



BRECKLAND COUNCIL

CONSTITUTION

CONTENTS

	Page
Part 1 Constitution	
Summary and Explanation	1
Part 2 Articles of the Constitution	
1 The Constitution	4
2 Members of the Council	4
3 Citizens and the Council	6
4 The Full Council	6
5 Chairing the Council	8
6 Overview and Scrutiny Committees	8
7 The Executive	10
8 Regulatory and Other Committees	11
9 The Standards Committee	11
10 Area Committees and Forums	12
11 Joint Arrangements	12
12 Officers	14
13 Decision Making	17
14 Finance, Contracts and Legal Matters	18
15 Review and Revision of the Constitution	19
16 Suspension, Interpretation and Publication of the Constitution	19
Schedule 1 Description of Executive Arrangements	20
Part 3 Responsibility for Functions - Delegations	
A Powers Reserved to full Council	21
B Non-Executive Powers: Delegations by Council to Committees	
B1 Committees – General Provisions	22
B2 Delegations to Committees	23
C Executive Functions: Arrangements by Leader for Delegations to Cabinet, Executive Members	
C1 General Provisions relating to Executive Functions	27
C2 Responsibilities of Leader	28
C3 Delegations to Cabinet	29
C4 Delegations to Executive Members	30
D Overview and Scrutiny and Call-In	
D1 Overview and Scrutiny Commission (including Call-In Procedures)	31
D2 Policy Development and Review Panels	34
D3 Task and Finish Panels	34
E Officer Delegations	
E1 General Clauses and Delegations	35
E2 Chief Executive	39
E3 Deputy Chief Executive	40
E4 Operations Manager – Commercial and Community	41
E5 Operations Manager – Environment	41
E6 Operations Manager – People First	43
E7 Chief Accountant	43
E8 District Solicitor/Monitoring Officer	44

Part 3	F	Appendices	
	i	Details of Leader and Executive Members	46
	ii	Details of Committee Membership	47
	iii	List of Councillors and Wards	49
	iv	Joint Committees with other Authorities	54
Part 4		Rules of Procedure	
	4A	Procedural Standing Orders	
		Part I - Proceedings in Council	
	SO.1	Meetings of the Council	55
	SO.2	Election of Chairman and Vice-Chairman	55
	SO.3	Chairman of Meeting	55
	SO.4	Quorum	56
	SO.5	Order of Business	56
	SO.6	Notice of Motion	57
	SO.7	Motions and amendments which may be proposed without notice	57
	SO.8	Minutes	59
	SO.9	Rules of Debate for Council Meetings	59
	SO.10	Motions affecting persons employed by the Council	63
	SO.11	Disorderly Conduct	63
	SO.12	Disturbance by member of the public	64
	SO.13	Rescission of previous resolution	64
	SO.14	Voting	64
	SO.15	Voting on appointments	65
	SO.16	Record of attendances	66
	SO.17	Interpretation of Standing Orders	66
		Part II - Council and the Executive	
	SO.18	Definitions	66
	SO.19	Form of Executive	67
	SO.20	Appointment of Leader and Deputy Leader	67
	SO.21	Delegation of Executive Functions	67
	SO.22	Constitution of the Cabinet	67
	SO.23	Incapacity of Leader	67
	SO.24	Responsibilities of the Executive	68
	SO.25	Urgent Action	68
	SO.26	Amendments to Policy Framework	68
	SO.27	Recording of Executive Decisions	68
	SO.28	Conflict between Council and Executive	69
	SO.29	Application of Standing Orders to Executive Functions	69
		Part III - Non-Executive Functions: Standing Orders relating to Committees	
	SO.30	Appointment of Committees for non-Executive functions	70
	SO.31	Proceedings to be confidential	70
	SO.32	Constitution and Terms of Reference of Committees	70
	SO.33	Ex-officio members of Committees	71
	SO.34	Information to be sent to Members	71
	SO.35	Election of Chairmen and Vice-Chairmen of Committees	71
	SO.36	Postponement or cancellation of Committee meeting	71
	SO.37	Special meetings of Committees	72
	SO.38	Sub-Committees	72
	SO.39	Quorum of Committees and Sub-Committees	72
	SO.40	Voting in Committees and Sub-Committees	72
	SO.41	Standing Orders to apply to Committees and Sub-Committees	73
	SO.42	Public Speaking	73
	SO.43	Rights of other members to attend Committee or Sub-Committee	73

	Page
SO.44 Consideration of matters by Overview and Scrutiny Commission	74
SO.45 Ad hoc bodies	74
Part IV - General Regulation of Business	
SO.46 Interest of members in contracts and other matters	74
SO.47 Interest of officers in contracts	74
SO.48 Canvassing of and recommendations by members	75
SO.49 Relatives of members or officers	75
SO.50 Common Seal and signing of documents	75
SO.51 Authentication of documents for legal proceedings	76
SO.52 Inspection of documents	76
SO.53 Inspection of lands, premises, etc	76
SO.54 Variation and revocation of Standing Orders	76
SO.55 Suspension of Standing Orders	77
SO.56 Standing Orders to be given to members	77
SO.57 Vacation of office by failure to attend meetings	77
SO.58 Recruitment of head of paid service and chief officers	77
SO.59 Appointment of head of paid service	78
SO.60 Appointment of other chief officers and deputy chief officers	78
SO.61 Disciplinary Action: protected officers	78
SO.62 Dismissal/Disciplinary Action: non-protected staff	79
SO.63 Assistants for political groups	79
4B Contract Standing Orders	
A. General	
1 Application and Exceptions	80
2 Limited Exceptions for Proprietary Articles, Urgent Contracts, etc	80
3 Compliance with European Community Rules	81
4 Pre-estimate	81
B. Contracts up to £75,000	
5 Contracts under £5,000	81
6 Contracts from £5,000 to £75,000	81
7 Receipt of Quotations	81
C. Contracts above £75,000	
8 Tenders	82
9 Open Tendering	82
10 Ad hoc list	82
11 Standing list	83
12 Invitations to tender	83
13 Invalid tenders	83
14 Receipt of tenders	84
15 Opening of tenders	84
16 Errors or discrepancies in tenders	84
17 Acceptance of tenders	84
D. Miscellaneous	
18 Form of contract	85
19 Executive of contracts	85
20 Engagement of external consultants	85
21 Electronic tenders	86
22 Pecuniary interests of officers	87
23 Supervision of contracts by third parties	87
24 Nomination sub-contractors and suppliers	87
25 Interpretation	88

			Page
Part 4	C1	Financial Regulations	
	1	General	89
	2	Accounting Procedures	89
	3	Budget	90
	4	Petty Cash	91
	5	Audit	91
	6	Banking Arrangements and Cheques	92
	7	Contracts for Building, Constructional or Engineering Work	92
	8	Land and property	93
	9	Income	93
	10	Insurances	93
	11	Investments, Borrowing and Trust Funds	94
	12	Orders for Work, Goods and Services	94
	13	Payment of Accounts	95
	14	Salaries, Wages and Pensions	95
	15	Security	96
	16	Stocks and Stores	96
	17	Inventories	97
	18	Members' and Officers' Allowances	97
	C2	Finance Procedure Rules	
	I	Expenditure	98
	A	Officers' Powers on Expenditure	98
	B	Responsibilities of Executive Members and Officers	98
	II	Virement	99
	III	Expenditure not provided for in budget	99
	IV	Income not provided for in budget	99
	V	Investments in Commercial Property	99
Part 5		Codes and Protocols	
	A	Members Code of Conduct	100
	B	Officers' Code of Conduct	107
	C	Protocol on Member/Officer Relations	112
	D	Summary of Registers of Members' Interests	133
Part 6		Members' Allowances Scheme	134
Part 7		Management Structure & Portfolio Chart	138
Part 8		Disciplinary Code for Officers	140
Part 9		Summary of Procedures for Auditing the Authority	147