



BRECKLAND COUNCIL CONSTITUTION

Part 2 ARTICLES OF THE CONSTITUTION

2 - ARTICLES OF THE CONSTITUTION

Article 1 – The Constitution

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of Breckland Council.

1.03 Purpose of the Constitution

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 more 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 always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 – Members of the Council

2.01 Composition and eligibility

(a) **Composition.** The Council will comprise 54 members, otherwise called councillors. Councillors will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(b) **Eligibility.** Only registered voters of the district or those living or working there will be eligible to hold the office of councillor.

2.02 Election and terms of councillors

Election of the whole Council every four years

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.

2.03 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 management functions;
- (ii) represent their communities and bring their views into the Council's decision-making process by becoming the advocate of and for their communities;
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
- (v) be involved in decision-making;
- (vi) be available to represent the Council on other bodies; and
- (vii) maintain the highest standards of conduct and ethics.

(b) **Rights and duties**

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

2.04 Conduct

Councillors will at all times 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.

Article 3 – Citizens and the Council

3.01 Citizens' rights

Citizens have the following rights:

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and also to sign a petition to request a referendum for an elected mayor form of Constitution.
- (b) **Information.** Citizens have the right to:
 - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) attend meetings of the Executive when key decisions are being considered;
 - (iii) find out from the Executive's Forward Plan what key decisions will be taken by the Executive and when;
 - (iv) see reports and background papers, and any records of decisions made by the Council, its Committees and the Executive; and
 - (v) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens may contribute to investigations by the Scrutiny Committee and the Scrutiny Panels.
- (d) **Complaints.** Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme;
 - (ii) the Local Government Ombudsman after using the Council's own complaints scheme;
 - (iii) the Standards Board for England about a breach of the Councillor's Code of Conduct.

3.02 Citizens' responsibilities

Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the council, councillors or officers.

Article 4 – The Full Council

4.01 Meanings

- (a) **Policy Framework.** The policy framework means the following plans and strategies:-
 - Best Value Performance Plan;
 - Community Strategy;
 - Crime and Disorder Reduction Strategy;

- Plans and strategies which together comprise the Development Plan;
 - Council's Corporate Plan;
 - Food Law Enforcement Service Plan (Cabinet);
 - The plan and strategy which comprise the Housing Investment Programme (Cabinet);
 - Local Agenda 21 Strategy;
 - Licensing Policy
- (b) **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.

4.02 **Functions of the full Council**

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework and the budget;
- (c) subject to the urgency procedure contained 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;
- (d) appointing the Leader and, if required, the Deputy Leader;
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
- (g) adopting an allowances scheme under Article 2.05;
- (h) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (i) confirming the appointment of the Head of Paid Service;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
- (l) all other matters which, by law, must be reserved to Council.

4.03 **Council meetings**

There are three types of Council meeting:

- (a) the annual meeting;

(b) ordinary meetings;

(c) extraordinary meetings,

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

4.04 **Responsibility for functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

Article 5 – Chairing the Council

5.01 **Role and function of the Chairman**

The chairman of council and in his absence, the vice-chairman will have the following roles and functions as the figurehead of the Council:

Chairing the Council Meeting

The chairman will be elected by the Council annually. The chairman will 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 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 are able to hold the Executive 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 determines appropriate.

Article 6 – Overview and Scrutiny

6.01 **Terms of reference**

The Council will appoint an Overview and Scrutiny Commission and Policy Development and Review Panels (see Part 3) to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations.

The Overview and Scrutiny Commission may also establish a Task and Finish Panel to undertake a specific task within its terms of reference.

6.02 **General role**

Within their terms of reference, the Overview and Scrutiny Commission or Panels will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the full Council, Cabinet and/or the other committee in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive and/or any policy or area committees.

6.03 **Specific functions**

(a) **Policy development and review.**

Overview and Scrutiny Commission or Panels may:

- (i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the Executive and/or committees and chief officers (or their nominated representatives) about their views on issues and proposals affecting the area; and
- (v) 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.

(b) **Overview and Scrutiny**

Overview and Scrutiny committees or panels may:

- (i) review and scrutinise the decisions made by and performance of the Cabinet/Executive Members and/or committees and council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets, internal control arrangements and/or particular service areas;
- (iii) question members of the Executive and/or committees and chief officers (or their nominated representatives) 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;
- (iv) make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- (v) 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 Commission and local people about their activities and performance; and
- (vi) question and gather evidence from any person (with their consent).

- (c) **Finance.** The Overview and Scrutiny Commission may exercise overall responsibility for the finances made available to them.
- (d) **Annual report.** The Overview and Scrutiny Commission will report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** The Overview and Scrutiny Commission may exercise overall responsibility for the work programme of the officers employed to support their work. It is the responsibility of the Executive in conjunction with the Head of Paid Service to ensure appropriate and adequate officer support for the work of the Overview and Scrutiny function.

6.04 **Proceedings of Overview and Scrutiny Commission**

The Overview and Scrutiny Commission and Panels will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 3 of this Constitution.

Article 7 – The Executive

7.01 **Role**

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

7.02 **Form and composition**

The Executive will consist of the Leader together with at least two, but not more than nine, councillors appointed to the Executive by the Leader. If a Deputy Leader has been formally appointed, that person will be included.

7.03 **Leader**

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

- (a) he resigns from the office; or
- (b) he is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he is no longer a councillor; or
- (d) he is removed from office by resolution of the Council; or
- (e) he is not reappointed at the Annual Meeting of the Council.

If a Deputy Leader has been appointed, the same provisions apply.

7.04 **Other Executive members**

Other Executive members shall hold office until:

- (a) they resign from office; or

- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer councillors; or
- (d) they are removed from office by the Leader who must give written notice of any removal to the proper officer.

7.05 **Proceedings of the Executive**

Proceedings of the Executive shall take place in accordance with the rules set out in Part 4 of this Constitution and relevant legislation.

7.06 **Responsibility for functions**

The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the Executive, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular Executive functions.

Article 8 – Regulatory and other committees

8.01 **Regulatory and other committees**

The Council will appoint the committees set out in the Terms of Reference in Part 3 of this Constitution to discharge the functions described in that document.

Article 9 - The Standards Committee

9.01 **Standards Committee**

The Council meeting will establish a Standards Committee.

9.02 **Composition**

(a) **Membership.** The Standards Committee will be composed of:

- two councillors other than the Leader;
- one person who is not a councillor, nor an officer of the council, nor any other body having a standards committee (an independent member);
- one member of a parish council wholly or mainly in the Council's area (a parish member).

(b) **Independent members.** Independent members will be entitled to vote at meetings.

(c) **Parish members.** At least one parish member must be present when matters relating to those parish councils or their members are being considered.

(d) **Chairing the Committee.** A member of the Executive may not chair the committee.

9.03 **Role and Function**

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members;

- (b) assisting the councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any 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.
- (h) the exercise of (a) to (g) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.

Article 10 – Area Committees and Forums

10.01 Area committees

The Council may appoint area committees 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.

The Council will consult with relevant parish and town councils and the chairmen of relevant parish meetings when considering whether and how to establish area committees.

There are no area committees at present.

Article 11 – Joint Arrangements

11.01 Arrangements to promote well being

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

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

11.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not Executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Executive may 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.

- (c) Except as set out below, the Executive may only appoint Executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Executive may appoint members to a joint committee from outside the Executive in the following circumstances:
 - the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the joint committee any councillor who is a member for an electoral division or ward which is wholly or partly contained within the area;
 - the joint committee is between a county council and a single district council and relates to functions of the Executive of the county council. In such cases, the Executive of the county council may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area.

In both of these cases the political balance requirements do not apply to such appointments.

- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.03 Access to information

- (a) The Access to Information legislation and laws apply.
- (b) If all the members of a joint committee are members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c) If the joint committee contains members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from other local authorities

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

11.05 Contracting out

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

Article 12 – Officers

Terminology

The use of the word ‘officers’ means all employees and staff engaged by the council to carry out its functions. This word has also been used instead of ‘employees’ to cover those engaged under short term, agency or other non employed situations.

12.01 Management structure

Appointment of staff cannot be the responsibility of the Executive. Appointment of staff below deputy chief officer level must be the responsibility of the Head of Paid Service or their nominee.

- (a) **General.** The full Council may engage such officers as it considers necessary to carry out its functions.
- (b) **Chief Officers and Deputy Chief Officers.** These are the Chief Executive, the Deputy Chief Executive and the Operations Managers.

Post	Functions and areas of responsibility
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>
Deputy Chief Executive	<p>Responsible for corporate governance, performance management and procurement.</p> <p>Key corporate plans and the Policy Framework, and Cabinet Portfolio.</p>
Operations Manager – Commercial and Community	Commercial and Community Portfolio.
Operations Manager – People First	People First Portfolio.
Operations Manager - Environment	Environment Portfolio.

- (c) **Head of Paid Service, Monitoring Officer and Chief Financial Officer (Section 151 Officer).** The Council will designate the following posts as shown:

The Chief Executive should always be the Head of Paid Service and cannot also be the Monitoring Officer.

The duties of both the Monitoring Officer and Chief Finance Officer (apart from the administration of the financial affairs of the council) must be carried out personally, but can be carried out by a deputy nominated by them in cases of absence or illness.

Post	Designation
Chief Executive	Head of Paid Service
Head of Legal Services	Monitoring Officer
Chief Accountant	Chief Financial Officer and Section 151 Officer

Such posts will have the functions described in Article 12.02–12.04 below.

Note: The Chief Financial Officer of the Council is described throughout the Constitution as the Section 151 Officer.

- (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. This is set out at Part 7 of this Constitution.

12.02 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 coordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on posts.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

12.03 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 Section 151 Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an Executive function if he or 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 the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

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

12.04 Functions of the Section 151 Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council or to the Executive in relation to an Executive function and the Council's external auditor if he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and the elected mayor and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Section 151 Officer will provide financial information to the media, members of the public and the community.
- (f) **Restrictions on posts.** The Section 151 Officer may not be the Monitoring Officer but may be the Head of Paid Service.

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

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

12.06 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.07 **Employment**

The recruitment, selection and dismissal of officers will comply with legal requirements and the delegated powers set out in Part 3.

Article 13 - Decision Making

13.01 **Responsibility for decision making**

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

13.02 **Principles of decision making**

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

Principles of decision making

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

13.03 **Types of decision**

- (a) Decisions reserved to full Council: Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.
- (b) Key decisions.

These are

- (i) a decision to approve or recommend to Council any matters relating to a Policy or Plan;
- (ii) a decision made in connection with setting the Council Tax;
- (iii) a decision to incur expenditure or make savings which are significant;
- (iv) a decision which significantly affects the community in a ward;

and are defined in Regulations.

A decision taker may only make a key decision in accordance with Standing Orders set out in Part 4 of this Constitution and legislation.

13.04 Decision making by the full Council

Subject to Article 13.08, the Council meeting will follow the Procedures set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by the Executive

Subject to Article 13.08, the Executive will follow the Procedures set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by overview and scrutiny committees

The Overview and Scrutiny Commission and Panels will follow the Procedures set out in Part 4 of this Constitution when considering any matter.

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

Subject to Article 13.08, other Council committees and sub-committees will follow those parts of the Procedures set out in Part 4 of this Constitution as apply to them.

The Council may from time to time agree a scheme for substitutes in Committees and/or Sub-Committees to allow temporary replacements in cases where a councillor appointed to that body is unable to attend.

13.08 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 14 – Finance, Contracts and Legal Matters

14.01 Financial management

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

14.02 Contracts

Every contract made by the Council will comply with the Contracts Standing Order set out in Part 4 of this Constitution.

14.03 Legal proceedings

The Head of Legal Services 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 the Head of Legal Services considers that such action is necessary to protect the Council's interests.

14.04 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 Head of Legal Services or other person authorised by him, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person. See Standing Orders in Part 4.

14.05 **Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal Services should be sealed. The affixing of the Common Seal will be attested by the Chief Executive, Head of Legal Services or some other person authorised by him.

Article 15 – Review and Revision of the Constitution

15.01 **Duty to monitor and review the constitution**

The Overview and Scrutiny Commission will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.02 **Changes to the Constitution**

- (a) **Approval.** Changes to the Constitution other than in relation to Executive Functions will only be approved by the full Council after consideration of proposals.
- (b) **Change from a Leader and cabinet form of Executive to alternative arrangements, or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.
- (c) Changes to arrangements for carrying out Executive Functions can be made by the Leader in accordance with procedures in Part C. of the Terms of Reference set out in Part 3.

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 **Suspension of the Constitution**

- (a) **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.
- (b) **Procedure to suspend.** See Standing Order No. 56 in Part 4. 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.
- (c) **Rules capable of suspension.** See Standing Order No. 56 in Part 4.

16.02 **Interpretation**

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

16.03 **Publication**

- (a) The Monitoring Officer will give a printed copy of this Constitution to each member of the authority upon delivery to him of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The Monitoring Officer 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.
- (c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

Schedule 1

Description of Executive Arrangements

The details of Executive Arrangements are principally set out in Part C of the Delegations in Part 3 of this Constitution.

The following parts of this Constitution are also relevant -

1. Article 6 (Overview and Scrutiny committees)
2. Article 7 (The Executive)
3. Article 13 (Decision making)
4. Part 4 (Rules of Procedure)