

# Part 2: Articles

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# Article 1: The Constitution

## 1.1 The Constitution

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no one shall review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions;
- (h) provide a means of improving the delivery of services to the community; and
- (i) set out the Codes and Protocols to ensure that the Council operates in accordance with the principles of public life (set out in Part 5).

## 1.2 Powers of the Council

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

### 1.3 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council shall always choose that option which it thinks is closest to the purposes stated above. The Council shall monitor and evaluate the operation of the Constitution as set out in Article 15.

## Article 2: Members of the Council

### 2.1 Composition and Eligibility

- (a) **Composition.** The Council consists of 45 councillors. One or more councillors shall be elected by the voters of each Ward in accordance with a scheme approved by the Boundary Commission for England.
- (b) **Eligibility.** Only registered voters of the district or those living or working there shall be eligible to stand for the office of councillor.

### 2.2 Election and Terms of Councillors

The regular election of all councillors shall be held on the first Thursday in May every four years beginning in 2018. The terms of office of councillors shall be four years, starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election.

A councillor shall cease to be a councillor if:

- (a) they resign by giving written notice to the proper officer (such resignation to take effect upon the receipt of such notice by the proper officer); or
- (b) they fail to attend meetings of the Council for a period of six months, unless the failure was due to a reason approved by the authority; or
- (c) they cease to be qualified to be a member of the authority or become disqualified from being a member of the authority; or
- (d) they come to the end of the term of office for which they were elected and have not been re-elected.

## 2.3 Roles and Functions of All Councillors

- (a) **Key roles.** All councillors shall:
- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
  - (ii) represent their communities and encourage community participation and involvement in decision making;
  - (iii) deal with individual casework and act as advocates for constituents in resolving particular concerns or grievances;
  - (iv) balance different interests identified within the Ward and represent the Ward as a whole;
  - (v) participate in the governance and strategic management of the Council;
  - (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 shall have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
  - (ii) Councillors shall 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.
  - (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

## 2.4 Conduct

Councillors shall at all times observe the Members’ Code of Conduct and Protocol on Member/Officer Relations set out in Part 5 of this Constitution and shall have

regard to the Procedural Guidance for members of Planning and Licensing Committees contained in the Ethical Handbook.

## **2.5 Allowances**

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

## **2.6 Recognition of political groups**

Members shall be entitled to join political groups. In accordance with the Local Government (Committees and Political Groups) Regulations 1990. A political group shall be treated as constituted when there is delivered to the Proper Officer a notice in writing which:

- (a) is signed by two or more members of the Council who wish to be treated as a political group;
- (b) states that members of the Council who have signed wish to be treated as a political group;
- (c) states the name of the political group;
- (d) states the name of the member who shall be the Leader of the political group.

## **2.7 Definitions of Controlling and Opposition Groups**

The political group or groups of the Council whose members have been appointed to the Cabinet by the Leader of the Council shall be identified as the Controlling Group or Groups. For the purposes of political control, the Cabinet shall collectively be identified as the Executive.

The political group with the largest number of seats on the Council and whose members have not been appointed to the Cabinet by the Leader of the Council shall be identified as the Major Opposition Group.

Other political groups with seats on the Council and whose members have not been appointed to the Cabinet by the Leader of the Council shall be identified as Minor Opposition Groups.

## **2.8 Leader of the Major Opposition Group's report to Council**

The Leader of the Major Opposition Group may make a report to the Annual Meeting of Council.

# **Article 3: Citizens and the Council**

## **3.1 Citizens' Rights**

Citizens have the following rights.

### **(a) Voting and Petitions**

- (i) Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for a different form of governance and to vote in any local referendum in respect of an increase in the local authority's precept.

### **(b) Information** Citizens have the right to:

- (i) attend meetings of the Council, Cabinet and committees, except where confidential or exempt information is likely to be disclosed, and the meeting, or part of it, is therefore held in private;
- (ii) find out from the on-line Notice of Key Decisions which key decisions are due to be taken by the Cabinet, or a Lead Cabinet member, and when;
- (iii) see reports and background papers, and any records of decisions made by the Council, Cabinet or committees, except where they contain confidential or exempt information; and
- (iv) inspect the Council's accounts and make their views known to the external auditor.

- (c) **Participation** Citizens have a right to submit petitions in accordance with the Council's petitions scheme and to ask questions or make statements in accordance with the Council's public speaking scheme.
- (d) **Complaints.** Citizens have the right to complain to:
  - (i) the Council itself under its complaints scheme;
  - (ii) the Ombudsman after using the Council's own complaints scheme;
  - (iii) the Monitoring Officer about a breach of the Members' Code of Conduct.

(Citizens' rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.)

## 3.2 Citizens' Conduct

Citizens are expected to treat councillors, officers and others providing services with respect. The Council will not tolerate abusive or threatening behaviour or damage to Council property. The Council asks that citizens remain polite and patient and use the complaints procedure if aggrieved.

# Article 4: The Full Council

## 4.1 The Full Council

**The Full Council** is a quorate meeting of the 45 councillors representing Wards in South Cambridgeshire District Council. It is chaired by the Chair of the Council and managed in accordance with the formal Standing Orders in Part 4 of this Constitution. The quorum required for a meeting of the Full Council is specified within the Council Standing Orders.

## 4.2 Functions of the Full Council

Only the Full Council shall exercise the following functions:



- (a) adopting and changing the Constitution, other than Tables 4 (Leader's Scheme of Delegation), 5 (Planning Committee Delegated Powers) in Part 3 and minor adjustments made by the Chief Executive under Article 15.2;
- (b) approving or adopting the **policy framework**, the **budget** with the exception of the calculation and approval of the council tax base, which is delegated to the Chief Finance Officer.

## Meanings

For the purposes of (b) above,

- (i) **Policy Framework.** The policy framework means the following plans and strategies:
  - i. Annual Pay Policy Statement;
  - ii. Corporate plan, setting out the Council's key objectives;
  - iii. Climate Change Action Plan (or equivalent strategic document);
  - iv. Plans and strategies which together comprise the Local Plan (submission and adoption);
  - v. Approval of Development Plan Documents;
  - vi. The plans and strategies which comprise the Housing Investment Programme, including the Housing Revenue Account Strategy and Business Plan;
  - vii. Statement of Licensing Policy, Licensing Act 2003;
  - viii. Gambling Act 2005 Statement of Principles; and
  - ix. Risk Management Strategy.
- (ii) **Budget.** The budget means the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and council house rents and decisions relating to the control of the Council's borrowing

requirement, the control of its capital expenditure and the setting of  
virement limits.

- (c) approving discretionary acquisitions and disposals not otherwise authorised under any delegation.
- (d) subject to the urgency procedure contained in the Access to Information Procedure Rules 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;
- (e) electing the Leader and, in certain circumstances, removing the Leader;
- (f) agreeing and / or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (g) appointing representatives to outside bodies and revoking such appointments unless the appointment relates to an executive function (appointments and revocation of appointments to executive outside bodies is delegated to the Leader of the Council);
- (h) adopting an allowances scheme under Article 2.5 (Members' Allowances);
- (i) appointing the electoral registration officer and the returning officer; changing the name of the District; petitioning for borough status and conferring honorary titles; functions relating to a change in governance arrangements and the passing of a resolution to change the electoral scheme (the electoral cycle);
- (j) confirming the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (Section 151 Officer) and taking the final decision to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer.
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) electing the Chair and appointing the Vice-Chair of the Council;
- (m) adopting a Code of Conduct and agreeing any amendments to it.

- (n) exercising 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
- (o) exercising all other matters which, by law, shall be reserved to Council.

### **4.3 Council Meetings**

There are three types of Council meeting:

- (a) The annual meeting;
- (b) Ordinary meetings;
- (c) Extraordinary meetings.

Council meetings shall be conducted in accordance with the Council Standing Orders in Part 4 of this Constitution.

### **4.4 Responsibility for Functions**

The Council shall 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**

### **5.1 Election of the Chair and Vice-Chair**

The Chair and the Vice-Chair shall hold office for one year and shall be elected by secret ballot at the annual meeting of the Council. Neither shall be eligible for re-election as Chair or Vice-Chair respectively for a third consecutive year (although the Vice-Chair may stand for election as Chair).

## **5.2 Role of the Chair**

The Chair shall have the following responsibilities:

- (a) to be the Civic Leader of South Cambridgeshire District Council and to represent the Council at various functions of a civic, community and ceremonial nature;
- (b) to uphold and promote the purposes of the Constitution, and to interpret the Constitution where necessary;
- (c) to preside over meetings of the Council so that its business is carried out efficiently;
- (d) to ensure that the Council meeting is a forum for debate for matters of concern to the local community and where members who do not serve on the Cabinet may hold the Cabinet to account;
- (e) to promote public involvement in the Council's activities; and
- (f) to be the conscience of the Council.

## **5.3 Role of the Vice-Chair**

The Vice-Chair shall have the following responsibilities:

- (a) to deputise, as necessary, for the Chair of the Council;
- (b) to undertake specific tasks and responsibilities as requested by the Chair;
- (c) to share and support, in general, the full workload of the Chair; and
- (d) to work actively with the Chair to manage the work of the Council meeting.

## Article 6: Scrutiny and Overview

### 6.1 Terms of Reference

The Council shall appoint one or more scrutiny and overview committee to discharge the functions conferred by section 9F of the Local Government Act 2000 and regulations under that Act.

### 6.2 General Role

The role of a scrutiny and overview committee is to:

- (a) hold the Cabinet to account for its policies and actions.
- (b) assist with policy development and scrutinise policy implementation.
- (c) review and scrutinise existing policies and practices and make recommendations for improvement.
- (d) review and scrutinise decisions made, or proposed to be made, by the Cabinet or another executive decision taker (see note 1 below).
- (e) oversee and monitor the performance of services and the budget.
- (f) consider any matter affecting South Cambridgeshire or its residents as it sees fit.
- (g) make recommendations to Cabinet, any Joint Committee or Council in respect of any of its functions.
- (h) review and scrutinise the performance of other bodies having public functions in the area.
- (i) call-in, for reconsideration, decisions made, but not yet implemented, by the Cabinet, or another executive decision taker.

(Note 1: “Another executive decision taker” includes any Cabinet member; Cabinet committee; area committee; joint committee or officer (key decision only in the case of an officer)).

### 6.3 Scope

In carrying out its role, a scrutiny and overview committee shall:

- (a) agree, and keep under regular review, annual work programmes.
- (b) establish task and finish groups, where appropriate, to take forward specific topics for investigation.
- (c) conduct research, community and other consultation as appropriate in the analysis of policy issues and possible options.
- (d) seek to ensure that the expertise of all non-executive members is fully utilised in the development of Council policy.
- (e) liaise with the Cabinet to ensure that the advice of the committee is timely and useful.
- (f) consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- (g) question members of the Cabinet and senior management about their views on issues and proposals affecting the area.
- (h) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are best served.
- (i) promote well-being through partnership working.
- (j) appoint monitors to each lead cabinet member to act as a bridge to the Cabinet, promoting constructive dialogue and supporting effective scrutiny that adds value to the work of the Cabinet and lead cabinet members.

- (k) make annual reports to Council on the activities of the committee, identifying where they have been able to influence decisions, safeguard the public interest and enhance Council performance.
- (l) exercise overall responsibility for the finances made available to the committee.

## **6.4 Proceedings of Scrutiny and Overview Committees**

Scrutiny and overview committees shall conduct their proceedings in accordance with the Scrutiny and Overview Procedure Rules set out in Part 4 of this Constitution.

# **Article 7: The Cabinet**

## **7.1 Role**

The Leader and Cabinet shall 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.

## **7.2 Form and Composition**

- (a) The Cabinet shall consist of the Leader, together with at least 2, but not more than 9, other councillors appointed by the Leader. Cabinet members shall be appointed by the Leader as soon as practicable following their election and the Leader shall normally give notification of such appointments at the annual Council meeting. Subsequent changes to the membership of the Cabinet may be made by the Leader and shall take effect immediately upon the receipt of written notice of the appointment by the proper officer.
- (b) The Chair and Vice-Chair of Council may not be appointed to the Cabinet.

### **7.3 Leader and Deputy Leader**

- (a) The Leader shall be a councillor elected to the position by the Council at its first annual meeting following the District Council's elections. Where the position is contested, the election shall take place by secret ballot.
- (b) The Leader shall hold office until:
  - (i) the first annual meeting after their normal day of retirement as a councillor; or
  - (ii) they resign from the office; or
  - (iii) they are no longer a councillor; or
  - (iv) they are removed from office by resolution of the Council in accordance with the procedure set out in Standing Order 13.1(b) and (c); or
  - (v) they are disqualified from being a councillor.
- (c) The Leader remains a member of the Council during their term of office as Leader and any enactment that provides for them to retire earlier as a councillor does not apply.
- (d) The Leader shall appoint one member of the Cabinet to be the Deputy Leader to assume the full powers of the Leader in any circumstances in which the Leader is unable to act. The Deputy Leader shall also act as Leader if the post of Leader is vacant. The Deputy Leader shall hold office in accordance with the provisions of Article 7.4 below.

### **7.4 The Deputy Leader and other Cabinet Members**

The Deputy Leader and other Cabinet members shall hold office until:

- (a) they resign from office; or
- (b) they are no longer councillors; or



- (c) they are removed from office by the Leader, who shall give written notice of any removal to the proper officer. The removal shall take effect immediately upon receipt of the notice by the proper officer.

## **7.5 Vacancies**

- (a) When a vacancy arises in the office of the Leader, the Council shall fill the vacancy at the next ordinary meeting of the Council, or at a subsequent meeting. The councillor appointed to fill the vacancy shall hold office for the remainder of the original term, subject the provisions of Article 7.3 (b) above.
- (b) When a vacancy arises in the office of Deputy Leader or a member of the Cabinet, the Leader shall appoint a councillor to fill the vacancy and shall inform the Council of the appointment at the next meeting. The councillor(s) appointed shall be subject to the terms of office in Article 7.4 above.

## **7.6 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.

## **7.7 Responsibility for Functions**

- (a) The Leader shall maintain a list in Table 4 of Part 3 of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of which executive functions.
- (b) If, for any reason, the Leader is unable to act, or that office is vacant, the Deputy Leader shall act in their place. If for any reason both the Leader and Deputy Leader are unable to act, or those offices are vacant, the Cabinet shall act in place of the Leader or shall arrange for a member of the Cabinet to do so.

## Article 8: Regulatory and Other Committees

### 8.1 Regulatory and Other Committees

The Council shall appoint such committees as it considers appropriate, details of which shall be set out in Table 3, Responsibility for Council Functions - Committees, in Part 3 of this Constitution, to discharge the functions described in column 2 of that table.

### 8.2 Composition

The number of councillors on each such committee is set out in Part 3, Table 3 of the Council's Constitution, together with any restriction on composition.

### 8.3 Mandatory requirement to undertake appropriate training

No member shall be eligible to sit on a regulatory committee unless and until they have undertaken suitable training upon appointment to such committee. No member shall be eligible to remain on a regulatory committee unless and until they have undertaken suitable refresher training, as and when identified by the relevant Chief Officer/Head of Service. The Democratic Services section shall maintain a record of attendance at training events as evidence that each member's training requirement has been met.

## Article 9: Ethical Standards functions of the Civic Affairs Committee

### 9.1 Composition

- (a) **Membership.** The Council shall appoint a Civic Affairs Committee with the composition set out in Part 3 of this Constitution to discharge the functions described in Article 9.3 below.
- (b) The Civic Affairs Committee shall make an annual report to Full Council on its business.

- (c) **Independent Person(s).**
- (i) The Council shall appoint one or more Independent Person as required under Section 28(7) of the Localism Act 2011;
  - (ii) The Independent Person may attend meetings of the Civic Affairs Committee when ethical standards issues are on the agenda, and of its sub-committees or panels established to consider ethical standards matters, but shall not be entitled to vote at meetings;
  - (iii) An Independent Person shall retire after two years but shall be eligible for re-appointment for a further term or terms.
- (d) **Quorum and Substitutes.** The quorum for any meeting of the Civic Affairs Committee or any sub-committee of the Civic Affairs Committee shall be three members.

## 9.2 Sub-Committees of the Civic Affairs Committee

The Civic Affairs Committee may appoint sub-committees including for the purpose of:

- (a) considering an Investigating Officer's final report; and/or
- (b) considering determination hearings in accordance with the hearings procedure set out in the Ethical Handbook.

## 9.3 Role and Function

The Civic Affairs Committee shall have the following role 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) holding hearings to determine complaints in which an investigation report has held that the Code of Conduct has been breached (in accordance with the hearings procedure set out in the Ethical Handbook) and, where appropriate, imposing a sanction on a councillor;
- (g) maintaining an overview of dispensations granted to councillors and co-opted members from requirements relating to interests set out in Members' Code of Conduct;
- (h) receiving reports from time to time from the Monitoring Officer concerning the operation of Members' Code of Conduct and in respect of their statutory functions under the Local Government and Housing Act 1989; and
- (i) advising the Council upon and monitoring the contents of and requirements for all codes, protocols and other procedures relating to standards of conduct throughout the Council, including the Protocol on Member/Officer Relations and the Officer Code of Conduct.

The roles and functions of the Civic Affairs Committee relating to Electoral Arrangements and the review of the Council's Constitution are set out in Part 3, Table 3 of this Constitution.

## **Article 10: Area Committees**

### **10.1 Area Committees**

The Council may appoint such area committees or forums as it sees fit, and 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.

## Article 11: Joint Arrangements

### 11.1 Promoting Well-Being through Partnership

The Council, or the Cabinet, in order to promote the economic, social or environmental well-being of the 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.

### 11.2 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and / or their executives, either 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 Authority as a whole.
- (d) The Cabinet may only appoint members to a joint committee from outside the Cabinet where the joint committee has functions for a part only of the district, smaller than two-fifths of the district by area or population. In such cases the Cabinet may appoint any councillor who is a member for a Ward which is wholly or partly contained in the relevant area. In this case political balance requirements do not apply.

Details of joint committees and the functions exercised by them may be found in the Council's scheme of delegations in Part 3, Table 6, of this Constitution.

### **11.3 Access to Information**

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

### **11.4 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 if the Council approves.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting in respect of non-executive functions and the Cabinet in respect of executive functions.

### **11.5 Contracting Out**

The Council (for non-executive functions) or the Cabinet (for executive functions) may contract out to another body or organisation their respective 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 (see note 2 below), 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.

(Note 2: These are Ministerial Orders allowing local authorities to contract out specific functions. Those made so far deal with tax billing, collection and enforcement, investment functions, allocation of housing and homelessness and certain County Council functions).

## Article 12: Officers

### 12.1 Management Structure

- (a) **General.** The Council may engage such officers as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council shall engage persons for the following posts, who shall be designated Chief Officers:

Post	Functions and areas of responsibility
<p>Chief Executive  (Head of Paid Service)</p>	<p>Statutory functions of the Head of Paid Service as set out in 12.2 below.</p> <p>Overall corporate management and strategic 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 reviewing the Constitution.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p>

<b>Post</b>	<b>Functions and areas of responsibility</b>
	Representing the Council on partnership and external bodies (as required by statute or the Council).
Chief Operating Officer	<p>Providing strategic direction and leadership across all services, including those in shared operating models.</p> <p>Leading business transformation and organisational change.</p> <p>Leading, developing, mentoring and coaching Heads of Service.</p> <p>Deputising for the Chief Executive as required.</p>
Monitoring Officer	Statutory functions of the Monitoring Officer as set out in 12.3 below.
Chief Finance Officer	Statutory responsibilities of the Chief Finance Officer as set out in Article 12.4 below.



Post	Functions and areas of responsibility
<p>Joint Director of Planning and Economic Development</p>	<p>Providing vision, direction and strategic leadership for planning and economic growth across Greater Cambridge and, with partners at a local, sub-regional and national level.</p> <p>Leading the development of sustainable new communities and places, to ensure high quality design and the best possible quality of life for local residents and communities.</p> <p>Working with members and officers of both South Cambridgeshire and Cambridge City Councils, reflecting the separate identity and sovereignty of the two areas, to ensure effective and efficient planning and economic growth services.</p> <p>Exploring and, maximising opportunities for joint working and, shared services with potential partners at all levels</p>

- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council designates the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service

Deputy Head of Legal Practice	Monitoring Officer
Head of Finance	Chief Finance Officer

Such posts shall have the functions described in Article 12.2 - 12.4 below.

- (d) **Structure.** The Head of Paid Service shall determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of senior officers. This shall be maintained on the Council's website.

## 12.2 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service shall report to full Council, where they consider appropriate, 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) **Restriction on functions.** The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer, if a qualified accountant.

## 12.3 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer shall maintain an up-to-date version of the Constitution and shall 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 Chief Finance Officer, the Monitoring Officer shall report to the Council, or to the Cabinet in relation to an executive function, if they consider 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 shall have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (c) **Supporting the Civic Affairs Committee.** The Monitoring Officer shall contribute to the promotion and maintenance of high standards of conduct through provision of support to the Civic Affairs Committee.
- (d) **Conducting investigations.** The Monitoring Officer, or a representative appointed by them, shall conduct investigations into complaints that the Code of Conduct has been breached and make reports or recommendations in respect of them to the Civic Affairs Committee.
- (e) **Proper officer for access to information.** The Monitoring Officer shall 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.
- (f) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer shall advise whether decisions of the Cabinet or other executive decision taker are in accordance with the budget and policy framework.
- (g) **Providing advice.** The Monitoring Officer shall 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.
- (h) **Restrictions on posts.** The Monitoring Officer shall not be the Chief Finance Officer or the Head of Paid Service.
- (i) **To appoint a deputy** (where required) who shall undertake the Monitoring Officer's duties where the Monitoring Officer is unable to act owing to absence or illness. [s5, Local Government & Housing Act 1989].

## 12.4 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer shall report to the Council or to the Cabinet in relation to an executive function, and to the Council's external auditor if they consider 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 [s.114 Local

Government Finance Act, 1988]. Such a report shall have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (b) **Administration of financial affairs.** The Chief Finance Officer shall have responsibility for the administration of the financial affairs of the Council [s.151 Local Government Act, 1972] and there is delegated to the Chief Finance Officer responsibility for the execution and administration of treasury management decisions. They shall act in accordance with the Council's policy statements and treasury management practices and the Chartered Institute of Public Finance and Accountancy's Standard of Professional Practice on Treasury Management
- (c) **Contributing to corporate management.** The Chief Finance Officer shall contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer shall 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 shall support and advise councillors and officers in their respective roles.
- (e) **Giving financial information.** The Chief Finance Officer shall provide financial information to the media, members of the public and the community.
- (f) **To appoint a deputy** who shall undertake the Chief Finance Officer's duties where the Chief Finance Officer is unable to act owing to absence or illness. [s114, Local Government Finance Act 1988].

## **12.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer**

The Council shall provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are, in the opinion of those statutory officers, sufficient to allow their duties to be performed.

## **12.6 Conduct**

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

## **12.7 Employment**

The recruitment, selection and dismissal of officers shall comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

## **12.8 General Delegated Powers and Proper Officer Responsibilities**

General delegated powers and proper officer responsibilities are set out in the Scheme of Delegation in Part 3, Table 7, of this Constitution.

# **Article 13: Decision-making**

## **13.1 Responsibility for Decision-making**

The Council shall issue and keep up to date a record of what part of the Council or 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.

## **13.2 Principles of Decision-making**

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

- (a) proportionality, i.e., the action to be taken shall be proportionate to the desired outcome;
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) presumption in favour of openness, helpfulness and consistency;
- (e) clarity of aims and desired outcomes; and
- (f) consideration of available options and giving reasons for decisions.

### 13.3 Types of Decision

- (a) **Decisions reserved to full Council.** Decisions relating to the functions listed in Article 4.2 shall be made by the full Council and not delegated.
- (b) A decision taker may only make a key decision in accordance with the requirements of the Cabinet and Access to Information Procedure Rules set out in Part 4 of this Constitution. The meaning of key decision is as follows:

A **key decision** is a decision taken by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, an officer or under joint arrangements which:

- (i) is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) is likely to be significant in terms of its effects on communities living or working in an area of the District comprising two or more Wards.

For the purposes of (i) above, a decision to:

- a. incur expenditure or savings in excess of £200,000; or
- b. acquire or dispose of land or property with a value in excess of £1,000,000

shall be treated as significant for these purposes. However, a decision to invite a tender or award a contract shall not be treated as a key decision where the purpose of the contract is to fulfil the intention of any policy or scheme included in the policy framework or budget or involves a continuation of an existing policy or service standard.

### 13.4 Decision-making by the Full Council

Subject to Article 13.9, the Council meeting shall follow the Council Standing Orders set out in Part 4 of this Constitution when considering any matter.

### **13.5 Decision-making by the Cabinet**

Subject to Article 13.9, the Cabinet or other Executive decision takers shall follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter. Decisions taken shall be recorded and published in accordance with the provisions of Rule 18 of the Access to Information Procedure Rules.

### **13.6 Decision-making by the Scrutiny and Overview Committee**

Any scrutiny and overview committee shall follow the Scrutiny and Overview Procedure Rules set out in Part 4 of this Constitution when considering any matter.

### **13.7 Decision-making by other Committees and Sub-Committees established by the Council**

Subject to Article 13.9, other Council committees and sub-committees (with the exception of the Licensing Committee (2003 Act)) shall follow those parts of the Council Standing Orders set out in Part 4 of this Constitution as apply to them.

### **13.8 Decision-making by The Licensing Committee (2003 Act)**

The Licensing Committee (2003 Act) has resolved to operate under the provisions of the Local Government Act 1972 (as amended) and meetings of the committee shall follow the relevant parts of the Council Standing Orders set out in Part 4 of this Constitution. The committee's sub-committees shall follow the procedure set out in the Ethical Handbook.

### **13.9 Decision-making by Council Bodies acting as Tribunals**

The Council, a committee of the Council, a councillor or an officer acting as a panel or 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 shall 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.

### **13.10 Appeals**

Where any appeal arises from a decision delegated to any officer, member of the Cabinet, committee of the Cabinet or any sub-committee, neither that officer, member, committee or sub-committee nor any member of that committee or sub-committee nor any person previously having had any part in the relevant decision, shall be involved in the appeal.

## **Article 14: Finance, Contracts and Legal Matters**

### **14.1 Financial Management**

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

### **14.2 Contracts**

Every contract made by the Council shall comply with the Contract Standing Orders set out in Part 4 of this Constitution.

### **14.3 Legal Proceedings**

The Head or Deputy Head of Legal Practice or their nominated representative is authorised to institute, defend, withdraw, compromise or take any other action 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 or Deputy Head of Legal Practice considers that such action is necessary to protect the Council's interests. This shall include authority to deal with claims and potential claims, authority to institute criminal proceedings as well as settlements and injunctions.

### **14.4 Authentication of Documents**

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it shall be signed by the Chief Executive, Chief Operating Officer or Head or Deputy Head of Legal Practice or other person authorised by



either of them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

- (b) Any contract with a value exceeding Level 2 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. All written contracts shall either be signed by one officer delegated to do so or made under the Common Seal of the Council.

## **14.5 Common Seal of the Council**

- (a) The Common Seal of the Council shall be kept in a safe place in the custody of the Head or Deputy Head of Legal Practice.
- (b) The Seal shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of the Cabinet, committee or sub-committee to which the Council has delegated its powers or by a decision of an officer acting under delegated powers.
- (c) The Common Seal will be affixed to those documents which, in the opinion of the Head or Deputy Head of Legal Practice, should be sealed. The affixing of the Common Seal will be attested by the Chief Executive or the Head or Deputy Head of Legal Practice or their nominees.

## **Article 15: Review and Revision of the Constitution**

### **15.1 Duty to Monitor and Review the Constitution**

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

### **15.2 Changes to the Constitution**

- (a) Changes to the Constitution shall only be approved by the full Council, after consideration of the proposal by the Chief Executive, subject to the exceptions identified in Article 4.2(a) and to the provision in (b) below.

(b) The Chief Executive is authorised, in consultation with the Chair and Leader of the Council and Monitoring Officer, to agree and incorporate into the Constitution:

- (i) Factual changes, for example to reflect changes in job titles or the management structure; and
- (ii) Changes which are required by new legislation which the Council has no choice but to make.

## Article 16: Suspension, Interpretation and Publication of the Constitution

### 16.1 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.** A motion to suspend any rules may be moved with or without notice. The extent and duration of suspension shall be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1 but shall not extend beyond the meeting.
- (c) **Rules capable of suspension.** The rules which may be suspended are specified in Council Standing Order 25.

### 16.2 Interpretation

The ruling of the Chair of Council as to the construction or application of this Constitution, or as to any proceedings of the Council, shall be final. Such interpretation shall have regard to the purposes of this Constitution contained in Article 1.

### 16.3 Publication

- (a) The Monitoring Officer shall provide every member of the Council, upon the delivery of the individual's declaration of acceptance of office on the Member

first being elected to the Council, with the details of where to view a copy of the Constitution on the Council's website.

- (b) The Chief Executive shall ensure that a copy of the Constitution is available for inspection on the Council's website, at Council offices and other appropriate locations and may be purchased by members of the local media and the public on payment of a reasonable fee.