

PART 2: ARTICLES

PART 2-1: ARTICLE 1 - THE CONSTITUTION

1.0 Introduction

- 1.1 This Article sets out the fundamental provisions of the West Surrey Council (Council) Constitution. It confirms that the Council will act within the law and the provisions of this Constitution and that the Council will monitor and review its Constitution on a regular basis.

2.0 Powers and duties of the Council

- 2.1 The Council exercises its powers and duties in accordance with the law and this Constitution.

3.0 The Constitution

- 3.1 This Constitution, and all its appendices, comprise the Constitution of West Surrey Council.

4.0 Purpose of the Constitution

- 4.1 The objectives of this Constitution include:
- To provide the constitutional framework for West Surrey Council as a unitary local authority from 1 April 2027; To define the respective roles and responsibilities of the Council, Executive, Committee and Officers;
 - To provide a framework for clear leadership to the community in partnership with its people, businesses and other organisations;
 - To support the active involvement of the community in the Council's decision making;
 - To support councillors to represent their constituents effectively;
 - To enable decisions to be taken efficiently and effectively in a transparent and accountable manner;
 - To provide a robust and effective overview and scrutiny function;
 - To ensure that a decision will not be reviewed or scrutinised by anyone who was directly involved in making the decision;
 - To ensure that those responsibilities for decision making can be clearly identified by local people and that they can explain the reasons for their

decisions; and

- To provide excellent standards of ethics and probity in decision making.

4.2 The Council shall ensure that the Articles, Procedure Rules, Codes and Protocols in this Constitution reflect and deliver the objectives set out above.

4.3 Councillors, Officers, and all others acting on behalf of the Council must do so in accordance with this Constitution.

5.0 Interpretation and Review

5.1 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.

5.2 The Council shall monitor and evaluate the operation of the Constitution on a regular basis.

5.3 The Monitoring Officer of the Council, or their representative, is responsible for advising on the interpretation of the Constitution and keeping it under review.

5.4 The Council's Constitution shall be available to the public by it being placed on the Council's website.

PART 2-2: ARTICLE 2 - MEMBERS OF THE COUNCIL

1.0 *Introduction*

- 1.1 This Article sets out how Councillors (also known as “Members”) are elected and also includes a statement on the roles and functions of Members of the Council and sets out their rights and duties.

2.0 *Composition and Eligibility*

- 2.1 The Council comprises 90 councillors. Each ward returns two councillors elected by voters of each of the 45 electoral wards of West Surrey Council, as set out in Schedule 2 to the 2026 Order.
- 2.2 Only registered voters or individuals living or working in the geographical boundary of West Surrey Council are eligible under the law to hold the office of councillor. The eligibility criteria for a person to be qualified to be elected as a councillor are set out in section 79 of the Local Government Act 1972.

3.0 *Term of Office*

- 3.1 Councillors shall take office on the fourth day after the ordinary day of election in May 2026 and would usually retire on the fourth day after the date of the next regular election. By-elections will be held for vacancies as they arise in accordance with electoral legislation.
- 3.2 A councillor’s term of office may end before the initial 5-year term if:
- They resign in writing to the Proper Officer of the Council (being the Monitoring Officer), with the resignation taking effect immediately upon receipt;
 - They are disqualified from continuing to hold office by any of the matters set out in the Local Government Act 1972;
 - They vacate office by failing to attend meetings, in accordance with section 85 of the Local Government Act 1972;
 - They are disqualified by a court upon conviction for an offence under section 30 or 31 of the Localism Act 2011;
 - An election court decides that their election to office was void; or
 - They die in office.

4.0 *Role of Councillors*

4.1 In accordance with the Members Code of Conduct and maintaining the highest standards of conduct and ethics, all Councillors will:

- Collectively elect the Leader of the Council (Leader);
- collectively be the ultimate policy makers being responsible for setting the budget and approving the statutory and strategic plans within the policy framework;
- represent their communities and bring their views into the Council's decision-making process;
- deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- balance different interests identified within the ward and represent the ward as a whole and engage their communities on the development of policies, plans and strategies and other local initiatives;
- be involved in decision-making and/or overview and scrutiny processes;
- Attend meetings of the Council, and of any committee to which they are appointed, and to participate actively in those meetings;
- Maintain the highest standards of conduct and ethics; and
- Participate in training and continuous development opportunities made available by the Council.
- Disclosure and Barring Service Checks: An enhanced DBS check is required for members who are being considered for appointment to any committee involving decisions on the provisions of children's services or services for vulnerable adults.

5.0 *Rights and duties of Councillors*

5.1 Councillors have the right to attend in person, speak at, and vote at meetings of the Council and of any committee of which they are a member, subject to the provisions of the Code of Conduct in Part 5-1 and the Procedure Rules for that meeting set out in Part 4 of this Constitution.

5.2 Councillors have the right to receive agendas, reports, and minutes of the Council and of committees of which they are a member.

- 5.3 Councillors shall receive such support and facilities from officers as is reasonable or necessary to enable them to perform their duties. They also have a right to receive information, and documents, and access land or buildings of the Council, where this is necessary for the proper discharge of their functions and in accordance with the law and the Access to Information Procedure Rules in Part 4-6 of this Constitution.
- 5.4 Councillors will not make public information, which is exempt or confidential, or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- 5.5 For these purposes "confidential" and "exempt" information are defined in the Access to Information Procedure Rules set out in Part 4 of this Constitution. If in doubt, the Councillor should seek advice from the Shadow Authority's Monitoring Officer.

6.0 *Conduct*

- 6.1 All Councillors are required, when acting in their capacity as a councillor, to observe the Members' Code of Conduct, found at Part 5 of the Constitution, including the provisions relating to their interests and gifts and hospitality received or offered, and to have appropriate regard to such other protocols, policies, guidance and advice as may be issued from time to time through the Council's formal processes.

7.0 *Scheme of Members' Allowances*

- 7.1 All Councillors shall be entitled to receive such allowances in accordance with the Scheme of Members' Allowances, set out in Part 6 of this Constitution, and/or legislation.

PART 2-3: ARTICLE 3 - RIGHTS AND RESPONSIBILITIES OF THE PUBLIC

1.0 *Right of the Public*

The public have the following rights in regard to the affairs of the Council, subject to the law and to the provisions of Part 4 of this Constitution:

1.1 Voting, petitions and questions

If on the electoral role within the geographical boundary of West Surrey Council, to

- a) Vote in elections;
- b) petition to request a referendum for a Mayoral form of Executive; and
- c) petition the Council on matters of local concern.

To submit questions to the Council in accordance with the Procedure Rules in Part 4 of this Constitution.

1.2 Information

- a) To attend meetings of the Council, its Executive, committees and sub-committees that are open to the public;
- b) To inspect, and where reasonable, receive copies, by electronic means, of agendas, reports, decision notices, background papers used in the preparation of reports and minutes of meetings that are open to the public and in respect of decisions made by the Leader and Portfolio Holders, except where confidential or exempt information is likely to be disclosed;
- c) To access information subject to such constraints as may be imposed by law and as set out in the Access to Information Procedure Rules in Part 4 of this Constitution;
- d) To inspect background papers used in the preparation of reports to meetings open to the public;
- e) To have access to the Council's Forward Plan of Key Decisions and find out what key decisions will be taken by the Leader, lead councillors or the Executive;
- f) To film, audio record or report on meetings of the Council and its Executive, committees and sub committees, which are open to the public, subject to provisions contained in the Procedure Rules within Part 4 of the Constitution;
- g) To contribute to investigations, reviews and research by the Overview and Scrutiny Committees when invited to do so;
- h) To inspect the Constitution of the Council, the Register of Councillors' Interests, and the Pay Policies for Senior Officers; and

- i) To contact their local Councillor about any matters of concern to them.

1.3 Complaints

To complain to the:

- a) Monitoring Officer of the Council when there is an alleged breach of the Member's Code of Conduct;
- b) Council itself under its complaints procedure; and
- c) the Local Government Ombudsman after using the Council's own complaints procedure.

2.0 *RESPONSIBILITIES OF THE PUBLIC*

- 2.1 Members of the public must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.
- 2.2 Members of the public are expected to conduct themselves in an orderly manner and in accordance with the directions of the Chair. They may not disrupt the meeting or cause undue disturbance. The Chair of the meeting, under the Procedure Rules in Part 4 of the Constitution, has the right to exclude a member of the public who is causing a disturbance to the conduct of business.

PART 2-4: ARTICLE 4 - THE COUNCIL

1.0 Introduction

1.1 This Article defines the functions that are reserved for decision by the Full Council. The Council is responsible for approving the policy framework and the annual revenue and capital budget. The Council and its Committees also retain responsibility for:

- a) regulatory functions (which include planning, licensing and health and safety at work);
- b) certain constitutional and quasi-legislative functions (primarily the conduct of elections and making of by-laws); and
- c) deciding on those local choice functions where the Council is free to decide whether they are the responsibility of Full Council or the Executive. The Council also has a role in holding the Executive to account.

2.0 Meanings

2.1 Policy Framework

The policy framework means the following plans and strategies:-

- a) Plans required by regulation;
- b) Plans required from partnerships of which the Authority is a member; and
- c) Plans included at the Council's request.

2.2 Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax, decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure, the setting of virement limits, prudential indicators and limits, treasury management strategy, treasury prudential indicators and investment strategy.

2.3 Housing Land Transfer

Housing land transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

3.0 *Functions of the Full Council*

- 3.1 The functions that shall be reserved to the Council and may not be delegated to the Executive, to a Committee, nor to an Officer are set out in Part 3 of the Constitution.

4.0 *Conduct of Council Meetings*

- 4.1 Meetings of the Council shall be conducted in accordance with the Procedure Rules in Part 4 of this Constitution.
- 4.2 Extraordinary and / or Special Meetings of the Council may be convened as and when required as provided for in the Procedure Rules in Part 4 of the Constitution.

ARTICLE 5: THE CHAIR AND DEPUTY CHAIR

1.0 Election and Appointment

- 1.1 The Chair and Deputy Chair will be elected by the Council annually.
- 1.2 Neither the Chair nor the Deputy Chair may be members of the Executive.

2.0 Term of Office

- 2.1 The Chair will, unless they resign or are disqualified, continue in office until a successor becomes entitled to act as Chair.
- 2.2 The Deputy Chair will, unless they resign or are disqualified, hold office until immediately after the election of a Chair at the next Annual Meeting of the Council.
- 2.3 During their terms of office, the Chair and Deputy Chair will continue to be members of the Council notwithstanding the provisions of the Local Government Act 1972 relating to the retirement of councillors.

3.0 Role and Function of the Chair

- 3.1 The Chair is politically neutral, but they are not prevented from casting their vote in the usual way in decision making meetings.
- 3.2 The Chair, and in his or her absence the Deputy Chair, will have the following roles and functions:
 - a) to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
 - b) in accordance with legislation and the Procedure Rules, to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
 - c) To give a ruling, which is final so far as the conduct of the meeting is concerned, having taken professional advice from the Monitoring Officer or an officer acting on their behalf, on any question of procedure or interpretation of this Constitution arising at a meeting of the Council;
 - d) 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 councillors who are not on the Executive or do not hold committee chairmanships are able to hold the Leader, the Executive and committee chairmen to account;
 - e) To sign and authenticate documents on behalf of the Council where required by

law or by this Constitution;

- f) to promote public involvement in the Council's activities;
- g) to attend such civic and ceremonial functions as the Council and the Chair determines appropriate;
- h) to be the conscience of the Council; and
- i) to assume any role in resolving disputes given to the Chair under the Executive Procedure Rules.

ARTICLE 6: THE LEADER, DEPUTY LEADER AND EXECUTIVE

1.0 *The Leader*

1.1 *The Appointment of the Leader*

The Leader of the Council will be a councillor elected to the position of Leader by the full Council. The term of office of the Leader shall be four years starting on the day of their election as Leader, which will take place at the first meeting first meeting of West Surrey Council following Vesting Day, and ending on the day of the next post-election annual meeting unless before that day, they:

- a) are removed from office by way of resolution by a simple majority of the Council; or
- b) are disqualified from being a councillor by order of a court under Section 34 of the Localism Act 2011; or
- c) resign as Leader; or
- d) cease to be a councillor.

If the current Leader is re-elected, they will remain Leader until the date of the next Annual Council Meeting.

During their term of office as Leader, the Leader shall continue to hold office as a councillor and accordingly any enactment which provides for earlier retirement as a councillor does not apply.

If there is a vacancy in the position of Leader, the Leader will be elected at the first meeting of the Council following such vacancy for a term of office expiring on the day of the post-election annual meeting which follows his/her election, subject to (a) to (d) above.

1.2 *The Role of the Leader*

The Leader will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution, unless otherwise delegated by them. All delegations by the Leader will be set out in Part 3 of this Constitution.

The Leader will be Chairman of the Executive. Only the Leader will exercise the following functions:

- a) appointment of between two and nine other councillors to the Executive (the Portfolio Holders);

- b) appointment of the Deputy Leader from among the lead councillors on the Executive; and
- c) allocation of areas of responsibility to portfolio holders.

The Leader may at any time remove portfolio holders from the Executive or change portfolio holders' areas of responsibility.

The Leader shall report to the next appropriate meeting of the full Council on all appointments and changes to the Executive.

2.0 *The Deputy Leader*

2.1 The Leader shall appoint one of the portfolio holders to be the Deputy Leader. The Deputy Leader shall normally hold office until the end of the Leader's term of office unless before that day, that person:

- a) is removed from office by decision of the Leader; or
- b) is disqualified from being a councillor by order of a court under Section 34 of the Localism Act 2011; or
- c) resigns as Deputy Leader; or
- d) ceases to be a councillor.

2.2 In the event of any of the above occurring, the Leader shall appoint another lead councillor as Deputy Leader at the earliest opportunity.

2.3 The Deputy Leader will be Vice-Chairman of the Executive and if, for any reason, the Leader is unable to act, or the office of the Leader is vacant, the Deputy Leader must act in his/her place and shall be entitled to exercise all functions reserved to the Leader until such time as the Leader is able to act or until a new Leader is elected by the Council.

2.4 If for any reason the Leader is unable to act, or the office of the Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the remaining members of the Executive must either act collectively in the Leader's place or they must arrange for a lead councillor to act in the place of the Leader.

3.0 *The Executive*

3.1 Other Executive members will be appointed by the Leader and will be allocated specific portfolios of responsibility by the Leader.

3.2 The Executive shall comprise the Leader, Deputy Leader and up to eight other Councillors appointed by the Leader, who may be removed by the Leader at any time.

3.3 No substitution arrangements are permitted in respect of the Executive. Members of the Executive may not also be the Chair, Deputy Chair or members of an Overview and

Scrutiny Committees, the Audit and Governance Committee nor the Standards Committee.

4.0 Portfolio Holders

- 4.1 The Leader may establish portfolios of executive functions and appoint a portfolio to each member of the Executive to be known as Portfolio Holders. The portfolios and the allocation of responsibilities, including any delegation of executive functions to Portfolio Holders, are matters for the Leader, determined in consultation with the Executive and having regard to the functions of the Council. The Leader may at any time alter the responsibilities of a portfolio holder councillor or discontinue their appointment and appoint a replacement.
- 4.2 Decisions regarding any scheme of delegated decision making by individual Portfolio Holders are reserved to the Leader under the Local Government Act 2000. The Leader shall determine this matter in consultation with the Monitoring Officer and Head of Paid Service. Individual Portfolio Holder delegations are a matter for the Leader alone.

5.0 Responsibility for Functions

- 5.1 The Leader may undertake any of the functions of the Executive themselves or may arrange for the discharge of any executive function by way of delegation. The Leader may delegate to the Executive as a whole, an individual member of the Executive, a sub-Committee of the Executive or an Officer of the Council in accordance with Part 1A of the Local Government Act 2000, or to an Officer of the Council. Where a delegation is made, it shall not preclude the body or person delegating the function, or part of it, from exercising that function. The Monitoring Officer shall maintain a record of all executive delegations which shall be published on the Council website.
- 5.2 If the Leader is unavailable or absent, or if there is a vacancy in the office of the Leader, the Deputy Leader may act in place of the Leader and exercise any executive power of the Leader.
- 5.3 The Leader shall ensure that a record is kept of the Executive functions which are the responsibility of any committees or subcommittee of the Executive, any Executive Member, or under joint arrangements. A copy of that record to be deposited with the Council's Monitoring Officer, who shall ensure it is published on the Council website.
- 5.4 The Executive will discharge the functions of the Council which are not the responsibility of any other part of the Council, whether by law or under this Constitution, as delegated by the Leader.

6.0 Proceedings of the Executive

- 6.1 Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.0 Sub Committees of the Executive

- 7.1 The Executive may establish from its membership, committees and sub committees with full or partial delegated powers to undertake its responsibilities and functions. Chairs and Vice Chairs of any Sub Committees shall be elected or appointed, as appropriate, by the Sub Committee.

8.0 Task and Finish Groups

- 8.1 The Executive may establish any Task and Finish Groups it determines are required to assist in formulating recommendations, guidance or to provide advice on matters relating to the Executive's responsibilities and functions.
- 8.2 Task and Finish Groups cannot determine matters on behalf of the Executive but may provide recommendations for deliberation and determination by the Executive Committee.
- 8.3 Each Task and Finish Group shall elect their own Chair who shall be a Member of the Executive; however, its full membership, which shall be determined by the Leader or Executive, can be drawn from other councillors of the Council and include other stakeholder representatives where appropriate.

PART 2-7: ARTICLE 7 - OVERVIEW AND SCRUTINY

1.0 Establishment

- 1.1 The Council has established arrangements for the overview and scrutiny of decisions and other action taken by the Executive and others in accordance with the Section 9F of the Local Government Act 2000 (as amended). This Article sets out those arrangements which should be read in conjunction with the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution.
- 1.2 The Council shall keep under review its overview and scrutiny arrangements and shall make changes where it considers these are appropriate and will lead to an improved overview and scrutiny function.
- 1.3 The Council's Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006, is set out in Part 3 of this Constitution.
- 1.4 The council's statutory health scrutiny responsibilities are set out in Part 3 of this Constitution.

2.0 Responsibilities of the Overview and Scrutiny Committees

- 2.1 The Overview and Scrutiny Committees terms of reference, functions, responsibilities and remit are set out in Part 3 of this Constitution.

The Overview and Scrutiny Committees will decide their own work programme and working arrangements subject to any directions by the Council and/or inclusion of matters referred by the Leader/Executive/Portfolio Holders.

3.0 Membership of the Overview and Scrutiny Committees

- 3.1 The Overview and Scrutiny Committees' membership is set out in Part 3 of this Constitution.

4.0 Conduct of Meetings

- 4.1 The Overview and Scrutiny Committees shall conduct their meetings in accordance with the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution.

PART 2-8: ARTICLE 8 - OTHER COMMITTEES

1.0 *Regulatory and Other Committees*

- 1.1 The Council will appoint the committees set out in Part 3 of this Constitution (Responsibility for Council Functions) to discharge the functions described.
- 1.2 The Committees shall have the functions and terms of reference as set out in Part 3 and 3 of this Constitution.
- 1.3 A Committee may, at any time, decline to exercise a delegated power. The matter must then be considered and determined by the Council as appropriate.
- 1.4 Committee meetings shall be conducted in accordance with the law and the Procedure Rules set out in Part 4 of this Constitution.
- 1.5 The Council will appoint a Health and Wellbeing Board to discharge the functions conferred by the Health and Social Care Act 2012 and in accordance with regulations as set in Part 3 of the Constitution.

PART 2-9: ARTICLE 9 - JOINT ARRANGEMENTS

1.0 Joint Arrangements

- 1.1 The Council or the Leader or Executive 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.
- 1.2 The Council will consult with relevant parish and town councils and the chairmen of relevant parish meetings when considering whether and how to establish local committees or joint committees.
- 1.3 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions (which are not executive functions) in any of the participating authorities or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities. Such joint arrangements may include the establishment of joint committees under section 101 of the Local Government Act 1972.
- 1.4 The Leader/Executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of a joint committee with these other local authorities. The Leader/Executive may appoint members of the Executive to a joint committee where the joint committee exercises executive functions.
- 1.5 Except as set out below, the Leader/Executive may only appoint executive councillors to a joint committee, and those councillors need not reflect the political composition of the Council as a whole.
- 1.6 The Leader/Executive may appoint councillors to a joint committee from outside the Executive where the joint committee has functions for only part of the area of the authority and that area is smaller than two-fifths of the authority by area or population. In such cases, the Leader/Executive may appoint to the joint committee any councillor who is a councillor for a ward which is wholly or partly contained within the area. In this case, the political balance requirements do not apply to such appointments.
- 1.7 A list of all joint arrangements in force from time to time will be maintained by the Monitoring Officer and published on the Council website as arrangements are

established, amended, revoked or dissolved.

- 1.8 The Access to Information Procedure Rules in Part 4 of this Constitution apply.
 - a) If all the members of a joint committee are members of the executive in each of the participating authorities, then its access to information regime is the same as that applied to the Executive.
 - b) If the joint committee contains councillors who are not on the executive of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.
- 1.9 The Council, Leader or Executive may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority. The decision whether or not to accept such a delegation from another local authority shall be reserved to the full Council.
- 1.10 The Council (for functions which are not executive functions) and the Leader/Executive (for executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an Order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

PART 2-11: ARTICLE 10 - OFFICERS

1.0 Introduction

- 1.1 This Article describes the management structure of the Council and the responsibilities of the Statutory and Chief Officers.
- 1.2 'Officers' means all employees and staff engaged by the council to carry out its functions. However, it should be noted that Officers include others who may not be employed by the Council but have duties, functions and responsibilities towards it.

2.0 Management Structure

- 2.1 The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- 2.2 Persons will be appointed for the following posts in accordance with the Officers Employment Procedure Rules below:
- a) Chief Executive and Head of Paid Service
 - b) Monitoring Officer
 - c) Chief Finance Officer
 - d) Director of Children's Services
 - e) Director of Public Health and such other posts as are referred to in legislation as "Chief Officer" posts.
 - f) Other posts as agreed between the Chief Executive and the Chairman of the Council

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service (Statutory Chief Officer s2.6 Local Government Housing Act 1989)
Executive Director of Legal & Governance	Monitoring Officer (Statutory Chief Officer Section 43 Localism Act 2011)
Executive Director of Finance & Assets	Chief Financial Officer (Section 151 Officer) (Statutory Chief Officer s2.6 Local

	Government Housing Act 1989)
Director of Childrens & Education	Director of Children's Services (Statutory Chief Officer s2.6 Local Government Housing Act 1989)
Executive Director Adult Social Care & Health	Director of Adult Social Services (Statutory Chief Officer s2.6 Local Government Housing Act 1989)
Director of Public Health	Director of Public Health (Statutory Chief Officer) s2.6 Local Government Housing Act 1989)
TBC	Scrutiny Officer (Statutory Officer)

3.0 *Functions of the Head of Paid Service*

- 3.1 The Head of Paid Service will report to the 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.
- 3.2 Overall corporate management and operational responsibility (including overall management responsibility for all officers).
- 3.3 Determining and publicising the overall management structure for the Council and where appropriate reporting to the Council on these matters.
- 3.4 Provision of professional advice to all parties in the decision-making process.
- 3.5 Representing the Council on partnership and external bodies (as required by statute or the Council).
- 3.6 Promote the importance of the ethical agenda and to sustain the highest standards of ethical behaviour on the part of the Council's officers in the performance of their duties in accordance with the requirements of the Officers Code of Conduct.
- 3.7 In consultation with the Monitoring Officer, considering applications from members of staff for exemption from political restriction in respect of a post they hold with the Council.
- 3.8 In consultation with the Monitoring Officer, considering applications that the Council be directed to include any post in the list of politically restricted posts.
- 3.9 The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

4.0 Functions of the Monitoring Officer

- 4.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and has delegated authority to make minor, administrative or consequential amendments to it and will ensure that it is widely available to councillors, staff and the public and available on the Council's website.
- 4.2 After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council or to the Leader/Executive in relation to an executive function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 4.3 After consulting with relevant senior managers, the Monitoring Officer will report to the Head of Paid Service any council process or procedure which they consider could give rise to unlawfulness or if any such process or procedure would give rise to maladministration.
- 4.4 The Monitoring Officer shall contribute towards the promotion and maintenance of high standards of conduct and ethics by councillors.
- 4.5 The Monitoring Officer will receive and deal with allegations that a Member has breached the Member Code of Conduct in accordance with the arrangements set out in the Constitution.
- 4.6 The Monitoring Officer will ensure that all decisions with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.
- 4.7 The Monitoring Officer shall provide advice to all councillors on issues in relation to the scope of powers and authority to take decisions, maladministration, financial impropriety and probity.
- 4.8 The Monitoring Officer shall contribute to the corporate management of the Council, in particular, through the provision of professional legal and governance advice.
- 4.9 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.
- 4.10 Further information regarding the role of the Monitoring Officer may be found in The Monitoring Officer Protocol in Part 5-4 of this Constitution.

5.0 Functions of the Chief Finance Officer

- 5.1 The Chief Finance Officer is responsible and shall have overall responsibility for the proper administration of the financial affairs of the Council.
- 5.2 After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council or to the Leader or Executive in respect of an executive function) and 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.
- 5.3 In accordance with the Local Government Act 2003 to advise on the robustness of estimates and level of resources.
- 5.4 The Chief Finance Officer shall provide advice on issues to all councillors in relation to the scope of powers and authority to take decisions, maladministration, financial impropriety and probity issues and will support and advise Councillors and Officers in their respective roles.
- 5.5 The Chief Finance Officer shall contribute to the corporate management of the Council, in particular, through the provision of professional financial advice.
- 5.6 Further information regarding the role of the Chief Finance Officer may be found in the Chief Finance Officer Protocol in Part 5-5 of this Constitution.

6.0 Functions of the Director of Children's Services

- 6.1 The Director of Children's Services will have responsibility for functions conferred on or exercisable by the authority in their capacity as a Local Education Authority.
- 6.2 The Director of Children's Services will have responsibility for functions conferred on or exercisable by the authority, which are social services functions so far as those functions relate to children.
- 6.3 The Director of Children's Services will have responsibility for making arrangements with a view to improving the well-being of children in the authority's area.
- 6.4 The Director of Children's Services will have responsibility for safeguarding and promoting the welfare of children.
- 6.5 The Director of Children's Services will establish and maintain information databases in relation to the well-being and safeguarding of children.
- 6.6 The Director of Children's Services will prepare and publish a Children's and Young People's

Plan setting out the authority's strategy for discharging their functions in relation to children and relevant young persons.

- 6.7 The Director of Children's Services will have responsibility for function under section 31 of the Health Act 1988 on behalf of an NHS body so far as those relate to children.

7.0 Functions of the Director of Adult Social Services

- 7.1 The Director of Adult Social Services will have responsibility for all social services functions (other than those for which the Director of Children's Services is responsible) in accordance with Section 6 of the Local Authority Social Services Act 1970 (as amended) by the Children Act 2004.

8.0 Functions of the Director of Public Health (DPH)

- 8.1 The DPH is responsible for writing the Annual Report on the health of the local population.
- 8.2 The DPH is responsible for all of the local authority's duties to take steps to improve public health specified in S73A National Health Service Act 2006 and subordinate legislation. To be a member of the Health and Wellbeing Board. (Health and Social Care Act 2012)
- 8.3 The DPH is responsible for exercising the local authority's functions in planning for, and responding to, emergencies that present a risk to public health.
- 8.4 The DPH is responsible for exercising the local authority's role in co-operating with the Police, the Probation Service and the Prison Service to assess the risks posed by violent or sexual offenders. (S73A National Health Service Act 2006 & S325 Criminal Justice Act 2003)
- 8.5 The DPH is responsible for the local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications.
- 8.6 The DPH is responsible for exercising the local authority's duties to ensure plans are in place to protect their population including through screening and immunisation.
- 8.7 The DPH is responsible for any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations. These include services mandated by regulations made under section 6C of the 2006 Act, inserted by section 18 of the 2012 Act;
- 8.8 The DPH is responsible for such other public health functions as the Secretary of State specifies in regulations, including services prescribed under Section 6C of the 2006 Act and under dental public health powers under in 111 of the 2006 Act, as amended by the 2012 Act. Responsibility for arrangements with another body under S65Z (5) or S75 National

Health Service Act 2006.

9.0 Functions of the Scrutiny Officer

- 9.1 The Scrutiny Officer will promote the role of the Overview and Scrutiny Committees and its sub-committees.
- 9.2 The Scrutiny Officer will provide support to the Overview and Scrutiny committees and sub-committees and their members.
- 9.3 The Scrutiny Officer will provide support and guidance to Members and officers in relation to the functions of the Overview and Scrutiny Committees and its sub-committees.

10.0 Duty to Provide Resources

- 10.1 The Council will provide or procure the provision to the Officers detailed in this Article (whether interim or permanent) of accommodation, and other resources as are, in their opinion, sufficient to allow their duties to be performed in their statutory roles.

11.0 Conduct

- 11.1 All Officers engaged or employed by or on behalf of the Council shall act in accordance with the law, with this Constitution, and with any code of conduct or professional standards applicable to them.

12.0 Employment

- 12.1 The recruitment, selection and disciplinary action including dismissal of Officers included in this Article, will comply with the Employment Committee Procedure Rules as set out in Part 4 of this Constitution.

PART 2-12: ARTICLE 12 - DECISION MAKING

1.0 *Introduction*

- 1.1 This Article provides for the recording of decisions of the Council and the Executive and the principles governing those decisions.

1.2 *General Principles of Decision Making*

- 1.3 The Council shall keep an up-to-date record of what part of the Council or which individual has the responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in the Allocation of Responsibilities in Part 3 of the Constitution.
- 1.4 All decisions shall be recorded by Officers and published, together with the reasons and relevant background papers.
- 1.5 All decisions taken by or on behalf of the Council shall be taken in accordance with the following principles:
- In accordance with this Constitution;
 - In accordance with the law;
 - In accordance with the Council's Budget and Policy Framework;
 - With due regard to proportionality, so that the action taken is proportionate to the desired outcome;
 - With a respect for human rights and the rights of individuals;
 - In a transparent and accountable manner, with a presumption in favour of openness;
 - With clarity of aims and desired outcomes;
 - After appropriate consultation and the taking of professional advice from relevant officers;
 - After proper consideration of written reports which comply with the principles set out in the Access to Information Procedure Rules in Part 4 of this Constitution;
 - With all relevant matters having been fully considered in decision making and nothing irrelevant having been taken into account;
 - With due regard to the public sector equality duty under section 149 of the

Equality Act 2010; and

- In line with economy, efficiency and effectiveness and the Council's statutory duty of best value arising from the Local Government Act 1999.

2.0 Decisions of the Council

- 2.1 Decisions reserved to the Council under Part 2 (Article 4) of this Constitution and set out in Part 3 Responsibility for Functions of the Constitution, or which it is required to take by law, shall be taken at duly convened meetings of the Council in accordance with the Council Procedure Rules in Part 4 of the Constitution.

3.0 Decisions of the Executive & Key Decisions

- 3.1 The Executive shall take all decisions, including "Key Decisions" which it is required to determine by law or in accordance with Part 3 of this Constitution.
- 3.2 Decisions of the Executive will ordinarily be taken at duly convened meetings of the Executive. Where a decision is urgent, the Head of Paid Service may take an urgent decision in accordance with the Executive Procedure Rules in Part 4 of this Constitution.
- 3.3 A Key Decision is a decision which, is likely:
- To result in the Council incurring revenue expenditure which is, or the making of revenue savings which are, over £500,000 per annum; or
 - To result in the Council incurring capital expenditure which is, or the making of capital savings which are, or a capital receipt which is, over £2,500,000; or
 - To be significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the Council.
- 3.4 In determining whether a decision is "significant" for the purposes of paragraph 3.3 above, the decision-taker shall have regard to:
- The number of people living or working in the affected area who are likely to be affected by the decision;
 - The degree and nature of the impact on those people;
 - The level of public interest in the matter;
 - Any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the 2000 Act; and
 - The advice of the Monitoring Officer.

- 3.5 A Key Decision may only be made in compliance with both the Executive Procedure Rules and the Access to Information Procedure Rules as set out in Part 4 of this Constitution.
- 3.6 Decisions of the Executive shall be recorded and published in accordance with the Local Authorities (Executive Arrangements (Meetings and Access to Information) (England)) Regulations 2012 as applied to the Executive. A record of every decision, including the reasons for the decision and any declarations of interests, will be published on the Council website within two clear working days of the decision being made.
- 3.7 Any Executive decision which has not yet been implemented may be “called in” by any 5 councillors of the Council, who are not members of the Executive, in accordance with the Overview and Scrutiny Procedure Rules at Part 4 of this Constitution.

4.0 Other Committees

- 4.1 Other Committees, Sub Committees, Executive Members and Officers shall take such decisions as are delegated to them by the Council or the Executive, in accordance with the provisions of this Article and the relevant Procedure Rules in Part 4 of the Constitution.

5.0 Decision-Making by Council Bodies Acting as Tribunals

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

PART 2-13: ARTICLE 13 - LEGAL, CONTRACTUAL AND FINANCIAL MATTERS

1.0 *Financial Management*

- 1.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

1.2 *Contracts*

- 1.3 Every contract (excluding contracts for property disposals and acquisitions) entered into by or on behalf of the Council shall be made in accordance with the Contract Procedure Rules set out in Part 4 of this Constitution and with all applicable procurement legislation.
- 1.4 In the absence of any other specific authorisation, contracts entered into on behalf of the Council may be signed by any one of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer of the Council, regardless of whether interim or permanent.

2.0 *Authentication of Documents*

- 2.1 Any document required to be executed under seal or otherwise formally authenticated or signed on behalf of the Council shall be signed by the Monitoring Officer or by such other person as the Monitoring Officer may authorise in writing for that purpose, or may be sealed electronically by the Monitoring Officer or persons authorised by the Monitoring Officer, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- 2.2 Any contract with the values set out in Contract Procedure Rules entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer.
- 2.3 The common seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or any authorised decision maker, 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 Monitoring Officer should be sealed. The affixing of the common seal will be attested by the Chief Executive, or the Monitoring Officer or some other persons authorised by them.

3.0 *Legal Proceedings*

- 3.1 The Monitoring Officer of the Council is authorised to institute, defend or participate in any legal proceedings or to take such other action where such action is necessary to give effect to decisions of, or on behalf of, the Council or in any case where they consider that such action is necessary to protect or further the interests of the Council.

4.0 Service of Documents

- 4.1 Documents to be served on the Council may be addressed to the Monitoring Officer at the main office of the Council. The main office of the Council for all purposes connected with the Constitution is the office of the Council as stated on the Council website.

5.0 Indemnity

- 5.1 The Council shall indemnify councillors and officers against any costs or liabilities reasonably incurred in the proper performance of their duties on behalf of the Council, in accordance with section 101 of the Local Government Act 2000.

PART 2-14: ARTICLE 14 - REVIEW, REVISION, SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

1.0 Duty to Monitor and Review of the Constitution

- 1.1 The Monitoring Officer and the Standards Committee shall monitor and review the operation of this Constitution to ensure that its purpose and principles are being given full effect.
- 1.2 The Monitoring Officer shall report to the Standards Committee on any material inconsistency between the Constitution and the law and will recommend such amendments to the Council as may be required.

2.0 Amendments to the Constitution

- 2.1 The following may authorise changes to this Constitution to the extent permitted by the law:
 - The Council (usually after consideration by the Standards Committee);
 - The Leader (in respect of Executive matters only); and
 - The Executive (in respect of Executive matters only).
- 2.2 Any councillor, the Council or part of the Council may request the Constitution Sub Committee of the Standards Committee to consider changes to the Constitution. The Monitoring Officer, or an Officer appointed by them, shall advise the Constitution Sub Committee on such requests.
- 2.3 The Monitoring Officer may make amendments to this Constitution:
 - To give effect to a decision made by the relevant decision-making body or person having the power to make that decision;
 - Where the Monitoring Officer considers this necessary to reflect legislative change, to secure consistency, or to address any legal ambiguity or other legal issue; or
 - For any other reason, provided that any amendment does not seek to remove any function reserved to the Council under Part 2-4 (Article 4) of the Constitution and provided that any amendment made under this sub-paragraph is reported to the next available meeting of the Standards Committee.

3.0 Suspension of the Constitution

- 3.1 The Articles of this Constitution may not be suspended.
- 3.2 The Procedure Rules in Part 4-1 of the Constitution may be suspended by the Council to the extent permitted within those rules and by law.
- 3.3 A motion to suspend any Procedure Rule may not be moved without notice, unless at least half of the total membership of the Council is present. The extent and duration of any suspension shall be proportionate to the purpose to be achieved, having regard to the purposes of this Constitution.

4.0 *Interpretation*

- 4.1 The ruling of the Chair, having taken professional advice from the Monitoring Officer, or other Officer appointed for the purpose by them, on any question of procedure or interpretation at a meeting of the Council, will be final so far as the conduct of that meeting is concerned. Such rulings will have regard to the purposes of this Constitution.

5.0 *Publication*

- 5.1 The Monitoring Officer shall arrange for this Constitution to be available for inspection at the main office of the Council during reasonable office hours and on the Council website.
- 5.2 Any amendment to this Constitution shall be published as soon as practicable after it is made.