

Part 2

Articles of the Constitution

Article 1 – The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Reigate and Banstead Borough Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help Councillors represent their constituents effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 16.

Article 2 – Members of the Council

2.01 Composition and Eligibility

(a) Composition

The Council comprises 51 Members, called Councillors. One or more Councillors will be elected by voters of each Ward in accordance with a scheme drawn up by the Boundary Commission for England and approved by the Secretary of State.

(b) Eligibility

Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor. Councillors must be 18 years of age or over.

2.02 Election and Terms of Councillors

The ordinary election of a third (or as near as may be) of all Councillors will be held on the first Thursday in May in each year beginning in 2011 except that in 2013 and every fourth year after there will be no regular election. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.03 Roles and functions of all Councillors

(a) Key roles

All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within the Ward and represent the Ward as a whole;
- (v) be involved in decision-making;
- (vi) be available to represent the Council on other bodies;
- (vii) maintain the highest standards of conduct and ethics; and
- (viii) have regard to the duties and responsibilities set out in role descriptions approved by the Council.

(b) **Rights and Duties**

- (i) Councillors will 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 will not divulge confidential or exempt information 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 is defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members’ Code of Conduct and other agreed protocols and procedures.

2.05 Members’ Allowances

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

Article 3 – Citizens and The Council

3.01 Citizens' Rights

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

(a) Voting and Petitions

Citizens on the electoral register for the area have the right to:

- (i) vote in elections where eligible;
- (ii) sign a petition to request a referendum for an elected Mayor form of executive arrangements;
- (iii) sign a petition to request a Community Governance Review;
- (iv) submit petitions in accordance with the Council's Petition Scheme.

(b) Information

Citizens have the right to:

- (i) obtain a copy of this constitution;
- (ii) attend meetings of the Council (and its Committees and Sub-Committees) and the Executive (and where key decisions are taken by an individual Member or Officer) except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iii) find out from the Forward Plan what key decisions will be taken by the Leader, Executive, Portfolio Holders or Officers and when;
- (iv) see reports and background papers, and any records of decisions in accordance with the Council's Access to Information Procedure Rules;
- (v) inspect the Council's accounts and make their views known to the external auditor.

(c) Participation

Citizens have the right to:

- (i) Contact their local councillor about any matters of concern to them;
- (ii) ask a question at a meeting of the Council;
- (iii) sign a petition in accordance with the Council's Petition Scheme;
- (iv) speak at meetings of the Planning Committee in accordance with the Council's protocol on public speaking at Planning; and
- (v) subject to invitation by the Committee, a Panel or the Chairman, to contribute to investigations by the Overview and Scrutiny Committee and its Panels.

(d) **Complaints**

Citizens have the right to complain to:

- (i) the Council under its Complaints Procedure;
- (ii) the Ombudsman, normally after using the Council's own Complaints Procedure;
- (iii) the Council's Monitoring Officer about a breach of the Councillors' Code of Conduct.

3.02 Citizen's Responsibilities

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers.

Article 4 – The Full Council

4.01 Meanings

(a) Policy Framework

The policy framework includes the following plans and strategies:-

Sustainable Community Plan
Corporate Plan
Development Plan Documents as required by the Planning and Compulsory Purchase Act 2004 (or as subsequently amended).
Licensing Authority Policy Statement
Crime and Disorder Reduction Strategy
Treasury Management Policy Statement
Annual Treasury Management Strategy
Financial Strategy

(b) 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 and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.02 Functions of the full Council

The Council will exercise the following functions:

- (a) adoption and alteration of the Constitution apart from changes to the Scheme of Delegation in relation to Executive functions;
- (b) approval or adoption of the policy framework and the budget (both revenue and capital programme);
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, decisions in respect of any Executive functions which are not in accordance with the agreed budget and policy framework;
- (d) election of the Mayor and Deputy Mayor;
- (e) appointment and removal of the Leader of the Council;
- (f) approval and/or amendment of Committee responsibilities;
- (g) determination of the allocation of seats on Committees and the appointment of Members to Committees;
- (h) approval of the annual General Fund Budget and determination of the Council Tax;
- (i) approval of the Final Accounts Statements;
- (j) adoption of the Members' Allowance Scheme;
- (k) adoption and revision of the Codes of Conduct;

- (l) approval and amendment of the Petition Scheme;
- (m) appointment of Head of Paid Service and designation of statutory Officers;
- (n) changing the name of the area, granting the Freedom of the Borough and conferring the title of Honorary Alderman;
- (o) electoral matters including functions relating to community governance;
- (p) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (q) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself ; and
- (r) all other matters which, by law, must be reserved to Council.

4.03 Council Meetings

There are three types of Council meeting:

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

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

4.04 Responsibility for functions

The Council will 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 Leader of the Council.

4.05 Urgent Decision Making

In the event that any matters arise in circumstances rendering it impossible for the Leader/Executive or Council to give instructions within sufficient time in the normal conduct of their business for such matters to be properly dealt with, the Chief Executive (or in his/her absence a nominated deputy) shall have delegated authority to take or authorise all necessary steps to deal with the matters sufficiently to protect the Council's and the public's interests, provided that he or she shall first consult:

- the Chief Finance Officer and Monitoring Officer (or their deputies); and
- in respect of Executive functions, either the Leader (or in his/her absence the Deputy Leader or his/her absence another Executive Member); or
- in respect of non-Executive functions, the Mayor (or in his/her absence the Deputy Mayor or in his/her absence the Chairman of the relevant committee).

4.06 Reporting Urgent Decisions

Any decisions taken in accordance with Article 4.05 will be reported to the next meeting of Council.

Article 5 – Chairing the Council

5.01 Role and Function of the Mayor

The Mayor and Deputy Mayor will be elected by the Council annually. The Mayor, and in his/her absence, the Deputy Mayor will have the following responsibilities:

To:

1. uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
2. 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;
3. 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 hold Chairmanship of Committees are able to hold the Executive and Committee Chairmen to account;
4. promote public involvement in the Council's activities;
5. be the conscience of the Council; and
6. attend such civic and ceremonial functions as the Council and he/she determines appropriate. The Mayor may wish to share promotional roles with the Leader of the Council.

Article 6 – The Leader of the Council

6.01 Appointment

The Leader will hold office for a four year period starting on the day of his/her election as Leader at the Annual Council meeting, unless his/her term of office as a Councillor is shorter, in which case the term of office as Leader will be the same as their term of office as a Councillor. The Leader's period of office will cease at an earlier date if:

(a) he/she resigns from the office; or

(b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

(c) he/she is no longer a councillor; or

(d) he/she is removed from office by resolution of the Council.

6.02 Vacancy

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 of four years starting on the day of his/her election as Leader, unless his/her term of office as a Councillor is shorter, in which case the term of office as Leader will be the same as their term of office as a Councillor, subject to (a) to (d) above.

6.03 Functions of the Leader

The Leader will be responsible for 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 him/her.

The Leader shall be responsible for maintaining a list in Part 3 of this Constitution setting out who will exercise Executive functions. Executive functions can be exercised by the Leader, Executive, individual Executive Members, committees of the Executive, individual local Members or Officers. Any changes to Part 3 of the Constitution in relation to Executive functions will be notified to all Members.

Only the Leader will exercise the following functions:

(a) appointment of the Deputy Leader;

(b) appointment of the Executive;

(c) allocation of portfolio responsibilities; and

(d) preparation of the Leader's Executive forward plan.

The Leader will chair meetings of the Executive.

6.04 Deputy Leader

The Deputy Leader will be a councillor appointed to the position by the Leader. The Deputy Leader will hold office until the end of the term of office of the Leader, or until:

(a) he/she is removed from office by decision of the Leader; or

(b) he/she resigns from the office; or

(c) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

(d) he/she is no longer a councillor.

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.

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 an Executive Member to act in the place of the Leader.

6.05 Role of the Deputy Leader

The Deputy Leader will Chair meetings of the Executive in the absence of the Leader.

The Deputy Leader will exercise all functions reserved to the Leader in his/her absence.

Article 7 – The Executive

7.01 Role

The Executive will carry out all of the Council's functions which are not the responsibility of any other part of the Council, as delegated by the Leader.

7.02 Form and Composition

The Executive will consist of the Leader and Deputy Leader together with at least 1, but not more than 8, other Councillors appointed by the Leader.

7.03 Executive Members

Executive Members shall be appointed by the Leader. Their term of office (as an Executive Member) will be the same as for the Leader unless:

- (a) he/she resigns from office; or
- (b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a Councillor; or
- (d) he/she is removed from office, either individually or collectively, by decision of the Leader.

7.04 Proceedings

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

Article 8 – Overview and Scrutiny Arrangements

8.01 Structure

The Council will ensure appropriate Overview and Scrutiny arrangements are in place to discharge the functions conferred by Section 21 of the Local Government Act 2000 and any other subsequent legislation.

The Council has one Overview and Scrutiny Committee. The Committee may appoint ad hoc Panels for specific tasks on completion of which they cease to exist.

8.02 Role and Function

The role and functions of the Committee are set out in Part 3 of this Constitution (Responsibility for Functions).

8.03 Proceedings

Overview and Scrutiny Committee proceedings will be conducted in accordance with the Overview and Scrutiny Procedure Rules and Committee Procedure Rules set out in Part 4 of this Constitution.

Article 9 – Regulatory and other Committees

9.01 Regulatory and other Committees

The Council will appoint the Committees set out in the left-hand column of the table Responsibility for Council Functions in Part 3 of this Constitution to discharge the functions described in column 3 of that table.

9.02 Role and Function

The role and functions of the Committees are set out in Part 3 of this Constitution (Responsibility for Functions).

The Council's Codes and Protocols relating to these Committees are set out in Part 5 of the Constitution.

9.03 Proceedings

Regulatory and other Committee proceedings will be conducted in accordance with the Committee Procedure Rules set out in Part 4 of this Constitution.

Article 10 – The Standards Committee

10.01 Standards Committee

The Council will establish a Standards Committee.

10.02 Role and Function

The role and functions of the Committee are set out in Part 3 of this Constitution (Responsibility for Functions).

10.03 Composition

(a) Membership

The Standards Committee will comprise at least:

- two Councillors other than the Leader;
- one person who is not a Councillor or an Officer of the Council or any other body having a Standards Committee (an Independent member);
- one Parish representative from the Parish Councils wholly or mainly in the Council's area.

(b) Independent Members

Independent members will be entitled to vote at meetings and must comprise at least 25% of the Committee's membership.

(c) Parish Members

At least one Parish Member must be present when matters relating to any Parish Council or their Members are being considered.

(d) Chairing the Committee

The Chairman and Vice-Chairman of the Committee shall be an independent member.

10.04 Standards Sub-Committees

(a) The Standards Committee will establish the following Sub-Committees:

- Complaints Assessment Sub-Committee
- Complaints Review Sub-Committee
- Complaints Hearing Sub-Committee

(b) Composition and Meetings of the Sub-Committees:

1. A Sub-Committee shall comprise a minimum of 3 members, of which 1 shall be an independent co-opted member of the Standards Committee who shall chair the Sub-Committee, and any 2 other members of the Standards Committee.

2. When a Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall comprise 3 members, of whom 1 shall be an independent co-opted member of the Standards Committee who shall chair the Sub-Committee, and 2 other members of the Standards Committee one of whom will be a Town or Parish Council member.

3. The quorum of a meeting of a Sub-Committee shall be 3 members, with an Independent Co-opted member as Chairman.

4. the Monitoring Officer shall convene a meeting of a Sub-Committee whenever a decision is required of it.

5. The membership shall be determined in accordance with the requirements of paragraph 1 and after having taken account of the following in respect of the members of the Standards Committee available to participate:

- Any personal and/or prejudicial interests or
- Other conflicts of interest.

Article 11 – Area Committees

Area Committees

The Council may appoint Area Committees 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.

The Council will consult with relevant Parish and Town Councils when considering whether and how to establish Area Committees.

Article 12 – Joint Arrangements

12.01 Arrangements to Promote Well Being

The Council or the Leader (if it is an Executive function), in order to promote the economic, social or environmental well being of the Borough, 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.

12.02 Joint Arrangements

Details of any joint arrangements including any delegations to Joint Committees will be set out in Part 3 of this Constitution.

Non-Executive Functions

- (a) The Council may establish joint arrangements with one or more Local Authorities to exercise functions that are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.

Executive Functions

- (b) The Leader may establish joint arrangements with one or more local authorities to exercise functions that are executive functions. Such arrangements may involve the appointment of Joint Committees with these other local authorities.
- (c) Except as set out below, the Leader may only appoint Executive Members to a Joint Committee and those Members need not reflect the political composition of the local authority as a whole.
- (d) The Leader may appoint Members to a Joint Committee from outside the Executive in the following circumstances:
 - the Joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Leader may appoint to the joint Committee any Councillor who is a Member for a Ward which is wholly or partly contained within the area;
 - the Joint Committee is between Surrey County Council and Reigate and Banstead Borough Council and relates to functions of the Leader of Surrey County Council. In such cases, the Leader of the County Council may appoint to the Joint Committee any Councillor who is a Member for an electoral division which is wholly or partly contained within the area.

In both of these cases the political balance requirements do not apply to such appointments.

12.03 Access to Information

- (a) The Access to Information Procedure Rules in Part 4 of this Constitution apply.
- (b) If all the Members of a Joint Committee are Members of the Executive in each of the participating authorities then its access to information regime will be the same as that applied to the Executive.
- (c) If the Joint Committee contains Members 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.

12.04 Delegation to and from other Local Authorities

- (a) The Council may delegate non-executive and/or local choice functions to another local authority or, in certain circumstances, the Leader of another local authority.
- (b) The Leader may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council (non-executive functions) and the Leader (Executive functions).

12.05 Contracting Out

The Council (for functions which are not Executive functions) and the Leader (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.

Article 13 – Officers

13.01 Management Structure

(a) **General**

The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

(b) **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will designate the following statutory posts as shown:

Head of Paid Service (under Section 4 of the Local Government and Housing Act 1989)

Chief Financial Officer (under Section 151 of the Local Government Act 1972)

Monitoring Officer (under Section 5 of the Local Government and Housing Act, 1989)

Such posts will have the functions described in Articles 13.02-13.04 below.

(c) **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers.

13.02 Functions of the Head of Paid Service

(a) **Discharge of Functions by the Council**

The Head of Paid Service will be responsible for the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.

(b) **Restrictions on Functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

13.03 Functions of the Monitoring Officer

(a) **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available to 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 will report to the full Council (or to the Executive decision maker in relation to an Executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision

or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Standards Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(d) **Receiving Reports**

The Monitoring Officer will receive and act on reports made by Ethical Standards Officers (as appointed by Standards for England under Section 57 of the Local Government Act, 1972) and decisions of the case tribunals.

(e) **Conducting Investigations on Alleged Breaches of the Member Code of Conduct**

The Monitoring Officer will conduct investigations and make reports or recommendations in respect of them to the Standards Committee.

(f) **Proper Officer for Access to Information**

The Monitoring Officer will 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.

(g) **Advising whether Executive Decisions are within the Policy Framework and Budget**

The Monitoring Officer after consultation with the Chief Finance Officer, as appropriate, will advise whether Executive decisions are in accordance with the budget and policy framework.

(h) **Providing Advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

(i) **Restrictions on Posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

(j) **Complaints**

The Monitoring Officer will act as the Corporate Complaints Officer.

13.04 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 will report to the full Council (or to the Leader in relation to an Executive function) and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful

expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) Administration of Financial Affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) Contributing to Corporate Management

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) Providing Advice

The Chief Finance Officer, in consultation with the Monitoring Officer, as appropriate, will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.

(e) Provision of Financial Information

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

13.05 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

13.06 Conduct

Officers will comply with the contract of employment, associated employment policies and Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

13.07 Employment

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

Article 14 – Decision Making

14.01 Responsibility for Decision Making

The Council will 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 function. This record is set out in Part 3 of this Constitution.

14.02 Principles of Decision Making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from the Monitoring Officer and other Officers;
- (c) respect for human rights (see Article 14.05);
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes.

14.03 Types of Decision

(a) Decisions Reserved to Full Council

Decisions relating to the functions listed in Article 4.02 will be made by the full Council unless otherwise stipulated in the Schedule of responsibility for functions or the Scheme of Delegation.

(b) Key Decisions

- (i) A Key decision is a decision made or to be made in connection with the discharge of a function which is the responsibility of the Leader under the terms of the Council's Constitution, which is likely to:
 - (a) 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
 - (b) be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area;

and, without prejudice to the generality of the foregoing, in determining whether resulting expenditure, savings or effects of a decision are significant, regard shall be had to the following principles:

- (i) expenditure under a contract of a value (determined in accordance with Contract Procedure Rules) of more than £250,000 should be regarded as significant.
- (ii) the making of savings in the costs of the provision of a service representing 10% of the budget allocated to that particular service is to be regarded as significant;

- (iii) major land disposals and acquisitions, to which Contract Procedure Rules apply, are significant;
 - (iv) decisions involving the compulsory acquisition of any land should be treated as key decisions;
 - (v) decisions involving the recommendation to the full Council of changes to the Budget and Policy Frameworks are to be regarded as key decisions;
 - (vi) decisions resulting in a major impact on a locality in the Council's area shall be treated as significant, even though they affect only one ward.
- (ii) A decision maker may only make a key decision in accordance with the requirements of the Executive Procedure Rules and the Access to Information Procedure Rules set out in Part 4 of this Constitution.

14.04 Decision Making

All decision making shall comply with the relevant Articles and Procedure Rules set out in the Constitution.

14.05 Decision Making by Council Bodies Acting as Tribunals

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.

Article 15 – Finance, Contracts and Legal Matters

15.01 Financial Management

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.

15.02 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

15.03 Legal Proceedings

The Legal Services Manager is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Legal Services Manager considers that such action is necessary to protect the Council's interests.

15.04 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Legal Services Manager or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £75,000 entered into on behalf of the Council in the course of the discharge of an Executive function shall be made in writing. Such contracts must be made under the common seal of the Council and if the value exceeds £250,000 be attested by the Mayor.

15.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Legal Services Manager. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Legal Services Manager should be sealed. The affixing of the Common Seal will be attested by the Legal Services Manager or some other person authorised by him/her. If the value of the contract exceeds £250,000 the Common Seal must be attested by the Mayor.

Article 16 – Review and Revision of the Constitution

16.01 Review of the Constitution

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

To assist with undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the Member and Officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and
4. compare practices in the Authority with those in other comparable authorities, or national examples of best practice.

16.02 Changes to the Constitution - Approval

Changes to the Constitution will only be approved by the full Council (by way of recommendation or direct report), subject to the Monitoring Officer being in agreement with the proposed changes.

Article 17 – Suspension, Interpretation and Publication of the Constitution

17.01 Suspension of the Constitution

(a) Limit to Suspension

The Articles of this Constitution may not be suspended. Procedure Rules may be suspended by the full Council to the extent permitted within those Rules and the law. Procedure Rules relating to the Executive and Committees may be suspended by the Executive or the Committee as the case may be to the extent permitted within those rules and the law.

(b) Procedure to Suspend

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

17.02 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

17.03 Publication

The Proper Officer will ensure that a copy of the Constitution is available in the Members' Room, available for inspection at Council Offices, and accessible on the Council's web site.

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the Executive arrangements:

1. Article 6 (The Leader);
2. Article 7 (the Executive) and Executive Procedure Rules;
3. Article 8 (Overview and Scrutiny Arrangements) and the Overview and Scrutiny Procedure Rules;
4. Article 14 (Decision Making) and the Access to Information Procedure Rules;
5. Part 3 (Responsibility for Functions).