

THE CONSTITUTION

PART 1 – SUMMARY AND EXPLANATION (coloured BLUE)

PAGE

Summary and Explanation	1.1
The Council's Constitution	1.1
What's in the Constitution?	1.1
The Articles of the Constitution	1.1
Delegated Powers	1.2
Procedure Rules for the Operation of the Constitution	1.2
Codes and Protocols.....	1.2
Members Allowance Scheme	1.3
How Decisions are Made	1.3
Overview and Scrutiny	1.3
The Council's Staff	1.3
Citizen's Rights	1.3

PART 2 – ARTICLES OF THE CONSTITUTION (coloured PEACH)

Article 1 - The Constitution	2.1
Powers of the Council	2.1
The Constitution	2.1
Purpose of the Constitution	2.1
Interpretation and Review of the Constitution	2.1
Article 2 - Members of the Council	2.3
Composition and Eligibility	2.3
Election and Terms of Councillors	2.3
Roles and Functions of all Councillors	2.3
Rights and Duties	2.4
Conduct	2.4
Allowances	2.4
Article 3 - Citizens and the Council	2.5
Citizens' Rights	2.5
Citizens' Responsibilities	2.6
Article 4 - The Full Council	2.7
Meanings	2.7
Functions of the Full Council	2.8
Council Meetings	2.9
Responsibility of Functions.....	2.9
Conflict Resolution in setting the Budget and Policy Framework.....	2.9
Article 5 - Chairing the Council	2.10
Role and Function of the Chairman	2.10
Role and Function of a Chairman of a Committee	2.10
Addressing the Chairman	2.11
Training of the Chairman of the Council or Committees.....	2.11

Article 6 - Overview and Scrutiny Committees	2.12
General Role	2.12
Terms of Reference	2.13
Proceedings of the Overview and Scrutiny Committees.....	2.14
Article 7 – Cabinet (also referred to as the Executive)	2.16
Role and Responsibilities.....	2.16
Form and Composition	2.16
Leader of the Council	2.16
Deputy Leader of the Council	2.17
Other Cabinet Members (also known as Portfolio Holders)	2.17
Proceedings of the Cabinet ..	2.17
Responsibility for Executive Functions	2.17
Cabinet Procedure Rules	2.18
Meetings	2.18
Agenda	2.19
Consultation	2.20
Conduct	2.21
Procedures for Private Meetings of the Cabinet	2.21
Decisions	2.21
Procedures for Portfolio Holder Working Parties.....	2.22
Article 8 - Committees	2.23
List of Committees.....	2.23
Roles and Functions.....	2.23
Proceedings.....	2.24
Article 9 – Standards Committee & Town and Parish Councils’ Standards Sub-Committee	2.25
Composition	2.25
Quorum	2.25
Meetings	2.26
Terms of Reference	2.26
Town and Parish Councils’ Standards Sub-Committee	2.26
Article 10 – Community Consultation and Participation	2.28
Community Consultation and Participation	2.28
Article 11 – Joint Arrangements	2.40
Legislation Requirements	2.40
Arrangements to Promote Well-being	2.40
Joint Arrangements	2.40
Access to Information	2.40
Delegation to and from Other Local Authorities	2.41
Contracting Out	2.41
Article 12 – Officers	2.42
Management Structure	2.42
Functions and Areas of Responsibility of the Council’s Management Team	2.43
Functions of the Head of Paid Service	2.46
Functions of the Monitoring Officer	2.47
Functions of the Chief Finance Officer (Section 151)	2.48
Duty to Provide Sufficient Resources to the Head of Paid Service, Monitoring Officer and Chief Finance Officer	2.49

Conduct.....	2.49
Employment.....	2.49
Article 13 - Decision Making	2.50
Responsibility for Decision Making	2.50
Principles of Decision Making	2.50
Key Decisions	2.50
Decision Making by Council, Cabinet, Overview and Scrutiny Committees, other Committees and Sub-Committees.....	2.51
Decision Making by Council Bodies Acting as Tribunals	2.51
Article 14 – Finance, Contracts and Legal Matters	2.52
Financial Management	2.52
Contracts	2.52
Legal Proceedings	2.52
Authentication of Documents	2.52
Common Seal of the Council	2.52
Article 15 – Review and Revision of the Constitution	2.54
Duty to Monitor and Review the Constitution	2.54
Changes to the Constitution	2.54
Article 16 – Suspension, Interpretation and Publication of the Constitution	2.55
Suspension of the Constitution	2.55
Interpretation	2.55
Publication	2.55
 <u>PART 3 – DELEGATED POWERS (coloured GREEN)</u>	
General	3.1
Responsibility for Local Choice Functions	3.1
Responsibility for Council (Non-Executive) Functions	3.1
Responsibility for Executive (Cabinet) Functions	3.2
Overview and Scrutiny Functions	3.2
Local Choice Functions	3.3
Council (Non-Executive) Functions	3.5
Executive Functions	3.27
Schedule of Proper Officers and Related Functions	3.46
Joint Arrangements	3.51
Appendix – The Local Authorities (Functions and Responsibilities) (England) Regulations 2000	3.66
 <u>PART 4 – COUNCIL PROCEDURE RULES (coloured YELLOW)</u>	
<u>COUNCIL MEETINGS</u>	
Annual Meeting of the Council	4.1
Budget and Council Tax Setting	4.2
Ordinary Meetings of the Council	4.3
Extraordinary Meetings of the Council	4.5
Time and Place of Meetings.....	4.6
Notice of and Summons to Meetings	4.6

Chairing of Meetings	4.6
Quorum	4.6
Duration of Meeting	4.7
Questions by the Public	4.7
Questions by Members	4.9
Motions on Notice	4.12
Motions Without Notice	4.16
Motions Not Permitted	4.17
Questions Affecting Persons Employed by the Council	4.18
Rules of Debate	4.18
State of Tending Statement	4.23
Previous Decisions and Motions	4.23
Voting	4.23
Minutes	4.24
Record of Attendance	4.25
Exclusion of Public	4.25
Members' Conduct	4.25
Disturbance by Public	4.26
Suspension and Amendment of Council Procedure Rules	4.26
Resignation of Chairmanship etc	4.26
Casual Vacancies etc	4.26
Statutory Officers' Advice.....	4.26
Interpretation of Procedure Rules	4.27
Petitions	4.27
Minor Amendments of Guidance.....	4.27
Applications to Committees and Sub-Committees.....	4.27

COMMITTEE MEETINGS

Appointment of Members of Committees, Sub-Committees and Vacancies in Chairmanship	4.28
Appointment of Substitute Members of Committees, Sub-Committees and Working Parties	4.30
Meetings of Committees	4.31
Attendance at Meetings	4.32
Sub-Committees and Working Parties	4.33
Questions on Notice at Committees and Sub-Committees	4.33
Site Visits, Specific Briefing or Training	4.33
Scheme to permit Members of the Public to speak at meetings of the Policy & Local Plan and Planning Committees.....	4.34

PART 5 – RULES OF PROCEDURE (coloured CREAM)

Access to Information Procedure Rules	5.1
Scope	5.1
Additional Rights to Information	5.1
Rights to Attend Meetings	5.1
Notices of Meetings	5.2
Access to Agenda and Reports before the Meeting	5.2
Supply of Copies	5.2
Access to Minutes etc After the Meeting	5.2
Background Papers	5.3
Summary of Public's Rights	5.3
Exclusion of Access by the Public to Meetings	5.3

Exclusion of Access by the Public to Reports	5.6
Recording of Decisions by Officers	5.6
Application of Rules to the Cabinet	5.7
Procedure Before Taking Key Decisions.....	5.7
Definitions	5.7
General Exception	5.7
Special Urgency	5.8
Report to Council	5.8
Record of Decisions	5.9
Procedures Prior to Private Meetings of the Cabinet ...	5.9
Attendance at Private Meetings of the Cabinet ..	5.10
Rights of Overview and Scrutiny Members	5.10
Additional Rights of Access for Members	5.10
Budget and Policy Framework Procedure Rules	5.12
Framework for Cabinet Decisions	5.12
Process for Developing the Policy Framework	5.12
Process for Developing the Budget	5.14
Submission of Budget Proposals before 8 th February	5.16
Decisions Outside the Budget and Policy Framework	5.16
Urgent Decisions Outside the Budget and Policy Framework	5.16
Virement	5.17
In-Year Changes to Policy Framework	5.17
Call-in of Decisions Outside the Budget or Policy Framework	5.18
Overview and Scrutiny Procedure Rules	5.19
Overview and Scrutiny Committees	5.19
Membership.....	5.19
Co-opted Members (without Voting Rights).....	5.19
Meetings of the Committees	5.19
Quorum	5.19
Chairmen	5.19
Work Programme	5.20
Agenda Items	5.20
Councillor Call for Action	5.21
Procedures at Committee Meetings	5.22
Policy Review and Development	5.23
Reports from an Overview and Scrutiny Committee	5.24
Scrutiny of Proposed Decisions	5.25
Rights of Committee Members to Documents	5.25
Members and Officers Giving Account	5.26
Attendance by Others	5.27
Call-in	5.27
Exceptions to Call-In	5.31

Financial Procedure Rules	5.33
Introduction	5.33
Definitions	5.33
Responsibilities	5.34
Financial Planning and Budget Approval	5.35
Authority to incur Expenditure	5.37
Changes to Budgets after approval by Council	5.37
Financial management of budgets during the year	5.45
Final Accounts, Out-turn Report and Statement of Accounts	5.46
Financial Administration	5.47
Write-offs of Sums due to the Council	5.53
Insurance... ..	5.55
Inventories, Stocks and Stores	5.56
Banking Arrangements	5.58
Investments, loans and borrowings	5.59
Land and Property transactions	5.61
External Funding	5.61
Proceeds of Crime Act 2002	5.61
State Aid.....	5.62
Property Dealing Procedure	5.64
Negotiation of Property Deals.....	5.64
Property Office Procedure	5.64
Valuations	5.65
Procurement Procedure Rules	5.68
General Requirements.....	5.68
Exemption from Procurement Rules.....	5.70
The Procurement Framework.....	5.71
Quotations and Tenders.....	5.73
Other Procurement Rules.....	5.80
Official Order Rules.....	5.81
Officer Employment Procedure Rules	5.83
Recruitment and Appointment	5.83
Petitions Scheme	5.88

PART 6 – CODES AND PROTOCOLS (coloured GREY)

Members' Code of Conduct	6.1
Members' Interests	6.12
Complaints Procedure	6.19
Standards Committee & Town and Parish Council's Sub Committee	
Terms of Reference	6.29
Conduct Complaints Assessment Criteria	6.32
Standards Complaints Investigation Procedure	6.33
Monitoring Officer Protocol	6.35
Independent Person Protocol	6.39
Protocol on Member/Officer Relations.....	6.42
Members Planning Code & Protocol	6.49

Members Referral Scheme for Planning Applications - Guidance Note	6.59
Protocol for Cabinet and Overview and Scrutiny Roles	6.62
Protocol for Webcasting of Formal Council Meetings and for Public Filming and Recording of Meetings	6.70

PART 7 – MEMBERS’ ALLOWANCES SCHEME (coloured LILAC)

Members’ Allowances Scheme	7.1
Introduction	7.1
Structure of the Scheme	7.1
Claims and Payments	7.3
Approved Duties	7.5
Application of the Scheme	7.7
Councillors’ Schedule of Commitment	7.8
Schedule of Allowances	7.9

PART 8 – MANAGEMENT STRUCTURE (coloured BUFF)

Management Structure Chart