



## PART 2

### ARTICLES OF THE CONSTITUTION

May 2022

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- **ARTICLE 1 – THE CONSTITUTION**

- **Powers of the Council**

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

- **The Constitution**

This Constitution, and all its appendices, is the Constitution of the South Staffordshire District Council.

The purpose of the Constitution is to:

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

- **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 which 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 14.

- **ARTICLE 2 – COUNCILLORS**

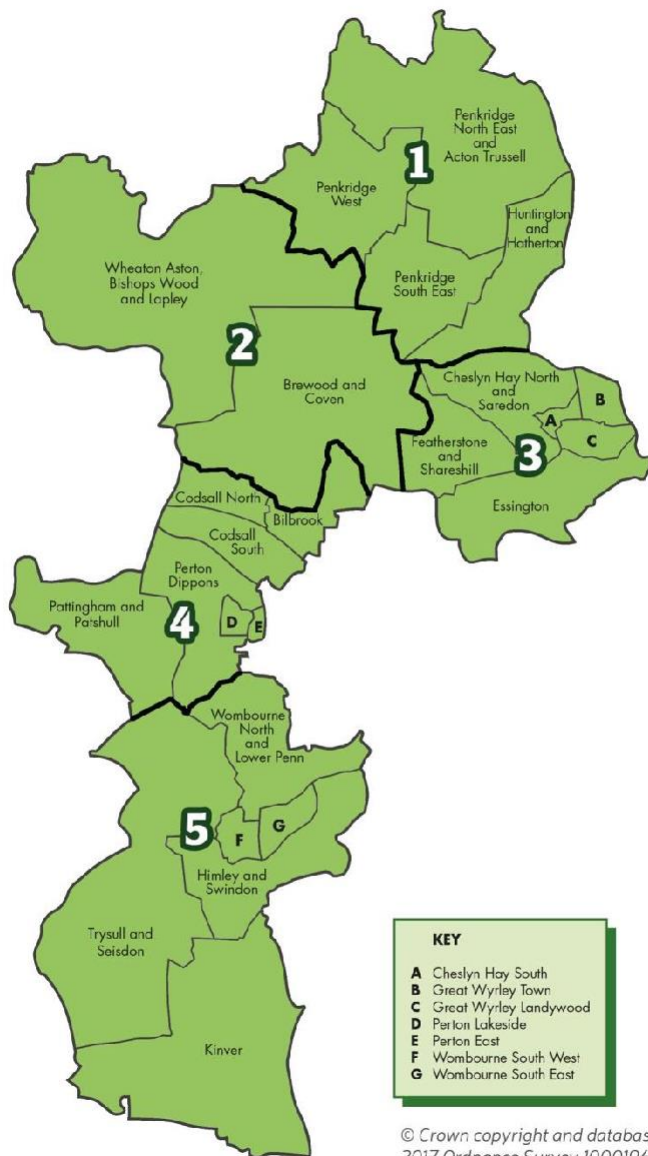
- **Composition and eligibility**

**Composition** The Council comprises 49 councillors. The District is divided into 25 wards. Each ward elects between 1 and 3 councillors as shown below:-

<u>Ward</u>	<u>No. of Councillors Elected</u>	<u>Ward</u>	<u>No. of Councillors Elected</u>
BILBROOK	2	KINVER	3
BREWOD & COVEN	3	PATTINGHAM & PATSHULL	1
CHESLYN HAY NORTH & SAREDON	2	PENKRIDGE NORTH EAST & ACTON TRUSSELL	2
CHESLYN HAY SOUTH	2	PENKRIDGE SOUTH EAST	2
CODSALL NORTH	2	PENKRIDGE WEST	1
CODSALL SOUTH	2	PERTON DIPPONS	1
ESSINGTON	2	PERTON EAST	1
FEATHERSTONE & SHARESHILL	2	PERTON LAKESIDE	3
GREAT WYRLEY LANDYWOOD	2	TRYSULL & SEISDON	1
GREAT WYRLEY TOWN	3	WHEATON ASTON, BISHOPSWOOD & LAPLEY	2
HIMLEY & SWINDON	1	WOMBOURNE NORTH	3
HUNTINGTON & HATHERTON	2	WOMBOURNE SOUTH EAST	2
		WOMBOURNE SOUTH WEST	2

**Eligibility** Only registered voters of the district; those living or working in the district, or those who have a material interest in land within the district (eg. as owner or tenant) will be eligible to stand to hold the office of Councillor. More information can be found at [Electoral Commission](#).

**Localities** – the Council’s area is split into 5 areas which are known as localities, these are made up of the wards as set out in the map below and are assigned numbers in line with the guide to the map – namely localities 1, 2, 3, 4 and 5.



- **Election and terms of councillors**

The regular election of councillors will be held on the first Thursday in May every four years, the next election being in 2023. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

- **Roles and functions of all councillors**

All councillors will:

- collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
  - contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
  - effectively represent the interest of their ward and of individual constituents;
  - respond to constituent’s enquiries and representations, fairly and impartially;
  - participate in the governance and management of the Council;
  - be available to represent the Council on other bodies; and
  - maintain the highest standards of conduct and ethics.
- **Rights and duties**
    - Councillors will have the right to access documents, information, land and buildings of the Council as necessary to enable them to carry out the duties and in accordance with the law;
    - Councillors should consider the situation carefully and, if appropriate, seek guidance from the Monitoring Officer before making public, information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it;
    - For these purposes, “confidential” and “exempt” information is defined in the Access to Information Rules in Part 4 of this Constitution.
- **Conduct**

Councillors will at all times observe the Councillor’s Code of Conduct and the Protocol on Councillor/Employee Relations set out in Part 5 of this Constitution.
- **Allowances**

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

- **ARTICLE 3 – RESIDENTS AND THE COUNCIL**

- **Residents’ rights**

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

- **Voting and petitions:** Residents on the electoral roll for the District have the right to vote; sign a petition to request a referendum for an elected mayor form of Constitution; or sign any other petition they wish to support;

- **Information:** Residents have the right to:

- attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;
- attend meetings of the Cabinet except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- see reports and background papers, and any records of decisions made by the Council, the Cabinet, the non-Executive Committees and significant officer decisions except where confidential or exempt information is likely to be disclosed and the meeting/decision is therefore held/made in private; and
- inspect the Council’s accounts and make their views known to the external auditor.

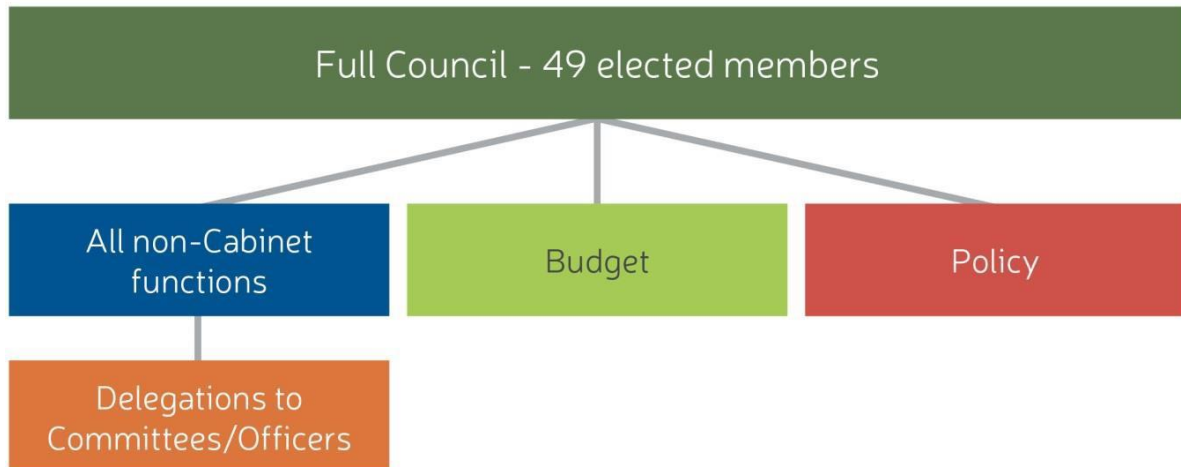
- **Complaints:** Residents have the right to complain to:

- the Council both generally and using its complaints scheme ([compliments-complaints-and-comments](#))
- the ombudsman (normally after using the Council’s own complaints scheme) ([Local Government Ombudsman](#))
- the Monitoring Officer that a Councillor has breached the Code of Conduct for Councillors ([Code of Conduct Complaint](#))

- **Residents’ responsibilities**

Residents must not be violent, abusive, or threatening to councillors or employees and must not wilfully harm things owned by the Council, councillors, or employees.

- **ARTICLE 4 – THE COUNCIL**



- **Introduction**

The full Council is a formal meeting of all Councillors. The full Council is required by law to take certain important decisions including setting the Council’s Budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). The full Council must also by law take decisions on a number of specific matters.

The full Council provides a central forum for debate and gives the opportunity for Councillors to ask questions about the Council or matters affecting the Council.

- **The Council**

The Role

A meeting of the Council is one which all 49 members are entitled to attend and to speak and vote. The Council is responsible for the Budget and Policy Framework of the Council and for all of the functions not the responsibility of the Cabinet; it has a role in holding the Cabinet to account. It will carry out some functions itself but others will be delegated to Committees or named officers.

- **Policy Framework**

The policy framework means the following plans and strategies, all of which are to be adopted by the Council:

Council Plan

Development Plan documents that comprise the Council's Local Development Framework and the revocation or revision of such documents (including any joint documents)

Licensing Policy

Gambling Policy

Housing and Homelessness Strategy

Asset Strategy

together with any other plans required by law to have the approval of Council and any other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice.

- **Budget**

Responsibility for the budget (sometimes referred to as the Medium Term Financial Strategy) includes the allocation of financial resources to different services and projects, proposed contingency funds, 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.

- **Functions**

Only the Council will exercise the following functions:

- adopting and changing the Constitution
- adopting or making material changes to the Council's Policy Framework and Budget ('Budget' encompasses the budgetary allocations to different services and projects, proposed taxation levels, reserves and balances, and any plan or strategy for the control of the authority's borrowings or capital expenditure)
- adopting or making material changes to the Council's Treasury Management Policies and Investment Strategy
- subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any



matter in the discharge of any function which is covered by the policy framework or the budget where the decision maker or decision-making body is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget

- determining which Committees, Sub-Committees, working parties, Boards, Panels etc. shall be established as standing committees, the terms of reference of each body, the number of members (voting and non-voting) that each consists of and making the necessary appointments to the bodies
- taking decisions which are not normally the responsibility of the Leader and which have not been delegated by the Council to Committees, sub-committees, and officers
- making appointments to committees (including the appointment of Chairmen and Vice Chairmen)
- appointing the Leader of the Council
- appointing the Chief Executive (who shall be the Head of the Paid Service, Electoral Registration Officer, and Returning Officer)
- appointing the Chief Finance Officer for the purposes of Section 151 of the Local Government Act 1972
- appointing the Monitoring Officer for the purposes of Section 5 the Local Government and Housing Act 1989
- determining the scheme for and amounts of Councillors' allowances
- the making of Procedure Rules including those in relation to Contracts and Finance
- the delegation of non-executive functions to Committees, Sub-Committees and officers, subject to the right to amend the Delegation Scheme from time to time as may be required
- all other matters which, by law, must be reserved to the decision of the Council as a whole
- to receive reports from the Leader, the Cabinet, the Standards and Resources Committee and the Audit & Risk Committee which they have referred to Council
- the setting of the Council Tax and Other matters reserved to the Council pursuant to Section 67 of the Local Government Finance Act 1992

- approving the change of name of the District
  - approving the change of name of a Parish
  - approving a petition for a charter to confer borough status
  - appointing Review Boards (e.g. Council Tax/Discretionary Housing Payments)
  - appointing to Outside Bodies in relation to non-Executive functions
  - approving the Council's Petition Scheme and considering in accordance with the scheme any petitions signed by at least 2,000 qualifying persons
  - to consider reports on lawfulness and maladministration
  - to receive reports from the Leader or Cabinet on urgent decisions contrary to the Policy Framework
  - to take all decisions in respect of delegating non-executive functions to another local authority
- (aa) to take all decisions in respect of accepting the delegation of functions from another local authority.

- **Meetings of the Council**

There are three types of Council meeting:

- 1.1.1 the annual meeting;
- 1.1.2 ordinary meetings;
- 1.1.3 extraordinary meetings.

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

- **Responsibility for functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions.

- **Quorum**

The quorum for a meeting of the Council shall be one quarter of the number of voting members of the Council.

- **Dismissal of Head of Paid Service, Monitoring Officer or s.151 Officer**

The dismissal of the Head of Paid Service, the Monitoring Officer and the s.151 Officer (the statutory officers) is reserved to Council.

Where the circumstances set out in regulation 6 and Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 apply any Panel (or Committee or Sub-Committee) advising the Council on dismissal of the 3 posts must appoint at least 2 independent persons to that Panel (Committee or Sub-Committee) – namely independent persons appointed under Section 27(8) of the Localism Act 2011.

The priority for selecting the independent persons is:

- i. Any person who is registered as a local government elector in the register of electors for the area of the authority in accordance with the Representation of the People Acts and has been appointed as an independent person by the Council
- ii. Any person who is not registered as a local government elector in the register of electors for the area of the authority in accordance with the Representation of the People Acts and has been appointed as an independent person by the Council
- iii. Any person appointed by another Council as an independent person.

The Panel (Committee or Sub-Committee) advising Council must be appointed at least 20 working days prior to the relevant meeting of the Council.

Where the circumstances set out in Regulation 6 and Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 apply, before the Council takes a vote on whether or not to dismiss any holder of one of the 3 posts it must take into account any advice, views or recommendations of the Panel, the conclusions of any investigation into the proposed dismissal and any representations from the relevant officer.

Any payments to the independent persons for their assistance to the Council must not exceed the sums payable to that person's role as an independent person for their work under the Localism Act 2011.

## **5.0 ARTICLE 5 – CHAIRING THE COUNCIL**

### **5.1 Role and function of the Chairman**

The Chairman and Vice-Chairman will be elected at the Annual Meeting of the Council. The Chairman of the Council and in his/her absence the Vice-Chairman will have the following roles and functions:

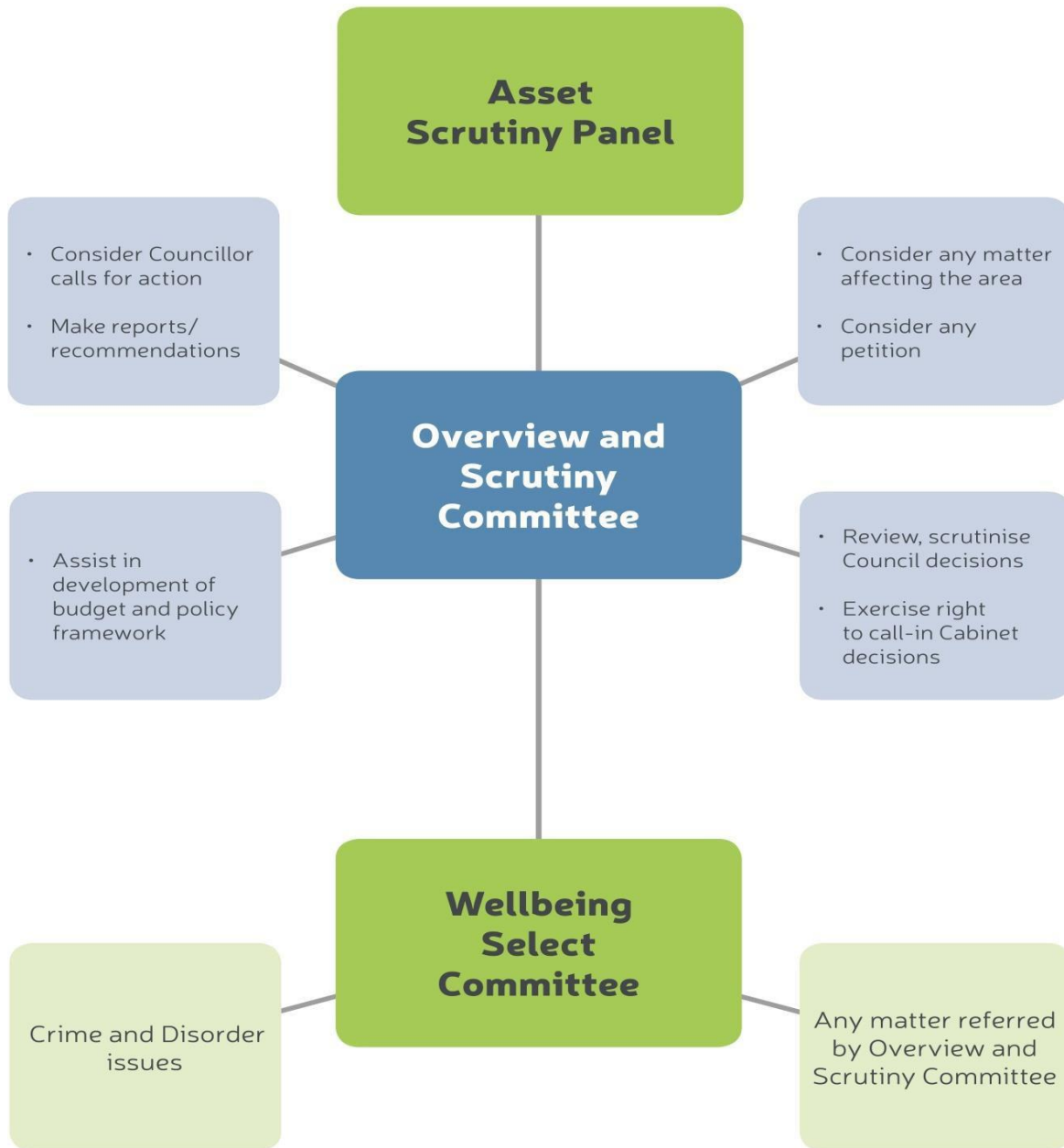
#### Ceremonial Role

The Chairman of the Council is the civic head of the Council and will represent the Council at such civic and ceremonial functions as the Council and he/she determines appropriate.

#### Other Roles

- (i) to uphold and promote the purposes of the Constitution;
- (ii) to preside over meetings of the Council ensuring compliance with the Rules of Procedure in the Constitution so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members determine the strategic objectives, policies and programmes to be followed; and
- (iv) to promote public involvement in the Council's activities and to maintain the dignity of the office and at no time to bring discredit to it.

## 6.0 ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEES



**6.1** The Council is required by law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committees can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local residents.

- 6.2** The Council will appoint an Overview and Scrutiny Committee (which will comprise all members of the Council except those who are members of the Cabinet), a Wellbeing Select Committee (which will comprise 15 members of the Council (who may not also be members of the Cabinet)), together with the County Councillor appointed by Staffordshire County Council as the Lead Councillor for Health Scrutiny in South Staffordshire) and an Asset Scrutiny Panel (which will comprise 7 members of the Council); together these three Committees will comprise the formal scrutiny arrangements of the Council.

Any member of the Council may refer a matter\* affecting any part of the District to the Overview and Scrutiny Committee (which may in turn refer the matter to the Wellbeing Select Committee) ("Councillor Calls for Action").

(\*Defined as a matter which relates to the functions of the Overview and Scrutiny Committee other than a local crime and disorder matter dealt with by the Police and Justice Act 2006 or a matter which the Secretary of State has excluded by Order).

No member of the Council may scrutinise a decision in which they were involved.

The Chairman of the Overview and Scrutiny Committee may not also chair the Wellbeing Select Committee.

In addition, the Council will appoint an Asset Scrutiny Panel (which will be a Sub-Committee of the Overview and Scrutiny Committee) comprising of 7 members of the Council excluding the Leader and the Cabinet.

### **6.3 General Role**

The Overview and Scrutiny Committee may (either itself or by referral to the Wellbeing Select Committee):

- (a) review and/or scrutinise decisions that are made or actions taken in connection with the discharge of any of the Council's functions;
- (b) make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions;
- (c) consider any matter affecting the area or its residents;
- (d) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Cabinet;

- (e) to assist the Council and the Cabinet in the development of its budget and policy framework;
- (f) consider any Councillor Calls for Action requiring scrutiny through the formal scrutiny process;
- (g) consider, in accordance with the Council's Petition Scheme, any petition signed by at least 1,000 qualifying persons requesting a Senior Council Officer to give evidence at a public meeting.

#### 6.4 Specific functions

- (a) **Policy Development and Review.** The Overview and Scrutiny Committee and Wellbeing Select Committee may:
  - (i) assist the Council and the Chief Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
  - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
  - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
  - (iv) question members of the Cabinet and employees about their views on issues and proposals affecting the area;
- (b) **Scrutiny.** The Overview and Scrutiny Committee (either itself or by referral to the Wellbeing Select Committee) may:
  - (i) review and scrutinise decisions made by and performance of any member exercising executive functions and employees both individually and over time;
  - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - (iii) question any member exercising executive functions and employees about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives, or projects;
  - (iv) make recommendations to the Cabinet and/or the Council arising from the outcome of the scrutiny process;
  - (v) question and gather evidence from any person (with their consent).

- (vi) consider and make recommendations on a Councillor Call for Action
  - (vii) challenge a decision of the Cabinet or an officer not to classify a certain decision as “key”.
- (c) **Scrutiny of regulatory decisions.** The Overview and Scrutiny Committee and Wellbeing Select Committee may review policies and procedures in connection with any regulatory functions exercised by Planning and Licensing & Regulatory Committees, and Sub-Committees thereof, or by officers, but such a review shall not include scrutiny of any such decision relating to an individual application for determination, consent, licence, permission etc.
- (d) **Finance.** The Overview and Scrutiny Committee shall exercise overall responsibility for the finances made available to that Committee and to the Wellbeing Select Committee.
- (e) **Employees.** The Overview and Scrutiny Committee shall exercise overall responsibility for the work programme of any employees employed to support its work and that of the Wellbeing Select Committee and they will be independent of the Cabinet in that area of work.

#### **6.5 Wellbeing Select Committee**

The Wellbeing Select Committee will act as the Council’s Crime and Disorder Committee for the purposes of the Crime and Disorder (Overview and Scrutiny) Regulations. The scrutiny of all matters relating to health and wellbeing sits with this Committee. Any member of the Council, whether a member of this Committee or not, may refer a local crime or disorder matter\* to the Committee.

#### **6.6 Asset Scrutiny Panel**

The Asset Scrutiny Panel will undertake scrutiny functions in respect of all aspects of the Council’s Asset Strategy.

#### **6.5 Proceedings of the Overview and Scrutiny Committee, Asset Scrutiny Panel and Wellbeing Select Committee**

The Overview and Scrutiny Committee, the Asset Scrutiny Panel and the Wellbeing Select Committee will each conduct its proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

#### **6.6 Quorum**

The quorum for a meeting of the Overview and Scrutiny Committee shall be one quarter of the number of voting members of the Overview and Scrutiny Committee.

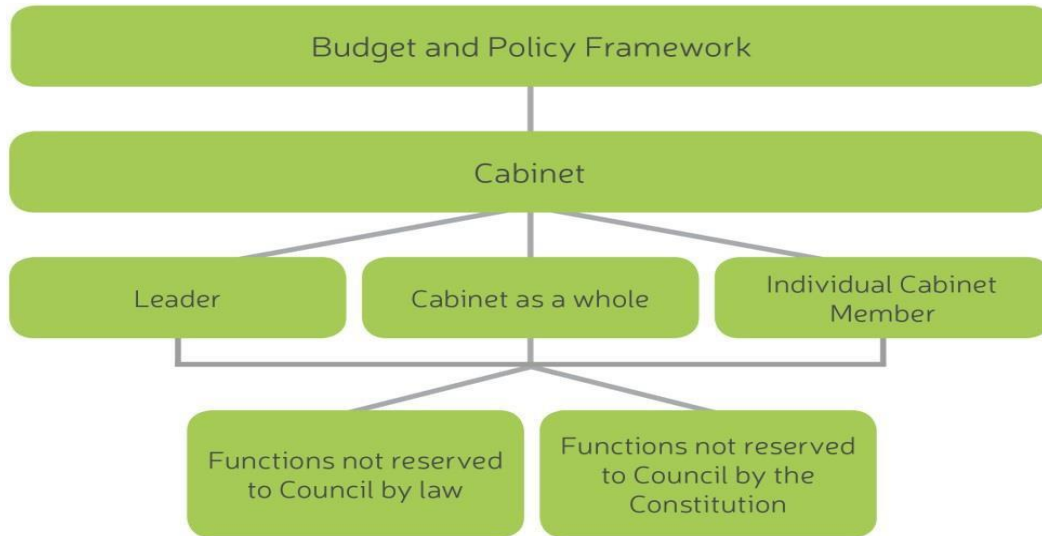
The quorum for a meeting of the Wellbeing Select Committee shall be one quarter of the number of voting members of the Wellbeing Select Committee.



The quorum for a meeting of the Asset Scrutiny Panel shall be three members.

- \* Local crime and disorder matter means a matter concerning:
  - a) crime and disorder (including anti-social behaviour or other behaviour adversely affecting the local environment) or
  - b) the misuse of drugs, alcohol or other substances.Where such a matter affects all or part of the electoral area for which the member is elected or any person who lives or works in that area (s.19 Police and Justice Act 2006)

## 7.0 ARTICLE 7 - THE CABINET



### 7.1 Role

The Cabinet and individual cabinet members are appointed by the Leader to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution. Many decisions will be made by the Leader, Cabinet or individual cabinet members rather than the full Council.

The Leader, Cabinet or individual cabinet members will exercise functions which are not the responsibility of the Council or its Committees by law or under this Constitution and will do so within the policy framework and budget set by the Council in accordance with these arrangements.

The Cabinet has a key role in proposing the budget and policy framework to the Council. The Cabinet and its members will lead the strategic direction and the drive for best value; lead the preparation of the Council's policies and budget; take in year decisions on resources and priorities and be the focus for forming partnerships with other local public, private and voluntary and community sector organisations to address local needs. The Cabinet will also respond to any recommendations and reports from the Overview and Scrutiny Committee, and the Standards and Resources Committee relating to its functions.

The responsibilities of each individual member of the Cabinet are allocated by the Leader of the Council and are set out in Part 3 of this Constitution.

### 7.2 Form and composition

The Cabinet will consist of the Leader of the Council and between 2 and 9 members of the Council appointed to the Cabinet by the Leader of the Council and known as

Cabinet Members or Assistant Cabinet Members; one of whom the Leader of the Council will appoint Deputy Leader of the Council.

### **7.3 Leader of the Council**

The Leader of the Council will be a councillor elected to that position at the first Annual Meeting of Council after a whole Council election until the day of the next post-election Annual Meeting of Council. The Leader of the Council will hold office until or unless:

- (i) he/she resigns from the office; or
- (ii) he/she is no longer a councillor; or
- (iii) he/she is removed from office by resolution of the Council.

The Leader will carry out all of the Council's executive functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

### **7.4 Other Cabinet Members**

The Cabinet Members will be councillors appointed to the Cabinet by the Leader of the Council and shall hold office until:

- (i) they are removed from office either collectively or individually by the Leader of the Council;
- (ii) they resign from office;
- (iii) the Leader of the Council ceases to hold office (except that the Deputy Leader of the Council shall act as Leader of the Council until Council appoints another Leader);
- (iv) they are no longer councillors.

The Leader of the Council may change the membership of the Cabinet at any time.

One of the Cabinet Members will be appointed by the Leader of the Council as Deputy Leader of the Council. The Deputy Leader may exercise all of the functions of the Leader of the Council where the position is vacant or where the Leader is absent or is otherwise unable to act. The Leader of the Council may remove the Deputy Leader from office at any time.

## **7.5 Responsibility for functions**

- (a) The Monitoring Officer will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet, employees, or joint arrangements are responsible for the exercise of particular Cabinet functions; and
- (b) Where a Cabinet Member is unable to act, either through absence or otherwise, the Leader of the Council shall act in his/her place, if the Leader of the Council is unable to act, either through absence or otherwise, the Deputy Leader of the Council shall act in his/her place.

## **7.6 Delegation of Functions**

The Leader of the Council may exercise executive functions himself/herself or may otherwise make arrangements to delegate responsibility for their discharge as set out below:-

- (a) the Leader of the Council may delegate executive functions to:-
  - (i) the Cabinet as a whole;
  - (ii) a Committee of the Cabinet (comprising Cabinet Members only);
  - (iii) an individual Cabinet Member;
  - (iv) a joint committee;
  - (v) another local authority or the executive of another local authority;
  - (vi) an employee of the Council.

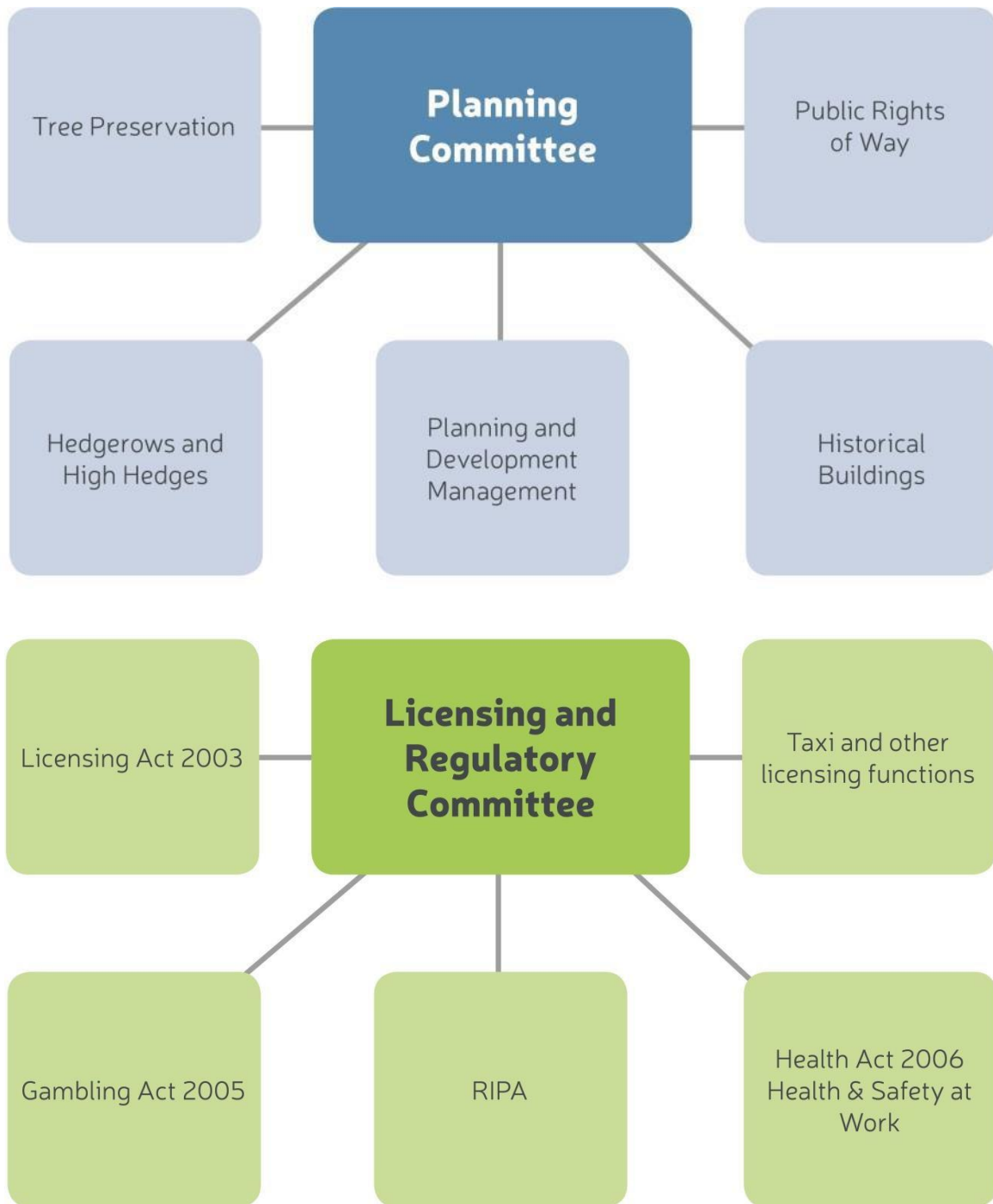
## **7.7 Proceedings of the Cabinet**

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

## **7.8 Quorum**

The quorum for a meeting of the Cabinet shall be three voting members of the Cabinet.

## 8.0 ARTICLE 8 – PLANNING AND OTHER COMMITTEES



### 8.1 Introduction

The Council will appoint committees to undertake a variety of regulatory and other functions that are the responsibility of the Council but which do not have to be carried out by the full Council.

### 8.2 Standing Committees

The Standing Committees are listed below and full details of their functions can be found in Part 3 of the Constitution (Responsibility for Council Functions) :-

- **Planning Committee**

The role of the Planning Committee is to be responsible for determining applications and enforcement decisions of the Council in relation to Town and Country Planning and other related matters as set out in Part 3 of the Constitution.

The Planning Committee shall

- comprise 18 members of the Council
- Be politically balanced in accordance with the Local Government and Housing Act 1989 (“the 1989 Act”)
- Shall, provided that the Council can meet the applicable political balance tests in the 1989 Act as regards the composition of the whole Committee, be represented by members from the different localities as follows:
  - 3 members from locality 1
  - 3 members from locality 2
  - 4 members from locality 3
  - 4 members from locality 4
  - 4 members from locality 5

The quorum for a meeting of the Planning Committee shall be one quarter of the number of voting members of the Committee quorum is therefore generally 5.

- **Licensing and Regulatory Committee**

The role of the Licensing and Regulatory Committee is to be responsible for determining applications and enforcement decisions of the Council in relation to all licensing matters (other than those which are by law matters for the Cabinet) and other related matters, (including the Regulation of Investigatory Powers Act) as set out in Part 3 of the Constitution.

The Licensing and Regulatory Committee shall comprise 15 Councillors appointed by the Council at its Annual Meeting. The Committee can exercise certain of its functions (under the Licensing Act 2003, the Gambling Act 2005 and taxi licensing legislation) through Licensing Sub-Committees; which shall comprise of any 3 (in the case of Licensing Act or Gambling Act matters) or any 5 (in the case of taxi licensing matters) of the 15 Councillors of the Committee. The Director

Legal and Governance is responsible for choosing the members of any such sub-committee.

The quorum for a meeting of the Licensing and Regulatory Committee shall be one quarter of the number of voting members of the Committee, quorum is therefore generally 4.

The quorum for a meeting of a Licensing Sub-Committee shall be 3 voting members of the Licensing and Regulatory Committee.

The political balance requirements under the Local Government and Housing Act 1989 shall not apply to meetings of the Licensing Sub-Committee.

- **Audit & Risk Committee**

Audit & Risk Committee shall comprise 8 Councillors appointed by the Council at its Annual Meeting and who shall not be members of the Cabinet.

The role of the Audit & Risk Committee is to provide those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes and other related matters as set out in Part 3 of the Constitution.

The quorum for a meeting of the Audit & Risk Committee shall be three voting members of the Committee.

- **Investigatory and Disciplinary Committee**

The role of the Investigatory and Disciplinary Committee is to investigate and make a determination on any disciplinary action (including dismissal) against any officer listed in paragraph 3 of Schedule 1 Part II of the Local Authorities (Standing Orders) (England) Regulations 2001; save that in Article 4.9 dismissal of the Chief Executive, Monitoring Officer and the Corporate Director Finance and Resources when acting as Section 151 Officer is reserved to full Council, and the rules specified in Article 4.9 apply.

The Investigatory and Disciplinary Committee shall comprise 7 members of the Council; shall include at least one member of the Cabinet and shall comply with the provisions of the Local Government and Housing Act 1989 re political balance.

The quorum of the Committee shall be 3 members which shall include at least one member of the Cabinet.

No member of this Committee may also be a member of the Disciplinary and Grievance Appeals Committee.

The Assistant Director Organisation and People Development is responsible for arranging training for and providing advice to this Committee.

- **Disciplinary and Grievance Appeals Committee**

The role of the Investigatory and Disciplinary Committee is to consider appeals against dismissals and grievances by employees of the Council.

The Disciplinary and Grievance Appeals Committee shall comprise 7 members of the Council; shall include at least one member of the Cabinet and shall comply with the provisions of the Local Government and Housing Act 1989 re political balance.

The quorum of the Committee shall be 3 members which shall include at least one member of the Cabinet.

No member of this Committee may also be a member of the Investigatory and Disciplinary Committee.

The Assistant Director Organisation and People Development is responsible for arranging training for and providing advice to this Committee.

### **8.3 Other Committees and Sub-Committees**

The Council will appoint such other committees as it considers appropriate to exercise any of its functions.

Any committee appointed by the Council may at any time appoint additional sub-committees and panels throughout the year. Their terms of reference and delegation of powers to them shall be explicit and within the Appointing Committee's terms of reference.

The Council in the case of Standing Committees or the parent committee in the case of sub-committees or panels will, in the case of sub-committees or panels, appoint the members to serve on the committee, sub-committee or panel subject to the right of a political group within the meaning of the Local Government and Housing Act 1989 and any regulations made under that Act to make nominations for those appointments at the meeting that makes the appointments before the appointments are made.



#### **8.4 Qualifications for sitting on Planning and other Committees**

Only those members who have undertaken appropriate training at the appropriate time may vote on the relevant committees, sub-committees or panels. These requirements apply to the Planning Committee and the Licensing and Regulatory Committee and any sub-committee or panel thereof. The requirements as to a) the amount and content of the training and b) the timing of the training will be prescribed by the Chief Executive or the Director Legal & Governance and shall include appropriate training on data protection.

## **9.0 ARTICLE 9 – PANELS AND FORUMS**

**9.1** The Council will appoint the following panels to advise on the discharge of certain functions of the Council as set out in Part 3 of the Constitution (Responsibility for Council Functions)

- **Housing Review Panel**

The role of the Housing Review Panel is to consider reviews and make recommendations to the relevant Cabinet Member in relation to certain decisions including determinations on homelessness, inclusion on the Housing Register and decisions on property accreditation schemes as set out in Part 3 of the Constitution.

This Panel shall comprise one Cabinet Member (not being the Cabinet Member for Welfare Services) (Substitute: Leader of the Council); one member and named substitute appointed by the Leader of the Council; one Member and named substitute appointed by the Leader of the Main Opposition Group on the Council or in the absence of such a Leader, one Member and named substitute nominated by the Leader of the Council, who shall not be Members of the controlling group on the Council.

Any decision issued by the Cabinet Member (Welfare Services) (or in the absence of the Cabinet Member, the Leader of the Council) in accordance with recommendations approved by the Housing Review Panel can take immediate effect and is exempt from the call-in arrangements in the Scrutiny Procedure Rules in Part 4 of this Constitution.

The Director Legal & Governance shall act as Clerk to this Panel.

- **South Staffordshire Lottery Advisory Panel**

The role of the Lottery Advisory Panel is to advise the Leader of the Council in respect of the administration of the revenue generated from the central fund of the South Staffordshire Lottery.

The Panel shall comprise 10 Members of the Council, 2 from each Locality; the Panel shall be politically balanced. The Corporate Director Communities and Wellbeing shall attend Panel meetings to support the advisory process. Members of the Panel shall be nominated by the Leader of the Council.

- **Complaint Panel**

The role of the Complaint Panel is to hear and determine complaints against the authority in accordance with the Council's complaints procedure.

This Panel shall comprise 3 persons appointed by the Monitoring Officer (of whom one member shall be a Councillor and two members shall be independent persons); the Panel shall not be chaired by a member of the Council.

- **Independent Remuneration Panel**

The role of the Independent Remuneration Panel is to recommend to the Standards and Resources Committee a scheme for the payment of allowances to members of South Staffordshire Council and to constituent Parish Councils.

This Panel consists of six independent members appointed annually by the Council. The quorum of the Panel shall be 3.

- **Personal Development Review and Appointments Panel**

The role of the Personal Development Review and Appointments Panel is to be responsible for carrying out the personal development reviews of the Chief Executive and the Corporate Directors on a yearly basis.

The role of the Personal Development Review and Appointments Panel is also to be responsible for recommendations to Council as to the appointment of the Chief Executive, Monitoring Officer and Officer holding the post as section 151 officer and to make appointments in so far as the Head of Paid Service is not authorised to do so by virtue of the Local Authorities (Standing Orders) (England) Regulations 2001.

This Panel will comprise the Leader of the Council, the Deputy Leader of the Council, the Leader of the Main Opposition Group (or in the absence of such a Leader, a Councillor nominated by the Leader of the Council who shall not be a member of the controlling group on the Council), the Chairman of the Planning Committee, the Chairman of the Standards and Resources Committee and the Chairman of the Overview and Scrutiny Committee. The Panel shall comply with the provisions of the Local Government and Housing Act 1989 re political balance. As such the above membership may be varied to accord with political balance requirements.

The quorum of the Committee shall be 3 members which shall include at least one member of the Cabinet.

**9.2** A Member of the Cabinet may also be a Member of the Housing Review Panel and a

Complaint Panel.

**9.3** The Council will appoint 3 Challenge Panels covering the following areas:-

- (a) Your Council
- (b) Your Place
- (c) Your Community

The Panels are informal working groups and have no decision making powers or any formal role in the Council's governance arrangements; although their work may inform the actions of the Cabinet or the consideration of matters by the Overview and Scrutiny Committee and the Wellbeing Select Committee.

A Challenge Panel shall comprise no fewer than 15 members of the Council. All members of the Council will be offered a seat on at least one Challenge Panel.

No more than two members of the Cabinet shall sit on any one Challenge Panel.

No member of a Challenge Panel may undertake the challenge/review of a decision made by that member or to which the member was a party to the making of.

A member of the Cabinet or the Chairman of a standing committee or a scrutiny committee may not also chair a Challenge Panel.

Each Panel will agree an informal action plan at the start of each Municipal Year and may make recommendations to inform the work of the Cabinet or the consideration of matters by the Overview and Scrutiny Committee and the Wellbeing Select Committee.

## 10.0 ARTICLE 10 – THE STANDARDS AND RESOURCES COMMITTEE



### 10.1 Introduction

The Council will establish a Standards and Resources Committee. Its role is to promote and maintain high standards of conduct by Councillors, to oversee the following: complaints; proper officer appointment; the elections process and other related matters as set out in Part 3 of the Constitution.

The Council will appoint South Staffordshire Councillor members of the Standards and Resources Committee and co-opt the Parish Council non-voting members of the Committee annually.

The Chairman of the Standards and Resources Committee or of any Sub-Committee of the Committee shall be a voting member of the Standards and Resources Committee.

## **10.2 Composition of the Standards and Resources Committee**

- (a) The Standards and Resources Committee will consist of:
- fourteen councillors other than the Chairman and the Leader of the Council (of whom not more than one shall be a member of the Cabinet)
  - six members of Parish Councils wholly or mainly in the Council's area and who are not a member of South Staffordshire Council co-opted to the Committee in a non-voting capacity (Parish Members)  
(N.B. a Parish Council may have only one Parish Member of the Standards and Resources Committee)

## **10.3 Quorum**

- (a) The quorum for a meeting of the Standards and Resources Committee shall be one quarter of the number of voting members of the Standards Committee, quorum is therefore generally 4.
- (b) The quorum for a meeting of a sub-committee of the Standards and Resources Committee shall be 3 voting members of the sub-committee.

## **10.4 Roles and Function**

The Standards and Resources Committee will have the roles and functions as set out in Part 3 of this Constitution.

## **10.5 The Standards (Hearings) Sub-Committee**

The Standards (Hearings) Sub-Committee shall comprise 7 members of the Standards and Resources Committee (and 3 non-voting parish members). The Sub-Committee shall be chaired by a voting member of the Standards and Resources Committee and shall conduct hearings into allegations that a Councillor (including a Parish Councillor) has breached the Code of Conduct for Councillors of the relevant authority in accordance with the arrangements for such hearings approved by South Staffordshire Council.

## **10.6 The Standards (Assessment) Sub-Committee**

The Standards (Assessment) Sub-Committee shall comprise 7 members of the Standards and Resources Committee (and 3 non-voting parish members). The Sub-Committee shall be chaired by a voting member of the Standards and Resources Committee and shall undertake the initial assessment of a complaint on referral from the Monitoring Officer in accordance with the arrangements for such hearings approved by South Staffordshire Council.

## **11.0 ARTICLE 11 - JOINT ARRANGEMENTS**

### **11.1 Introduction**

There are a number of circumstances where the Council is entitled to carry out certain functions jointly with another local authority.

### **11.2 Arrangements to promote well being**

The Council, acting through the Cabinet and subject to budget and policy, in order to promote the economic, social, or environmental well-being of its area, may:

- (i) enter into arrangements or agreements with any person or body;
- (ii) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (iii) exercise on behalf of that person or body any functions of that person or body.

### **11.3 Joint arrangements**

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those appointments need not reflect the political composition of the local authority as a whole.
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet 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 Cabinet 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 a county council and a single district council and relates to functions of the Cabinet of the county council. In such cases, the Cabinet 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.

- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

#### **11.4 Access to information**

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

#### **11.5 Delegation to and from other local authorities**

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Cabinet of another local authority in accordance with the law and any restrictions elsewhere in this Constitution
- (b) The Leader may delegate executive functions to another local authority or the Cabinet of another local authority in accordance with the law and any restrictions elsewhere in this Constitution.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council.

#### **11.6 Contracting Out**

The Council may contract out to another body or organisation functions:

- (a) which may be exercised by an employee and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994; or
- (b) 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.



## **12.0 ARTICLE 12 – EMPLOYEES**

### **12.1 General**

The Council may engage such employees as it considers necessary to carry out its functions.

### **12.2 Chief Officers**

The Council will engage persons for the following posts who will be designated Chief Officers

- Chief Executive
- Corporate Directors
- Director Legal & Governance

### **12.3 Head of Paid Service, Monitoring Officer, and Chief Financial Officer**

The Council designates the following posts as shown:

Chief Executive	- Head of Paid Service
Corporate Director Finance and Resources	- Section 151 Officer
Director Legal & Governance	- Monitoring Officer

Such posts will have functions described in Articles 12.5 – 12.7 below.

### **12.4 Structure**

The overall structure of the Council showing the management and deployment of employees is set out in Part 7 of this Constitution.

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

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

The Chief Executive is responsible to the Council for the manner in which the discharge of the Council functions is co-ordinated, the appointment of employees required for the discharge of functions, and the organisation and training of them.

#### **(b) Restrictions on Functions**

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

## **12.6 Functions of the Corporate Director Finance and Resources**

### **(a) Ensuring Financial Prudence of Decision Making**

After consulting the Head of Paid Service and the Monitoring Officer, the Corporate Director Finance and Resources will report to the Council (and to the Cabinet in relation to an executive function) and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure or is otherwise 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 Corporate Director Finance and Resources will have responsibility for:

- the proper administration of financial affairs of the Council under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1998, and
- conducting a continuous internal audit of the financial affairs of the Council as required by the Accounts and Audit Regulations and for maintaining an adequate and effective system of internal audit as required by those regulations.

### **(c) Providing Advice**

The Corporate Director Finance and Resources will, where appropriate in consultation with the Monitoring Officer, provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, and budget framework issues to all councillors and will support and advise all councillors and employees in their respective roles.

### **(d) Give Financial Information**

The Corporate Director Finance and Resources will provide financial information to the media, the public, and the community in accordance with legislation.

### **(e) Restrictions on Post**

The Corporate Director Finance and Resources cannot be the Monitoring Officer but may hold the post of Head of Paid Service.

## **12.7 Functions of the Monitoring Officer**

(a) Maintaining the Constitution

The Monitoring Officer will maintain an up to date version of the Constitution and ensure that it is widely available for consultation by members, employees, and the public.

(b) Ensuring Lawfulness and Fairness of Decision Making

After consulting the Head of Paid Service and Corporate Director Finance and Resources, the Monitoring Officer will report to the Council (in relation to a non- executive function) and to the Cabinet in relation to an executive function if he/she considers that any proposal, decision, or omission will give rise to unlawfulness or any decision or omission has given rise to maladministration. Such a report will have the effect of preventing the proposal or decision from being implemented until the report has been considered.

(c) Supporting the Standards and Resources Committee

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

Notwithstanding any duty of confidentiality, the Monitoring Officer shall be at liberty to disclose any information relating to the Council's affairs and provide copies of any records or documents belonging to the Council to the Standards and Resources Committee, for the purposes of investigation or determination of an allegation that a Councillor has failed to comply with the Code of Conduct for Councillors.

(d) Receiving Reports

The Monitoring Officer will receive and act on reports made by the Council's Standards and Resources Committee.

(e) Conducting Investigations

The Monitoring Officer will conduct investigations into matters as directed by or which fall within the jurisdiction of the Standards and Resources Committee and the Monitoring Officer and make reports or recommendations in respect of the same to the Standards and Resources Committee, in so doing the Monitoring Officer shall comply with any arrangements for such investigations as may be adopted by the Council.

(f) Proper Officer for Access to Information

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions, and relevant reports and background papers are made publicly available in accordance with legislation.

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

The Monitoring Officer will advise whether the decisions of the Cabinet are in accordance with the Council's 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 Post

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

## **12.8 Duty to Provide Sufficient Resources to the Monitoring Officer and Corporate Director Finance and Resources**

The Council will provide the Monitoring Officer and the Corporate Director Finance and Resources with such office accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## **12.9 General References to Employees in this Constitution**

(a) In addition to the definitions set out above, the following definitions relating to certain employees are used throughout this constitution, and the constitution should be construed with reference thereto:-

- The Corporate Leadership Team
  - Chief Executive, Corporate Directors and Director Legal & Governance
- Assistant Directors
  - includes reference to all Assistant Directors who are responsible for the operational and strategic lead for functions within their areas; they lead on the day to day management of their teams.

### **12.10 Conduct**

Employees will comply with the requirements of the Council's Disciplinary Rules and Procedures relating to conduct, Employees Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this constitution.

### **12.11 Employment**

The recruitment selection and dismissal of officers will comply with the employment rules as set out in Part 4 of this constitution.

## **13.0 ARTICLE 13 - DECISION MAKING**

### **13.1 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 functions. This record is set out in Part 3 of this Constitution. A decision tree setting out the decision making process is set out at the end of this Article.

### **13.2 Principles of decision-making**

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

- (i) proportionality (i.e. the action must be proportionate to the desired outcome);
- (ii) due consultation and the taking of professional advice;
- (iii) due regard to the Members' Code of Conduct;
- (iv) a presumption in favour of openness;
- (v) clarity of aims and desired outcomes;
- (vi) explaining what options were considered;
- (vii) giving the reasons for the decision and the proper recording of those reasons;
- (viii) consideration to ways in which human rights can be enhanced and protected by the Council's actions.

### **13.3 Types of decision –**

- (a) Decisions reserved to Council - Decisions relating to the functions listed in Article 4 will be made by the Council and not delegated.
- (b) Key decisions:
  - (i) A key decision is defined as a decision likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates, or to 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. Additionally, the Council had decided that any decision involving expenditure or savings over £300,000 (excluding any decision relating to investment of Council

monies as part of Treasury Management Procedures) will be a key decision;

- (ii) A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in set out in Part 4 of this Constitution.

#### **13.4 Decision making by the Council**

Subject to Article 13.8, the Council will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

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

Subject to Article 13.8, the Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **13.6 Decision making by the Scrutiny Committees**

The Overview and Scrutiny Committee, the Asset Scrutiny Panel and the Wellbeing Select Committee will follow the Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

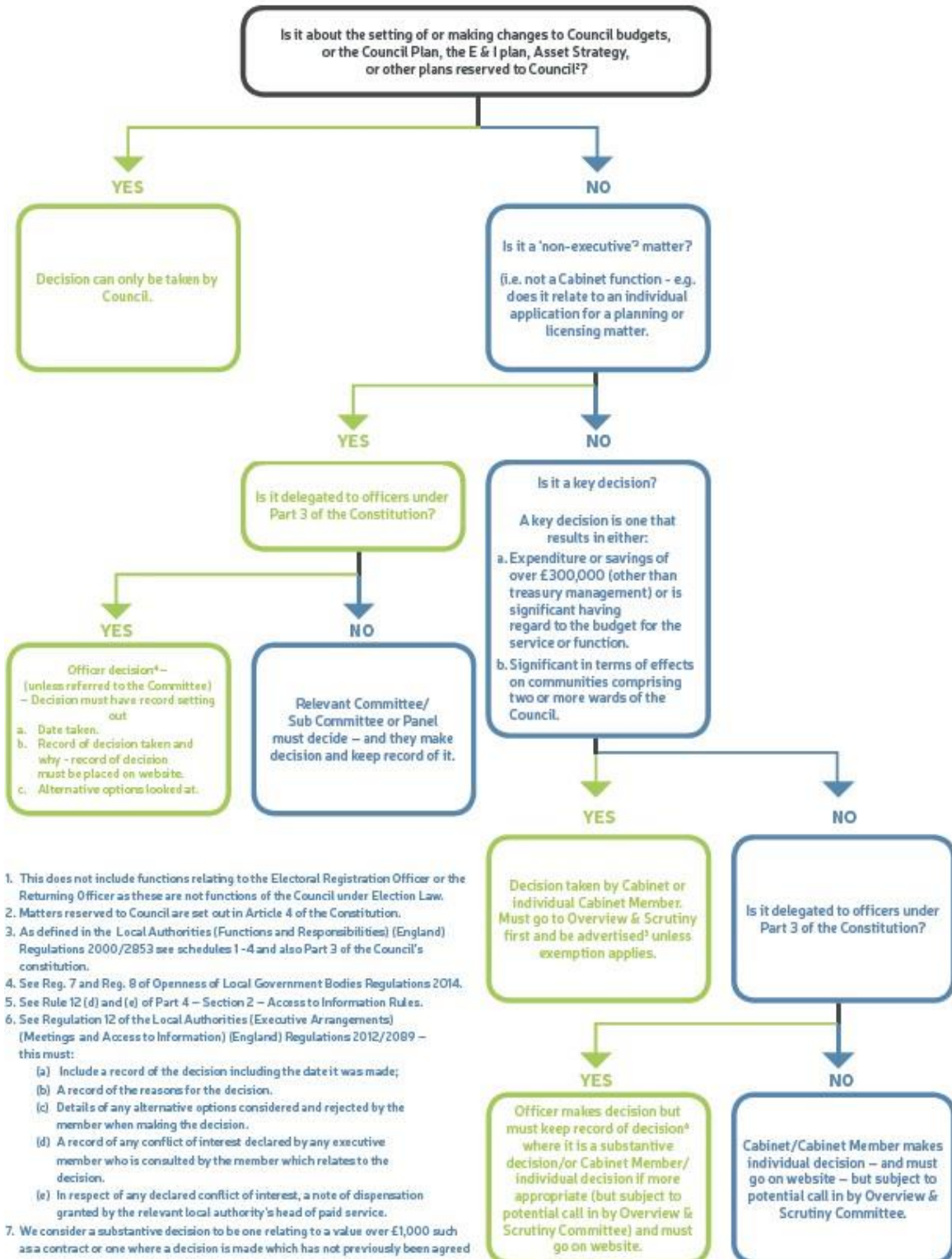
#### **13.7 Decision making by other committees and sub-committees established by the Council**

Subject to Article 13.8, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

#### **13.8 Decision making by Council bodies acting as tribunals**

The Council, a councillor, or an employee 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.

# Decision tree for Council functions<sup>1</sup>



1. This does not include functions relating to the Electoral Registration Officer or the Returning Officer as these are not functions of the Council under Election Law.

2. Matters reserved to Council are set out in Article 4 of the Constitution.

3. As defined in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 see schedules 1-4 and also Part 3 of the Council's constitution.

4. See Reg. 7 and Reg. 8 of Openness of Local Government Bodies Regulations 2014.

5. See Rule 12 (d) and (e) of Part 4 - Section 2 - Access to Information Rules.

6. See Regulation 12 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089 - this must:

- (a) Include a record of the decision including the date it was made;
- (b) A record of the reasons for the decision.
- (c) Details of any alternative options considered and rejected by the member when making the decision.
- (d) A record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision.
- (e) In respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.

7. We consider a substantive decision to be one relating to a value over £1,000 such as a contract or one where a decision is made which has not previously been agreed through another decision i.e. not simply exercising administrative actions/ decisions (without the exercise of discretion) and not in relation to employment matters.



## **14.0 ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS**

### **14.1 Financial management**

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

### **14.2 Contracts**

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

### **14.3 Legal proceedings**

The Director Legal & Governance is, within budgetary provision and the policy framework, 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 Director Legal & Governance considers that such action is necessary to protect the Council's interests.

The Chief Executive has authority to authorise employees to appear in Court on behalf of the Council.

### **14.4 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 Chief Executive, Director Legal & Governance or other person authorised by the Chief Executive, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person. (Note: Council has given this authority to the Corporate Director Finance and Resources in relation to debt recovery matters other than complex cases requiring legal input).

Any contract with a value exceeding £1,000, entered into on behalf of the Council shall be made in writing. Subject to the Contract Procedure Rules, where such contract exceeds £25,000 in value it must be signed by at least two officers of the Council, one of whom must be a member of the Corporate Leadership Team or made under common seal of the Council attested by at least one officer. Where the contract is less than or equal to £25,000 in value it can be signed by one officer, with requisite authority, or made under common seal of the Council attested by at least one officer.

In addition to any other person who may be authorised by resolution of the Council, the proper officer for the purposes of authentication of documents under the Local Government Acts shall be:

- (i) The Chief Executive;
- (ii) The Director Legal & Governance;
- (iii) Any member of Corporate Leadership Team concerned with the matter to which the document relates; or

Any officer authorised in writing by such Chief Officer.

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

The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.

The common seal of the Council shall be affixed to a document only on the authority of:-

- (a) a resolution of the Council or Cabinet;
- (b) a resolution of a Committee or Sub-Committee which the Council has empowered to authorise the use of the seal;
- (c) a decision by the Council, or by a Committee, Sub-Committee, Cabinet or Cabinet Member or officer exercising delegated functions, to do anything where a document under the common seal is necessary or desirable as part of the action.

The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Chief Executive, the Monitoring Officer or other person authorised by the Chief Executive.

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made and consecutively numbered in a register provided for the purpose by the person attesting the affixing of the Common Seal.

## **15.0 ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION**

### **15.1 Duty to monitor and review the constitution**

The Monitoring Officer will monitor the operation and effectiveness of the Constitution and review it at least annually to ensure that the aims and principles of the Constitution are given full effect and that the content is up to date.

In undertaking this task the Monitoring Officer may:

- (i) observe meetings of different parts of the member and officer structure;
- (ii) undertake an audit trail of a sample of decisions;
- (iii) record and analyse issues raised with him/her by Councillors, officers, the public and other relevant stakeholders; and
- (iv) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

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

#### **(a) Approval**

Subject to (c) below changes to the constitution will only be approved by the Council and changes will only be approved after consideration of the proposals by the Chief Executive and the Monitoring Officer (and the Corporate Director Finance and Resources if the change impacts on his/her responsibilities) except that:

- (i) the Leader of the Council may, at any time, amend the areas of responsibility delegated to members of the Cabinet.
- (ii) the Chief Executive may, at any time, amend the responsibilities of the Corporate Leadership Team.

subject to the Leader of the Council and/or the Chief Executive notifying the Monitoring Officer of the changes approved in order that the Constitution of the Council may be amended accordingly.

#### **(b) Change in the form of Governance**

The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals to change the form of its executive governance arrangements.

(c) Interpretation and Consequential Changes

In the event of any issue arising as to the interpretation of the Constitution the matter will be referred to the Chief Executive whose decision in that regard shall be final. The Chief Executive, in consultation with the Monitoring Officer, shall also be authorised to make minor changes to the Constitution designed to reflect legislative changes; to remove any inconsistency or ambiguity and/or give effect to any decisions of the Council. The Chief Executive in consultation with the Monitoring Officer and the Corporate Director Finance and Resources shall also produce guidance and/or protocols to assist in the interpretation of the Constitution.

## **16.0 ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**

### **16.1 Suspension of the Constitution**

- (a) **Limit to suspension** - The Articles of this Constitution may not be suspended. The Rules of Procedure relating to meetings of the Council, the Cabinet, Committees and Sub-committees may be suspended by the Council, the Cabinet, Committees and any Sub-committees to the extent permitted within the Council Procedure Rules and the Cabinet Procedure Rules included in Part 4 and by the law.
- (b) **Procedure to suspend** - A motion to suspend any such 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.

### **16.2 Interpretation**

The ruling of the Chairman of Council 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.

### **16.3 Publication**

- (a) The Monitoring Officer will make available a copy of this Constitution to each councillor upon delivery to him/her of that individual's declaration of acceptance of office on the councillor first being elected to the Council.
- (b) The Monitoring Officer will ensure that copies of this Constitution are available for inspection at the Council's offices, and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee to be determined by the Monitoring Officer.
- (c) The Monitoring Officer will ensure that the Constitution is made available on the Council's website ([www.sstaffs.gov.uk](http://www.sstaffs.gov.uk)).

## **Schedule 1: Description of Executive Arrangements**

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Overview and Scrutiny Committee) and the Overview and Scrutiny Procedure Rules;
2. Article 7 The Cabinet and the Cabinet Procedure Rules;
3. Article 11 (Joint arrangements)
4. Article 13 (Decision making) and the Access to Information Procedure Rules;
5. Part 3 (Responsibility for Functions).

