

PART 1

Introduction to the Constitution

A summary of the constitution, including its objectives, principles and what it contains with links where to find the detail

PART 1 – INTRODUCTION TO THE CONSTITUTION

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Section 1

1 INTRODUCTION TO THE COUNTY COUNCIL AND THE COUNTY OF NORTHUMBERLAND

- 1.1** Northumberland is a historic county and unitary authority area in North East England. It is the northernmost county of England and has borders with Cumbria to the west, County Durham and Tyne and Wear to the south and the Scottish Borders to the north. To the east is the North Sea coastline, with a coastal path 100 kilometres long.
- 1.2** The County has a land area of 5,013 sq. kilometres, much of which is undeveloped, high moorland protected as the Northumberland National Park. Of its total land area, 97% is classed as rural.
- 1.3** Half of the county's population live in 3% of urban land in the south-east. Northumberland is the least densely populated county in England, with only 63 people per square kilometre. Its population (mid-2019 estimate) is 320,274.
- 1.4** Well-known landmarks in the County are the Cheviot Hills in the North West, the Whin Sill (on which Hadrian's Wall runs) and the Farne Islands.
- 1.5** Northumberland's flag is a banner of the arms of Northumberland County Council, featuring the traditional 'pales' of Northumberland interlocked to represent the stones of Hadrian's Wall, which runs through the county. The arms were granted to the County Council in 1951 and were adopted as the flag of Northumberland in 1995.
- 1.6** Before April 2009 Northumberland had a two-tier system of local government, with one county council and six districts, each with their own district council, responsible for different aspects of local government. The districts were abolished on 1 April 2009, when the county council became a unitary authority. The Council, based in Morpeth, is the largest English unitary in area.
- 1.7** The County Council has 67 Members each representing an electoral division, except in the case of the Alnwick Division which has two Members. Each Member is elected for a four-year term of office. Members are democratically accountable to residents in their electoral division. Members overriding duty is to the whole community of Northumberland, but they have a special duty to their constituents, including those who did not vote for them. All Members have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties.
- 1.8** Northumberland has four Members of Parliament representing the UK Parliamentary constituencies, Berwick-upon-Tweed, Blyth Valley, Wansbeck, and Hexham.
- 1.9** Evidence of the County's proud history of large-scale coal mining and heavy industry can be found in the Council's Archives Service at the Museums Northumberland Woodhorn and Berwick sites.

- 1.10** Since the mine closures and decline of heavy engineering new industries including pharmaceuticals, healthcare, biotechnology, and renewable energy have become significant in the County. Tourism is one of the key growth opportunities identified within the county's economic strategy, contributing over £1billion to Northumberland's economy and supporting over 13,000 direct employment jobs.
- 1.11** The Council engages in a wide range of partnerships to drive economic growth across the County, including with neighbouring authorities Newcastle City Council and North Tyneside Council. In 2018, the three authorities formed a Mayoral Combined Authority for the area - the North of Tyne Combined Authority - with the aim of driving inclusive economic growth. The Council also partners with the North East Local Enterprise Partnership (NELEP) which leads and facilitates the delivery of the regional Strategic Economic Plan (SEP) and the Local Industrial Strategy across the North East region.
- 1.12** Council services include:
- 1.12.1 Adult Social Care services
 - 1.12.2 Children's services
 - 1.12.3 Public health
 - 1.12.4 Regeneration and Economy
 - 1.12.5 Planning
 - 1.12.6 Housing
 - 1.12.7 Local services
 - 1.12.8 Fire and Rescue
 - 1.12.9 Public protection.
- 1.13** The County is also the designated Fire and Rescue Authority for the County of Northumberland with all 67 Member's of the Fire and Rescue Authority. The Cabinet Member for Community Services is the lead Member and is delegated to act as the Fire Authority Chair with responsibility for Fire and Rescue specifically within the remit of the Cabinet Portfolio. The Communities and Place Overview and Scrutiny Committee has responsibility for scrutinising the function and acting as a critical friend.
- 1.14** More detail on the role and responsibilities of the Fire Authority can be found at [Article 18](#).

Section 2

2 SUMMARY OF THE CONSTITUTION'S CONTENTS

- 2.1** The Constitution is a document that sets out the arrangements for how the Council carries out its work. The Council has published the Constitution on its website – hard copies are also available for inspection at the Council's offices.
- 2.2** By law, councils have to prepare a constitution which has to contain detail on a number of key aspects of how the Council will manage its business and make decisions. However, the Constitution is not the only place where information relating to the way the Council works can be found. There are a range of procedures and arrangements that are not part of the Constitution but that still have an impact on how the Council is run. As far as possible, the Constitution highlights this additional governance material and where it can be found.
- 2.3** While the Constitution sets out the framework for things like decision-making and oversight at the Council, it also provides a foundation for relationships between elected Members, employed council officers and Members of the public. These relationships are grounded in a consistent set of values and behaviours which have been adopted by the Council in order to drive how it works. Central to these values and behaviours, and particularly important to the way that elected Members carry out their work, are the Seven Principles of Public Life, otherwise known as the Nolan Principles. More about the standards of behaviours that the Council expects of its elected Members and officers can be found at **Part 7**
- 2.4** Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the overall purpose and objectives set out above, paying particular regard to:
- 2.4.1 The Seven Principles of Public Life;
 - 2.4.2 The system of values and behaviours adopted by the Council to underpin its activities, including the Member Code of Conduct and Officer Code of Conduct;
 - 2.4.3 As relevant, the principles set out in this Constitution to govern decision-making and the delegation of decision-making authority.
- 2.5 About the Council**
- 2.5.1 The Council is a democratic body made up of 67 councillors elected every four years, who between them represent the people of the district and county of Northumberland. These councillors are known as 'Members as they are Members of the corporate body of the Council as a legal entity.

- 2.5.2 Members have a range of individual roles and responsibilities which are set out in more detail in [Part 3](#). In carrying out their role, Members must observe the Members Code of Conduct and the Protocol on Member/Officer Relations at [Part 7](#).
- 2.5.3 Members are entitled to allowances in accordance with the Members' Allowances Scheme set out in [Part 12](#). They will also receive support from the Council's officers, including training and development.
- 2.5.4 The Council operates what are called "executive arrangements", which is one of a number of options available to councils in England for how they govern themselves. This means that while some of the most important decisions have to be taken by all Members together (at meetings called "Full Council") most decisions are made by a body made up of a senior executive Member, known as the Leader, and up to nine other executive Members appointed by the Leader to a "Cabinet".
- 2.5.5 The Council's Cabinet is appointed by the Leader of the Council. Cabinet has to be made up of elected Members but they can all be Members of the same political party.
- 2.5.6 The Council has a range of other committees too, which are established to oversee the work of the Cabinet, to make decisions on planning and licensing issues, and to carry out a range of other functions. The makeup of these other committees and bodies has to be politically balanced. This is explained in more detail in [Part 4](#)
- 2.5.7 Elected Members make a lot of the most important decisions but employed council officers "run" the Council's services day to day. The rules that govern how they do this is set out in a part of the Constitution called the scheme of delegation, which is at [Part 5](#)
- 2.5.8 The Council is a unitary authority, which means that it is responsible for the full range of local government services within the County. These include:
- (a) Social care services for adults;
 - (b) Services for children (which includes support for vulnerable children as well as overall responsibility for making sure children received educating);
 - (c) Public health (the council is responsible for services to help people to stay healthy – services for people who are ill are the responsibility of the NHS. The Council and the NHS work closely together);
 - (d) Regeneration (which includes taking forward policies and big decisions involving developing new opportunities for business, economic development and growth);

- (e) Planning (setting policies for development and making decisions on individual planning applications);
- (f) Housing (providing social housing for people entitled to it, and supporting other people with housing needs);
- (g) Local services (like providing library services and other services in local communities, like community centres and leisure centres);
- (h) Fire and rescue (the council is a Fire and Rescue Authority – more information can be found in **Article 18**);
- (i) Public protection (the council has responsibility for overall community safety and works closely with the police and the Police and Crime Commissioner in reducing and tackling crime).

2.5.9 The Constitution sets out the roles and responsibilities of Members and the employed officers who support the Members to carry out their work. It describes the key responsibilities of certain officers who have special duties set out in law. In particular, this includes:

- (a) The Head of Paid Service. This officer is the Council's Chief Executive, and has responsibility for the running and resourcing of the Council;
- (b) The Monitoring Officer. This officer is, at Northumberland, the Council's Chief Legal Officer, responsible for ensuring that the Council complies with the law;
- (c) The Chief Finance Officer, or s151 officer. This officer must legally be a chartered accountant and has a duty to ensure that the Council delivers a balanced budget

2.5.10 The rest of this summary briefly explains each Part of the constitution, and how the Parts fit together.

2.6 The rights of the public

2.6.1 The Council is a democratic institution. Members are elected by local people to act in the interests of Northumberland and its people. This Part of the Constitution sets out the commitments that the Council makes on the public's rights.

2.6.2 This includes setting out arrangements for local elections. It also includes information about the public's rights to engage with the business of the Council between elections. This includes in respect of:

- (a) Local Area Committees (LAC) which are committees that the Council has set up to make certain decisions on a local, rather than a county-wide, basis;

- (b) Petitions. Arrangements to support the preparation of petitions by local people. Petitions are usually presented at an LAC, or at a meeting of the Petitions Committee;
- (c) The rights of the public to access information. The Council is a public body and is subject to the Freedom of Information Act – the Council also makes wider commitments to carrying out its work in a transparent and accountable way, and other public rights to information also exist (the right to inspect the Council’s accounts, for example). Members of the public can also make a “subject access request” under the General Data Protection Regulations (GDPR) to find out what personal information the Council holds on them.
- (d) Public rights to observe Council meetings, and to speak at certain Council meetings.

2.6.3 This Part also sets out the broader commitments that the Council makes to involving local people in the way that certain decisions are made.

2.7 The rights and duties of Members

- 2.7.1 Members are elected to represent the interests of local people and of the county of Northumberland more generally. This means that they hold certain rights – set out in this Part of the Constitution - which are important for their ability to carry out their roles. These roles include:
- (a) Decision-making, under “executive arrangements”, and on other issues like planning and licensing;
 - (b) Holding decision-makers to account, whether they are officers or other Members;
 - (c) Ensuring that the Council is well-run – for example by sitting on the Standards Committee or Audit Committee;
 - (d) As “corporate parents”. Members have an important legal responsibility (held collectively, and alongside a duty held by council officers and people from other organisations) to safeguard the security and wellbeing of children that the Council “looks after” in the care system;
 - (e) As representatives of local people. Members are not delegates of their electors, but they do have an important responsibility to understand the needs of local people and make sure that those needs are reflected in how the Council’s business is carried out;
 - (f) As politicians. Members are elected with political priorities – politics is the way that the Council sets its priorities and decides what policy positions to take on important local issues. Members

roles as politicians interacts with the other roles described above.

2.7.2 This list is not exhaustive – more information on Members roles and how the Council will support and protect Members can be found at **Part 3**.

2.7.3 **Part 3** also provides information on the particular rights that Members have to access information (Members have a greater range of rights to access information than the public do). Finally, this Part of the constitution also sets out the Council's commitments to support the development of Members skills and capabilities (through training and other forms of support), in order to ensure that they can carry out their roles effectively.

2.8 Decision-making

2.8.1 This Part sets out how the Council makes decisions – starting by laying out the principles that will underpin how decisions are made, and the roles and responsibilities of Members and officers around decision-making.

2.8.2 There are several ways in which decisions can be made at the Council, and this Part of the Constitution explains those different sorts of decision in depth. Briefly, they are:

- (a) Decisions which legally have to be made by Member's collectively at a meeting of Full Council – this includes the Council's Budget, which is agreed at a special "Budget Council" meeting every New Year;
- (b) Decisions which legally have to be made by the Cabinet (or delegated to others by Cabinet) under "executive arrangements";
- (c) Decisions which can be made by either the Council or by the Cabinet. For these so-called "local choice" functions the Council has to record in its Constitution where the decision will be made;
- (d) Decisions which can be made by Cabinet together, or by individual Members of Cabinet;
- (e) Decisions which can be made by officers under powers of delegation.

2.8.3 Decisions made by Cabinet are described as "executive decisions". They can be made by Cabinet, or individual Cabinet Members, or under certain circumstances they can be made by officers. A scheme of Member delegation, and a scheme of officer delegation, exists to set out those powers.

- 2.8.4 A small category of executive decisions are “key decisions”. Key decisions are ones that have a substantial financial impact and that affect two or more divisions of the Council’s area.
- 2.8.5 Key decisions need to be publicised 28 days before they are made; when made the process has to be recorded. There is an opportunity for key decisions to be “called in” before they are implemented – this means that there is a process by which one of the Council’s overview and scrutiny committee can consider the decision and make recommendations on it to Cabinet, or full Council.
- 2.8.6 This Part also explains what happens when certain decisions need to be made urgently, or under emergency arrangements. Under these circumstances – with the agreement of senior officers and Members – the arrangements set out above about publicity and call-in can be suspended. There are some stringent safeguards in place around these powers.
- 2.8.7 For the most important decisions the Council may wish to involve a wider range of people, in order to determine the best way forward. This may involve input from the public or from overview and scrutiny committees. It may also involve the setting up of a Cabinet Working Group – this Part sets out the nature and scope of this kind of involvement.
- 2.8.8 There are other decisions made by Members which are not made under “executive arrangements”. These include planning and licensing decisions.
- 2.8.9 There are also certain decisions made by officers which are not made under executive arrangements. Some powers held by officers are given directly by legislation. The scheme of officer delegation identifies the “proper officer” designated to carry out those specific statutory functions.

2.9 Scrutiny

- 2.9.1 This Part sets out the role of the Council’s overview and scrutiny committees. These committees have a responsibility for holding the Cabinet to account for its decisions. They also have a responsibility to look at matters of importance to the area and the area’s inhabitants.
- 2.9.2 The Council’s scrutiny committees can require the attendance of Cabinet Members and certain senior Council officers – they can also require the attendance of certain NHS staff. They can also require that certain information held by the Council is provided to them. Finally, scrutiny committees can require a response from the Cabinet and certain NHS bodies to the recommendations that it makes.
- 2.9.3 The agendas of scrutiny committees are developed entirely independently of the Council’s Cabinet, and are based on a

transparent process of prioritisation which is set out in this Part in more detail.

- 2.9.4 At Northumberland, scrutiny committees have a particular duty to review certain decisions before they are made, to contribute to the development of important council policies, and to keep the performance of the Council under review. Scrutiny also looks at what the Council does with its external partners. Some scrutiny business is carried out in formal committees, but committees can also set up informal “task and finish” groups to investigate certain issues in more detail.
- 2.9.5 Scrutiny meetings are held in public – the detailed rules for how these meetings are run are set out in **Part 6**.
- 2.9.6 There are two Protocols which set out more detail on scrutiny’s roles:
- (a) The Executive-Scrutiny Protocol, which provides more detail around how the scrutiny function will work with Cabinet in such a way that its independence is maintained;
 - (b) A Protocol on Financial Oversight, Financial Management and Scrutiny. There are duties for scrutiny committees, the Audit Committee, and other parts of the Council in ensuring that financial matters are subject to rigorous and consistent oversight. This Protocol provides detail on how that works in practice – in particular, ensuring that the duties of various Member bodies with regard to this issue do not overlap. There are also a set of Financial Procedure Rules relevant to this issue.
- (c) Member and officer standards, and staffing arrangements**
- 2.9.7 This Part sets out the operation of the Council’s Standards Committee. The Standards Committee has a responsibility for maintaining high standards amongst Members – with particular reference to the Council’s agreed values and behaviours, and the commitments that Members have made in respect of their adherence to the Nolan Principles. The Standards Committee has a responsibility for oversight of the registration of Members interests.
- 2.9.8 The Standards Committee has adopted the LGA’s Model Code of Conduct, which the Council uses as a basis for its work promoting and supporting positive Member behaviour. The Committee has a role in overseeing individual complaints about Member behaviour, and this Part (and the Code of Conduct) set out in more detail how those complaints will be managed.
- 2.9.9 This Part also sets out the role of the Staffing and Appointments Committee in support good officer behaviours. Members have a role in the appointment, discipline and dismissal of certain senior officers and for these purposes Member Panels can be established on an

occasional basis. Work on officer values and behaviours is also supported by an Officer Code of Conduct, and a set of Employment Procedure Rules, which can also be found in this part.

2.10 Audit

- 2.10.1 This Part explains the role of the Council's Audit Committee. The Audit Committee has a range of requirements set out in Regulations and in guidance produced by the Chartered Institute of Public Finance and Accountancy. Overall, the Audit Committee has a responsibility for oversight and direction on the way that the Council manages its finances, how it manages its approach to risk, and its oversight of the "control environment" (the processes and systems through which money is spent, when and by whom).
- 2.10.2 The Audit Committee has a particular role in respect of the audit and oversight of the Council's wholly owned companies. This Part sets out that role in more detail.
- 2.10.3 The role of the Audit Committee is set out in more detail in the Financial Procedure Rules.

2.11 The functions of council bodies

- 2.11.1 This Part sets out the functions and terms of reference of all other formal bodies of the Council, along with the size and composition of Member committees overall.

2.12 Joint arrangements and relationships with partners

- 2.12.1 The Council works with a wide range of other organisations across the county area. This Part sets out the Council's primary relationships with those organisations, and with others beyond the area for which the Council is responsible.
- 2.12.2 This Part explains about how individual elected Members may be appointed to sit on the Boards of other organisations, known as "outside bodies". This should be seen alongside the section above on standards.
- 2.12.3 Finally, this Part goes into detail on the way that the Council will manage its relationship as a shareholder with its wholly-owned companies.

2.13 Procedure rules

- 2.13.1 The Constitution contains a number of sets of procedure rules, which provide technical detail on how certain functions and bodies will operate. These should be seen alongside some of the sections above where the roles and terms of reference of those bodies are set out. The main procedure rules are:

- (a) Financial procedure rules;
- (b) Rules of procedure for council meetings. This includes:
- (c) Rules that apply to all formal Council meetings. This is where information on the broadcast and reporting of Council meetings can be found, as well as more information on public rights of access to meetings;
- (d) Standing Orders for meetings of full Council. Detailed rules of debate exist for full Council meetings – these are laid out in Standing Orders. These include rules on how motions can be laid at Council for debate and voting, the making of amendments to those motions, the asking of questions by Members of Cabinet Members, and other rules relating to formal business. Standing Orders also exist to determine the management of meetings' agendas. Separate Standing Orders set out how “special” Council meetings will be carried out – in particular the Annual General Meeting of the Council and the meeting of the Council at which the Budget and Policy Framework is agreed. “Extraordinary” meetings of Council can also be convened, if it is necessary to consider business urgently, before the next scheduled ordinary meeting;
- (e) Rules of procedure for Cabinet meetings. This Part sets out those rules of procedure which apply exclusively to Cabinet meetings;
- (f) Rules of procedure for Scrutiny meetings;
- (g) Rules of procedure for regulatory functions. “Regulatory” functions are those where the Council has a legal duty to determine applications for planning and licensing. These rules set out how Licensing and Planning Committee meetings (and planning hearings) will be managed.

Section 3

3 COUNCIL AND EXECUTIVE BODIES AND THEIR FUNCTIONS

3.1 General responsibility for functions

- 3.1.1 The Council will exercise all its powers and duties in accordance with the law and the Constitution.
- 3.1.2 In addition to the bodies set out in this section and their roles, there are a number of other Council committees, and other bodies, with formal functions.
- 3.1.3 The full functions, powers and responsibilities of all Council bodies, including those in this section, are set out in **Part 5**.
- 3.1.4 With the exception of Cabinet, which is excluded from the requirement, all Council committees must be politically balanced. This means that their composition should reflect the wider composition of the Council as a whole. More details on the size and composition of Council bodies can be found in **Part 5**.
- 3.1.5 Formal bodies including Cabinet and Committees will meet to a timetable that will be agreed by Council annually. Circumstances in which extraordinary meetings may be scheduled, or meetings cancelled, postponed or rearranged, are set out in the procedure rules at **Part 9**.

3.2 Full Council

- 3.2.1 The 67 elected Members of the County Council meet as a body referred to as “full Council” several times a year. The role and responsibilities of the full Council are set out in more detail in the procedure rules at **Part 9**. These include:
- (a) At the first Annual General Meeting following local elections every four years:
 - (b) Appointment of the Leader of the County Council.
 - (c) At the Annual General Meeting of the Council, every year:
 - (d) Approval or amendment of the Council’s Constitution (although the Constitution may be amended, and approved, at other meetings);
 - (e) Appointment of the Chair and Deputy Chair of the Council;
 - (f) Appointment of Chairs, Vice Chairs and Members to the Council’s committees;

- (g) Conferring the title of Honorary Alderman or Freeman of the County;
- (h) At Council's annual Budget meeting:
- (i) Approval of the County Council's revenue and capital budget and the setting of Council Tax;
- (j) Approval or amendment of plans or strategies which form part of the Council's policy framework;
- (k) At any ordinary meeting of full Council:
- (l) Appointment of the Head of Paid Service and the designation of statutory governance chief officers:
- (m) Adopting or amending the Code of Conduct for elected Members.

3.2.2 A full list of functions is set out in [Part 5, section 3](#).

3.2.3 Ordinary Council meetings provide a forum for debate on matters of local concern; they provide a space at which Members of the Council may hold Portfolio holders to account, supplementing opportunities for accountability which might exist at (for example) meetings of overview and scrutiny committees.

3.2.4 The Chair of Council is responsible for:

- (a) Presiding at full Council meetings so that business can be carried out efficiently, having regard to the rights of Members and the rights and interests of the public;
- (b) Carrying out a range of civic and ceremonial functions as "first citizen" of the County.

3.2.5 The Deputy-Chair of Council can be deputised to perform any function of the Chair of Council.

3.2.6 Meetings of Council normally take place on Wednesdays at the Council's offices in Morpeth at 3pm, unless otherwise agreed with the Chair of Council. Information about public access to meetings of Council can be found in [Part 9, section 2](#). Information about how Council meetings are carried out can be found in the procedure rules at Part 9.

3.3 The Leader

3.3.1 The Council operates a "Leader and Cabinet" system of governance. The Council has determined that, after every ordinary local election (every four years), the Council will elect the Leader for a four year term of office. The Leader will then hold office until the Annual General

Meeting of the Council following the next date of ordinary elections, unless:

- (a) They resign from the office of Leader;
- (b) They are removed from office by resolution of the Council in accordance with the provisions of the Local Government Act 2000, or
- (c) They are no longer a Member (other than during the period between an ordinary election and the Annual General Meeting of the Council immediately following that election).

3.3.2 Where the Council decides (by a simple majority of those present) to remove the Leader from office a new Leader will either be elected at the meeting which takes that decision, or at the next ordinary meeting of full Council.

3.4 Cabinet

3.4.1 The Leader may appoint between one and nine other elected Members to form a Cabinet.

3.4.2 The Cabinet is responsible for the “executive” decision-making functions of Northumberland County Council. It operates within the budget and policy framework agreed by the whole Council at its annual Budget meeting. Rules setting out decision-making at the authority are set out in [Part 5](#). Rules setting out how Cabinet meetings operate can be found in Part 5, section 4.

3.4.3 The Cabinet will carry out those functions reserved to it under the system of “executive arrangements” set out in law, as well as those functions which the Council decides, as a matter of local choice, should be carried out by the Cabinet. The full list of these local choice functions can be found in [Part 5, section 4](#).

3.4.4 Cabinet makes decisions collectively. There are some small exceptions to this rule which are set out in [Part 5](#).

3.4.5 Members of Cabinet hold office until:

- (a) They resign from office;
- (b) They are no longer Members;
- (c) They are removed from office, either individually or collectively, by the Leader of the Council.

3.4.6 The Leader may also appoint Cabinet assistants from among the Members of the Council. Cabinet assistants will not be Members of Cabinet and will hold no delegated power to make executive

decisions. They will act in a supportive capacity to the work of one or more Cabinet Members.

3.5 Deputy Leader

3.5.1 The Leader will annually appoint one Member of the Cabinet to be Deputy Leader. This person will exercise the functions of the Leader, if the Leader is absent or otherwise unable to carry out their functions. The Deputy Leader will hold office until:

- (a) They resign from office;
- (b) They are no longer Members;
- (c) They are removed from office by the Leader of the Council.

(d) Overview and scrutiny committees

3.5.2 The Council has appointed the overview and scrutiny committees set out in [Part 6](#) of the constitution to carry out the functions set out in section 9F (and following sections) of the Local Government Act 2000, as well as functions relating to health scrutiny and scrutiny of community safety set out in the National Health Service Act 2006 and the Police and Justice Act 2006 respectively.

3.5.3 The powers and functions of these committees are set out in more detail in [Part 6](#), and detailed procedure rules for the operation of committee meetings can be found in [Part 9, section 5](#).

3.5.4 Any Member of Council not a Member of the Council's Cabinet may be appointed by Council to sit on one or more overview and scrutiny committee. Cabinet assistants may be appointed to sit on overview and scrutiny committees, but only those whose terms of reference and work programmes do not intersect with their Cabinet-facing responsibilities.

3.5.5 Any Member of the Council may request that an item be referred to an overview and scrutiny committee to be considered. This may be placed on a future meeting's agenda or, if this may not be the case, written reasons will be provided.

Section 4

4 INTRODUCTION TO THE ROLES OF MEMBERS AND OFFICERS IN DECISION-MAKING

- 4.1** Members are elected by the public; where one party holds a majority of seats on the Council (or where an agreement between two or more parties leads to those parties collectively holding a majority), they have the right to form the administration. This happens by a majority of Members electing the Council Leader, who goes on to appoint their Cabinet.
- 4.2** The Leader and Cabinet, appointed in this way, have a responsibility for setting the direction and priorities for the authority. Full Council signs this direction off through its annual debate and agreement of the Budget and Policy Framework, which is explained in **Part 5, section 3, c.** Through a Corporate Plan, the Cabinet's overall priorities are translated into a series of decisions which are made by Cabinet throughout the year. The detail of this decision-making process is set out in **Part 5.**
- 4.3** Members from all parties have a responsibility to oversee and scrutinise the way in which decisions are made, and their outcomes. Members sit on overview and scrutiny committees, which between them have an important role in contributing to the development of policy, and scrutinising the way that services are delivered to local people.
- 4.4** Members also sit on the Audit Committee, which has a particular responsibility for ensuring that public money is spent well by the Council.
- 4.5** Council officers – or employees – are responsible for implementing decisions agreed by Members, as well as advising Members on those decisions. The Council employs a large number of people who are professional experts in the areas for which it holds responsibility. It is officers who carry out the detailed work to ensure that services are delivered day-to-day – but the final accountability and responsibility always sits with Members.
- 4.6** For the Council to work effectively requires that Members and officers understand their respective roles, and that they are able to work well together. There is, by definition, some crossover between the roles of Members and those of officers. The important thing is to ensure that in respect of those matters, and others, a framework is in place that means that relationships, duties and responsibilities can be managed properly, and transparently. This is central to the political accountability held by Members, and the professional accountability held by officers.
- 4.7** In order to make sure this happens the Council has put in place arrangements such as:
- 4.7.1** A Member-Officer Protocol (set out in **Part 7, section 4.**

- 4.7.2 A scheme of officer delegation, which sets out the circumstances in which certain Cabinet / executive decisions which could be taken by Members can be taken by officers (set out in **Part 5, section 7**)
 - 4.7.3 Codes of Conduct for both officers and Members
- 4.8** The Council's commitments on value and behaviours (which are explained more fully in **Part 7**) also set out detail on how relationships should be managed.

Section 5

5 PRINCIPAL STATUTORY OFFICER FUNCTIONS

- 5.1** The Council will engage people for the posts designated a “Chief Officer” (definition of which may be found in the Glossary).
- 5.2** The people appointed to these posts will have responsibility for a range of matters relating to the corporate and strategic development of the Council, and its smooth running. Further information, including key responsibilities of Chief Officers, can be found [here](#). (at [page 113](#) of this Constitution.)

Section 6

6 ARRANGEMENTS FOR REVIEW, AMENDMENT, INTERPRETATION AND SUSPENSION OF THE CONSTITUTION

6.1 Review and amendment

6.1.1 The Monitoring Officer will monitor and review the operation of the Constitution on an ongoing basis, as well as more formally as part of the review that underpins the preparation of the Annual Governance Statement (see below).

6.1.2 This work will be overseen by Council and/or whichever body Council may appoint to provide more direct oversight.

6.1.3 The Monitoring Officer may make minor and consequential amendments to the Constitution at any time. A “minor or consequential” amendment is one that makes no material change to the operation of any element of the Constitution (for example it may be the correction of a typographical error), a change in structure or is as a result of the updating of the Constitution to reflect a change in the law or some other decision of a body of the Council.

6.1.4 More major changes to the Constitution may only be made with the approval of full Council, after considering a written report from the Monitoring Officer.

6.2 Interpretation

6.2.1 The correct interpretation of any part of the Constitution will be reflective of the legal advice provided by the Monitoring Officer. In meetings, the meeting’s Chair will – subject to the advice of the Monitoring Officer or other governance officer present – use their own judgement on the interpretation of the procedure rules.

6.3 Suspension

6.3.1 Only certain procedure rules present in the Constitution may from time to time be suspended, and then only further to the advice of the Monitoring Officer and subject to the agreement of the committee or body concerned, and then only for the duration of the item or meeting in question. The procedure rules in **Part 9** cover this in more detail.

Section 7

7 THE ANNUAL GOVERNANCE STATEMENT

- 7.1** The Annual Governance Statement is a statutory document, which explains the processes and procedures in place to enable the council to carry out its functions effectively. The statement is produced following a review of the council's governance arrangements and includes an action plan to address any significant governance issues identified.
- 7.2** The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards. It needs to ensure that public money is safeguarded, properly accounted for and used economically, efficiently and effectively. To achieve this the Council has to ensure that they have a governance framework that supports a culture of transparent decision making.
- 7.3** The Accounts and Audit Regulations (2015), as amended by the Accounts and Audit (Amendment) Regulations 2021, require the council to conduct a review, at least once a year, on the effectiveness of its system of internal control and include an Annual Governance Statement reporting on the review with the Statement of Accounts.
- 7.4** Behind this sits the Council's Code of Corporate Governance, based upon the CIPFA/SOLACE Delivering Good Governance publication (2016) that helps define the various principles of good governance in the public sector, and other key documents as set out in **Part 7**. (Governance and Culture).