

## **Part 2**

# **Articles of the Constitution**

# 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 comprises the Constitution of the Northampton Borough Council.

## 1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- enable the Council to provide clear leadership to the community in partnership with its citizens, businesses and other organisations to provide a framework within which to pursue the effective best interests and local governance of the citizens of Northampton;
- support the active involvement of citizens in the process of local authority decision-making;
- help Councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- provide a means of improving the delivery of local authority 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 and most relevant to the purpose stated above.

The Council will monitor and evaluate the operation of the Constitution as provided by Article 16.

# Article 2 - Members of the Council

## 2.1 Composition and eligibility

2.1.1 **Composition.** The Council will comprise 47 Councillors, (otherwise called Members). 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.

2.1.2 **Eligibility.** Only registered voters of the district or those living or working there will be eligible to hold the office of Councillor.

## 2.2 Election and terms of Councillors

2.2.1 **Election and terms.** 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

2.3.1 **Key roles.** All Councillors will:

- collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- balance different interests identified within their ward or electoral division and represent their ward or electoral division as a whole;
- be involved in decision-making;
- be available to represent the Council on other bodies; and
- maintain the highest standards of conduct and ethics.

### 2.3.2 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, but a Councillor shall not issue any order respecting any works to be carried out by the Council or claim by virtue of their membership of the Council unless specifically authorised to do

so by the Council, the Cabinet or a committee or having specifically delegated power in that regard, any other right to inspect or enter upon any such land and/or buildings.

- Councillors will not make public information which is Confidential or Exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or 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.

## 2.4 **Conduct**

Councillors will at all times observe the Members' Codes of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

## 2.5 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 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 in the democratic process are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution:

3.1.1 **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.

3.1.2 **Information.** Citizens have the right to:

- attend meetings of the Council and its committees in accordance with the Council's Guidelines for Open Government except where Confidential or Exempt information is likely to be disclosed, and the meeting is therefore held in private;
- attend meetings of the Cabinet in accordance with the Cabinet Procedure Rules and the Council's Guidelines for Open Government when Key Decisions are being considered;
- find out from the Forward Plan what Key Decisions will be taken by the Cabinet and when;
- see reports and background papers, (except where Confidential or Exempt Information is involved,) and any records of decisions made by the Council and the Cabinet ;
- inspect the Council's accounts and make their views known to the external auditor; and
- address the Council and its committees in accordance with the Council's Guidelines for Open Government.

3.1.3 **Participation.** Citizens have the rights referred to in the Council's Guidelines for Open Government to participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committee:-

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

- the Council itself under its Complaints Scheme;
- the Ombudsman after using the Council's own Complaints Scheme;

- the Standards Board for England about a breach of the Councillors' Code of Conduct.

### 3.1.5 **Citizens' responsibilities**

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

4.1.1 **Policy Framework.** The Policy Framework means the following plans and strategies:-

- Best Value Performance Plan;
- Community Care Plan;
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Local Transport Plan;
- Plans and strategies which together comprise the Development Plan;
- The Council's Corporate Plan (if any);
- The plan and strategy which comprise the Housing Investment Programme;
- Local Agenda 21 Strategy;
- Any Quality Projects Management Action Plan;
- The Council's Improvement Plan.

4.1.2 **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.1.3 **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

## 4.2 Functions of the Council

Only the Council will exercise the following functions:

4.2.1 adopting and changing the Constitution;

- 4.2.2 approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- 4.2.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, 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;
- 4.2.4 appointing the Leader and members of the Cabinet;
- 4.2.5 agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them, (including the appointment of a consultative Local Joint committee with such membership as may be from time to time agreed by the Council -see Article 11);
- 4.2.6 appointing representatives to outside bodies unless the appointment is an Executive Function or has been delegated by the Council;
- 4.2.7 adopting an Allowances Scheme under Part 6 of this Constitution;
- 4.2.8 changing the name of the area and status, conferring the title of honorary alderman or freedom of the Borough;
- 4.2.9 confirming the appointment of the Head of Paid Service, Directors and certain other officers;
- 4.2.10 making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- 4.2.11 making Council Procedure Rules and Contract Procedure Rules;
- 4.2.12 all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken directly by the Council itself rather than the Cabinet; and
- 4.2.13 all other matters, which, by law, must be reserved to the Council.

#### 4.3 **Council meetings**

There are three types of Council meeting:

- the annual meeting;
- ordinary meetings;
- 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 the responsibilities for the functions of the Council which are not the responsibility of the Cabinet.

## **Article 5 - Chairing The Council**

- 5.1 The Mayor and in his/her absence, the Deputy Mayor will have the following roles and functions:

The Mayor as chairman of the Council will be elected by the Council annually. The Mayor will have the following responsibilities:

- 5.1.1 to uphold and promote the purposes of this Constitution, and to interpret this Constitution when necessary;
- 5.1.2 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;
- 5.1.3 to ensure that the Council meeting is a 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 hold committee Chairs are able to hold the Cabinet and committee Chairs to account;
- 5.1.4 to promote public involvement in the Council's activities;
- 5.1.5 to be the conscience of the Council; and
- 5.1.6 to attend such civic and ceremonial functions as the Council may determine appropriate.

# Article 6–The Overview and Scrutiny Committee

## 6.1 Terms of Reference

The Council will appoint an Overview and Scrutiny Committee which will have the powers and perform the functions (and only those functions) that are conferred by Section 21 of the Local Government Act 2000.

## 6.2 General role

The Overview and Scrutiny Committee will:

- 6.2.1 review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- 6.2.2 make reports and/or recommendations to the full Council and/or the Cabinet as the case may be in connection with the discharge of any functions;
- 6.2.3 consider any matter affecting the area or its inhabitants; and
- 6.2.4 exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet.

## 6.3 Specific functions

6.3.1 **Policy development and review.** The Overview and Scrutiny Committee may:

- assist the Council and the Cabinet in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question members of the Cabinet, Committees and Directors about their views on issues and proposals affecting their functions; and
- 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.

6.3.2 **Scrutiny.** The Overview and Scrutiny Committee may:

- review and scrutinise the decisions made by and performance of the Cabinet, committees and Council officers save that where the Overview and Scrutiny Committee is reviewing the decisions of another committee of the Council it will not scrutinize individual decisions particularly in respect of development control, licensing, registration, consents and other particular matters other than within the general context of any wider policy review, and shall not act as an appeal forum in respect of such individual decisions;
- review and scrutinise the performance of the Council in relation to its Policy objectives, performance targets and/or particular service areas;
- question members of the Cabinet and/or committees and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- make recommendations to the Cabinet and/or appropriate committees and/or Council arising from the outcome of the overview and scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
- question and gather evidence from any person (with their consent).

6.3.3 **Finance.** The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.

6.3.4 **Annual report.** Overview and Scrutiny Committee may report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.3.5 **Officers.** The Overview and Scrutiny Committee may exercise overall responsibility for the work programme of the officers employed to support their work.

#### 6.4 **Proceedings of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

# Article 7 - The Cabinet

## 7.1 Role

The Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution. They are the Council's executive for the purposes of the Local Government Act 2000.

## 7.2 Form and composition

The Cabinet will consist of the Leader together with 5 other Councillors appointed to the Cabinet by the Council.

## 7.3 Leader

The Leader will be a Councillor elected annually to the position of Leader by the Council. The Leader will hold office until:

7.3.1 he/she resigns from office; or

7.3.2 he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

7.3.3 he/she is no longer a Councillor; or

7.3.4 the following annual Council meeting; or

7.3.5 he/she is removed from office by resolution of the Council.

## 7.4 Other Cabinet members

Other Cabinet members shall hold office until:

7.4.1 they resign from office; or

7.4.2 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

7.4.3 they are no longer Councillors; or

7.4.4 the following annual Council meeting; or

7.4.5 they are removed from office by resolution of the Council.

## **7.5 Proceedings of the Cabinet**

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

## **7.6 Responsibility for functions**

A list will be maintained in Parts 3 and 8 respectively of this Constitution setting out which individual members of the Cabinet, committees of the Executive (if any), officers or Joint Arrangements are responsible for the exercise of particular executive functions.

# **Article 8 - Regulatory and other Committees**

## **8.1 Regulatory and other committees**

The Council will appoint the committees set out in the left hand column of the Table "Responsibility for Council Functions" in Part 3 of this Constitution to discharge the functions described in column 3 of that Table.

## Article 9 – The Audit Committee

9. The Council will establish an Audit Committee:

**9.1 Membership:** The Audit Committee will be composed of:

6 Councillors, 2 from each political group excluding members of the Cabinet.

The Committee shall have delegated powers to appoint co-opted members, without voting rights but with expertise in relevant areas.

### **9.2 Role and terms of reference**

- 9.2.1 generally consider all relevant processes for risk, control and governance.
- 9.2.2 approve (but not direct) internal audit's strategy, plan and performance.
- 9.2.3 review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
- 9.2.4 consider the reports of external audit and inspection agencies.
- 9.2.5 consider the effectiveness of the Council's risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements and seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- 9.2.6 be satisfied that the Council's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it.
- 9.2.7 ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- 9.2.8 review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.
- 9.2.9 monitor the implementation of Key recommendations and actions arising from the Councils Recovery Plan and/or improvement agenda.
- 9.2.10 consider key performance management reports and monitor the effectiveness of performance against the Best Value Performance Plan and key targets in the Councils recovery plan.



9.2.11 promote relevant value for money studies following particular themes or service areas as appropriate.

### **9.3 Rules of Procedure**

(a) The Council Procedure Rules contained in part 4 of this Constitution shall apply insofar as they do not conflict with the rules herein.

# Article 10 – The Standards Committee

## 10.1 Standards committee

The Council Meeting will establish a Standards Committee.

## 10.2 Composition

10.2.1 **Membership.** The Standards committee will be composed of at least:

- 5 Councillors other than the Leader;
- 3 persons who are not Councillors or officers of the Council or any other body having a Standards committee (independent members);
- 2 members of a Parish Council wholly or mainly in the Council's area (a Parish Member).

## 10.3 Role and Function

The Standards Committee will have the following roles and functions:-

- promoting and maintaining high standards of conduct by Councillors and co-opted members;
- assisting Councillors and co-opted members to observe the Members' Code of Conduct;
- advising the Council on the adoption or revision of the Members' Code of Conduct;
- monitoring the operation of the Members' Code of Conduct;
- advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;
- the exercise of the foregoing roles and functions in relation to the Parish Councils wholly or mainly in its area and the members of those Parish Councils; and

- considering and monitoring compliance with the Members Code of Conduct and the Contract in Part 5 of this Constitution and taking any action within the Committee's powers in relation to any breaches thereof

# Article 11 - Area Partnerships, Forums and Consultative Committees

## 11.1 Area Partnerships and Forums

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

It may also appoint from time to time Forums and Consultative committees to promote and sustain effective communication between the Council and the groups and individuals represented thereby.

The Council will consult with relevant Parish Councils when considering whether and how to establish Area Partnerships.

## 11.2 Form, composition and function of Area Partnerships.

11.2.1 **Table of Area Partnerships.** The Council will appoint the Area Partnerships as set out in the first column of the Table below, composed as set out in the second column of that Table and with the terms of reference set out in the third column.

Scope of Committee	Composition	Terms of Reference
1. Abington, Castle & St Crispin	Ex officio the elected ward Councillors for the respective wards plus such other interested parties as they may consider appropriate from time to time to co-opt, such as the electoral division County Councillor or Parish Council representatives. Non local Authority co-optees shall be non-voting members.	To reflect their consultative role the partnerships have a deliberative and advisory capacity on such functions of the Council (whether the responsibility of the Cabinet or Council committees) as affect and are directly relevant to their area. They may from time to time submit reports on matters within their area of operation to the Cabinet, Overview and Scrutiny Committee or the Council and may incur such expenditure within their area as may be from time to time allocated within the Council's Budget for these purposes, subject to the prior ratification of any such decision by the Cabinet or the committee to which the relevant function relates.
2. Billing, Ecton Brook, Lumbertubs and Thorplands		
3. Boughton Green, Kingsthorpe & St Davids		
4. Delapre, St James & Spencer		
5. Eastfield, Headlands and Weston Favell		
6. East Hunsbury, Nene Valley & West Hunsbury		
7. Kingsley & Parklands		
8. New Duston and Old Duston		

11.2.2 **Delegations.** Area Partnerships will have an advisory role in respect of the functions both of the Cabinet and Council committees, and expenditure on their individual Budgets referred to in 11.2.1 will be by way of recommendation to the Cabinet or committee to which any relevant function relates, consequently direct delegation is not involved.

### 11.3 **Conflicts of interest - membership of Area Partnerships and the Overview and Scrutiny Committee**

11.3.1 **Conflict of interest.** If the Overview and Scrutiny Committee is scrutinising specific recommendations or proposals in relation to the business of the Area Partnership of which the Councillor concerned is a member, then the Councillor may not speak or vote at the Overview and Scrutiny Committee meeting unless a dispensation to do so is given by the Standards Committee.

11.3.2 **General policy reviews.** Where the Overview and Scrutiny Committee is reviewing policy generally the Councillor must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

### 11.4 **Area Partnerships - Access to Information**

Area Partnerships will comply with the Access to Information Rules in Part 4 of this Constitution.

Agendas and notes for Area Partnership meetings which deal with both functions which fall under the responsibility of the Cabinet and functions which are not the responsibility of the Cabinet will state clearly which items are which.

### 11.5 **Cabinet members on Area Partnerships**

A member of the Cabinet may serve on an Area Partnership if otherwise eligible to do so as a Councillor.

### 11.6 **Forums**

The Council has appointed the Forums hereinafter listed, having the general objectives itemized against such Forum:-

# Pensioners Forum

## Objectives

1. To promote and sustain effective communication between the Council and pensioners in the Borough, including pensioners organisations and groups.
2. To monitor the effectiveness of the Borough Council's policy and practice in discharging its duties to pensioners under its own Equal Opportunities standard.
3. To facilitate equality of access by pensioners to the services, benefits and any other opportunities provided by the Council by:
  - 3.1 providing information in appropriate, accessible formats about those services and how to obtain them.
  - 3.2 identifying and removing barriers which make services and facilities difficult for pensioners to find out about and use.
  - 3.3 promoting dialogue between pensioners, individually or collectively and the Council, its members and senior officers of the Council about issues of concern to both the Council and pensioners.
  - 3.4 identifying the specific requirements of pensioners.
4. To provide a Forum in which:
  - 4.1 pensioners can express their needs for, and their views on, services provided by the Council;
  - 4.2 the Council can consult pensioners and pensioner groups on policy and service delivery issues affecting pensioners in the Borough;
  - 4.3 the specific requirements of pensioners can be identified; and
  - 4.4 the various pensioner groups and organisations can exchange information about their own activities and plans.
5. To promote dialogue between Council officers and pensioners in the Borough.

# Youth Forum

## Objectives

To empower the young people of the Borough by giving them a voice and by taking an active part on their behalf in the running of their own community.

1. To identify issues of importance to the young people of the Borough, and to research and discuss those issues and decide where appropriate on outcomes which they wish to achieve and/or courses of action to achieve those outcomes.
2. Such action shall routinely include discussions with decision-makers including officers of both the Borough and County Councils and representatives of other public and private organisations whose operations affect their lives; and by this means:
  - 2.1 affecting operational decisions of the above organisations; and
  - 2.2 affecting their policy-making.
3. The Forum may also take any other legal action in order to promote Forum policies.
4. The Forum may also organise events such as training events, conferences, festivals etc.
5. The Forum shall regularly report back to the electorate on its work, and may collect, share and disseminate information on youth and other affairs both locally and further afield.
6. The Forum will take account of Equal Opportunities issues and combat inequalities of opportunity as these affect young people.
7. The Forum may receive, raise and spend any money granted to them, raised by them in accordance with the above aims and objectives and/or the terms upon which such monies are granted.

# Race Equality Forum

## Objectives

1. To promote and sustain effective communication between the Council and the ethnic minority communities in the Borough.
2. To equalise access by the ethnic minority communities to the services and benefits provided by the Council by:
  - 2.1 providing information about those services and how to access them;
  - 2.2 identifying barriers to access to services which adversely affect ethnic minority groups or individuals; and
  - 2.3 promoting dialogue between the Council, its members and senior officers of the Council and representatives of the ethnic minority communities.
3. To provide a forum in which:
  - 3.1 the ethnic minority communities can express their needs for, and their views on, services provided by the Council;
  - 3.2 the Council can consult representatives of the ethnic minority communities on policy and service delivery issues affecting the ethnic minority communities; and
  - 3.3 the various groups and agencies can exchange information about their own activities and plans.



# Disabled People's Forum

## Objectives

1. To promote and sustain effective communication between the Council and disabled people living or working in the Borough.
2. To monitor the effectiveness of the Council's policy and practice in discharging its duties under the Disability Discrimination Act 1995 and its own Equal Opportunities standard.
3. To facilitate equality of access by disabled people to the services, benefits, and employment related opportunities provided by the Council by:
  - 3.1 providing information in appropriately accessible formats about those services and how to access them;
  - 3.2 identifying and removing barriers which make services and facilities difficult for disabled people to find out about or to use; and
  - 3.3 promoting dialogue between disabled people, individually or collectively, the Council, its members and senior officers of the Council about issues of concern to both parties; and
  - 3.4 identifying the specific requirements of disabled people.
4. To provide a Forum in which:
  - 4.1 disabled people can express their needs for, and their views on, services provided by the Council; and
  - 4.2 the Council can consult disabled people on policy and service delivery issues affecting disabled people in the Borough; and
  - 4.3 the specific requirements of disabled people can be identified.
5. To promote dialogue between officers of the Council and disabled people in the Borough.

# Lesbian, Gay and Bisexual People's Forum

## Objectives

1. To promote and sustain effective communication between the Council, lesbian, gay and bisexual people, and supportive organisations.
2. To monitor the effectiveness of the Council's policy and practice in discharging its duties to lesbian, gay and bisexual people under its own Equal Opportunities standard.
3. To equalise access by lesbian, gay and bisexual people to the services and benefits provided by the Council by:
  - 3.1 providing information about those services and how to access them;
  - 3.2 identifying and removing barriers to ensure access to services which directly affect lesbian, gay and bisexual people;
  - 3.3 promoting dialogue about issues of concern between the Council, its members and senior officers and representatives of lesbian, gay and bisexual people; and
  - 3.4 identifying the specific requirements of lesbian, gay and bisexual people.
4. To provide a Forum in which:
  - 4.1 lesbian, gay and bisexual people can express their needs for, and their views on, services provided by the Council;
  - 4.2 the Borough Council can consult Lesbian, Gay and Bisexual people and supportive organisations on policy and service delivery issues affecting Lesbian, gay and bisexual people in the Borough; and
  - 4.3 the specific requirements of lesbian, gay and bisexual people can be identified.
5. To provide a Forum in which to discuss issues relevant to lesbian, gay and bisexual people within the Borough, but outside of the direct remit of the Council, and enable the Forum to comment on such issues.

# **Womens Forum**

No formal terms of reference or constitution - but the general objectives are to provide a Forum for the exchange and dissemination of views on womens issues relevant to the Borough.

# Consultative Committees

## 10.7 Consultative Committees

The Council shall establish a Local Joint Committee with the following functions:

- 10.7.1 to establish regular methods of consultation between the Council and its employees in order to prevent differences and to adjust them should they arise; always provided that no question of individual discipline, promotion, or efficiency shall be within the scope of the Local Joint Committee;
- 10.7.2 to consider any relevant matter referred to it on behalf of the Council, or by any of the Trade Unions provided that, where the matter falls within the remit of a particular consultative committee, it has previously been considered by that Consultative Committee;
- 10.7.3 to make recommendations to the Council as to the application of the terms and conditions of service and the education and training of employees of the Council;
- 10.7.4 to discharge such other functions specifically assigned to the Local Joint Committee; and
- 10.7.5 the Local Joint Committee may refer any question coming before it for consideration by and the advice of the appropriate Regional Organisation, with such officers, servicing arrangements, representation and rules of procedure as may from time to time be agreed on behalf of the parties, recommending, reporting to and informing the Council through the relevant channels on the foregoing functions.

# Article 12 - Joint Arrangements

## 12.1 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:

- enter into arrangements or agreements with any person or body;
- co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- exercise on behalf of that person or body any functions of that person or body.

## 12.2 Joint Arrangements

- 12.2.1 The Council may, if it so elects, establish joint arrangements with one or more other local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 12.2.2 The Cabinet may, if it so elects, establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- 12.2.3 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 Council as a whole.
- 12.2.4 The Cabinet may appoint members to a joint committee from outside the Cabinet in the circumstances 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, 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 a case the political balance requirements do not apply to such appointments.
- 12.2.5 Details of any such joint arrangements if applicable, including any delegations to joint committees, will be found in Part 3 of this Constitution.

### **12.3 Access to Information**

- 12.3.1 The Access to Information Rules in Part 4 of this Constitution apply.
- 12.3.2 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.
- 12.3.3 If the joint committee contains members who are not on the Cabinet of any participating authority then the Access to Information Rules in Part VA of the Local Government Act 1972 will apply.

### **12.4 Delegation to and from other local authorities**

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

### **12.5 Contracting out**

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 13 - Officers

## 13.1 Management Structure

13.1.1 **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

13.1.2 **Directors/Chief Officers.** The Council will engage persons for the following posts, who with the exception of the Chief Executive will be designated Corporate Directors:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officers). Provision of professional advice to all parties in the decision making process. Representing the Council on partnership and external bodies (as required by statute or the Council).
Corporate Director – Governance Resources and Improvement	Finance and Asset Management, Governance, Resources and Communications, Performance, IT and Improvement.
Corporate Director – Customer and Service Delivery	Customer Services Housing Services, Community Safety, Leisure and Town Centre Operations, Streetscene and Property Maintenance
Corporate Director – People, Planning and Regeneration	Human Resources; Regeneration Grants and Community Development. Development – Building Control and Environmental Health

13.1.3 **Management Team.** The foregoing shall constitute the Council's Management Team, who are charged with collective responsibility for oversight, supervision and forward planning of the management of the Council and advice to its Councillors.

13.1.4 **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council will designate the following posts as shown.

Post	Designation
Chief Executive	Head of Paid Service
Solicitor to the Council	Monitoring Officer
Corporate Manager (Finance and Asset Management)	Chief Finance Officer

Such posts will have the functions described in Article 13.2 - 13.4 below.

- 13.1.4 **Structure.** The Head of Paid Service will determine and publicise a description of the departmental structure of the Council indicating the framework of the management structure and deployment of officers. This is set out at Part 7 of this Constitution, and may be changed from time to time, whether as to structures or names and deployment, without the requirement for any formal amendment of this Constitution.

## 13.2 Functions of the Head of Paid Service

- 13.2.1 **Discharge of functions by the Council.** 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.

- 13.2.2 **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer.

## 13.3 Functions of the Monitoring Officer

- 13.3.1 **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by Councillors, officers and the public.

- 13.3.2 **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an executive 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 proposal or decision being implemented until such report has been considered.

- 13.3.3 **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.



- 13.3.4 **Receiving reports.** The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of any case tribunals.
- 13.3.5 **Conducting investigations.** The Monitoring Officer will cause to be conducted investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.
- 13.3.6 **Proper officer for access to information.** The Monitoring Officer will ensure in conjunction with other relevant officers that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- 13.3.7 **Advising whether executive decisions are within the Budget and Policy framework.** The Monitoring Officer in association with the Chief Finance Officer will advise whether decisions which are the responsibility of the Cabinet are in accordance with the Budget and Policy framework.
- 13.3.8 **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, impropriety, probity and, in conjunction with the Chief Finance Officer, Budget and Policy framework issues to all Councillors.
- 13.3.9 **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

#### 13.4 Functions of the Chief Finance Officer

- 13.4.1 **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council, or to the Cabinet in relation to an executive function - and the Council's external auditor if he/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.
- 13.4.2 **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- 13.4.3 **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- 13.4.4 **Providing advice.** The Chief Finance 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.

13.4.5 **Giving financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

13.5 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

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

13.6 **Conduct**

Officers (which shall include all employees) will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

13.7 **Employment**

The recruitment, selection and dismissal of officers will comply with the Employment Rules set out in Part 4 of this Constitution.

# Article 14 - Decision Making

## 14.1 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 Parts 3 and 8 of this Constitution respectively.

## 14.2 Principles of decision making

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

- *proportionality (ie the action must be proportionate to the desired outcome);*
- *due consultation and the taking of professional advice from officers;*
- *respect for human rights (see below for further details);*
- *a presumption in favour of openness; and*
- *clarity of aims and desired outcomes.*

## 14.3 Types of decision

### 14.3.1 Decisions reserved to full Council.

Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

### 14.3.2 Key Decisions.

- For the purposes of this Article any decision in relation to an executive function which results 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, is a Key Decision.
- For these purposes the minimum thresholds will be set by the Council from time to time to reflect the appropriate balance of significant impact of such expenditure or savings in relation to the total budget for such functions or service, having regard both to ensuring consistency to other comparable authorities and the further Indicative thresholds which remain to be set by the Secretary of State in accordance with the DETR guidance of 26th February 2001.

- Decisions which are not likely to involve significant expenditure or savings but nevertheless are likely to be significant in terms of their effects on communities in two or more wards or electoral divisions shall also constitute Key Decisions.
- A decision-maker may only make a Key Decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.
- For the purposes of interpretation of this Article a decision which is ancillary or incidental to a Key Decision which has been previously taken by or on behalf of the Council shall not in itself be further deemed to be significant for such purposes.

#### **14.4 Decision making by the full Council**

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

#### **14.5 Decision making by the Cabinet**

Subject to Article 14.8, the Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **14.6 Decision making by the Overview and Scrutiny Committee**

Subject to Article 14.8 the Overview and Scrutiny Committee will follow the Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **14.7 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.

#### **14.8 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 15 - Finance, Contracts and Legal Matters**

## **15.1 Financial management**

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

## **15.2 Contracts**

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution, and the authentication of documents shall be effected as provided therein and in the Council Procedure Rules.

## **15.3 Standing Orders**

The respective Procedure Rules forming part of this Constitution shall, to the extent necessary to comply with the Local Authorities (Standing Orders)(England) Regulations 2001 and any other statutory requirement in relation to the adoption or maintenance of Standing Orders by the Council, be deemed to be Standing Orders for such purposes.

# **Article 16 - Review and Revision of the Constitution**

## **16.1 Duty to monitor and review the Constitution**

The Chief Executive of the Council as Head of the Paid Service will monitor and review the operation of the Constitution in conjunction with the Monitoring Officer to ensure that the aims and principles of the Constitution are given full effect. In undertaking this function he/she may:

- observe meetings of different parts of the Councillor and officer structure;
- undertake an audit trail of a sample of decisions;
- record and analyse issues raised with him/her by Councillors, officers, the public and other relevant stakeholders; and
- compare Council practices with those in other comparable authorities, or national examples of Best Practice.

## **16.2 Changes to the Constitution**

Changes to the Constitution other than as specifically provided herein will only be approved by the full Council after consideration of the proposal by the Cabinet.

# Article 17 - Suspension, Interpretation and Publication of the Constitution

## 17.1 Suspension of the Constitution

- 17.1.1 **Limit to suspension.** 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.
- 17.1.2 **Procedure to suspend.** A motion to suspend any Rules will not be moved without notice unless at least one half 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.
- 17.1.3 **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 17.1:-
- 17.1.3.1 The Rules of Procedure to the extent from time to time permitted thereby.
- 17.1.3.2 Such other Rules and Protocols as may from time to time be approved and make specific provision for their suspension, subject in each case to any detailed requirements and conditions applicable to such suspension.

## 17.2 Interpretation

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

## 17.3 Publication

- 17.3.1 A printed copy of this Constitution will be given 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.
- 17.3.2 The Council 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.

# Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the Executive Arrangements:

- Article 6 (Overview and Scrutiny Committee) and the Overview and Scrutiny Procedure Rules;
- Article 7 (The Cabinet) and the Cabinet Procedure Rules;
- Article 11 (Area Partnerships, Forums and Consultative Committees);
- Article 12 (Joint Arrangements);
- Article 14 (Decision making) and the Access to Information Procedure Rules;
- Part 3 (Responsibility for Functions); and
- Part 8 (Delegations).