

## **PART 2**

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## **ARTICLE 1**      **THE COUNCIL'S CONSTITUTION, OVERALL PURPOSE AND STRATEGIC OBJECTIVES**

### **1.01 Powers of the Council**

The Council exercises its powers and duties in accordance with the law and this Constitution.

### **1.02 The Constitution**

This Constitution (including any appendices) is the Constitution of the East Cambridgeshire District Council.

### **1.03 Purpose of the Constitution**

The Constitution is the formal document, which sets out the way the Council makes decisions and responsibility for those decisions. For example, it delegates authority to individual officers to act and may enable members of the public to ask questions at committee meetings. It also regulates the behaviour of individuals and groups through codes of conduct, protocols, etc.

The purpose of the Constitution is to:

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

### **1.04 Interpretation and Review of the Constitution**

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

The Council will monitor and evaluate the operation of the Constitution as set out in Article 11.

### **1.05 Corporate Objectives**

Our Corporate Objectives:

- Sound financial management
  - Ensure the Council is financially sustainable.
  - Minimise the financial (cost) impact of the Council on its residents

- Be more commercial, but within reason – “commercial for community”.
- Cleaner, greener East Cambridgeshire
  - Improve the public realm
  - Reduce environmental crime across the District
  - Enhance the natural environment and build on our sustainability goals
  - Design a resilient waste and street cleansing service fit for the future.
- Sustainable communities
  - Support our residents to live happy and healthy lives
  - Support our businesses to thrive in East Cambridgeshire
  - Improve our roads and local transport
  - Deliver genuinely affordable housing that enables people to live and work locally
  - Invest in community infrastructure.

A copy of the Corporate Plan is available on the Council's website:

<https://www.eastcambs.gov.uk/east-cambs-district-council/corporate-objectives>

## **ARTICLE 2 MEMBERS OF THE COUNCIL**

### **2.01 Composition and Eligibility**

#### **(a) Composition**

Councillors are elected to the Council every four years. The current composition of the Council is set out in Part 1 – page 1.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer trains and advises them on the code of conduct.

#### **(b) Eligibility**

Only registered voters of the district or those living or working there are eligible to hold the office of Councillor.

### **2.02 Election and Terms of Councillors**

#### **(a) Election and Terms**

The regular election of Councillors is held on the first Thursday in May every four years. 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.

### **2.03 Roles and Functions of all Councillors**

#### **(a) Key roles**

All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate functions in the interests of the whole community;
- (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocates of and for their communities;
- (iii) actively encourage community participation and citizen involvement in decision-making;
- (iv) balance different interests identified within the ward and represent the ward as a whole;
- (v) respond to constituents' enquiries and representations, fairly and impartially;
- (vi) be involved in decision-making;
- (vii) be available to represent the Council on other bodies; and
- (viii) maintain the highest standards of conduct and ethics.

**(b) Council Leader****(i) Notification/ Appointment**

The Council Leader is chosen by the Group that has the majority number of seats on the Council, and is notified to full Council every year at its Annual Meeting. The Council Leader is the leader of a Council Group. The manner of appointment of a Group Leader is up to each Group. If there is no majority Group, then the Council can elect from any of its Group Leaders.

**(ii) Role**

The Council Leader has substantial responsibilities including:

- (1) A high public profile – the “public face” of the Council by representing it locally, regionally, nationally and internationally. This role is shared with the Council Chair.
- (2) A high political profile – taking the lead in direction of development of new policy.
- (3) Responsibility for delivery of:
  - the Corporate Plan
  - the Performance Plan
  - visions and values of the Council
  - Council policies on strategic priorities
  - the Local Strategic Partnership’s Community Strategy
  - the Local Development Framework
  - other Council strategies

**(iii) Consultation**

The Council Leader shall be consulted by the Chief Executive, Directors and Service Leads on:

- matters of emergency and urgency
- taking a judgement on the corporate impact of responding to government consultation papers and
- other matters as directed by other parts of this Council Constitution.

**(c) Deputy Leader of Council****(i) Notification/ Appointment**

The Deputy Leader is chosen by the Group that has the majority number of seats on the Council and notified to full Council every year at its Annual Meeting. The Deputy Leader is the deputy leader of a Council Group. The manner of appointment of a Deputy Leader is up to each Group.

If there is no majority Group then the Council can elect a Deputy Leader from any of its Group Deputy Leaders.

**(ii) Role**

The Deputy Leader will deputise for the Leader of the Council (assuming the role of the Leader), in the event of Leader notified incapacity or absence (in both instances notice to be given in writing to the Chief Executive).

**(d) Council Committee Group Spokesperson**

Each Group may declare to the Chief Executive its Spokesperson for any Committee (not more than 1 Member per Group including Chair or Vice-Chair).

Chairs and Lead Officers for Committees will afford all appropriate assistance to Group Spokespersons in their role.

**(e) Member Champions**

Member Champions can be appointed by the relevant Committee and can:

- offer strategic, specific and objective advice to Service Leads or equivalent, particularly in the formulation of Service Delivery Plans and Business Plans and during Service Reviews;
- act as a 'critical friend' to listen, challenge, bring issues to the Committee (when necessary) and debate with Service Area Management and staff.

Member Champions are not involved in the 'day to day' operation of the service. Such appointment implies no transfer of authority from either the Committee and/or Officers.

**(f) Rights and Duties**

- (i) Councillors 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, subject to the Access to Information Rules in Part 4 of the Constitution.
- (ii) Councillors will not make public information that 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.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

**2.04 Conduct**

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

**2.05 Allowances**

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

**2.06 Outside Bodies**

The Council appoints Councillors to sit on a number of outside bodies. A booklet detailing these and advice on duties / responsibilities is published each year.

## **ARTICLE 3**      **CITIZENS AND THE COUNCIL**

### **3.01 Citizens' Rights**

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

The Council welcomes participation by Citizens in its work.

#### **(a) Voting**

Citizens have the right to vote at local elections if they are registered on the electoral register for the area.

#### **(b) Mayoral Petitions**

Citizens on the electoral register for the area have the right to sign a petition to request a referendum calling for the election of a Mayor to head the Council. Further details on this are set out in the Local Government Act 2000 and associated legislation.

#### **(c) Information**

Citizens have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) see reports and background papers, and any records of decisions made by the Council and its committees (unless these cover "confidential" or exempt matters); and
- (iii) inspect the Council's accounts and make their views known to the external auditor;
- (iv) obtain a copy of this Constitution;
- (v) contact their local Councillor about matters of concern to them.

#### **(d) Participation**

There are a number of ways that citizens of East Cambridgeshire can engage with the Council and its Members.

##### **1. By e-mail**

Our e-mail address is [info@eastcambs.gov.uk](mailto:info@eastcambs.gov.uk)

##### **2. Contacting your Local Councillor**

Information on all the District Councillors and details of the wards they represent are set out in the Introduction to this Constitution.

##### **3. Public Access to Committees**

All meetings of the Council, its Committees and working parties (where appropriate) will be open to the press and public unless they are discussing confidential matters.

A list of the issues which could result in an item being discussed without the public present (as laid down in Schedule 12A of the Local Government Act 1972) is set out in the Access to Information Rules in Part 4 of this Constitution.

In accordance with statutory requirements, Agendas for committee and other member bodies are published not less than **5** working days before the meeting. However, the Council has agreed that the agenda and reports for meetings of full Council, Finance & Assets Committee, Operational Services Committee and Audit Committee will be published, open to the public, available for inspection at Council Offices at least seven clear days before the meeting. Minutes of such meetings are accessible (except where these are confidential) through the Council website or by contacting the Council's Democratic Services Section.

Photography, audio/visual recording of meetings, blogging and tweeting is allowed, provided the requirements of Council Procedures Rules (in Part 4 of the Constitution) are followed.

#### **4. Public Speaking at Committees**

A number of the Council's Committees have adopted schemes allowing public speaking. Details of which committees have these schemes and how they work are set out in "Public Speaking Scheme Licensing Committee"; "Public Speaking Scheme Planning Committee". Access details are set out above on the key documents list.

#### **5. Public Question Time**

Council meetings and all committee meetings that do not have separate public speaking schemes are preceded by a public question time, lasting 15 minutes or until the last question is answered whichever is the sooner.

Any member of the public can ask a question or make a statement on any topic. Questions/statements are set out in writing and put into a box to be drawn out by the Chair of the meeting during the public question time. Members of the public can also send, fax or e-mail a written question/statement to Democratic Services and it will be placed in the question box.

As long as there is no suspicion that the question/statement is improper (for example it must not be offensive, slanderous or disclose information that the Council should keep confidential), the Chair will invite the questioner (if present) to read out their question. No other statements should be made by the questioner unless at the Chair's invitation. If the questioner is not present, the Chair or Democratic Services Officer will read out the question/statement.

The question/statement will be answered by the Member to which it is directed, who may give an oral answer or undertake to provide a written answer as soon as possible (such reply to be available to all Members). They may however decline to answer (e.g. on the grounds that the information requested is confidential).

Any questions/statements not answered because of lack of time, will be answered in writing as above as soon as possible.

#### **6. Petitions**

The Council welcomes petitions on matters relating to its work. Petitions will be dealt with under the Petitions Scheme (see key documents).

#### **7. Co-option**

One Lay Member is appointed to the Council's Audit Committee (as a non-voting member). Two Parish/Town Councillors who are not District Councillors are appointed to the Council's Finance & Assets (Ethical Governance) Sub-Committee (as non-voting members). The Council may invite non-Councillors to join its Working Parties. Details of the co-option scheme are set out in para 24.3 of the Council Procedure Rules in Part 4 of this Constitution.



**8. Council Information**

The Council's Website ([www.eastcambs.gov.uk](http://www.eastcambs.gov.uk)) contains information about the Council, including copies of agenda for and minutes of Member meetings.

In addition, information on Council services can be obtained by calling in at the Council Offices at The Grange, Nutholt Lane, Ely, Cambs CB7 4EE or by ringing our Customer Services line on 01353 665555.

**9. Complaints**

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) the Ombudsman after using the Council's own complaints scheme;
- (iii) the Monitoring Officer about a breach of the Councillors' Code of Conduct.

**3.02 Citizens' Responsibilities**

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. The Council will not tolerate the use of sexist, racist or other discriminatory language or behaviour towards its staff, Members or other members of the public while on ECDC premises.

## **ARTICLE 4      THE ROLE OF COUNCIL**

### **4.01    Meanings**

#### **(a)    Policy Framework**

The policy framework means the following plans and strategies:  
those that the law requires that only the full Council can adopt, i.e.:

- The Council's Corporate Plan;
- The Annual Treasury Management Strategy, and Annual Investment Strategy;
- The Budget and setting of Council tax;
- any policy documents that require Council approval, forming the Local Development Framework;
- Environmental enhancement schemes;
- Supplementary Planning Documents;
- Design and Development briefs
- Senior Officer Pay Policy;
- The Members' Allowances scheme including the outcome of any independent panel reviews;
- Statutory Strategies relating to Crime and Disorder reduction; Children & Young People; and health Improvement.

#### **(b)    Budget**

The budget means 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.

### **4.02    Functions of the Full Council**

These are set out in Part 3 of the Constitution.

In addition to the work formally reserved to it, whether by statute or otherwise, full Council also:

- involves the public by giving opportunities for them to ask questions and to present (if applicable under the Petitions Scheme) and speak to petitions.
- takes decisions on matters referred to it by other Member bodies.

### **4.03    Council Meetings**

There are three types of Council meeting:

- (a) the Annual meeting;
- (b) Ordinary meetings;
- (c) Extraordinary (or Special) meetings.

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

There will be timetabled one Annual and at least three Ordinary Council meetings a year.

The quorum for meetings of full Council is one quarter of the total membership - i.e. 7 (unless more than one third of the total membership is disqualified in which case the quorum is one quarter of those remaining qualified).

**ARTICLE 5      CHAIR OF THE COUNCIL****5.01    Role and Function of the Chair**

The Chair is elected by the Council annually. The Chair (and in his/her absence, the Vice-Chair) have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the full Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
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 do not sit on policy committees or hold committee chairs are able to hold the members of the policy committees and committee chairs to account;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council; and
6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate

The Chair may call a meeting of the full Council at any time and may be required to do so on the requisition of 5 Councillors.

In the event of equal votes on any issue, the Chair of Council has a second or casting vote. If there are equal number of votes for and against, and the Chair chooses not to exercise their casting vote, then the matter to be determined shall fall.

## **ARTICLE 6**      **COMMITTEES AND OTHER MEMBER BODIES**

### **6.01 Decision-Making**

All decisions, which are not made by Council, are made by Council committees or are delegated to officers.

Details of the Council's committees, their membership, their functions and terms of reference are set out in Part 3 of this Constitution.

The Council's committee structure is as set out in the diagram overleaf.

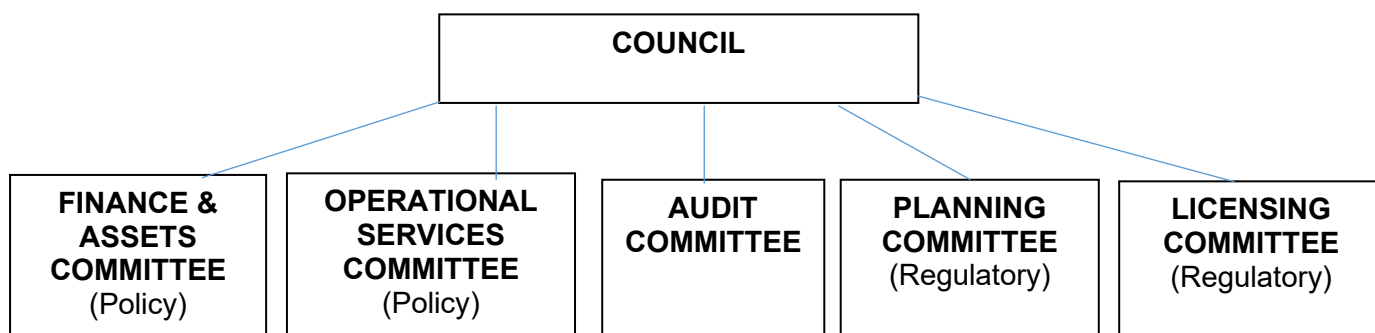
The Council has 2 Policy Committees, which deal with matters relating to Finance & Assets and Operational Services. The Finance & Assets Committee also has overall remit to consider the conduct of elected Councillors (with such issues being dealt with by the Finance & Assets (Ethical Governance) Sub-Committee).

The Council has 2 Committees that carry out a number of regulatory functions relating to planning applications and licensing matters.

The Council also has an Audit Committee which deals with Statement of Accounts, Internal and External Audit, and Corporate Risk Management matters.

The Council or any of its Committees may set up Sub-Committees or Working Parties to consider and make recommendations on particular issues.

Article 7 of this Constitution includes details of Member bodies that have joint arrangements with other authorities.



**ARTICLE 7      JOINT ARRANGEMENTS****7.01 Arrangements to promote well-being**

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

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

**7.02 Joint arrangements**

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities, or advise the Council.
- (b) Details of any joint arrangements including any delegations to Joint Committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

**7.03 Access to information**

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If the Joint Committee contains Members that 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.

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

- (a) The Council may delegate some functions to another local authority or, in certain circumstances, the executive of another local authority (through the relevant Committee).
- (b) (Save for minor Officer service delegations, services or secondments) the decision whether or not to accept such service delegations from another local authority is reserved to the Council meeting.

**7.05 Contracting out**

The Council 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.

## **ARTICLE 8            OFFICERS**

### **8.01    Management Structure**

(a)    **General**

The Council may engage such staff as it considers necessary to carry out its functions.

(b)    **Chief Officers**

The Council may engage persons for the following posts, who are designated chief officers:

<b>Post</b>	<b>Functions and areas of responsibility</b>
Chief Executive (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers)</p> <p>Provision of professional advice to all parties in the decision-making process.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Public Relations Returning Officer and Electoral Registration Officer.</p> <p>Communications Democratic Services Emergency Planning Human Resources Training and Development</p>
Director Commercial	<p>Open Spaces &amp; Facilities Markets Reprographics</p>
Director Operations	<p>Building Control Environmental Services Housing Services &amp; Community Safety Licensing Planning Waste and Recycling</p>
Director Community	<p>Communities &amp; Partnerships Economic Development Infrastructure &amp; Strategic Housing Leisure Services Strategic Planning</p>
Director Finance	<p>Financial Services Information Technology</p>
Director Legal	<p>Customer Services Legal Services</p>

(c) **Chief Financial Officer and Monitoring Officer**

**The Council shall designate the following posts as shown**

Chief Financial Officer	"Chief Finance Officer" for the purposes of S151 of Local Government Act 1972 Financial Services Client Management - Revenue and Benefits - Payroll
Director Legal	"Monitoring Officer" for the purposes of ss 4 and 5 of Local Government and Housing Act 1989 and the Local Government Act 2000 Council's legal adviser

(c) **Service Leads**

The Council shall designate the following posts as Service Leads:

Building Control	Building Control Manager
Climate Change and Natural Environment	Climate Change & Natural Environment Manager
Communications & PR	Communications Manager
Communities & Partnerships	Communities & Partnerships Manager
Customer Services	Customer Services Manager
Democratic Services	Democratic Services & Elections Manager
Environmental Services	Waste & Environmental Services Manager
Housing & Community Advice	Housing & Community Advice Manager
Human Resources	Human Resources Manager
Information Technology	ICT Manager
Economic Development	Economic Development Manager
Infrastructure & Strategic Housing	Community Infrastructure Manager
Leisure Services	Leisure & Active Lifestyles Manager
Open Spaces & Facilities	Open Spaces & Facilities Manager
Licensing Services	Licensing Manager
Reprographics	Reprographics Manager
Strategic Planning & Development Management	Strategic Planning & Development Management Manager

Waste Services	Head of Street Scene
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(d) **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

## 8.02 Functions of the Head of Paid Service

(a) **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.

(b) **Restrictions of functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of S151 Officer if a qualified accountant.

## 8.03 Functions of the Monitoring Officer

(a) **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and S151 Officer, the Monitoring Officer will report to the Council or Committee if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the conduct work of the Finance & Assets Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Finance & Assets Committee and its Ethical Governance Sub-Committee.

(d) **Receiving Reports**

The Monitoring Officer will receive and act on reports made in connections with investigations into Member Conduct.

(e) **Conducting Investigations**

The Monitoring Officer will conduct investigations or authorise investigations to be undertaken into matters relating to Member Code of Conduct and make reports or recommendations in respect of them to the Finance & Assets Committee and its Ethical Governance Sub-Committee.

(f) **Providing Advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity to all Councillors.

(g) **Restrictions on Posts**

The Monitoring Officer cannot be the S151 Officer or the Head of Paid Service.

(h) **Whistleblowing**



The Monitoring Officer will receive and investigate any allegations by a member of staff of any unlawfulness and unfairness by the Council or its staff.

#### **8.04 Functions of the Chief Finance Officer**

(a) **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the S151 Officer will report to the full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs**

The S151 Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management**

The S151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice**

The S151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity to all Councillors and the elected mayor and will support and advise Councillors and officers in their respective roles.

(e) **Give financial information**

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

#### **8.05 Proper Officer Functions**

The Council's "Proper Officer" functions are set out in Section 2 of Part 3 of this Constitution.

#### **8.06 Duty to provide sufficient resources to the Monitoring Officer and the S151 Officer**

The Council will provide the Monitoring Officer and the S151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

#### **8.07 Conduct**

Officers will comply with the Employee's Code of Conduct (Key document to the Constitution) and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

#### **8.08 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules.

## **ARTICLE 9      DECISION MAKING**

### **9.01    Responsibility for decision-making**

The Council will issue and keep up to date a record of which part of the Council or individual has responsibility for making particular types of decisions or decisions relating to particular areas of functions. This record is set out in Sections 1 and 2 of Part 3 of this Constitution.

### **9.02    Principles of decision-making**

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

- (a)    proportionality (i.e. the action must be proportionate to the intended outcome);
- (b)    due consultation and the taking of professional advice from officers;
- (c)    respect for human rights;
- (d)    a presumption in favour of openness;
- (e)    clarity of aims and desired outcomes;
- (f)    having regard to all relevant considerations and ignoring all irrelevant ones;
- (g)    a realistic evaluation of any alternative;
- (h)    due consultation through effective access for the public to decision-making and decision makers.

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

Except as otherwise provided, when considering any matter the Council meeting will follow the Council Procedure Rules set out in Section 1 of Part 4 of this Constitution.

### **9.04    Decision Making by other Committees and Sub-Committees established by the Council**

Except as otherwise provided, other Council Committees and Sub-Committees will follow those parts of the Council Procedure Rules set out in Section 1 of Part 4 of this Constitution that apply to them.

### **9.05    Decision Making by Council Bodies acting as Tribunals**

The Council, a Committee 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 10      FINANCE, CONTRACTS AND LEGAL MATTERS****10.01 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Section 5 of Part 4 of this Constitution.

**10.02 Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Section 5 of Part 4 of this Constitution. Contracts, or relevant documents, must be attested by the Director Legal or Chief Executive.

**10.03 Legal Proceedings**

The Director Legal or Chief Executive is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where Director Legal or Chief Executive considers that such action is necessary to protect the Council's interests.

**10.04 Authentication of Documents**

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

**10.05 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Director Legal.

A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.

The Common Seal will be affixed to those documents, which in the opinion of the Director Legal should be sealed.

The affixing of the Common Seal will be attested by the Director Legal or Chief Executive.

**ARTICLE 11      REVIEW AND REVISION OF THE CONSTITUTION****11.01 Duty to Monitor and Review the Constitution**

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

**Protocol for Monitoring and Review of Constitution by Monitoring Officer**

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

1. observe meetings of different parts of the Member and Officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

**11.02 Changes to the Constitution****(a) Approval**

Changes to the constitution will only be approved by the full Council, save that minor amendments may be made by the Monitoring Officer to ensure that the Constitution complies with relevant legislation.

**(b) Change to a mayoral form of executive**

The Council must take reasonable legislative steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum.

**(c) Change to a "leader and cabinet" form of executive**

The Council must take reasonable legislative steps to consult with local electors and other interested persons in the area when drawing up proposals in accordance with any legislative requirements.

## **ARTICLE 12**      **SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**

### **12.01 Suspension of the Constitution**

(a)      **Limit to suspension**

The Council Procedure Rules set out in Part 4 of this Constitution may be suspended by the full Council to the extent permitted below, within those Rules and the law. No Articles or other Rules of Procedure set out in Part 4 may be suspended.

(b)      **Procedure to suspend**

A motion to suspend Council Procedure Rules at any meeting of Council, any committee or other Member body may only be moved, in the absence of formal written notice (under Council Procedure Rules) if at least half the Members of the Council, Committee or Member body (as appropriate) 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.

(i)      subject to paragraph (a) of this Article and where necessary for the effective conduct of Council business, any one or more of the Council Procedure Rules may be suspended:-

- at any meeting of the whole Council and/or
  - at any committee or other Member body meeting
- provided at least two-thirds of the Members present and voting shall so decide.

(c)      **Rules capable of suspension**

The following Rules may be suspended in accordance with Article 12.01.

- All of the Council Procedure Rules

Except:

- Rule 9.1.4 (right to require an individual vote to be recorded) and
- Rule 21.1 (suspension) may be suspended in accordance with this article.

### **12.02 Interpretation**

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

### **12.03 Publication**

(a)      The Chief Executive provide access to the Constitution and/or will give a printed copy of this Constitution to any Member of the authority requesting the same upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.

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