



COUNTY COUNCIL

**CONSTITUTION**

**ADOPTED BY THE COUNTY COUNCIL ON 16 JUNE 2009**

(amended October 2009, May and November 2010, May and October 2011, May, July and November 2012, March, May, July and November 2013, February, March and November 2014, February, March and July 2015, and March, May, July and November 2016, March, May, July 2017 and November 2017)

# **HERTFORDSHIRE COUNTY COUNCIL**

## **CONSTITUTION**

This is the Constitution of Hertfordshire County Council. It sets out the rules under which the Council conducts its business. It aims to:

- enable the Council to provide clear leadership to the community in partnership with the public, businesses and other organisations
- support the active involvement of members of the public in decision-making
- help Councillors represent their constituents
- enable decisions to be taken efficiently and effectively
- enable decision-makers to be held to account
- ensure that decision-makers are identifiable and that reasons are given for decisions.

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July 2017

## **SECTION 1 - SUMMARY**

### **1.1 How the Council Operates**

The Council is composed of 78 Councillors (also known as “members”) elected every 4 years. Each Councillor represents an area of the County called an electoral division, and has a special duty to represent the interests of people in that division. The overriding duty of Councillors however is owed to the whole County.

There is a Code of Conduct which applies to Councillors when they carry out their duties (Annex 18). There is a Standards Committee which trains and advises them on the Code, and deals with complaints about breaches of the Code referred to it by the Monitoring Officer or the Chief Executive and Director of Environment.

All Councillors meet together at full Council Meetings when decisions are taken on the Council’s overall policies and the budget. Meetings are open to the public. Members of the public are able to ask questions of leading Councillors, and can present petitions.

### **1.2 How Decisions are Made**

The Executive is that part of the Council which is responsible for most decisions on how the Council’s services are run. The Executive is made up of the Leader of the Council and a Cabinet of up to 9 Councillors. The Executive delegates responsibility for many day-to-day decisions to officers, but still retains overall responsibility for them. When major decisions are to be made, they are published in the Forward Plan. When the Executive meets to take decisions, the public can attend unless personal or confidential matters are being discussed.

The Executive cannot take decisions which are out of line with the overall policies or budget agreed by the full Council.

The Executive can set up Cabinet Panels which help it develop policy.

Members of the Council have the opportunity at each Cabinet meeting to question Executive Members.

Members of the public may present petitions in accordance with the Petitions Scheme (Annex 22).

### **1.3 Overview and Scrutiny**

There is a system of scrutiny which supports the work of the Executive and Council. Decisions of the Executive are monitored and decisions can be called in before they are implemented. The Overview and Scrutiny Committee sets the overall work programme; Topic Groups undertake the detailed scrutiny work. Scrutiny meetings are open to the public except when personal or confidential matters are being discussed. The Health Scrutiny Committee scrutinises the work of the National Health Service in Hertfordshire, the Council’s public health functions and the work of the Council’s Health and Wellbeing Board

### **1.4 The Council’s Staff**

The Council’s staff (called “officers”) give advice to Councillors and take day-to-day decisions on the running of services. The Council has a Monitoring Officer and a Chief Finance Officer who are legally responsible for ensuring that the Council acts within the law and uses its resources wisely. There is a

Protocol which governs the relationship between Councillors and officers (Annex 16). A key point in it is that all officers must be politically neutral and must provide support to all members of the Council.

## **SECTION 2 - MEMBERS OF THE COUNCIL**

### **2.1 Composition**

The Council comprises 78 Councillors. One Councillor is elected by the voters of each electoral division in the County.

Only registered voters of the County or those living or working there are eligible to be elected as Councillors.

### **2.2 Election and Terms of Office**

The ordinary election of Councillors is normally held on the first Thursday in May every 4 years. Councillors cease to hold office on the 4<sup>th</sup> day after the next ordinary election.

Where a Councillor dies, resigns or becomes disqualified, a by-election is held to fill his or her place on the Council for the remainder of the original term of office; unless the vacancy occurs within 6 months of the next ordinary election.

### **2.3 Roles & Functions of all Councillors**

#### a) Key roles

All Councillors will:

- Acting together in full Council, be responsible for major policies and the budget
- Contribute to the good governance of the County and actively encourage the public to participate in decision-making
- Represent the interests of their electoral division
- Maintain the highest standards of conduct and ethics.

#### b) Rights and Duties

- Councillors have a right of access to information held by the Council in order to carry out their duties as Councillors
- Councillors will not make public information which is confidential or exempt (see the Access to Information Rules in Annex 4) without the agreement of the Council; or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

**2.4 Conduct**

Councillors will at all times observe the Protocol for Relationships between Members and Officers and the Code of Conduct for Members set out in Annexes 16 and 18.

**2.5 Allowances**

Councillors are entitled to receive allowances in accordance with the Scheme for Members Allowances set out in Annex 15.



## **SECTION 3 - THE COUNCIL AND THE PUBLIC**

### **3.1 Rights**

Members of the public in Hertfordshire have the following rights in relation to the Council

- a) Voting. If they are on the electoral roll, the right to vote in Council elections; the right to sign a petition to request a referendum for an elected Mayor form of Constitution; and the right to vote in such a referendum.
- b) Information. The right to
  - (i) attend meetings of the Council, the Executive, Committees, Panels, topic groups and other member bodies, except where confidential or exempt information may be disclosed
  - (ii) find out from the Forward Plan what Key Decisions will be taken by or on behalf of the Executive and when
  - (iii) see reports and background papers and any records of decisions made by the Council and by or on behalf of the Executive except where they comprise confidential or exempt information
  - (iv) request any information held by the Council under the Freedom of Information Act 2000 or Environmental Information Regulations 2004
  - (v) inspect the Council's accounts and make their views known to the external auditor.
- c) Participation. The right to:
  - (i) question the Leader and Executive Members at Council Meetings
  - (ii) present petitions at Council, Cabinet, Cabinet Panel, and Health Scrutiny Committee meetings.
- d) Complaints. The right to complain to:
  - (i) the Council under its own Complaints Procedure
  - (ii) the Local Government Ombudsman after using the Council's own complaints procedure
  - (iii) the Council's Monitoring Officer that a Councillor has breached the Code of Conduct for Members.

### **3.2 Responsibilities**

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.

**SECTION 4 - THE COUNCIL MEETING****4.1 Functions of the Full Council**

4.1.1 The full Council approves or adopts the following plans, strategies and documents:

- (a) Development Plan Documents relating to minerals and waste and proposals in connection with the preparation of altered or replacement documents
- (b) Children and Young People's Plan
- (c) Local Transport Plan
- (d) Crime and Disorder Reduction Strategy
- (e) Youth Justice Plan

which are together referred to as 'the policy framework'.

4.1.2 The full Council approves the budget, including the allocation of financial resources to different services and projects; contingency plans; the Council tax base; setting the Council tax; decisions relating to the Council's overall borrowing requirements; the control of capital expenditure and the setting of virement limits. The procedures under which these matters are dealt with are set out in the Budget and Policy Framework Procedure Rules (Annex 5) and in Financial Regulations (Annex 12).

4.1.3 The full Council:

- a) appoints the Leader of the Council and decides his term of office
- b) approves the terms of reference for committees undertaking Council functions and makes appointments to them (such appointments and the appointment of substitutes may also be made by the Chief Legal Officer under delegated powers)
- c) appoints representatives to outside bodies (such appointments may also be made by the Chief Legal Officer under delegated powers)
- d) agrees the Scheme for Members' Allowances
- e) approves the appointment of Head of Paid Service
- f) makes bylaws and promotes or opposes any local legislation
- g) is responsible for the "local choice" functions set out in Annex 3.
- h) approves the Pay Policy

- i) is responsible for any other matters which by law are reserved to it.

## **4.2 Council Meetings**

There are 3 types of Council meeting:

- a) the Annual Meeting
- b) ordinary meetings
- c) extraordinary meetings

and they are conducted in accordance with the Council Standing Orders set out in Annex 6.

## **4.3 Responsibility for Functions**

Annex 3 (Responsibility for Functions) sets out information about the responsibility for Council functions which are not the responsibility of the Executive.

**SECTION 5 - CHAIRING THE COUNCIL**

- 5.1 The Chairman of the Council is elected by the Council at the Annual Meeting and holds office until the election of his or her successor. The Chairman has the following functions:
- a) to preside over meetings of the Council to ensure that its business is conducted efficiently and in accordance with the law and the Constitution
  - b) to represent the Council at official events in accordance with the Protocol for Appointments and Other Procedural matters set out in Annex 20.
- 5.2 In the absence of the Chairman, the Vice-Chairman of the Council carries out these functions.
- 5.3 The Chairman (or Vice-Chairman) has a casting vote at Council meetings where there is an equality of votes.

**SECTION 6 - OVERVIEW AND SCRUTINY**

- 6.1 The Council carries out its duty under the Local Government Act 2000 to appoint Overview and Scrutiny Committees by appointing the Overview and Scrutiny Committee as set out in Annex 8 (Scrutiny Committees).
- 6.2 The Overview and Scrutiny Committee is the Council's crime and disorder committee for the purposes of the Police and Justice Act 2006.
- 6.3 The Council also appoints a Health Scrutiny Committee to scrutinise the planning, provision and operation of Health Services affecting residents in the County. This includes the Council's public health functions carried out under the Health and Social Care Act 2012 and the work of the Council's Health and Wellbeing Board established under that Act.
- 6.4 The Overview and Scrutiny Committee's remit is as set out in paragraph 1 of Annex 8. The Health Scrutiny Committee's remit is as set out in paragraph 2 of Annex 8.
- 6.5 The Executive's Forward Plan, containing details of all matters likely to be the subject of key decisions, shall be made available to all members of the Council at least 28 days prior to the first day upon which the Forward Plan comes into effect.
- 6.6 Any member of the Council may refer "a local government matter" to the Overview and Scrutiny Committee, i.e. a matter relating to the Council's functions which affect their electoral division. If the Overview and Scrutiny Committee decide not to scrutinise the matter they must tell the member why they are not doing so.
- 6.7 The Overview and Scrutiny Committee and the Health Scrutiny Committee may appoint time-limited Topic Groups to deal with particular matters.
- 6.8 No member of the Executive shall be a member of the Overview and Scrutiny Committee or of the Health Scrutiny Committee. No member appointed to sit on the Health and Wellbeing Board shall be a member of the Health Scrutiny Committee. No member of the Executive or Deputy Executive Member (as defined in Section 7.5 below) shall be a member of a Topic Group.
- 6.9 The Overview and Scrutiny Committee and the Health Scrutiny Committee, and any Topic Group, may require members of the Executive and officers to attend before them to answer questions. It is the duty of a member to comply with any such requirement. The Overview and Scrutiny Committee, Health Scrutiny Committee and Topic Groups may invite other persons to attend their meetings.
- 6.10 The Overview and Scrutiny Committee and Health Scrutiny Committee conduct their proceedings in accordance with the Standing Orders for the Overview and Scrutiny and the Health Scrutiny Committees set out in Annex 9 and shall have regard to the Guidelines for Scrutiny set out in Annex 9A.

## **SECTION 7 - THE EXECUTIVE**

### **7.1 Role**

The Executive exercises all of the Council's functions which are not the specific responsibility of any other part of the Council.

### **7.2 Form & Composition**

7.2.1 The Executive is a Leader and Cabinet Executive, consisting of

- a) a County Councillor elected as Leader by the Council; and
- b) between 2 and 9 County Councillors appointed to the Executive by the Leader.

7.2.2 The Leader is appointed by the Council at the first Annual Meeting following the ordinary election of County Councillors and holds office until the Annual Meeting of the Council following the next ordinary election of County Councillors, unless within that period the Leader:

- a) resigns from the office of Leader by giving notice in writing to the Chief Legal Officer or
- b) ceases to be a County Councillor or
- c) is removed from the office of Leader by resolution of the Council.

7.2.3 Upon the occurrence of a vacancy in the office of the Leader, the Council shall fill the vacancy at the next ordinary meeting of the Council, or at an extraordinary meeting summoned for the purpose or, if the vacancy occurs as a result of removal of the Leader by resolution of the Council, at the meeting at which that resolution was passed. The person appointed to fill the vacancy shall hold office for the remainder of the original term subject to earlier termination under 7.2.2.

7.2.4 Members of the Executive, to include a Deputy Leader, are appointed by the Leader, and except for the Deputy Leader, hold office for the period ending with the day of the next ordinary election of County Councillors unless within that period:

- a) they resign from office by giving notice in writing to the Leader, copied to the Chief Legal Officer
- b) they cease to be County Councillors
- c) the Chief Legal Officer receives a written notice of removal signed by the Leader.

- 7.2.5 Subject to 7.2.6 below, the Deputy Leader holds office until the Annual Meeting of the Council following the next ordinary election of County Councillors, unless within that period any of the circumstances set out in 7.2.4 a) to c) apply.
- 7.2.6 The Deputy Leader will cease to hold office if removed from office by the Leader or, where the Leader ceases to hold office as a result of one of the circumstances set out in 7.2.2 a) to -c) above, as soon as a new Leader is elected by the Council.
- 7.2.7 Appointments and removals made by the Leader must be notified to the Chief Legal Officer as soon as possible.
- 7.2.8 A Register of Members of the Executive is set out in Annex 2.

### **7.3 Proceedings of the Executive**

Proceedings of the Executive shall take place in accordance with the Standing Orders for the Executive set out in Annex 7.

### **7.4 Responsibility for Functions**

The Leader will allocate responsibility for discharging executive functions to the Cabinet, Executive Members and officers. The current allocation is set out below:

- a) The Executive, acting collectively, is responsible for all the functions of the Council which are not allocated to the Council itself or another part of the Council by law or by this Constitution.
- b) Each Executive Member has responsibility (portfolio) for a particular area of the Council's work, and shall, in relation to that work, have the following functions:
  - to oversee the development and implementation of policy
  - to propose an appropriate course of action when a matter comes before the Executive for decision
  - to be consulted by officers before decisions are taken by them under powers delegated from the Executive, where the Constitution or the arrangements made by the Leader require consultation with an Executive Member
  - to attend meetings of the Overview and Scrutiny Committee and Topic Groups to assist with scrutiny.
- c) The Leader shall notify the Chief Legal Officer in writing of the allocation of a portfolio to a member of the Executive, and of any change to a portfolio.
- d) Executive functions delegated to officers are set out in Annex 3, part 3.



- e) Without prejudice to the discharge of these functions by the Council itself, the functions of the enforcement and the power of prosecution in relation to Part III of the Consumer Credit Act 1974 in Hertfordshire are delegated to Birmingham City Council.
- f) Without prejudice to the discharge of these functions by the Council itself, until 31 March 2018 the functions relating to the provision of welfare and independent living services via the supply and management of the community alarm services and associated assistive technology (telecare) are delegated to North Hertfordshire District Council as set out in an agreement dated 4 February 2015.

### **7.5 Deputy Executive Members**

The Leader may appoint Deputy Executive Members. The provisions of paragraphs 7.2.4, 7.2.6 and 7.2.7 shall apply to Deputy Executive Members as they apply to Executive Members. The function of a Deputy Executive Member is to support and deputise for the relevant Executive Member. A Deputy Executive Member may attend and, with permission of the Leader, speak at a meeting of the Executive, but may not vote.

### **7.6 Cabinet Panels**

The Executive may establish Cabinet Panels (the rules of political proportionality shall apply to each Cabinet Panel but not across all Cabinet Panels) to assist it in drawing up proposals for policy development. Proceedings of Cabinet Panels shall take place in accordance with the Guidelines for Panels and Topic Groups set out in Annex 10.

## **SECTION 8 - REGULATORY & OTHER COMMITTEES**

### **8.1 Development Control Committee**

The Council establishes the Development Control Committee with the membership specified in Annex 3, part 2.2 and delegates to it the power to discharge the functions specified there.

### **8.2 Employment Committee**

The Council establishes the Employment Committee with the membership specified in Annex 3, part 2.3, and delegates to it the power to discharge the functions specified there.

### **8.3 Pensions Committee**

The Council establishes a Pensions Committee with a membership specified in Annex 3 part 2.4 and delegates to it the power to discharge the functions specified there.

### **8.4 Audit Committee**

The Council establishes an Audit Committee with a membership specified in Annex 3 paragraph 2.5, and delegates to it the power to discharge the functions specified there.

### **8.5 Standards Committee**

The Council establishes a Standards Committee with a membership specified in Annex 3 paragraph 2.6 and delegates to it the power to discharge the functions specified there.

### **8.6 Health and Wellbeing Board**

8.6.1 The Council establishes a Health and Wellbeing Board in accordance with Section 194 of the Health and Social Care Act 2012 with the membership specified in, and delegates to it the power to discharge the functions specified in, the Health and Wellbeing Board's Constitution ( Annex 11A).

8.6.2 Under Section 194 of the Health and Social Care Act 2012 the Health and Wellbeing Board is a Committee of the Council and is to be treated as established under Section 102 of the Local Government Act 1972. The Health and Wellbeing Board shall be treated as a Regulatory Committee of the Council and shall comply with the provisions of the Council's Constitution relating to Regulatory Committees except where these conflict with the provisions of the Health and Wellbeing Board's own Constitution which, subject to their lawfulness, shall prevail

**8.7 LGPS Access Joint Committee**

In conjunction with ten other authorities the Council has established the LGPS Access Joint Committee (the “Joint Committee”) to ensure oversight of the arrangements that have been agreed between them to co-operate in the pooling of Local Government Pension Scheme investments. The participating authorities are set out in Section 1 of Annex 25. The functions of the Joint Committee are set out in Section 2 of Annex 25. The Constitution of the Joint Committee is set out in Section 3 of Annex 25. An Inter-Authority Agreement was entered into on 12 July 2017 setting out the agreement between the authorities on the Joint Committee to co-operate in the pooling of Local Government Pension Scheme investments.

**8.8 Standing Orders**

Standing Orders for the Committees in this section are set out in Annex 11 (Standing Orders for Regulatory and other Committees).

**SECTION 8A – PENSION BOARDS**

- 8A.1** The Council has established in respect of the Local Government Pension Scheme the Hertfordshire Local Pension Board in accordance with Section 5 of the Public Service Pensions Act 2013 with the membership and roles specified in its constitution (Annex 23).
  
- 8A.2** The Council has established in respect of the Firefighters Pension Scheme the Hertfordshire Fire Pension Board in accordance with Section 5 of the Public Service Pensions Act 2013 with the membership and roles specified in its constitution (Annex 24).

**SECTION 9 - OFFICERS****9.1 Management Structure**

- a) The Council appoints a Chief Executive and Chief Officers as follows:

<b><u>Post</u></b>	<b><u>Principal areas of responsibility</u></b>
Chief Executive & Director of Environment	<p>Overall corporate management and operational responsibility, including overall management responsibility for all officers.</p> <p>Lead policy adviser to the Council and Executive.</p> <p>Services in respect of planning, highways, rights of way, waste management, traffic regulation, traffic management, road safety, passenger transport and tourism. Strategic planning and economic well-being.</p>
Director of Children's Services	<p>Children's social care, child protection, family placement, children's residential care, children with disabilities. School improvement and standards, special educational needs, school place planning and admissions , young people's services, early intervention, early years, children's centres and childcare, thriving/troubles families initiative, youth offending.</p>
Director Adult Care Services	<p>Services for adults in need of support and assistance; commissioning for people; health and wellbeing, gypsy and traveller sites, money advice unit, relationships with NHS Trusts and commissioning groups serving Hertfordshire;</p> <p>Except, in all cases, for the functions delegated to the Director of Public Health.</p>
Director Community Protection	<p>The Fire &amp; Rescue Service; trading standards and community protection, emergency planning and business continuity; community safety; reduction of crime and disorder; requirements of Counter Terrorism and Security Act.</p>

Director of Public Health	The statutory functions of the Director of Public Health under the National Health Service Act 2006 (as amended)
Director of Resources	The proper administration of the Council's financial affairs. The Council's human, property and IT resources; Legal, Democratic Services and member support, Internal Audit, risk management, health and safety, procurement, Hertfordshire Business Services, communications, strategic partnerships, public libraries, archives, cultural services, customer services and the overall performance of the Council, registration and citizenship service, Coroner service, land charges, performance and management reporting, data quality, equalities.

b) The Council's Senior Management Structure is shown in Annex 19.

## 9.2 Statutory and Other Officers

The Council designates/appoints the following posts as shown:

<b><u>Post</u></b>	<b><u>Designation/Appointment</u></b>
Chief Executive & Director of Environment	Head of Paid Service
Director of Resources	Chief Finance Officer
Chief Legal Officer	Monitoring Officer
	Proper Officer of the Council except where legislation or the Constitution names another officer
	Returning Officer for County Council Elections
Director Adult Care Services	Director of Adult Social Services
Director of Children's Services	Director of Children's Services
Director of Public Health	Director of Public Health
Deputy Director Environment	Traffic Manager
Head of Scrutiny	Scrutiny Officer

### **9.3 Functions of the Head of Paid Service**

To be responsible for, and report to the Council on, the manner in which the discharge of the Council's functions is co-ordinated; the number and grade of officers; and the overall management structure.

### **9.4 Functions of the Monitoring Officer**

- a) To maintain the Constitution in an up-to-date form and ensure it is widely available.
- b) To ensure that decisions are lawful and fair and, after consultation with the Head of Paid Service and Chief Finance Officer, report to the Council (or Executive in the case of executive functions) if any proposal or decision would give rise to unlawfulness or maladministration.
- c) To support the arrangements for dealing with complaints that members have failed to comply with the Code of Conduct.
- d) To ensure that the Access to Information rules are complied with.
- e) To advise whether executive decisions are in accordance with the budget and policy framework; and generally give advice on the scope of powers to take decisions, maladministration, financial impropriety, probity and budget & policy framework issues to all Councillors.

### **9.5 Functions of the Chief Finance Officer**

- a) To be responsible for the proper administration of the Council's financial affairs.
- b) To ensure that decisions are financially prudent and, after consultation with the Head of Paid Service and Monitoring Officer, report to the Council (or Executive in the case of executive functions) if any proposal or decision would give rise to unlawful expenditure.
- c) To advise Councillors on the scope of powers to take decisions, maladministration, financial impropriety, probity and budget & policy framework issues.

### **9.6 Conduct**

Officers must comply with the Protocol for Relationships Between Members and Officers and the Code of Conduct for Officers set out in Annexes 16 and 17.

- 9.7** The recruitment, selection and dismissal of officers will comply with Officer Employment Procedures Rules set out in Annex 14.

## **SECTION 10 - DECISION MAKING**

### **10.1 Responsibility for decision making**

The Council will issue and keep up to date a record of what person or body within the Council has responsibility for particular types of decisions. This record is set out in Annex 3.

### **10.2 Principles of decision making**

The Council observes the following principles of decision-making:

- a) compliance with the law
- b) proportionality – the action taken must be proportionate to the desired outcome
- c) due consultation and the taking of professional advice from officers
- d) respect for human rights
- e) in the case of key decisions, describing options and giving reasons.

### **10.3 Types of Decision**

- a) Decisions made by the full Council are listed in Section 4.1 and will not be delegated except as indicated in that Section.
- b) Key Decisions are executive decisions which are likely:
  - (i) to result in the Council incurring expenditure (or making savings) which are significant having regard to the Council's budget for the service or function concerned; or
  - (ii) to be significant in terms of the effect on communities living or working within two or more electoral divisions.

The Council will regard a decision as being a Key Decision under (i) above if the expenditure or savings concerned exceeds £500,000.

A decision taker may only take a Key Decision in accordance with the Access to Information Rules set out in Annex 4 rules 10 -13.

**SECTION 11 - FINANCE, CONTRACTS AND LEGAL MATTERS****11.1 Financial Management**

The Council conducts its financial affairs in accordance with the Financial Regulations set out in Annex 12.

**11.2 Contracts**

The Council complies with the Contract Regulations set out in Annex 13 when entering into contracts.

**11.3 Legal Proceedings**

The Chief Legal Officer is authorised to institute, defend, withdraw or compromise any legal proceedings; and also to make payments to remedy maladministration.

**11.4 Authorisation of Documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council it may be signed by the Chief Legal Officer, or other person authorised by the Council or another officer or person authorised by the Chief Legal Officer.

**11.5 Common Seal**

The Chief Legal Officer has custody of the Common Seal. A decision of, or on behalf of, the Council is sufficient authority for sealing any document necessary to give effect to that decision. The Common Seal will be affixed to those documents which in the opinion of the Chief Legal Officer should be sealed. The affixing of the Common Seal will be attested by the Chief Legal Officer or another officer authorised by the Chief Legal Officer.



## **SECTION 12 - REVIEW AND REVISION OF THE CONSTITUTION**

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

The Chief Legal Officer will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect.

### **12.2 Changes to the Constitution**

The Chief Legal Officer may make changes to the Constitution:-

#### **12.2.1** which are necessary in order to:

- (a) comply with the law; or
  - (b) reflect changes in the responsibility for Executive functions decided upon by the Leader
- all of which shall be notified to the Council at its next meeting.

#### **12.2.2** with the approval of the Group Leaders

- (a) which in the reasonable opinion of the Chief Legal Officer are minor; or
- (b) remove any inconsistency, ambiguity or typographical error.

#### **12.2.3** Other than as mentioned in 12.2.1 and 12.2.2 above changes to the Constitution may only be approved by the full Council after consideration of a report by the Chief Legal Officer which will identify whether any legal requirements need to be met before the changes can be made.

**SECTION 13 - INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**

**13.1 Interpretation**

The ruling of the Chairman of the Council on the interpretation of the Constitution or on any proceedings of the Council shall not be challenged at any meeting of the Council. Before giving any such ruling the Chairman shall take advice from the Chief Legal Officer.

**13.2 Publication**

- (a) The Chief Legal Officer will ensure that a copy of the Constitution is available on the Council's website;
- (b) The Chief Legal Officer will ensure that a copy of the Constitution is available for inspection at County Hall and can be bought by the public for a reasonable fee;
- (c) The Chief Legal Officer will, if requested, give a printed copy of the Constitution to Members of the Council on the Member being elected to the Council