

# *PART 2*

## *SECTIONS OF THE CONSTITUTION*

# *Section 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, is the Constitution of the Cannock Chase District Council.

### **1.3 PURPOSE OF THE CONSTITUTION**

- a) The purpose of the Constitution is to:
  - i) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations
  - ii) support the active involvement of citizens in the process of local authority decision-making
  - iii) help Councillors represent their constituents more effectively
  - iv) enable decisions to be taken efficiently and effectively
  - v) create a powerful and effective means of holding decision-makers to public account
  - vi) ensure no-one will review or scrutinise a decision in which they were directly involved
  - vii) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions, and
  - viii) provide a means for improving delivery of services to the community
  
- b) The Council's role has now developed beyond its essential objective of providing continuously improving services to providing leadership to the

whole community. This role is reflected in the Council's role within the Local Strategic Partnership whose vision is:-

“By 2010 Cannock Chase will have a vibrant local economy with opportunities for all, in a clean, green and safe environment.”

The Sustainable Community Strategy key themes are:-

- (i) to meet the needs and improve the quality of life of existing and future generations in Cannock Chase District;
- (ii) to develop common aims and joint priorities and co-ordinate local delivery of services;
- (iii) involve the community in the decisions which affect their lives.

c) This is reflected, in turn, in the Council's Vision :

“By 2015, Cannock Chase District will be recognised as a place where everyone's lives are enriched by a strong cultural identity, vibrant local economy and pride in the outstanding natural environment.”

d) The Council's strategic objectives are represented by the acronym - **C.H.A.S.E.**

- |   |   |  |
|---|---|--|
| Children and Young People and Families                  | - | A place where children, young people and their families have a good start in life and remain healthy, safe from harm, achieve their potential in education and skills to make a positive contribution to their community and become economically secure  |
| <b>H</b> ealthier Communities, Housing and Older People | - | A place where people are healthy, have opportunities to live in a decent house in a good environment. Where people have greater choice and control over their own lives and have an active role in the community with access to the support they need to remain living as independently as they choose |
| Access to Education, Skills and Employment              | - | A place with a thriving economy providing diverse employment opportunities to a workforce that is increasing its skills, knowledge and value by making the area more competitive and attractive to investors   |

Safe, Strong and Cohesive Communities	-	A place where individuals, neighbourhoods and communities feel free from crime and anti-social behaviour; where communities become stronger and the quality of life is improved for all
Environmental Sustainability	-	A place where the community values their local environment and contributes to its conservation, enhancement and management to meet the needs of the present without compromising the ability of future generations to meet their own needs

#### 1.4 INTERPRETATION AND REVIEW OF THE CONSTITUTION

- a) Where the Constitution permits the Council to choose between different courses of action, the Council will always choose the option which it considers is most appropriate to achieve its objectives.
- b) Where there is any conflict between the provisions of this Constitution and any primary or secondary legislation or any statutory guidance, then statutory provisions shall prevail.
- c) The Council will monitor and evaluate the operation of the Constitution as set out in Section 17.

# Section 2

## *Members of the Council*

### 2.1 COMPOSITION AND ELIGIBILITY

- a) **Composition.** The Council comprises 41 Councillors (otherwise called Members). One or more Councillors will be elected by the voters of each Ward.
- b) **Eligibility.** To be eligible to stand as a Councillor candidates must satisfy the relevant legislative criteria.

### 2.2 ELECTION AND TERMS OF COUNCILLORS

It is customary that the ordinary election of a third (or as near as may be) of all Councillors will be held on the first Thursday in May in each year and every fourth year after there will be no regular election. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

### 2.3 ROLES AND FUNCTIONS OF ALL COUNCILLORS

All Councillors will:

- a) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- b) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- c) represent their communities as 'community leaders' and bring their views into the Council's decision-making process i.e. become the advocate of and for their communities;
- d) participate in the governance and management of the Council and as necessary with other organisations and institutions in the District;
- e) balance different interests identified within their Ward and represent the interest of the Ward as a whole;
- f) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

- g) be involved in decision making;
- h) be available to represent the Council on other bodies;
- i) maintain the highest standards of conduct and ethics.

#### **2.4 RIGHTS AND DUTIES**

- a) Councillors will have 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.
- b) 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, unless done so in accordance with the Councillor's Code of Conduct.
- c) For these purposes "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

#### **2.5 CONDUCT**

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

#### **2.6 ALLOWANCES**

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

# Section 3

## *Citizens and the Council*

### 3.1 CITIZENS' RIGHTS

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4, Section 40 of this Constitution:

- a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and to start and/or 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 that part of the meeting is therefore held in private;
  - ii) attend open meetings of the Cabinet;
  - iii) find out from the forward plan what key decisions will be taken by the Cabinet and when;
  - iv) see reports and background papers, and any records of decisions made by the Council in accordance with the Access to Information Procedure Rules set out in Part 4;
  - v) inspect the Council's accounts and make their views known to the external auditor; and
  - vi) copies of public documents – a charge may be made for this.
- c) **Participation.** Citizens have the right to attend Council meetings and submit questions to Council and present deputations in accordance with the Council Procedure Rules (see Part 4).
- d) **Complaints.** Citizens have the right to complain to :
  - i) the Council itself under its complaints procedure;

- ii) the Local Government Ombudsman, having first used the Council's own complaints procedure;
  - iii) the Council's Monitoring Officer about a breach of the Councillors' Code of Conduct or other such matters;
  - iv) their local Councillor.
- e) Citizens have the right to:
- i) vote at local election if they are registered
  - ii) contact their local Councillor about any matters of concern to them
  - iii) obtain a copy of the Constitution
  - iv) attend any meetings of the Council and its committees and the Cabinet and any such Sub-Committees (except where, for example, personal or confidential matters are being discussed. This would not apply to a Working Group or Panels)
  - v) petition to request a referendum on a mayoral form of executive
  - vi) participate in the Council's Community Forums to raise issues of concern and to provide information for feedback to the Cabinet
  - vii) find out, from the Cabinet's forward plan, what key decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when
  - viii) complain to the Council about any matter for which the Council is responsible
  - ix) complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process
  - x) complain to the Council's Standards Committee (through the Monitoring Officer) if they have evidence which they think shows that a Councillor has not followed the Councillors' Code of Conduct, and
  - xi) inspect the Council's accounts and make their views known to the external auditor.



### **3.2 CITIZENS' RESPONSIBILITIES**

Citizens must not be violent, abusive, threatening or discriminatory to Councillors or officers and must not damage things owned by the Council, Councillors or officers.

### **3.3 PLANNING COMMITTEE**

Citizens may in accordance with the relevant rules present their support/objections at the Planning Committee in respect of applications for planning consent.

# Section 4

## The Full Council

### 4.1 INTRODUCTION

The Local Government Act 2000 gives the Council responsibility for approving the Policy Framework and Budget. The core statutory elements of the Council's Policy Framework are the Sustainable Community Strategy and the Corporate and Performance Plan. These are supported by a range of policy/service plans and strategies all of which together form the Policy Framework.

### 4.2 DEFINITIONS

- a) **Policy Framework.** The policy framework means the following plans and strategies:
- (i) those required to be adopted by the Council in accordance with legislation
  - (ii) The Sustainable Community Strategy
  - (iii) Safer and Stronger Communities Strategy
  - (iv) Plans and strategies which together comprise the Local Development Framework
  - (v) Asset Management Plan
  - (vi) Licensing Policy
  - (vii) Food Law Enforcement Service Plan
  - (viii) Plans and strategies which together comprise the Housing Investment Programme
  - (ix) Economic Regeneration Strategy
- b) **Budget.** The budget includes:
- (i) the allocation of financial resources to different services and projects

- (ii) proposed contingency funds, i.e. how much money the Council should keep as a reserve
  - (ii) the council tax base, i.e. how the Council Tax should be fixed
  - (iv) setting the council tax
  - (v) decisions relating to the control of the Council's borrowing requirements, i.e. when and how much it should borrow
  - (vi) the control of its capital expenditure, and
  - (vii) the setting of virement limits, i.e. limits on the movement of money from one budget to another.
- c) **Housing Land Transfer.** Housing Land Transfer means the transfer of Council houses in the ownership of the Council for another legal entity. This requires the consent of the Government Minister when it relates to:-
- (i) a programme of disposal of 500 or more properties
  - (ii) a change in land ownership where the land is no longer to be used for Council housing purposes.

(This list is not exhaustive and may change in accordance with legislation and as the Council deems appropriate).

#### 4.3 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, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer
- c) considering and approving any amendments to the Policy Framework and the Budget in accordance with the Budget and Policy Framework Procedure Rules (this does not apply where the Cabinet is acting in accordance with the "urgency procedure" where it can make urgent decisions as provided for in the Constitution)
- d) adopting the Council's code of conduct for Councillors

- e) appointing the Leader of the Council and receiving notification from the Leader of the Council on the number and nature of Cabinet Portfolios, the identity of Cabinet Members and the Deputy Leader if a Deputy is to be so named
- f) receiving notification from the Leader of the Opposition on of the Shadow Cabinet portfolios and the identity of Shadow Cabinet Members
- g) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them
- h) appointing representatives to outside bodies in accordance with the provisions specified in Part 4, unless the appointment is an executive function or has been delegated by the Council
- i) adopting a Members' Allowance Scheme
- j) changing the name of the area
- k) determining electoral matters which fall within the remit of the Council
- l) confirming the appointment and removal of the Head of Paid Service and the Monitoring Officer and 'S.151' Officer
- m) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation
- n) determining what should be undertaken by itself rather than the Cabinet, and
- o) all other matters which, by law, must be reserved to the Council.

#### **4.4 COUNCIL MEETINGS**

There are three types of Council meetings :

- a) the annual meeting
- b) ordinary meetings
- c) extraordinary meetings

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

# *Section 5*

## *The Role of the Chairman of the Council*

### **5.1 ROLE AND FUNCTION OF THE CHAIRMAN**

The Chairman and Vice-Chairman will be elected at the Annual Meeting of the Council. The Chairman of the Council and, in his/her absence, the Vice-Chairman, will have the following roles and functions:

- a) the Chairman of the Council is the civic head of the Council and will represent the Council at such civic and ceremonial functions as the Council and he/she determine appropriate and will also act as the Council's ambassador within and outside the District
- b) to preside over meetings of the Council so that its business can be carried out efficiently and effectively having regard to the rights of Councillors and the interests of the community
- c) 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 determine strategic objectives, policies and programmes to be followed
- d) to promote public involvement in the Council's activities
- e) to maintain the dignity of the office and at no time bring discredit to it or the Council
- f) to be available for consultation on any matter upon which consultation with the Chairman of the Council is required under this Constitution.

### **5.2 CHAIRMAN'S CHARITY & BALL**

- (i) The Chairman may organise, engage in or otherwise be involved in events for the purpose of fund raising for the Chairman's Charity Fund.
- (ii) The Chief Executive shall in consultation with the Chairman of the Council determine the distribution of the Chairman's Charity Fund.

- (iii) The Chief Executive shall, in consultation with the Chairman of the Council, consider and determine all matters relevant to the Chairman's Charity Ball Event(s).
- (iv) The Chief Executive shall, in consultation with the Chairman of the Council, consider and determine all matters relevant to the Council's Town Twinning arrangements.

# Section 6

## Scrutiny Committee

### 6.1 GENERAL TERMS OF REFERENCE

The Council will appoint, in accordance with legislation an Overview & Scrutiny Committee (referred to as “the Scrutiny Committee”).

Every Member of Cannock Chase District Council is eligible to be member of the Scrutiny Committee except those who are members of the Cabinet.

Membership of the Scrutiny Committee will be subject to the requirements as to political balance set out by Section 15 of the Local Government and Housing Act 1989 (as amended).

In accordance with the Local Government Act 1972 and the Local Government and Housing Act 1989, a member of Staffordshire County Council shall be appointed as a co-opted member to the Scrutiny Committee for the purposes of scrutinising the performance of the Staffordshire Local Area Agreement. In turn, the Chairman of the Scrutiny Committee (or his nominee) shall be appointed as a co-opted member to that Committee(s) (or relevant Sub-Committee) of Staffordshire County Council with equivalent responsibility for scrutinising the Staffordshire Local Area Agreement.

### 6.2 GENERAL ROLE

The Scrutiny Committee will:

- i) exercise the right to ‘call-in’ for consideration the decisions made but not yet implemented by the Cabinet;
- ii) be available for consultation in accordance with the Budget and Policy Framework Procedure Rules;
- iii) co-opt such representatives onto the Scrutiny Committee in accordance with (a) and (b) below:
  - (a) as the Scrutiny Committee deems appropriate, co-opt such representatives onto it membership. However, such co-optees shall not have the right to vote and shall not constitute a “member” for the purposes of a quorum. The

co-optee shall be an advisory appointment only, other than a Staffordshire County Council (SCC) co-optee for the scrutiny of health matters relating to the District where such a co-optee shall have a vote;

- (b) if the Scrutiny Committee considers it appropriate, co-opt the SCC Performance and Policy Sub-Committee representative onto the Scrutiny Committee. The co-optee shall be an advisory appointment only.
- (iv) performance manage the Corporate Improvement Priority Delivery Plan ('PDP')
- (v) review and scrutinise current Council policies and consider future policy development particularly arising from 6.2 (iv) above;
- (vi) be available for consultation as required by the Council's Performance Management Framework concerning any proposed changes to actions and/or targets set out in any Priority Delivery Plan(s);
- (vii) receive and review, having regard to the Council's Performance Management Framework, the Council's Annual Performance Management report;
- (viii) scrutinise and review, as considered necessary, the Council's community consultation, engagement and empowerment arrangements;
- (ix) deal with any issues or matters referred to it in pursuance of the Local Government and Public Involvement in Health Act 2007 as it considers appropriate (which shall include but not be limited to establishing a 'councillor call for action' protocol);
- (x) consider any reports and/or recommendations received from a Policy Development Committee;
- (xi) monitor, review and/or scrutinise:
  - a. the performance of the Council and its Local Strategic Partners;
  - b. cross-cutting issues in relation to the discharge of the Council's functions;



- c. any matter relating to the planning, provision and operation of health services in the District by organisations and institutions charged with delivering health services in pursuance of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 and associated legislation.

- (xiii) make reports and/or recommendations to Council and/or Cabinet in connection with the discharge of any functions;

### 6.3 SPECIFIC FUNCTIONS

The Scrutiny Committee may:

- i) review and scrutinise executive decisions made by the Cabinet in accordance with the 'call-in' procedures set out in Part 4 (Section 43) of this Constitution;
- ii) make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- iii) in undertaking 6.3 i) and ii), question members of the Cabinet and Chief Officers about their decisions, whether generally having regard to the District Delivery Plan, Corporate Plan, Priority Delivery Plans, service plans and targets over a period of time, or in relation to particular decisions;
- iv) question and gather evidence from any person (with their consent) deemed reasonably necessary to discharge its role and functions.
- v) consider and in its discretion support any recommendations received from a Policy Development Committee to the Cabinet, Council, and/or the Local Strategic Partnership;
- vi) review and scrutinise health issues affecting the district as deemed necessary;
- vii) As deemed necessary and appropriate:
  - a. review and scrutinise:
    - i. cross-cutting issues in relation to the discharge of the Council's functions including the Council's performance in the broadest sense;

- ii. in accordance with the legislation other public bodies in the area (including the Local Strategic Partnership), invite reports (both written and oral) from them and invite them to address the Scrutiny Committee about their activities and/or performance;
    - iii. the performance of the Council, Cabinet and Chief Executive, Deputy Chief Executive and Directors in relation to Council priorities, policy objectives, performance targets and/or particular service areas;
  - b. question members of the Cabinet and Chief Officers about their performance in relation to significant and/or major initiatives or projects;
- (viii) In discharging its performance management function: -
  1. Review and scrutinise the performance of the Cabinet and Chief Officers in relation to performance & partnership matters;
  2. Review and scrutinise the performance of the Council in relation to its performance targets and/or particular service areas;
  3. Review and scrutinise the performance of the Chase Community Partnership in relation to its performance targets as set out in the Staffordshire Local Area Agreement and the Sustainable Community Strategy.
  4. Question members of the Cabinet, Chief Officers and partners about their decisions and performance, whether generally or in comparison with service plans and targets over a period of time, or in relation to particular initiatives or projects.

#### **6.4 PROCEEDINGS OF THE SCRUTINY COMMITTEE**

The Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 (Section 43) of this Constitution.

# *Section 7*

## *Performance & Partnerships*

### *Scrutiny Sub-Committee*

#### *Terms of Reference*

#### **7.1 STATUS**

The Performance & Partnerships Scrutiny Sub-Committee is a Sub-Committee of the Scrutiny Committee.

#### **7.2 MEMBERSHIP AND METHOD OF APPOINTMENT**

The Committee will comprise 9 Members of the Scrutiny Committee (2 from each group).

In accordance with the Local Government Act 1972 and the Local Government and Housing Act 1989, a member of Staffordshire County Council shall be appointed as a co-opted member to the Sub-Committee for the purposes of scrutinising the performance of the Staffordshire Local Area Agreement. In turn, the Chairman of the Sub-Committee shall be appointed as a co-opted member to that Committee(s) of Staffordshire County Council with equivalent responsibility for scrutinising the Staffordshire Local Area Agreement.

#### **7.3 CHAIRMAN AND VICE-CHAIRMAN**

The Chairman and Vice-Chairman of the Sub-Committee will be the Chairman and Vice-Chairman of the Scrutiny Committee.

#### **7.4 FREQUENCY OF MEETINGS**

Meetings of the Sub-Committee will be convened by the Chief Executive following consultation with the Chairman.

#### **7.5 AGENDA**

Prior to the meeting of the Sub-Committee the Chief Executive will circulate to Members the Agenda and Reports to be considered by the Sub-Committee.

## **7.6 PROCEEDINGS**

The Chief Executive (or his nominee) shall be the Clerk to the Sub-Committee. The provisions of Schedule 12 of the Local Government Act 1972, as amended, will apply where appropriate.

Where not already provided for above, the Council Procedure Rules for the regulation of proceedings and business will apply.

## **7.7 REPORTS TO SCRUTINY COMMITTEE**

Reports in the form of Minutes detailing action or recommendations taken will be submitted to the Scrutiny Committee, which may accept, amend or reject any recommendation.

## **7.8 FUNCTIONS**

The Performance & Partnerships Scrutiny Sub-Committee may: -

- (i) Review and scrutinise the performance of the Cabinet and Council officers in relation to Performance & Partnership matters.
- (ii) Review and scrutinise the performance of the Council in relation to its performance targets and/or particular service areas.
- (iii) Review and scrutinise the performance of the Chase Community Partnership in relation to its performance targets as set out in the Staffordshire Local Area Agreement and the Sustainable Community Strategy.
- (iv) Question members of the Cabinet, Officers and partners about their decisions and performance, whether generally or in comparison with service plans and targets over a period of time, or in relation to particular initiatives or projects.

## **7.9 DELEGATED POWERS**

The Sub-Committee is empowered to deal with any functions detailed in Section 7.8 above.

# Section 8

## The Cabinet

### 8.1 ROLE

The Cabinet (acting in the capacity of an Executive) will carry out all of the Council's functions which it is required to do by law or allowed to do under this Constitution. These are identified in Part 3 of this Constitution.

### 8.2 FORM AND COMPOSITION

- a) The Cabinet will consist of the Leader of the Council (the Leader) together with at least 2 but not more than 9 Councillors appointed to the Cabinet by the Leader, one of which shall be the Deputy Leader should the Leader so determine that a Deputy be appointed.
- b) The Leader shall determine the number of Cabinet members and the nature of their portfolios but will be expected to identify a lead Cabinet member for each of the service blocks represented within the Local Area Agreement as agreed by the Council and its partner local authorities within Staffordshire (or such other statutory local mechanism as may exist from time to time).
- c) The Leader shall report the form and composition of the Cabinet to the Annual Council Meeting each year and, should any changes occur during the municipal year, to the first available meeting of the Council thereafter.
- d) The Cabinet may create such Committees (referred to as Cabinet Committees) for any such purposes if so deemed necessary

### 8.3 LEADER

- a) The Leader will be a Councillor elected to the position of the Leader by the Council usually at its Annual General Meeting (AGM). The Leader will hold office for four years or until any of the following events occur (if earlier):
  - i) he/she resigns from office, or
  - ii) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (as amended) (although he/she may resume office at the end of the period of suspension), or

- iii) he/she is no longer a Councillor, or
  - iv) he/she is removed from office by resolution of the Council following consideration of a written motion of no confidence signed by a minimum of 25% of the membership of the Council, or
  - v) he/she is removed by Council in order to implement a recommendation of the Standards Board for England or the Council's Standards Committee following a local determination.
- b) For the avoidance of doubt the same Councillor may be re-elected as Leader on one or more occasions if the Council so wishes.

#### **8.4 OTHER CABINET MEMBERS**

- a) Other Cabinet members shall be appointed by the Leader at the AGM and shall hold office for such time as the Leader determines or until any of the following events occur (if earlier) :
- i) he/she resigns from office, or
  - ii) he/she 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
  - iii) he/she are no longer Councillors, or
  - iv) he/she are removed from office, either individually or collectively, by the Leader, or
  - v) he/she are removed by Council in order to implement a recommendation of the Standards Board for England or the Council's Standards Committee following a local determination, or
  - vi) the Leader for the time being ceases to hold that office following the occurrence of any event listed in paragraph 7.3 a) i) to v).
- a) For the avoidance of doubt the same Councillor may be re-appointed on one or more occasions if the Leader so wishes.
- c) The Leader may co-opt any such member as he/she deems appropriate to assist the Cabinet (or its Cabinet Committee) in its decision-making. Such co-opted members shall not have voting rights and shall not constitute a 'member' for the purposes of a quorum. The co-optee shall be an advisory appointment only.

## **8.5 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.

## **8.6 RESPONSIBILITY FOR FUNCTIONS**

- a) The Leader may determine which Cabinet delegations are to be exercised by the Cabinet as a whole and which may be delegated to Cabinet Committees and/or officers.
- b) Individual Portfolio Leaders of the Cabinet will have responsibility for speaking on service specific matters relating to their Portfolio as determined by the Leader and as indicated in Part 3 of this Constitution, the Cabinet will exercise collective responsibility for decision-making.

# *Section 9*

## *Policy Development*

### *Committees*

#### **9.1 TERMS OF REFERENCE**

The Council will appoint the following Policy Development Committees:

- Culture, Sport and Services for Children and Young People Policy Development Committee;
- Healthier Communities and Older People Policy Development Committee;
- Housing Policy Development Committee;
- Access to Education, Skills and Employment Policy Development Committee;
- Safe, Strong and Cohesive Communities Overview Policy Development Committee e; and
- Environmental Sustainability Policy Development Committee.

All Councillors, other than Cabinet Members are eligible to be Members of the Policy Development Committees save for the relevant Portfolio Holder from Cabinet and relevant Shadow Portfolio Holder who shall be Members of the Policy Development Committee relating to that portfolio (such membership shall form part of the political balance calculation for the Committee's membership).

Membership of the Policy Development Committee will be subject to the requirements as to political balance set out by Section 15 of the Local Government and Housing Act 1989 (as amended).

#### **9.2 GENERAL ROLE**

The Council's Policy Development Committees will:



- i) review current Council policies and consider future policy development falling within and arising out the scope and remit of their allocated Priority Delivery Plan ('PDP') and the Performance Management Framework;
- ii) performance manage the Council's PDPs falling within their respective scope and remit in accordance with the Performance Management Framework;
- iii) consider matters referred to them by the other Committees or Cabinet.
- (iv) within the context and remit of the allocated PDP and Performance Management Framework, consider any matter affecting the area or its inhabitants which contributes or assists with achieving the PDP targets.

### 9.3 SPECIFIC FUNCTIONS

#### (a) Policy Development and Review

The Policy Development Committees shall:

- i) assist the Council and Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues arising within the context and remit of the allocated PDP and Performance Management Framework,
- ii) performance manage Priority Delivery Plans ('PDPs') as allocated below:

COMMITTEE	PRIORITY DELIVERY PLAN
Culture, Sport and Services for Children and Young People PDC	Children, Young People and Families PDP
Housing PDC	Healthier Communities, Housing and Older People PDP (except those parts relating to healthier communities and older people)
Healthier Communities and Older People PDC	Healthier Communities, Housing and Older People PDP (except those parts relating to Housing)
Access to Education, Skills and Employment PDC	Access to Education, Skills and Employment PDP
Safe, Strong and Cohesive Communities PDC	Safe, Strong and Cohesive Communities PDP
Environmental Sustainability PDC	Environmental Sustainability PDP

- iii) review current Council policies and consider future policy development arising from (ii) above and the Performance Management Framework;
  - iv) be available for consultation in accordance with the Budget and Policy Framework Procedure Rules;
  - v) be available for consultation as required by the Council's Performance Management Framework concerning any proposed changes to actions and/or targets set out in the relevant Priority Development Plan;
  - vi) consider mechanisms to encourage and enhance community participation, engagement and empowerment in the development of policy options and implement and/or recommend such mechanisms as appropriate within the context and remit of the allocated PDP and Performance Management Framework;
  - vii) assist and advise members of the Cabinet about issues and proposals affecting the area as appropriate within the context and remit of the allocated PDP and Performance Management Framework;
  - viii) invite to meetings such individuals and/or representatives of organisations/public bodies as they consider may be able to make a contribution to their deliberations in respect of matters falling within the context and remit of the allocated PDP and Performance Management Framework;
  - ix) recommend to other Policy Development Committees area of policy review that may (as a result of the original Policy Development Committee consideration) be worthy of specific examination;
  - x) question and gather evidence from any person (with their consent) in connection with matters arising out of their allocated PDP and the Performance Management Framework;
  - xi) refer performance-related issues arising out of their allocated PDP to the Scrutiny Committee for further investigation.
- (b) To carry out its functions, a Policy Development Committee will be able to call upon any Member, Chief Officers of the Council and/or invite representative of external bodies or organisations to submit written and/or oral evidence.
- (c) The Policy Development Committees will make reports and/or recommendations to the Cabinet and/or Scrutiny Committee in connection

with matters arising out of their allocated PDP and/or related performance as appropriate.

- (d) Where a matter for consideration by a Policy Development Committee also falls within the remit of one or more other Committees, the decision as to which Committee will consider it will be resolved at a joint meeting of the Policy Development Committees and the Cabinet.

For the avoidance of doubt the Policy Development Committees shall not act in a defined scrutiny function but may review existing policy and its outcomes for the purposes of understanding how future policy should be developed.

# *Section 10*

## *The Opposition & Shadow Cabinet*

### **10.1 ROLE OF SHADOW CABINET**

- a) The role of the Shadow Cabinet shall be to oppose, question, challenge and support the decisions of Cabinet as they see fit.
- b) The Shadow Cabinet shall not act as a Scrutiny Committee or undertake a Scrutiny role as defined in the legislation.

### **10.2 FORM AND COMPOSITION**

- a) Should no political groups or group on the Council consider itself able to constitute the formal opposition to the Cabinet, there will be no Shadow Cabinet.
- b) The Shadow Cabinet will consist of the same number of Members as comprise the Cabinet (including the Leader) as most recently notified to the Council by the Leader.
- c) The Shadow Cabinet will consist of Members of those political groups which do not form part of and are not represented on the Executive allocated to those groups in proportion to the numbers of members of those groups on the Council. In the event that a political group declines to accept its allocation of seats the seats will be allocated to those other qualifying groups in proportion to the numbers of members of those groups on the Council.
- d) The Leader of each political group to which seats have been allocated will appoint members to fill those allocated seats.
- e) The Opposition Leader shall identify a lead Shadow Cabinet member to be the opposition spokesperson in respect of each of the service blocks represented within the Local Area Agreement as agreed by the Council and its partner local authorities within Staffordshire (or such other statutory local mechanism as may exist from time to time).

- f) The Shadow Cabinet or any one or more members of the Shadow Cabinet will be entitled to attend and speak at any Cabinet meeting on giving at least 48 hours prior written notice to the Chief Executive.
- g) The Leader of the Council may on giving at least 48 hours prior written notice request the attendance at a Cabinet meeting of any one or more members of the Shadow Cabinet.

### **10.3 OPPOSITION LEADER**

- a) The Opposition Leader shall be the Leader of the political group which holds the largest number of seats on the Shadow Cabinet.
- b) The Opposition Leader shall hold that position for as long as his political group fulfil the criteria in paragraphs 10.3 a) or until any of the following events occur (if earlier) :
  - i. he/she resigns from office, or
  - ii. he/she 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
  - iii. he/she is no longer a Councillor, or
  - iv. he/she is removed from the position of Group Leader by his/her political group, or
  - v. he/she is removed by Council in order to implement a recommendation of the Standards Board for England or the Council's Standards Committee following a local determination
- c) The Opposition Leader shall report the form and composition of the Shadow Cabinet to the Annual Council Meeting and, should any changes occur during the municipal year, to the first available meeting of the Council thereafter.
- d) For the avoidance of doubt the same Councillor may be re-elected as Opposition Leader on one or more occasions if the Council so wishes.

#### 10.4 OTHER SHADOW CABINET MEMBERS

- a) Other Shadow Cabinet members shall be appointed in accordance with paragraph 10.2 and shall hold that position for such time as their Group Leader determines or until any of the following events occur (if earlier) :-
- i. they resign from office, or
  - ii. they are 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
  - iii. they are no longer a Councillor, or
  - iv. they are removed from that position, either individually or collectively, by their Group Leader, or
  - v. they are removed by Council in order to implement a recommendation of the Standards Board for England or the Council's Standards Committee following a local determination.
  - vi. their Group Leader ceases to hold that office.
- b) For the avoidance of doubt the same Councillor may be re-appointed on one or more occasions.

# Section 11

## The Standards Committee

### 11.1 STANDARDS COMMITTEE

The Council will at its annual meeting establish a Standards Committee.

### 11.2 COMPOSITION

- a) The Standards Committee does not have to comply with the requirements of Section 15 of the Local Government and Housing Act 1989 in respect of political balance.
- b) **Membership.** The Standards Committee will be composed of 20 members from the following :
  - i) seven Councillors (other than the Leader of the Council)
  - ii) five persons who are not a Councillor or an officer of the Council or any other body having a standards committee (independent members)
  - iii) one member of each parish council wholly or mainly in the Council's area (a parish member) (8 in total).
- c) **Independent Members.** Independent Members will be entitled to vote and will act as Chair and Vice-Chair of the Committee.
- d) **Parish Members.** Parish members must be present when matters relating to parish councils or their members are being considered.
- e) **Hearing Panels, Initial Assessment Panels.** Appeal Panels and Hearing panels will be called from the membership of the Committee and will sit as Sub-Committees of the Standards Committee.
- f) **Chairing the Committee.** A member of the Council or Parish Council may not chair the Committee.

### 11.3 ROLE AND FUNCTION

- a) The Standards Committee will have the following roles and function in accordance with legislation and guidance:

- i) promoting and maintaining high standards of conduct by Councillors and co-opted members,
- ii) assisting the Councillors and co-opted members to observe the Members' Code of Conduct,
- iii) advising the Council on the adoption or revision of the Members' Code of Conduct,
- iv) monitoring the operation of the Members' Code of Conduct,
- v) advising, training or arranging to train Councillors and co-opted members on matter relating to the Members' Code of Conduct,
- vi) granting dispensations to Councillors and co-opted members from requirements relating to interest set out in the Members' Code of Conduct,
- vii) dealing with any investigative reports (or other such report) from a case tribunal for the Standards Board for England and any report or investigation from the Monitoring Officer on any matter,
- viii) the exercise of i) to vii) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils,
- ix) to deal with any other matter referred to it by Council or by the Monitoring Officer.



# *Section 12*

## *Community Forums*

### **12.1 COMMUNITY FORUMS**

The Council may appoint such community forums 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.

### **12.2 FORM, COMPOSITION AND FUNCTION**

- a) The Council will appoint such Community Forums covering the area of the District as it considers appropriate.
- b) The Chairman of each Community Forum will be appointed from the membership of the District Council by the District Councillors present at the first meeting of the Community Forum in the municipal year.
- c) A Community Forum will have an advisory role and provide an arena for the community to raise Ward issues, concerns and problems; for the Council and Cabinet to carry out consultations, including budget consultation; and to liaise with outside bodies. It may submit reports on matters of concern locally to Cabinet and/or the Council at such intervals as determined by the Council.
- d) Members of a Community Forum will be the Councillors for the area covered by that Community Forum together with invitees representing local organisations being other public bodies, commercial and voluntary organisations. The public will be invited to participate in the business of the Community Forums as part of the Council's commitment to community engagement.
- e) As Community Forums are advisory, there is no requirement for political balance.

# Section 13

## *Joint Arrangements*

### 13.1 ARRANGEMENT TO PROMOTE WELL BEING

- a) The Cabinet in order to promote the economic, social or environmental well-being of its area and subject to statutory requirements, may :
  - i) enter into arrangements or agreements with any person or body,
  - ii) co-operate with, or facilitate or co-ordinate the activities of, any person or body, and
  - iii) exercise on behalf of that person or body any functions of that person or body.

### 13.2 JOINT ARRANGEMENTS

- a) The Council may establish joint arrangement 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 to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- c) 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 joint authority as a whole.
- d) Cabinet 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, 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.

- 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 authorities in Part 3 of this Constitution.

### **13.3 ACCESS TO INFORMATION**

- a) The Access to Information Rules in Part 4 of this Constitution apply.
- b) If all the members of a joint committee are members of the executive in each of the participating authorities then the access to information rules as applied to the executive will apply.
- c) If the joint committee contains members who are not on the executive of any participating authority the access to information rules in Part VA of the Local Government Act 1972 will apply.

### **13.4 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 Cabinet 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.

### **13.5 CONTRACTING OUT**

The Council in respect of non-executive functions and Cabinet in respect of executive functions may contract out to another body or organisation functions which may be exercised by an officer and which are subject to specific legislative provisions, 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.

# Section 14

## Officers

### 14.1 MANAGEMENT STRUCTURE

- a) **General** The Council may engage such employees (called ‘officers’) as it considers necessary to carry out its functions
- b) **Chief Officers** The Council will engage persons for the following posts, who will be designated chief officers :
- Chief Executive
  - Directors (For the purposes of this Section, ‘Directors’ includes the Deputy Chief Executive)
- c) **Head of Paid Service, Monitoring Officer, and Chief Finance Officer** The Council will designate the following posts as shown:
- |                                |   |
|--------------------------------|---|
| • Chief Executive              | Head of Paid Service  |
| • Director of Governance       | Monitoring Officer<br>(Responsibilities in accordance with the Local Government and Housing Act 1989 and the Local Government Act 2000; the appointment to be effective from 1 June 2007) |
| • Head of Financial Management | Chief Finance Officer<br>(Responsibilities in accordance with the Local Government Act 1972 and the Local Government Finance Act 1988)  |

Such posts will have the functions described in Sections 14.2 to 14.4 below.

- 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.

## 14.2 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 on functions** For the purposes of Good Governance the Head of Paid Service may not be the monitoring officer or the chief finance officer.

## 14.3 FUNCTIONS OF THE MONITORING OFFICER

- a) **Maintaining the Constitution** The Monitoring Officer will ensure that an up-to-date version of the Constitution is maintained and will ensure that it is widely available for consultation by Members, officers and the public.
- b) **Ensuring lawfulness and fairness of decision making** After consulting (only) with the Head of Paid Service and the Chief Finance Officer, the Monitoring Officer will report to the full Council, or to the Cabinet 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 and services to the Standards Committee.
- d) **Receiving reports** The Monitoring Officer will receive and act on reports made by investigators (internally) ethical standards officers and decisions of the case tribunals.
- e) **Conducting investigations** The Monitoring Officer will conduct investigations into matters referred to him by the Standards Committee Initial Assessment Panel (or Review Panel) (sitting as Sub-Committees of the Standards Committee) and/or the ethical standards officers and make reports or recommendations in respect of them to the Standards Committee / Hearing Panel as necessary.
- f) **Proper Officer for access to information** The Monitoring Officer will ensure that Cabinet 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 Cabinet decisions are within the budget and policy framework** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- h) **Providing advice** The Monitoring Officer will provide advice on matters of Governance and 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 Chief Finance Officer or the Head of Paid Service.

#### 14.4 FUNCTIONS OF THE CHIEF FINANCE OFFICER

- a) **Ensuring lawfulness and financial prudence of decision making** After consulting only 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 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 Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- c) **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.
- d) **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.
- e) **Give financial information** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

#### **14.5 DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND CHIEF FINANCE OFFICER**

The Council will provide the Monitoring Officer and the Chief Finance Officer with such officers, accommodation and other resources as are sufficient in the Monitoring Officer's and the Chief Finance Officer's opinions respectively to allow them to perform their duties.

#### **14.6 CONDUCT**

Officers will comply with such protocol that is specific to their role, the Protocol for Member/Officer Relations and the Officers' Code of Conduct set out in Part 5 of this Constitution.

#### **14.7 EMPLOYMENT**

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

# Section 15

## Decision making

### 15.1 RESPONSIBILITY FOR DECISION MAKING

The Council will require a record to be issued and kept up to date setting out 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.

### 15.2 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 desired outcome). This is a defining principle of the approach to implementing the Human Rights Act 1998 and reflects the need to find a fair balance between the protection of individual rights and the interests of the community at large.
- b) due consultation and the taking of professional advice
- c) a presumption in favour of openness
- d) clarity of aims and desired outcomes
- e) respect for human rights including equality and non discrimination
- f) explaining what options were considered, and
- g) giving reasons for the decision.

### 15.3 TYPES OF DECISIONS

- a) **Decisions reserved to full Council** Decisions relating to the functions listed in Part 2, Section 4 will be made by the full Council and not delegated.
- b) **Key Decisions by the Cabinet**



- i) A key decision is defined by the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as a decision likely
  - to result in the Council incurring expenditure or making savings which are significant having regard to the Council's budget for the service or function to which the decision relates, or
  - to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area.
- ii) It is for the Council to determine what is 'significant' in each case. For Cannock Chase Council this is :
  - a threshold for expenditure or savings of 0.5% of the gross turnover of the Council, or
  - a decision affecting communities living or working in two or more Wards.
- iii) A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules and Access to Information Rules set out in Part 4 of this Constitution.
- iv) Key decisions relate to decisions to be made by the Cabinet and shall be published (in advance) in the Forward Plan.

#### **15.4 DECISION MAKING BY THE FULL COUNCIL**

The Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **15.5 DECISION MAKING BY THE CABINET**

The Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **15.6 DECISION MAKING BY SCRUTINY COMMITTEE**

The Scrutiny Committee will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matters.

## **15.7 DECISION MAKING BY OTHER COMMITTEES AND SUB-COMMITTEES ESTABLISHED BY THE COUNCIL**

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.

## **15.8 DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS**

a) The Council, any of its Committees or Panels 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 the Human Rights Act 1998 and the European Convention on Human Rights.

b) Examples of such decisions are:

determining a planning application;

determining an application for a license;

determining an appeal from an employee in respect of employment matters;

determining a complaint made against the Council in accordance with the Council's Comments, Compliments and Complaints Procedure;

reviewing a decision on entitlement to Housing or Council Tax Benefit;

reviewing a decision to terminate an Introductory Tenancy of a Council house;

determination of Members' conduct in accordance with the Councillor Code of Conduct.

This list is not exhaustive.

# *Section 16*

## *Finance, Contracts and Legal Matters*

### **16.1 FINANCIAL MANAGEMENT**

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

### **16.2 CONTRACT**

Every contract made by the Council will comply with either the Financial Regulations or the Contracts Procedure Rules set out in Part 4 of this Constitution depending on the value of the contract. Thresholds determining whether contracts are required to comply with Financial Regulations or Contracts Procedure Rules are set out in Annex 2 to the Financial Regulations.

### **16.3 LEGAL PROCEEDINGS**

The Solicitor to the Council<sup>1</sup> (or whosoever he/she delegates) 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 Solicitor to the Council considers that such action is necessary to protect the Council's interest.

### **16.4 AUTHENTICATION OF DOCUMENTS**

- a) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Solicitor to the Council or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- b) Any contract entered into on behalf of the Council in the discharge of an executive function shall be made in writing. Unless otherwise authorised under Contract Procedure Rules, any such contract with a value exceeding £40,000 must either be signed by a duly authorised officer or, where the value exceeds £75,000, made under the Common Seal of the Council attested by at least one authorised officer.

## 16.5 COMMON SEAL OF THE COUNCIL

The Common Seal of the Council will be kept in a safe place in the custody of the Solicitor to the Council. 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 Solicitor to the Council should be sealed. The affixing of the Common Seal will be attested by the Chief Executive or some other person authorised by him/her. The Chairman of the Council may, at any time, attend to observe the sealing of documents.

<sup>1</sup> The Council Solicitor is currently the Director of Governance.

# *Section 17*

## *Review and Revision of the Constitution*

### **17.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION**

The Director of Governance will annually monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

### **17.2 CHANGES TO THE CONSTITUTION**

- a) **Approval** Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer and the Chief Executive
  
- b) **Change from a Leader and Cabinet form of executive to alternative arrangements or a mayoral form** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

# *Section 18*

## *Suspension, Interpretation and Publication of the Constitution*

### 18.1 SUSPENSION OF THE CONSTITUTION

- a) **Limit to suspension** As a general principle, sections 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** A motion to suspend any Rules will not be moved without notice unless at least two-thirds of the whole number of Councillors are present. The extent and duration of the suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Section 1.
- (c) **Rules capable of suspension:**
  - Council Procedure Rules
  - Cabinet Procedure Rules
  - Finance Regulations
  - Contracts Procedure Rules

### 18.2 INTERPRETATION

The ruling of the Chairman of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall be final and shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Section 1. The Chairman of the Council shall take legal advice from the Monitoring Officer before making any ruling under this Section.

### **18.3 PUBLICATION**

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

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