decisions or in connection with the Urgency or Special Urgency processes (see Cabinet Procedure Rules).
11. In addition to Call-in by the Chairman of OSC, a group of not less than four non-executive Members can request the OSC to call in a decision for review. This group must consist of Members from more than a single political group.

Policy Review Committee and Service Review Committee

12. Both of these Committees will have a Membership of 11 including the Chairman and Vice Chairman of the Committee. The Committees have the power to seek the assistance of additional Members for specific work, in agreement with or at the direction of the OSC. These Members will be entitled to vote but there may be no more than two of them on either of the committees at any one time.

The Chairman and Vice-Chairman of each of the Committees will be appointed by the non-executive Members of the Council. Each of the Committees shall have a quorum of 6.

Policy Review Committee (“PRC”)

13. The main role of this Committee is to look outward, examining the issues which are affecting communities, the impact of existing policies and propose new policies. The Committee will undertake a programme of investigations which inform new policy formulation and recommend changes to the existing strategic policy framework. It is not expected that the Committee will complete more than two or three main reviews per year.
14. The results of the Committee's work, and recommendations arising from it, will be widely published and will be reported to the Cabinet and where applicable to Council. The work of the Committee will include scrutiny of the bodies responsible for healthcare with North Dorset in order to ensure increasingly close policy development between the two bodies.
15. It is intended that when conducting a review the Committee will seek to involve appropriate members of the public and local communities as well as other public sector bodies. The Committee will seek evidence from as many sources as it considers appropriate, taking the broadest possible view of the matter under discussion.

Delegated and Referred powers

16. The powers of the Policy Review Committee are:

Delegated

To carry out the Authority's functions in relation to the scrutiny of Health Service bodies

Referred

To carry out reviews in relation to the Council's policies and strategies as they relate to this Committee

The Service Review Committee

17. The role of this Committee will be the inward facing side of the scrutiny equation. It monitors policy implementation and oversees reviews under the Best Value regime. Its programme of work will be overarching and will be agreed with OSC. It will monitor major projects and may have Members on individual project boards.

18. The Committee is also responsible for reviewing service delivery issues at the strategic level. It will scrutinise service and business plans and examine whether the Council's arrangements with suppliers and partners deliver services as they should. It will keep the Council's procurement strategy under review and report on its relevance and effectiveness from time to time.
19. It is anticipated that as well as seeking the advice and views of non-council individuals on specific issues, the Committee will seek the assistance of external advisers to participate throughout its cycle of work. These may be drawn from a panel of volunteers and should include lay members, drawn from communities.

Delegated and Referred powers

20. The powers of the Service Review Committee are:

Delegated

To oversee and implement reviews under the Best Value regime

Referred

To carry out reviews of policy implementation and review strategic service delivery. To scrutinise Business Plans and the operation of the Council's Procurement Strategy.

Proceedings and Reporting

21. The OSC, PRC and SRC will generally conduct their business as set out in the Procedure Rules at Part 4 of this Constitution. However, the intention is that the proceedings of these bodies will be open to the public and will be as informal as possible, particularly when they are conducting wide-ranging reviews. When call-in and detailed reviews are being conducted, meetings will be more formal. There may be (very few) occasions when they will not be able to consider and discuss matters in public and will have to take information or evidence in private. This will usually be when the information to be discussed is exempt from disclosure, for example detailed information on contractual details or personal details of an employee.
22. Where the body is conducting a review, it will "take evidence" from those who wish to address it and there will be opportunities for statements and questioning. The proceedings will be managed by the Chairman whose decisions will be final. At the end of a review draft findings will be circulated to the OSC and Cabinet, before the report is published.

23. Following a major review there will be a full debate in Cabinet or Council (as appropriate) on the report which the public will normally be able to attend. The results of the review and debate will then inform the decisions of the Cabinet and Council in future policy making and service delivery arrangements.

Annual Report

24. The OSC, PRC and SRC report annually to the Council on their work programme and findings. This report will normally be made in April at the last ordinary meeting of the Council annually.

Finance and Resources

25. The OSC is responsible for the management of funds allocated to them to fulfil their function. They also have the support of dedicated employees.

ARTICLE 7

THE CABINET

Role and Function

1. Cabinet is accountable to the Council. It is responsible for the discharge of all functions allocated to it by the Constitution and this is to be read as including all those functions not specifically excluded by the Constitution or forbidden by law to be exercised by the Cabinet.

The Cabinet

2. The Leader appoints no less than two and no more than nine other Cabinet Members (portfolio holders) as he/she sees fit, including one designated as Deputy Leader. The Leader will be appointed by the Council and will in turn appoint a Deputy Leader. The quorum for a meeting shall be calculated in accordance with the formulas in paragraph 23 of the Meetings Procedure Rules.
3. The role and function of the Cabinet is referred to in Schedule 3 to Part 3 of the Constitution. The role includes : -
 - To consider the overall management and direction of the Council
 - Under the direction of the Leader of the Council, to work with senior managers to ensure the policies of the Council are clear and are carried through effectively and efficiently
 - To propose a policy framework and individual strategic policies to the Council
 - To identify and agree (with Council where appropriate) priorities for action
 - To propose the Council's financial management framework, budget and Council tax levels
 - To co-ordinate and give guidance on the implementation of policy and management of the Council
 - To receive reports from Cabinet Members on significant or contentious matters and consider proposals for new or amended policies
 - To monitor management performance and act on proposals arising from reviews.

Conduct of Business

4. The Cabinet will conduct its business in accordance with the Cabinet procedure rules set out in Part 4 of this Constitution.

Powers of Cabinet

5. The Cabinet shall have the power to determine any executive function that it is not expressly prohibited from determining whether by law or under a provision in the Constitution. For the avoidance of doubt this power includes determining any matter that Financial Regulations require shall be referred to Cabinet for approval.

Appointment of Cabinet Committees or other bodies

6. The Cabinet may appoint Committees of Cabinet Members to discharge any of its functions, providing always that the Cabinet remains accountable for the actions of any Committee it appoints within the delegations made by the Council. Such a Committee will be bound by the general rules of delegated decision making and procedure as bind the Cabinet generally.
7. The Cabinet may also appoint such working parties or groups as it considers appropriate but may not delegate any decision-making authority to such groups. These groups will not be bound by the rules of procedure applying to the Cabinet except that if the body is to discuss a "key decision" and is advised by officers, the rules relating to information and openness in respect of key decisions will apply.

Exercise of Powers

8. The Leader and individual Cabinet Members may exercise all the powers available to the Cabinet under the Council's Constitution, although Cabinet Members may only exercise those powers for which they have specific or portfolio responsibility. The Cabinet remains collectively responsible for the discharge of the powers of the Cabinet notwithstanding any delegated decisions which may be made by individual Cabinet Members.
9. The Cabinet, Leader and any Cabinet Member may from time to time allocate the discharge of any of their executive functions to a Cabinet committee or an officer in respect of a specific decision.

Leader of the Council

10. The Leader of the Council is the political leader of the Council. S/he is appointed by the Council and holds office until : -
 - s/he resigns from office
 - s/he is suspended from being a councillor
 - s/he ceases to be a councillor
 - the next meeting of Annual Council, save that Council may remove the Leader in the event of a change in the political control of the Council.

11. The Leader's roles are to : -

- Lead the Council and Cabinet
- Act as principal spokesman for the Cabinet and Council
- Designate portfolio roles and decide which Members will be responsible for them (notifying Council of the decisions and variations to them)
- Manage the meeting of Cabinet in accordance with the Cabinet Rules of Procedure and in conjunction with the Chief Executive
- Be responsible for the overall co-ordination of the Council's strategic management and policy formulation
- Resolve disputes between Portfolio Holders relating to shared areas of responsibility.

12. As indicated above, the Leader is the political head of the Council and, as Leader of the Cabinet, will be consulted by the Chairman of Council on matters relating to the business of the Council.

Delegated and Referred Powers of the Leader

13. The Leader has delegated power to determine any matter arising from any Executive function.

Advice and Assistance to Cabinet

14. There are no co-optees to Cabinet or its Committees, although they may seek advice and assistance from anyone who is not a Member of the Cabinet. No one providing such advice and assistance will be allowed to vote on decisions.

15. Neither the Chairman nor Vice Chairman of the Council may be appointed to the Cabinet and no member of the Cabinet may be a member of a scrutiny committee. The Leader cannot be appointed to the Standards Committee.

Cabinet Members

16. Cabinet Members will hold office until : -

- they resign from office

- they are suspended from being a councillor
 - they cease to be a councillor
 - the Annual Council following their appointment
 - they are removed from office by decision of the Leader notified in writing to the Head of Paid Service, such removal becoming effective two working days after the receipt of such notice by the Head of Paid Service.
17. Cabinet Members are allocated a portfolio of responsibility by the Leader (which may be varied from time to time by written notice to the Chief Executive) and are responsible to Cabinet and the Leader for overseeing the work undertaken in those areas allocated to them. They are accountable to the Cabinet and Council for the management of the portfolio areas and for policy development and achievement of agreed service objectives.
18. In exercising their responsibility for their portfolio area and without prejudice to their powers under the Constitution, Cabinet Members will where applicable have the authority, responsibility and/or right to :-
- Be consulted on delegation of decision making within their policy area, where appropriate
 - Be consulted and express their view on policy issues within their area
 - Be entitled to offer political advice in relation to their portfolio area
 - Make delegated, portfolio-related decisions. Recommend to Cabinet major policy changes affecting their area
 - Refer sensitive matters for consideration by Cabinet
 - Respond to reports from any scrutiny body or other reviews on service performance
 - Initiate, in agreement with the relevant Senior Manager, programmes of work or policy development
 - Be entitled to be consulted by managers or review bodies on the structure of services for which they have a responsibility.

19. The Portfolio Holders will have full regard to any advice or information received in respect of the exercise of their responsibilities and will, where applicable, proactively seek such advice from: -
- The Council
 - The Cabinet or Leader
 - Senior Managers and appropriate professional advisors
 - Overview and Scrutiny Committees in respect of policy development and implementation, monitoring and reviews.
20. When new policy is to be developed the Portfolio Holder may request OSC to undertake work on behalf of the Cabinet in respect of it. This may include consultation with the public.

Delegated and Referred Powers of Cabinet Members

21. Cabinet Members have delegated authority to determine any Executive function arising under their allocated portfolio responsibilities (as amended from time to time).
22. Specific Cabinet Portfolios and responsibilities as allocated by the Leader from time to time are set out in the Corporate Plan

ARTICLE 8

COMMITTEES OF THE COUNCIL

INTERPRETATION

1. Unless otherwise expressly provided, references to legislation (including regulations, orders, directions and circulars) shall be deemed to include:
 - Any other legislation or document made pursuant to it;
 - Any amendment to such legislation or other document; and
 - Any re-enactment or replacement (as the case may be) to such legislation with or without modification.
2. Where a power of determination or recommendation rests with a Committee and / or a sub-committee and / or another body and / or an officer then such powers are concurrent and may be exercised by the Committee, sub-committee, other body and the officer (as the case may be). In such circumstances however, it will normally be expected that the exercise of the delegation or recommendation will be undertaken by the officer, unless that officer considers it would be more appropriately dealt with by the Committee, sub-committee or other body.
3. For the avoidance of doubt, references to the power to exercise functions as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended from time to time) includes the power to exercise all those functions contained in sub-paragraphs (2), (3) and (4) of regulation 2 of those regulations (as may be amended).

A. REGULATORY COMMITTEES

Role and Function

4. The Council will appoint two Committees to be responsible for its regulatory functions. These include the Council's responsibility for development control and licensing matters. In both these areas Members will be advised by employees but will decide the issues before them.
5. These areas are complex and highly regulated. They also relate to areas of increasing public interest and the Council recognises that it must be seen to deal with them in a consistent, open and fair manner. The Council will arrange for Members who are part of the regulatory committees to receive initial training and ongoing development for these roles. In addition, the Chairman and Vice Chairmen will offer support to new Members.

6. As is indicated above these are areas which generate considerable public interest. Development Control Committee has adopted a protocol for public participation at its meetings which will be reviewed from time to time.
7. The Licensing and Orders Committee has adopted a procedure for the conduct of hearings arising under the Licensing Act 2003.
8. The two Committees that are formed to deal with the two main areas of regulatory responsibility and are known as : -
 - The Development Control Committee
 - The Licensing & Orders Committee

The Chairman and Vice Chairman of each of the two Committees will be appointed by Full Council.

Development Control Committee

Role and Membership

9. With the exception of policy formulation, to be primarily responsible for the discharge of the Council's non executive functions in relation to development control.
10. The Development Control Committee does not have the power to create any sub committees.
11. The Development Control Committee shall have the power to authorise an officer to exercise powers of delegation or recommendation on behalf of the Committee in relation to specified decisions.
12. The Development Control Committee shall consist of twelve members. The quorum of the Committee shall be 7.
13. All Members of the Council shall be eligible to be appointed to the Development Control Committee.

Delegated powers

14. To determine any application or other matter, including procedural issues, directly or indirectly arising pursuant to the exercise of those functions as set out in:

- Part A of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended from time to time) but excluding:
 - (2) The approval of Local Development Documents which are development plan documents; and
 - (3) Any matters relating to joint committees.
- Part I of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended from time to time) in respect of the preservation of trees and the protection of important hedgerows.

For the avoidance of doubt, the Committee's powers include taking decisions that are contrary to the Development Plan or Local Development Documents. Should the Committee resolve to do so, it may decline to make such a decision and refer the matter to Full Council.

15. The obtaining of information under section 330 Town and Country Planning Act 1990.
16. To discharge functions relating to contaminated land and the control of pollution or the management of air quality in so far as the exercise of those functions are, in the opinion of the Development Control Committee, directly or indirectly relevant to the exercise of its other powers.

Referred Powers

17. To consider and make recommendation on local development documents which are development plan documents or any other policy documents relating to the development control function.

Licensing and Orders Committee

Role and Membership

18. To be primarily responsible for the discharge of the Council's non-executive functions in relation to licensing, rights of way and appeals against decision of the Council (save to the extent that such power is expressly delegated or referred elsewhere).
19. To determine matters other than those specified above relating to but which are not licensing functions arising under the Licensing Act 2003, but only where such matters are expressly referred to the Licensing and Orders Committee by the person or body possessing the power to make that determination.

20. The Licensing and Orders Committee shall have power to appoint one or more sub-committees and determine any powers of delegation and/or recommendation that any such sub-committee shall possess. At present there are three sub-committees of three Members each (A to C) to deal with the licensing function. They have a quorum of three. Other sub-committees may be established to deal with other Committee functions.
21. There shall be power for substitutes to be appointed to any sub-committee of the Licensing and Orders Committee provided that the substitutes are members of the Licensing and Orders Committee.
22. The Licensing and Orders Committee, or a sub-committee created by it shall have power to authorise an officer to exercise powers of delegation or recommendation on behalf of the Licensing and Orders Committee in respect of any specified decision.
23. The Licensing and Orders Committee shall consist of ten members. The quorum of the Committee shall be 6.
24. All members of the Council shall be eligible to be appointed to the Licensing and Orders Committee.
25. The Licensing and Orders sub-committees may exercise their powers concurrently.

Delegated and Referred Powers

Delegated Powers

26. To determine any application or other matter, including procedural issues*, directly or indirectly arising pursuant to the exercise of those functions as set out in:
 - Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended from time to time) including those functions but excluding:
 - (1) The approval of Local development documents which are development plan documents;
 - (2) Any matters relating to joint committees; and
 - Part I of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended from time to time) in respect rights of way, footpaths and bridleways.

27. To consider and determine any appeal or undertake a review against a decision made by, or on behalf of the Council, provided that:
- (a) a right of appeal / review exists by virtue of legislative provision and/or any existing policy of the Council (as amended from time to time);
 - (b) the appeal/review does not relate to a personnel issue, a town and country planning issue or a matter in respect of which Full Council or the Constitution expressly provides should be dealt with elsewhere;
 - (c) it is not a decision of the Licensing and Orders Committee; and
 - (d) in the case of any determination that relates to the award of a grant there is both prior consultation before any final decision is taken with the person or body with budgetary control over such expenditure, or who otherwise has the power to authorise such expenditure and, no decision will result in expenditure for which there is not existing budgetary provision.
28. To consider and determine whether to pass a resolution that schedule 2 to the Noise and Statutory Nuisance Act should apply in the Council's area.
29. To consider and determine any other non –executive matters (other than the determination of a licensing policy statement) arising pursuant to the Licensing Act 2003, not otherwise identified above.
30. To consider and determine all matters arising pursuant to the Gambling Act 2005.
31. To determine:
- (a) any function of the Council which relates to a matter referred to the Licensing and Orders Committee pursuant to Licensing Act 2003 ("a licensing function") but which is not itself a licensing function; or
 - (b) any matter that relates to both a licensing function and another function of the Council which is not a licensing function,
- provided that in either case,
- (c) the Committee that otherwise has the power to determine the function or matter (as the case may be) resolves that it considers it would be appropriately dealt with by the Licensing and Orders Committee; and
 - (d) in the case of sub-paragraph (b), the Licensing and Orders Committee considers any report from the Committee making the resolution in relation to the matter prior to making a determination.

Referred Powers

32. To consider and make recommendations in respect of any representation received in response to any consultation undertaken by the Council on its Statement of Licensing Policy (as amended from time to time).
33. To consider and make recommendations on any policy matter relating to the Gambling Act 2005 for which the Licensing and Orders Committee does not have the power of determination but on which it can make recommendations.
34. To consider and make recommendations on any other policy matter relating to those matters identified in delegated powers above, but for which the Licensing and Orders Committee does not have the power of determination.

Licensing and Orders Sub Committees A to C

Role

35. To consider matters arising pursuant to the Licensing Act 2003 and the Gambling Act 2005
36. The Licensing and Orders Sub-Committee (Licensing Act and Gambling Act) shall consist of three members. The quorum shall be three.
37. The Chairman of a Licensing and Orders Sub-Committee exercising powers relating to the Licensing Act 2003 or the Gambling Act 2005 shall be selected by the Members of that sub-committee present at the time of the meeting.

Delegated and Referred Powers

Delegated Powers

38. With the exception of consideration of proposed policy and, the approval of any fees payable, to determine all matters arising pursuant to:

- (a) the Licensing Act 2003; and
- (b) the Gambling Act 2005,

that the Licensing and Orders Committee have power to determine including, without prejudice to the generality of the foregoing:

- The holding and determination of any hearing arising as a consequence of any application or other matter pursuant to the Licensing Act 2003 or the Gambling Act 2005;
- The determination as to whether a hearing needs to be held;
- The determination as to whether a representation is a relevant representation; and

- The determination of the appropriate procedure to follow in relation to the determination of any matter, provided that regard is had to any procedure that may have been appointed by the Licensing and Orders Committee.

Other Sub Committees

Delegated Powers

39. Other Sub Committees may be delegated powers to deal with any function of the Committee with the exception of the licensing function

B. OTHER COMMITTEES

40. Unless otherwise expressly provided for within the Constitution, the Chairman of all other non-executive Committees will be appointed by Full Council, and the Vice Chairman by each individual Committee.

Personnel Policy Committee

Role

41. To be primarily responsible for the discharge of the Council's non-executive functions in relation to:
- Considering and determining personnel policies and procedures
 - Determining local terms and conditions of employment
42. The Personnel Policy Committee shall have the power to appoint sub-committees and determine any powers of delegation and/ or recommendation that any such sub-committee shall possess. It is subject to the Employment Procedure Rules in Part 4 of this Constitution.
43. The Personnel Policy Committee and its sub-committees shall have the power to authorise an officer to exercise powers of delegation or recommendation on behalf of the Personnel Committee.
44. The Personnel Policy Committee shall consist of seven members. The quorum of the Committee shall be four.
45. Members of the Executive (Cabinet) may be appointed to the Personnel Policy Committee.

Delegated and Referred Powers

Delegated Powers

46. To determine (with or without modification) policies and procedures of the Council in so far as they relate to the Council's non-executive personnel function and to determine local terms and conditions of employment.
47. To agree collective agreements and recognition agreements with Trade's Unions.

Political Management Panel

Membership and Role

48. From time to time, to review the Constitution.
49. The Political Management Panel cannot appoint sub committees.
50. The Political Management Panel shall consist of 8 members. The quorum shall be 5 members The Chairman and Vice Chairman shall be appointed by Full Council.
51. Members of the Executive (Cabinet) can be appointed to the Political Management Panel

Delegated and Referred Powers

Referred Powers

52. To make recommendations to Full Council in relation to any proposed amendments to the Constitution which require a decision of Full Council.
53. To make recommendations to Full Council on any matter referred to it by Full Council from time to time.

Accounts and Audit Committee

Membership and Role

54. The Accounts and Audit Committee shall comprise 5 Members. The quorum of the Committee shall be 3. The Chairman of the Committee shall be appointed by Full Council.

Internal and External Audit

- a) Reviewing and ensuring that there are adequate terms of reference for Internal Audit, an Internal Audit strategy and sufficient resourcing.
- b) Reviewing and considering the proposed and actual Internal Audit coverage and whether this provides adequate assurance on organisations main business risks and reviewing the performance of Internal Audit.
- c) Reviewing arrangements made for co-operation between Internal Audit, External Audit and other review bodies.
- d) Receiving the Annual Internal Audit report and opinion.
- e) Reviewing and considering proposed and actual External Audit coverage and its adequacy.
- f) Receiving updates from External Audit on External Audit findings, opinions and adequacy of management response to External Audit advice, recommendations and action plans.

Risk Management

- g) Reviewing the adequacy of arrangements for identifying and managing the organisations business risks - including the Council's risk management policy and strategy and their implementation.
- h) Review the robustness of the strategic risk register and the adequacy of associated risk management arrangements.
- i) Receive and consider regular reports on the risk environment and associated management action.

Internal Control Arrangements and the Statement on Internal Control

- j) To conduct a critical review of the proposed Statement on Internal Control (SIC), the procedures followed in its completion and supporting documentation in order to consider:
 - How meaningful the SIC is
 - The robustness of the evidence and assurances on which the SIC is based

- Whether the SIC discloses adequately the Council's actions for addressing any significant internal control weaknesses disclosed within the statement.
- k) To make recommendations for amendment of the SIC and the associated procedures.
- l) To review the effectiveness of internal control across the Council and the adequacy of action taken to address any weaknesses or control failures.

Anti - Fraud & Corruption Arrangements

- m) To review and ensure the adequacy of the Council's Anti-Fraud & Corruption policy and strategy and the effectiveness of their application throughout the Authority.
- n) To review and ensure that adequate arrangements are established and operating to deal with situations of suspected or actual fraud and corruption.

Corporate Governance

- o) To receive and consider an annual report evaluating the adequacy of application of the Council's corporate governance code (as per the CIPFA/SOLACE framework).
- p) To review and consider the adequacy of the corporate governance strategy and improvement action plan, and its organisational benefits, to develop corporate governance arrangements across the Council and to ensure effective governance in the future.
- q) To receive periodic updates on improvement actions taken as defined in strategy document and associated action plan.

Accounts

- r) To approve the annual Statement of Accounts, including subsequent amendments.
- s) To consider the External Auditor's report on the audit of the annual financial statements.

- t) To be responsible for any matters arising from the audit of the Council's accounts, including the auditor's opinion on the accounts, identification of any misstatements, comments on the accounting and internal control systems and qualitative aspects of accounting practices and financial reporting.

Delegated and Referred Powers

Delegated Powers

- 55. In exercising the power and duties assigned to the Committee in paragraphs d) and r) above, the Accounts and Audit Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

Referred powers

- 56. To consider and make recommendations on the matters described in paragraphs a) to t) above. Recommendations in respect of matters described in paragraphs j) to l) and o) to t) above shall be made to Cabinet, the Section 151 Officer and Senior Management Team. Recommendations in respect of the matters described in the remainder of such paragraphs shall be made to the Section 151 Officer and Senior Management Team.
- 57. Notwithstanding the above, the Committee may at any time make recommendations to Full Council on any matter within its remit.

ARTICLE 9

STANDARDS COMMITTEE

Standards Committee

1. The Council has established a Standards Committee to oversee the conduct of elected Members. The Committee also supervises conduct of parish and town council (“local council”) members. The Committee is not required to be politically balanced.
2. The Council has established a Standards Committee to oversee the conduct of elected Members. The Committee also supervises conduct of parish and town council (“local council”) members. The Committee is not required to be politically balanced.
3. The Standards Committee may appoint up to three sub committees in order to deal with each of the following powers of the Standards Committee;
 - 1) To receive complaints in respect of the Code of Conduct for Members and to decide what action is to be taken in respect of such complaints, in accordance with any relevant statutory regulations
 - 2) To consider any requests for reviews of decisions taken under paragraph 1) above, in accordance with any relevant statutory regulations and
 - 3) To conduct hearings into reports from or on behalf of the Monitoring Officer or an Ethical Standards Officer in accordance with any relevant statutory regulations

Such sub committees will each comprise three members drawn from amongst the members of the Standards Committee, with their membership to comply with relevant statutory regulations from time to time. The quorum of each sub committee shall be three. The chairman of any such sub committee shall be selected by the members of that sub committee present at the time but he/she must be an Independent Member.

Membership

5. The Committee has ten members. Four of these are members of the District Council. Three members will be current parish or town councillors nominated by the NDAPTC. Three will be qualified electors who are completely independent of the Council (known as Independent Members) who will be appointed by the Council. Each Independent member will serve from the date of his/her appointment until the next all out election of council members, unless removed previously by resolution of the Council. The Council will generally appoint to the Committee people experienced in public life and in the management of ethical matters.
6. The Chairman of the Council and the Leader of the Council will not be members of the Committee. No more than one member of the Cabinet can be a member of the Committee.
7. The Chairman of the Committee will with effect from the Council's Annual Meeting in May 2007, be one of the Independent Members. The Chairman will be appointed by the Council. The Vice Chairman will be elected by the Committee.

Roles and Function

- 8.. The Standards Committee undertakes all the roles allocated by Chapter 1 of Part III to the Local Government Act 2000 and the Council. All Members of the Committee are eligible to consider any matter within its remit and the Committee will only normally be quorate if there is an independent member present. When Parish Council matters are being considered, at least one Parish Member must be present.
9. The Committee will, wherever possible, conduct hearings publicly but in view of the possible nature of matters to be considered there may be occasions when this will not be possible. The Committee has established procedures for the conduct of hearings and notification of outcomes.
10. The Standards Committee has the following roles and functions, in respect of both the District and so far as is appropriate town and parish councils in the district: -
 - To promote and maintain high standards of conduct and behaviour by all Councillors, any co-opted persons, and offering advice when necessary and arranging training
 - To consider and resolve complaints about the behaviour of Councillors, other than those which are dealt with by the Standards Board for England
 - To monitor and advise on the adoption and revision of Codes of Conduct and protocols

- To advise on and oversee training on matters relating to the Code of Conduct and monitor its operation
- To grant dispensations from requirements relating to interests arising under the Code of Conduct
- To receive complaints in respect of the Code of Conduct and to deal with them in accordance with statutory regulations.
- To deal with any report from a case tribunal, or an Ethical Standards Officer or a report from the Monitoring Officer
- To monitor complaints made to the Ombudsman.
- To discharge any role given to it in the Council's Complaints Procedure (as amended from time to time).

Referred and Delegated powers of the Standards Committee

Referred powers

11. Power to make recommendations to Full Council following a hearing into a complaint against a member considered outside the terms of the Code of Conduct for Members.

Delegated powers

12. The Committee undertakes the role(s) given to it within the Council's Complaints Procedure (as amended from time to time). The Committee will also monitor the Complaints Procedure and its effectiveness, making an annual report to Council on the number and type of complaints received and general trends.
13. To discharge the statutory functions set out in the Local Government Act 2000 (as amended from time to time).

ARTICLE 10

JOINT ARRANGEMENTS

Introduction

1. The Council has the right under the Local Government Act 2000 to promote the economic and social well-being of the area. It also has a duty to act to ensure that it provides Best Value under the Local Government Act, 1999. In order to do this it may : -enter into arrangements with any organisation, body or individual
 - co-operate with, facilitate or co-ordinate the activities of any other organisation(s) or bodies
 - exercise on behalf of other organisations any functions of that organisation.
2. The Cabinet may make these arrangements where they involve the exercise of the functions of the Cabinet or where they do not represent a major policy change. If the arrangement does involve such a change (for example by taking on the functions of a health service body) this will require the approval of the Council. Any other arrangements will require Full Council approval.

Joint Arrangements

3. The nature of the joint arrangements made will vary according to the circumstances. Some arrangements will be contractual in nature and will involve a contract which requires the delivery of specified outcomes, either by the contractor (which may be another public body) on behalf of this Council or by the Council on behalf of some other body. Other arrangements will be truly "joint" between, say, local authorities coming together to provide a function of either or both. All joint arrangements must be specified in writing.
4. The Council may establish joint arrangements with one or more local authorities or with the executive of any such authority to exercise functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with any such other local authority.
5. Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Executive functions. Such arrangements may involve the appointment of a joint committee with any such other local authority.
6. Except as set out below, Cabinet may only appoint Cabinet Members to a joint committee and those Members need not reflect the political composition of the Council as a whole.

7. Cabinet may appoint members to a joint committee from outside of Cabinet where the joint committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the Council by area or population. In such cases, Cabinet may appoint to the joint committee any Member who is a member for a ward that is wholly or partly contained within that area, and the political balance requirements do not apply to such appointments.
8. Details of any joint arrangements including delegations appear as Annex A to this Article (where there are joint arrangements that require publication in the Constitution).

ACCESS TO INFORMATION

- 9
 - a) The access to information rules in part 4 of this Constitution apply
 - b) If all the Members of a joint Committee are members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
 - c) If the joint Committee contains members who are not on the Executive of any participating authority then the access to information rules in part VA of the Local Government Act 1972 will apply.

DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES

10.
 - a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Executive of another local authority
 - b) The Executive may delegate executive functions to another local authority or the Executive 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.

CONTRACTING OUT

11. The Council, for functions which are not executive functions and, the Cabinet for executive functions, 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 11

EMPLOYEES OF THE COUNCIL

Structure and Terms of Employment

1. The Council may employ such persons as it considers are necessary to carry out its own functions, or those functions it agrees to provide for or on behalf of other bodies. The senior management structure is decided by the Council as part of its strategic management framework. The Chief Executive and Senior Managers will be responsible for day-to-day management and operational decisions.
2. The Council's officers will provide support for all of the Council's functions including Full Council, Overview and Scrutiny bodies, Committees, the Cabinet and individual Members supporting their communities.
3. The terms of employment of individuals will depend on the circumstances of the appointment.
4. The Council's Scheme of Terms and Conditions of Employment is subject to the approval of, the Personnel Committee. The recruitment, selection and dismissal rules are set out at Part 4 of this Constitution - Employment Procedure Rules.
5. The precise employee structure of the Council below the Senior Management structure approved by Council, is decided by the Head of Paid Service. A description of this is set out at Part 7 of this Constitution and also will be publicised on the Council's web site.

Senior Managers

6. The Council employs the following who are designated "Chief Officers" for the purposes of the Local Government and Housing Act, 1989 and the Local Government Act, 2000 : -
 - Chief Executive and Head of Paid Service
 - General Manager (Policy and Performance)
 - General Manager (Community Services)
 - General Manager (Development and Resources)
 - Solicitor to the Council and Monitoring Officer
 - Section 151 Officer and Financial Services Manager

A more detailed description of these roles is set out below. These employees comprise the Senior Management Team.

Statutory Officers

7. The Council is required by statute to appoint to the following roles:-

Head of Paid Service - this is the Chief Executive
Monitoring Officer

Section 151 ("s151") Officer - this is the Financial Services Manager.

8. The appointment of the Head of Paid Service and the initial terms and conditions of employment must be confirmed by a meeting of the Council. The actual process for appointment and negotiation of terms and conditions may be delegated to some other body excluding Cabinet, although this body can contain Cabinet Members. See Employment Procedure Rules (Part 4).

Functions of the Statutory Officers

Head of Paid Service

9. The Head of Paid Service ("HOPS") is responsible for overall Corporate and operational management including the employment, designation and discipline of all employees with the exception of Chief Officers, the Section 151 Officer and the Monitoring Officer. The HOPS will report from time to time to the Council on the manner in which it is proposed to discharge the Council's functions.
10. The HOPS is also responsible for the provision of professional advice to all parties in the decision making process (the Cabinet, Overview and Scrutiny, Full Council and Committees).
11. The Head of Paid Service is not permitted to be the Council's Monitoring Officer but may (if suitably qualified) be the Council's s151 Officer.

Monitoring Officer

12. The role of Monitoring Officer was created by the Local Government and Housing Act, 1989 to advise the Council on issues concerning legal probity and to exercise the powers under section 5 of that Act. The role also includes the giving of advice to Members on their conduct. The role is significantly enhanced by the ethical framework provisions of the Local Government Act, 2000.
13. It is the responsibility of the Monitoring Officer to :-
- ensure that an up to date version of the Constitution is maintained, publicised and available for inspection

- report to the Council or Cabinet (in relation to a Cabinet function) if s/he considers that a proposal, decision or omission would be unlawful or give rise to maladministration. Before doing so s/he will normally consult with the HOPS and s151 officer. The proposal or subject of the report is not permitted to proceed to implementation until the report has been considered
 - support the achievement and maintenance of the highest standards of conduct and ethics, in particular supporting the work of the Standards Committee
 - receive and act on reports from Ethical Standards Officers (of the Standards Board for England) or of case tribunals
 - conduct investigations into matters referred by Ethical Standards Officers or the Standards Committee and report and act accordingly
 - ensure that arrangements are in hand to ensure that decisions, relevant reports and the background papers to them are properly notified and published
 - advise on whether Cabinet decisions are in accordance with the Council's agreed budget and strategic policy framework
 - provide advice to all councillors on the scope of powers and authority to take decisions.
14. The Monitoring Officer may not also be the Council's HOPS or s151 Officer.

S151 Officer

15. The Council is required under the Local Government Act, 1972 to appoint an officer to oversee its financial arrangements. The post is referred to as the s151 Officer because the role was set out in section 151 of that Act. The role is sometimes referred to as the "chief finance officer".
16. It is the responsibility of the Council's s151 Officer to :-
- report to the Council or Cabinet (in relation to a Cabinet function) or the Council's external auditor, if s/he considers that a proposal, decision or omission could result in unlawful expenditure or give rise to loss or deficiency - or if the Council or Cabinet propose to enter an item of account unlawfully. Before doing so s/he will normally consult with the HOPS and Monitoring Officer. The proposal or subject of the report is not permitted to proceed to implementation until the report has been considered

- Be responsible for the administration of the financial affairs of the Council
- Contribute to the corporate management of the Council through the provision of professional advice
- Provide advice to all councillors on the scope of powers and authority to take decisions, financial propriety, probity and budget issues and support the Cabinet, managers and employees in their respective roles
- Provide information required to be publicly available and financial advice to the public and media
- Be responsible for ensuring that all statutory notifications in respect of financial matters are properly publicised.

Resources

17. The Council will make available such Officers, accommodation and other resources as the Monitoring Officer and Section 151 Officer consider are required to fulfil their statutory roles.

Conduct

18. All employees of the Council, both directly employed and through other bodies are required to comply with the Council's Code of Conduct for Employees (as amended from time to time), the Protocol for Member/Employee Relations and the Code of Conduct for Members and Officers Dealing With Planning Matters set out in Part 5 of this Constitution.

ARTICLE 12

DECISION MAKING

Responsibility for Decision Making

1. Decision making within the Council takes place in a number of ways. Most aspects of decision making are set out in this Constitution, either in Articles relating to specific bodies or in Parts 3 and 4.
2. Decisions adopting the Council's Policy and Financial Framework will be taken by Full Council. In other cases decisions may be delegated to an appropriate body or individual to secure speedy and effective decision making, within the restrictions necessary for transparency.

Principles of Decision Making

3. Within the Council, decisions will be made on the basis of the following principles :
 - Proportionality - the action/decision will be proportionate to the desired outcome and will be taken with regard to the standards of reasonableness required by law
 - Informed decision making - any decision will be made on the basis of reasonable and sufficient advice and after appropriate consultation
 - Respect for Human Rights - decisions will be taken in a manner which recognises the human rights of those affected
 - A presumption of openness - decisions will be taken in as open and transparent manner as possible
 - Clarity of intention - the aims and desired outcomes to be met by the decision will be clear and sensible.
 - What options were considered when a decision is made and the reasons for the decision shall be stated in any public record of a decision.

Types of Decision - and Rules for Making them

Strategic Policy Decisions - the big decisions

4. Full Council will make the decisions relating to the adoption of the policy framework and its budgets and financing arrangements within which the Council will work.
5. The decisions reserved for Council alone are set out at Article 4 and Part 3 of this Constitution. The Council will take these decisions in accordance with the Council Procedure Rules and Policy and Financial Framework Procedure Rules set out at Part 4.

Key Decisions

6. A Key Decision is an executive decision which is likely to : -
- result in the Council incurring expenditure of more than £150,000, within agreed budgets (after permitted virement or savings)
 - require expenditure of more than £10,000 above agreed budgets in respect of a specific cost centre (after permitted virement or savings)
 - have a significant effect on communities living or working in an area comprising two or more wards.

Such decisions may be made by the Cabinet, or one of its members, or by an employee of the Council. They have to give notification of their intention to take the decision, the date they intend to do so and publicise their reasons for taking it in the Forward Plan. This document is described in the Cabinet Procedure Rules and the Access to Information Procedure Rules.

7. Executive Decisions including key decisions can only be made as set out in the Cabinet Procedure Rules (see Part 4) .

Overview and Scrutiny Committees

8. Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Other Decision Making

9. The decision-making rules for other Council bodies and Committees are set out at Part 4. The general principles set out above will apply to all the work of the Council.

The Council as a Tribunal

10. Sometimes the Council, one of its Committees or an individual employee, act on behalf of the Council in support of or as a tribunal or "quasi-judicial" body.
11. When this occurs, those doing so will have full regard to the proper procedures for such matters and in particular natural justice and the right to a fair trial, etc.

ARTICLE 13

FINANCE, CONTRACTS AND LEGAL MATTERS

Financial Management

1. The management of the Council's financial affairs is conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution. The Council periodically approves a financial strategy for a period of at least five years, in which it will set out its strategic approach to financial management and its budgetary process. This will form part of the Council's Policy and Financial Framework.
2. The day to day management of the Council's finances is the responsibility of the Council's Senior Managers, who in turn are responsible to the Cabinet. In managing its finances the Council has regard to the requirement to obtain Best Value under the Local Government Act 1999 and acts on the advice of its s151 Officer.

Contracts

3. Every contract made by the Council will comply with the Contract Management Regulations set out in Part 4 of this Constitution. These regulations provide, as far as reasonably can be achieved, for effective and efficient management whilst securing fairness, openness and legality.
4. The Council will set a strategy for the procurement of services. This strategy, when made, will seek to balance the need for effective service provision and Best Value with the requirements of probity and transparency required by this Constitution. A copy of the Strategy will be added to Part 4 of this Constitution. These Rules will apply to any joint arrangements entered into by the Council.

Legal Proceedings and Authentication of Documents

5. The Officer Scheme of Delegations (Part 3) identifies officers who are authorised to institute, defend or participate in any legal proceedings required to give effect to the decisions of the Council or which are otherwise necessary in the Council's interests.
6. Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Solicitor to the Council or any other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given any requisite authority to some other person.

Purpose of Legal Action

7. The Council will act ethically in the use of this power and its resources and will not use either its legal or financial position to disadvantage any person or body out of proportion to the issue. The Council also has responsibilities to the community at large and will not allow financial considerations alone to influence its decision on whether to proceed with or defend legal action.
8. Where a matter is being pursued on behalf of the Council by another body, particularly the Council's insurers, the Council will seek to ensure that the outcome is appropriate to the purposes, policies and values of the Council.

Confidentiality of Proceedings

9. There are occasions when the normal rules of disclosure cannot be applied to the pursuit or settlement of legal proceedings. The Council will make every effort to ensure that such matters can be advised under confidentiality arrangements to Members.

Common Seal of the Council

10. The Common Seal of the Council will be kept in a safe place in the custody of the Solicitor to the Council. Any decision of Full Council or otherwise in accordance with the Constitution will be sufficient authority for sealing any document needed to give effect to the decision, having regard to the timescales set out in the Overview and Scrutiny Procedure Rules in Part 4.
11. The Officer Scheme of Delegations identifies those officers with authority to attest the affixing of the seal.
12. A record shall be maintained of documents to which the seal is affixed.

ARTICLE 14

REVIEW AND REVISION OF THE CONSTITUTION

Duty to monitor and review the constitution

1. The operation of the Constitution will be monitored regularly and will be reviewed from time-to-time by a group of Members set up by the Council for this purpose, to ensure that the aims and principles of the Constitution are given full effect. The group of Members will be the Political Management Panel.
2. The role and powers of the Political Management Panel are set out in Article 8 above.

Changes to the Constitution

Approval by Full Council

3. Subject as provided for below, unless Full Council considers the matter to be urgent, changes to the Constitution may only be approved by Full Council after consideration of a proposal, or a report on a proposal, put to it by the Political Management Panel, the S. 151 Officer in respect of amendments concerning financial issues, or the Monitoring Officer.
4. Full Council will consider any petition validly secured and submitted to it in accordance with relevant legislative provisions to change the operational procedure of the Council from Leader and Executive, and the outcome of any such referendum and in each case shall first require a report from the Political Management Panel and the Monitoring Officer.
5. Any six members of the Council may propose amendments to the Constitution for consideration by the Political Management Panel.
6. Full Council may at any time appoint, remove or amend Committees, joint committees and delegate or refer powers to such bodies and / or Officers.

Approval otherwise than by Full Council

7. In accordance with the Local Government Act 2000 (as amended), those parts of the Constitution relating to Executive matters and insofar as delegations allow, the Leader may amend the delegations relating to executive functions carried out by individual Portfolio Holders.

8. Unless expressly prohibited by a limitation to a delegation or by legislative provision:
 - Cabinet may appoint committees to undertake executive functions;
 - Cabinet may at any time delegate or refer any of its powers to any committee created by Cabinet, or to an Officer (in relation to specific decisions) or other person or body where the law so allows;
 - A Committee created by Cabinet may delegate or refer any of its powers to an Officer in respect of a specific decision;
 - A Committee with powers to create a Sub-Committee may create, delegate or refer any of its powers to its Sub-Committee;
 - A Committee or Sub-Committee may delegate or refer any of its powers to an Officer in respect of a specific decision; and
 - The Leader or a Cabinet Member may delegate or refer powers to an Officer in respect of a specific decision.
9. Changes to the Constitution may be made without further approval where it is to reflect legislative change or changes as identified above.

Supplementary provisions relating to Changes to the Constitution

10. When drawing up any changes to the Constitution that differ from existing executive arrangements, consideration must be given to the extent to which the proposals, if implemented, are likely to assist in securing continuous improvement in the way in which the Authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness

Change from a Leader and Cabinet form of Executive to another form of Executive

11. The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for any new form of executive or other significant change to the current form of Constitution.
12. If a referendum for a mayoral option is called for by 5% of all electors, the Council will consult on the alternative forms of executive if the Mayoral option is refused by the electorate.

ARTICLE 15

SUSPENSION, INTERPRETATION & PUBLICATION OF THE CONSTITUTION

Suspension of the Constitution

Limit to suspension

1. The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Full Council to the extent permitted within those Rules and the law.

Procedure to suspend

2. The Rules identified in this Article may be suspended or varied in accordance with the provisions set out in the Meeting Procedure Rules

Rules capable of suspension

3. The Rules which are set out in Part 4 as Meeting Procedure Rules (with the exception of Rules 34 to 51 inclusive), and Council Procedure Rules may be suspended.

Interpretation

4. The Chairman's ruling on the interpretation of the construction or application of this Constitution or as to any proceedings of the Council will be final. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

Publication

5. The Democratic Services Manager will provide a printed copy of this Constitution to each member when they are first elected following receipt of the declaration of acceptance of office. The Democratic Services Manager will ensure that full copies are available at Council offices, libraries and other appropriate locations.
6. The Democratic Services Manager will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

SCHEDULE A: DESCRIPTION OF EXECUTIVE ARRANGEMENTS

The following parts of this Constitution constitute the executive arrangements:-

Part 2 – Articles of the Constitution

Article 6 – Overview and Scrutiny Committees

Article 7 – The Cabinet

Article 11 – Joint Arrangements (so far as is relevant)

Article 12 – Decision Making

Part 3 – Responsibility for Functions

Part 4 – Procedures

Cabinet Procedure Rules

Overview and Scrutiny Procedure Rules

Access to Information Procedure Rules

