

Part 2

The Constitution

Article 1: The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Suffolk Coastal District Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

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

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option 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 15.

References:

Section 37, Local Government Act, 2000

Chapter 10, DETR Guidance,

The Local Government Act 2000 (Constitutions) (England) Direction 2000

Article 2: Members of the Council

2.01 Composition and Eligibility

(a) Composition.

The Council will comprise 55 members, otherwise called councillors.

One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(b) Eligibility.

Only registered voters of the district or those living or working within the district will be eligible to hold the office of councillor.

2.02 Election and Terms of Councillors

The regular election of councillors will be held on the first Thursday in May every four years beginning in 2003. 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.

2.03 Roles and Functions of all Councillors

All councillors will

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

2.04 Rights and Duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make 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.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

2.05 **Conduct**

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member / Officer Relations set out in Part 5 of this Constitution.

2.06 **Allowances**

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

References:

Part 1, Part VA and Section 79, Local Government Act 1972

Chapter 2 Department of the Environment, Transport and the Regions Guidance

Section 18, Local Government and Housing Act 1989 and Regulations thereunder

Section 7, Superannuation Act 1972 and Regulations thereunder

Article 3: Citizens and the Council

3.01 Citizens' Rights

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

- (a) **Voting and Petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.
- (b) **Information.** Citizens have the right to:
 - (i) 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;
 - (ii) attend meetings of the Cabinet when key decisions are being considered;
 - (iii) find out from the Forward Plan what key decisions will be taken by the Cabinet and when;
 - (iv) see reports and background papers, and any records of decisions made by the Council and the Cabinet; and
 - (v) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Both scrutiny committees have the power to seek views of, take evidence from and co-opt, members of the public / stakeholders when carrying out investigations, policy reviews etc
- (d) **Consultation.** Consultation by the Council with its citizens will be
 - (i) Representative – so that the views of those consulted really do represent those of the wider community
 - (ii) Reliable – so that findings from consultation can be relied on to within certain limits of confidence
 - (iii) Sensitive to trends – so that the Council will know whether or not it is improving over time
 - (iv) Actionable – so that the Council has a chance to make the changes or improvements that residents want to see.
- (e) **Complaints.** Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme (a copy of which can be obtained from the Council Offices during normal office hours).
 - (ii) the Ombudsman, having first raised the complaint through the Council and given the Council 12 weeks in which to respond.
 - (iii) the Standards Board for England about a breach of the Councillor's Code of Conduct.

3.02 Citizens' Responsibilities

Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

References:

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, chapters 2 and 9 Department of the Environment, Transport and the Regions Guidance

Article 4 – The Full Council

4.01 Meanings

- (a) **Policy Framework.** The Policy Framework means the following plans and strategies:-
- Council’s Corporate Scorecard;
 - Best Value Performance Plan;
 - Community Strategy;
 - Local Strategic Partnership;
 - Crime and Disorder Reduction Strategy;
 - Plans and strategies which together comprise the Development Plan;
 - Food Safety Service Plan;
 - The plan and strategy which comprise the Housing Investment Programme; and
 - Local Agenda 21 Charter;
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council’s borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Policy Framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) 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 an executive function which is covered by the Policy Framework or the budget where the decision-maker 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;
- (d) appointing the Leader of the Council;
- (e) agreeing and / or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (g) approving the Council’s Statement of Accounts, income and expenditure and balance sheet or record of receipts and payments.

- (h) adopting an allowances scheme under Article 2.06;
- (i) changing the name of the area or conferring the title of honorary alderman;
- (j) confirming the appointment of the Head of Paid Service;
- (k) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- (l) all "local choice" functions set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which the Council decides should be undertaken by itself rather than the Cabinet; and
- (m) all other matters which, by law, must be reserved to Council.

4.03 **Role of Full Council**

Full Council will meet on a monthly basis.

- (a) Full Council will hold the Cabinet to account for its actions, policy and direction via the receipt of periodic reports;
- (b) The role of the full Council should be the occasions when:
 - (i) Minutes of Cabinet, Regulatory, Scrutiny, Standards Committees and Sub-Committees, previously circulated since the last Full Council meeting, are listed and open for members to raise questions on, such questions being directed to the Leader or relevant Chairmen
 - (ii) The Leader of the Council and the chairmen of the scrutiny committees present their reports;
 - (iii) Individual members may ask written questions of the Leader of the Council and the chairmen of committees or sub-committees in pursuance of Council Procedure Rule 9 (2) or verbal questions in pursuance of Council Procedure Rule 9 (1) upon items contained within reports or in the minutes listed on the Agenda and previously circulated since the last Council meeting, of committees, sub-committees and the Governance Review task Group, and to consider motions arising therefrom; and to allow committee chairmen or, at the invitation of the relevant portfolio holder, the relevant task group chairman, to make a brief statement to the Council.
 - (iv) Outside Speakers are given the opportunity to address the Council to offer context to policy development and review; and
 - (v) Individual members may raise important issues and influence the scrutiny agenda.

References:

Local Authorities (Functions and Responsibilities) (England) Regulations 2000 Chapter 2, DETR Guidance

Article 5 – Chairing the Council

5.01 Role and Function of the Chairman

The Chairman will be elected by the Council annually. The Chairman of Council and, in his or her absence, the Vice-Chairman will have the following roles and functions:

Ceremonial Role

To undertake such civic and ceremonial functions as the Council and the Chairman determines appropriate.

Chairing the Council Meeting

1. To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. 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 who are not on the Cabinet or hold committee chairs are able to hold the Cabinet and committee chairmen to account;
4. To promote public involvement in the Council's activities; and
5. To be the conscience of the Council.

References:

Sections 3, 5, 245; schedule 2, 12;

Local Government Act 1972

Schedule 3, Local Government Act 2000

Chapters 2, and 4, DETR Guidance

Article 6: Scrutiny

Terms of Reference

6.01 The Council will appoint the two scrutiny committees set out in the left hand column of the table below to discharge functions conferred by Section 21 of the Local Government Act 2000 in relation to relevant matters as indicated by example in the right hand column of the same table.

Committee	Scope
Internal (Corporate Services)	<ul style="list-style-type: none"> • Human Resources • Legal Services • Audit • Asset Management • Performance Management • Council Tax • CPA/Best Value Inspections • Corporate Governance • Democratic Services • Emergency Planning • Member Services • Procurement/Financial Services • Electoral Registration/Elections • Risk Management • Benefits • Licensing • Development Control • Car Park Operation • Building Control
External (Community; Customers & Partners)	<ul style="list-style-type: none"> • Customer Services • Public Access • Community Cohesion • Diversity (Services for All including young and older people) • Concessionary Fares • Communication • Community Safety • Community Development • Leisure and Sport • Theatre, Arts and Cultural Services • Food Safety • Health and Safety • Countryside Management • LAA/LSP • Partnerships/Shared Service • Health Promotion • Rural Issues • Coast Protection • Pollution Control • Waste Management • Economic Development • Housing • Strategic Service Delivery Partnerships • Crime & Disorder • Services Provided by other Agencies

General Role

6.02 Within their terms of reference, the two scrutiny committees will:

1. review and / or scrutinise decisions made or actions taken by the bodies or individuals empowered to discharge any of the Council's functions;
2. review and scrutinise the decisions made by and performance of the Cabinet and / or committees and Council officers both in relation to specific decisions and over time;
3. make reports and / or recommendations to the full Council and / or the Cabinet and / or any policy, joint or area committee empowered to discharge any of the Council's functions;
4. exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet and / or any policy or area committees;
5. question members of the Cabinet and / or committees and Chief Officers 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;
6. question and gather evidence from any person (with their consent);
7. make recommendations to the Cabinet and / or appropriate committee and / or Council arising from the outcome of the scrutiny process;
8. question members of the Cabinet and / or committees and Chief Officers about their views on issues and proposals affecting the area;
9. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance; and
10. exercise overall responsibility for the finances made available to them for the discharge of their functions.
11. consider scrutiny issues relating to the budget and policy framework documents
12. consider matters referred under s21A of the Local Government Act 2000 (Councillor Call for Action)."

ADDITIONAL TERM OF REFERENCE FOR COMMUNITY, CUSTOMERS AND PARTNERS SCRUTINY COMMITTEE

1. Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance;

ADDITIONAL TERMS OF REFERENCE FOR THE CORPORATE SERVICES SCRUTINY COMMITTEE – AUDIT ACTIVITY, REGULATORY FRAMEWORK AND ACCOUNTS

Audit Activity

1. To consider reports dealing with the management and performance of the providers of internal audit services.
2. To consider the external auditors annual letter, relevant reports and the report to those charged with governance.
3. To consider specific reports as agreed with the external auditor.

4. To comment on the scope and depth of external audit work and to ensure it gives value for money.
5. Liaise with the Audit Commission over the appointment of the Council's external auditor.
6. To commission work from internal and external audit.
7. Receive Internal Audit's annual plan, progress reports, summaries of key assignments and the annual Statement of Audit Assurance
8. Monitoring of audit arrangements (internal and external)
9. Monitoring of implementation agreed audit recommendations
10. Oversight of risk management issues, i.e. reviewing the Council policy on risk – including the degree to which the Council is willing to accept risk

Regulatory Framework

1. To maintain an overview of the Council's constitution in respect of the contract procedure rules, finance regulations and Codes of Conduct and behaviour (other than those already applied to Standards Committee for overview under Article 9.09 of Part 2 of the Council's Constitution).
2. To review any issue referred to it by the Chief Executive or a Director or any Council body.
3. To monitor Council policies on the anti-fraud and anti-corruption strategy and the Council's complaints process.
4. To oversee the production of the authority's Statement of Internal Control and recommend its adoption.
5. To consider the Council's compliance with its own and other published standards and controls (other than those already applied to Standards Committee for overview under Article 9.09 of Part 2 of the Council's Constitution).

Accounts

1. To review the Annual Statement of Accounts, and whether there are concerns from the financial statements and/or from the audit of them that need to be brought to the attention of the Council.
2. To consider the external auditors report to those charged with governance on it arising from the audit of the accounts.

Review and Revision of the Constitution

6.03 The Internal (Corporate Services) Committee shall request the Chief Executive to undertake a review of the Council's Constitution as soon as is reasonably practicable after the Council's Annual Meeting in the year of District Council elections.

It may request the Chief Executive to undertake a review of the Council's Constitution at such other time(s) as it deems appropriate.

Subject to Article 15.02 (c), changes to the Constitution will only be approved by the full Council after consideration of a proposal by:-

- (i) The Governance Review Task Group; or
- (ii) The Standards Committee, after first having obtained and considered the views of the Governance Review Task Group.

Proceedings of Scrutiny Committees

6.04 The two scrutiny committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules as set out in Part 4 of this Constitution.

References:

Local Government Act 2000 Section 21

21. (1) *Executive arrangements by a local authority must include provision for the appointment by the authority of one or more committees of the authority (referred to in this Part as overview and scrutiny committees).*
- (2) *Executive arrangements by a local authority must ensure that their overview and scrutiny committee has power (or their overview and scrutiny committees have power between them)-*
- (a) *to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,*
 - (b) *to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,*
 - (c) *to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,*
 - (d) *to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,*
 - (e) *to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.*
- (3) *The power of an overview and scrutiny committee under subsection (2)(a) to review or scrutinise a decision made but not implemented includes power-*
- (a) *to recommend that the decision be reconsidered by the person who made it, or*
 - (b) *to arrange for its function under subsection (2)(a), so far as it relates to the decision, to be exercised by the authority.*
- (4) *Subject to subsection (5), an overview and scrutiny committee of a local authority may not discharge any functions other than its functions under this section.*
- (5) *If, or to the extent that a local authority's function of conducting best value reviews under section 5 of the Local Government Act 1999 is not the responsibility of an executive of the authority, the authority may arrange for their overview and scrutiny committee (or any of their overview and scrutiny committees) to conduct such a review.*
- (6) *An overview and scrutiny committee of a local authority-*
- (a) *may appoint one or more sub-committees and,*
 - (b) *may arrange for the discharge of any of its functions by any such sub-committee.*

- (7) *A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it under subsection (6)(b).*
- (8) *Executive arrangements by a local authority must include provision which enables-*
- (a) *any member of an overview and scrutiny committee of the authority to ensure that any matter which is relevant to the functions of the committee is included in the agenda for, and is discussed at, a meeting of the committee and,*
 - (b) *any member of a sub-committee of such a committee to ensure that any matter which is relevant to the functions of the sub-committee is included in the agenda for, and is discussed at, a meeting of the sub-committee.*
- (9) *An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, may not include any member of the authority's executive.*
- (10) *An overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority, but (subject to any provision made by or under paragraphs 7 to 9 of Schedule 1) any such persons are not entitled to vote at any meeting of such a committee or sub-committee on any question which falls to be decided at that meeting.*
- (11) *An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, is to be treated-*
- (a) *as a committee or sub-committee of a principal council for the purposes of Part VA of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees) and,*
 - (b) *as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.*
- (12) *Subsections (2) and (5) of section 102 of the Local Government Act 1972 are to apply to an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, as they apply to a committee appointed under that section.*
- (13) *An overview and scrutiny committee of a local authority or a sub-committee of such a committee-*
- (a) *may require members of the executive, and officers of the authority, to attend before it to answer questions and,*
 - (b) *may invite other persons to attend meetings of the committee.*
- (14) *It is the duty of any member or officer mentioned in subsection (13)(a) to comply with any requirement so mentioned.*
- (15) *A person is not obliged by subsection (14) to answer any question which he would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.”*

Article 7: The Executive “Cabinet”

7.01 The Role

The Cabinet will 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.

7.02 Form and Composition

The Cabinet will consist of the Leader of the Council together with up to 9 other councillors, appointed to the Cabinet by the Leader of the Council.

The Leader of the Council will appoint, from among the other councillors forming the Cabinet, a Deputy Leader of the Council who shall deputise for the Leader of the Council and carry out the functions delegated to the Leader of the Council in periods of his / her absence or incapacity.

7.03 Leader

The Leader of the Council will be a councillor elected to the position every four years, for a term commencing at the Annual Meeting of the Council in May 2011.

The Leader of the Council will hold office for the remainder of the four year term or until:

- (a) he / she resigns from the office; or
- (b) he / she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he / she is no longer a councillor; or
- (d) he / she is removed from office by resolution of the Council, passed by simple majority.

7.04 Other Cabinet Members

Other Cabinet members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer councillors; or
- (d) they are removed from office by the Leader of the Council who must give written notice of any removal to the Proper Officer. The removal will take effect two working days after receipt of the notice by the Proper Officer; or
- (e) they, and the Leader of the Council, are collectively removed from office by resolution of the Council, passed by simple majority.

Members of the Cabinet (including the Leader of the Council) cannot be members of a scrutiny committee.

7.05 **Proceedings of the Cabinet**

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

7.06 **Cabinet Support Members**

The Leader of the Council may appoint Cabinet Support Members from among the members of the Council to advise and assist Cabinet members and to cover for them in their absence.

The Leader of the Council shall report to Council as soon as possible after appointing a Cabinet Support Member and shall advise Council of the Cabinet Member or Members the Support Member has been appointed to assist.

Cabinet Support Members may attend meetings of the Cabinet and may speak on behalf of an absent Cabinet Member. Cabinet Support Members are not, however, members of the Cabinet, and may not exercise any function given to a Cabinet Member.

7.07 **Responsibility for Functions**

The Leader of the Council will have overall responsibility for the operation of the Cabinet and for its decisions.

Determination of individual portfolio responsibilities shall be a matter for the sole discretion of the Leader of the Council.

The Leader of the Council shall report to Council no less frequently than once per annum on the range of responsibilities held by specific Cabinet members, and, in any event, as soon as possible after any change in these responsibilities.

The Leader of the Council will maintain a list setting out which individual members of the Cabinet, are responsible for the exercise of particular executive functions. This list shall include their ward reference, and full address.

The current list of Cabinet members is attached to this Article as Appendix 1

The Cabinet will be responsible for

- (a) making proposals on the Policy Framework and budget to the Council;
- (b) agreeing strategies and plans at a level below the Policy Framework;

The Cabinet shall:

- have primary responsibility for making recommendations to Council on the Council's programme of Best Value Reviews and determine the scope of individual reviews. Review recommendations and proposals will be submitted to the Council;
- be responsible for strategic policy, strategy development and resource prioritisation for the pollution control service; and
- receive reports on liaison meetings with town and parish councils and with business interests.

References:

Section 11 and schedule 1, paragraphs 1,2,3, Local Government Act 2000
Chapters 4, 14, and 15, DETR Guidance

REGISTER OF CABINET MEMBERS

PORTFOLIO	KEY RESPONSIBILITIES
Leader Ray Herring	Council Policy and Strategy Council Performance Shared Services Communications External Issues
Deputy Leader Planning Andy Smith	Planning Local Plan Development and Building Control Conservation and Design Coastal Management Transport Infrastructure Rights of Way
Green Environment Andrew Nunn	Environment Protection Pollution Control Waste Management Local Agenda 21/Green Agenda Commercial Partnerships (SCS, NPS, Waveney Norse) Countryside Management Car parks
Community Health Marianne Fellowes	Licensing Food & Safety Port Health Health Promotion/NHS Emergency Planning Community Safety
Housing Mary Neale	Housing enabling Private Sector Housing and Travellers Homelessness Housing Advice Housing Benefits Fraud Investigations Universal Credit Older People
Leisure and Economic Development Geoff Holdcroft Cabinet Support Member: Jane Marson – Business	Leisure - Indoor and Outdoor Sport Theatre and Arts Economic Development and Policy Business Regional Economy Economic Partnerships/LEP Haven Gateway Partnership Tourism
Resources Robert Whiting Cabinet Support Member: Peter Bellfield – Finance	Revenue and Capital Budgets Council Tax and Business Rates Accounting Audit and Risk Management Asset Management and Estates Felixstowe South Seafront Project Land Charges Democratic Services Human Resources

Customers & Communities Doreen Savage Cabinet Support Member: Sally Ogden – Young People	Customer Service Consultation Partnership Development Local Strategic Partnership (LSP) Social Inclusion Member Development Accessibility Local Community Transport Parish Liaison Young People Community Grants Community Development
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Article 8 – Regulatory and Other Committees

8.01 Regulatory and Other Committees

The Council will appoint the committees set out in Part 3 of this Constitution (Responsibility for Functions) to discharge the regulatory and other functions described in that part of the Constitution.

Article 9 – The Standards Committee

9.01 Standards Committee

The Council has established a Standards Committee. It will exercise all its “Standards” responsibilities through a single Standards Committee unless and until the workload is deemed excessive for a single committee or the Suffolk Association of Local Councils (SALC) recommends the adoption of a sub-committee approach.

9.02 Membership

The Standards Committee will be composed of:

- four Suffolk Coastal District Councillors;
- two ‘independent’ persons who are not councillors or officers of this Council or any other body having a Standards Committee;
- two members of parish councils wholly or mainly in the Council’s area, who are selected from nominations made by the Suffolk Association of Local Councils (SALC). One member to be drawn from SALC’s larger parish councils group and the other member from the smaller parish councils group.

Standards Committees do not have to comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

Nevertheless the Council has agreed that the District Council members of the Standards Committee shall be appointed in accordance with political balance rules. The Chief Executive shall allocate members to these seats in accordance with the nominations made from time to time by the Political Groups.

9.03 Independent Members

Independent members are entitled to vote at meetings of the Standards Committee.

They will be appointed at full Council by vote of a majority of the members present and voting.

The task of shortlisting and interviewing persons applying to be independent members of the Standards Committee, and of making appropriate recommendations to Council, is delegated to an appointment panel consisting of the Monitoring Officer and Deputy Monitoring Officer.

Independent persons are appointed for a period of four years. The initial appointments are one of four years and one of two years. If a vacancy occurs a new independent member shall be appointed to complete the term of office of the vacating member.

9.04 Parish Members

The appointments to the “parish” places on the Standards Committee shall be made from SALC nominations by the appointment panel agreed for appointing independent members.

9.05 Quorum

There will have to be a minimum of 3 members of the Standards Committee present for its meetings to be properly constituted. One of these must be an independent member. The committee will be quorate even if the parish council representatives are

not there – although at least one parish council representative must be present for discussion of matters affecting parish councils.

9.06 Interests

The validity of proceedings of the Standards Committee shall not be affected where an independent member is required by the Code of Member Conduct to disclose an interest and withdraw from the meeting.

Where at least one independent member would have been present for the duration of the meeting but for the fact that he or she was prevented or restricted from participating in any business of this Council's Code of Member Conduct, the requirement for the quorum to include at least one independent member shall not apply.

9.07 Reimbursement of Expenses

Independent and “parish” members of the Standards Committee shall receive reimbursement of expenses at the same rates as the travelling and subsistence allowances paid to elected members of the authority.

9.08 Chairing the Committee

A member of the Cabinet may not chair the Standards Committee.

9.09 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and officers;
- (b) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of an employees' code of conduct;
- (d) advising the Council on the adoption or revision of a Member / Officer Protocol;
- (e) assisting the councillors to observe the Members' Code of Conduct;
- (f) monitoring the operation of the Members' Code of Conduct;
- (g) advising, training or arranging to train councillors on matters relating to the Members' Code of Conduct;
- (h) granting dispensations to councillors from requirements relating to interests set out in the Members' Code of Conduct; and
- (i) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer.
- (j) Raising awareness of ethical and conduct issues in authorities
- (k) Overview role following Ombudsman cases
- (l) To review
 - The Council's Whistleblowing Policy on harassment and bullying
 - Protocols for councillors dealing with planning and rights of way matters

- (m) Receive monitoring reports on declarations of interest made and gifts/hospitality received by members
- (n) To receive and deal with written allegations that a member or co-opted member (or former member or co-opted member) of the District Council or parish/town councils within the District area, has failed, or may have failed, to comply with the authority's code of conduct, in accordance with Part 10 of the Local Government and Public Involvement in Health Act 2007

9.10 Attendance at Meetings of the Standards Committee

A member of the Council who is not otherwise entitled to attend and speak at the Standards Committee shall be entitled to do so (but not to vote).

References:

Sections 53-55, Local Government Act 2000

- 53.** (1) *Subject to subsection (2), every relevant authority must establish a committee (referred to in this Part as a standards committee) which is to have the functions conferred on it by or under this Part.*
- (3) *The number of members of a standards committee of a relevant authority in England or a police authority in Wales and their term of office are to be fixed by the authority (subject to any provision made by virtue of subsection (6)(a)).*
- (4) *A standards committee of a relevant authority in England or a police authority in Wales must include-*
- (a) *at least two members of the authority, and*
 - (b) *at least one person who is not a member, or an officer, of that or any other relevant authority.*
- (5) *A standards committee of a relevant authority in England which are operating executive arrangements-*
- (a) *may not include the elected mayor or executive Leader, and*
 - (b) *may not be chaired by a member of the executive.*
- (7) *The Standards Board for England-*
- (a) *may issue guidance with respect to the size and composition of standards committees of relevant authorities in England and police authorities in Wales, and*
 - (b) *must send a copy of any such guidance to the Secretary of State.*
- (8) *A member of a standards committee of a relevant authority in England or a police authority in Wales who is not a member of the authority is entitled to vote at meetings of the committee.*
- (10) *A standards committee of a relevant authority in England or a police authority in Wales is not to be regarded as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.*
- 54.** (1) *The general functions of a standards committee of a relevant authority are-*

- (a) *promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and*
 - (b) *assisting members and co-opted members of the authority to observe the authority's code of conduct.*
- (2) *Without prejudice to its general functions, a standards committee of a relevant authority has the following specific functions-*
- (a) *advising the authority on the adoption or revision of a code of conduct,*
 - (b) *monitoring the operation of the authority's code of conduct, and*
 - (c) *advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.*
- (3) *A relevant authority may arrange for their standards committee to exercise such other functions as the authority consider appropriate.*
- (6) *The Standards Board for England may issue guidance with respect to the exercise of functions by standards committees of relevant authorities in England and police authorities in Wales.*
55. (1) *A standards committee of a district council is to have the same functions in relation to-*
- (a) *the parish councils for which the district council are the responsible authority, and*
 - (b) *the members of those parish councils,*
- as the standards committee has under section 54(1) and (2) in relation to the district council and the members of the district council.*
- (3) *A standards committee of a district council or unitary county council may appoint a sub-committee for the purpose of discharging all of the functions conferred on the standards committee by this section.*
- (4) *In deciding whether it will be their standards committee, or a sub-committee of their standards county council must consult the parish councils for which they are the responsible authority.*
- (5) *The number of members of a sub-committee of a standards committee of a district council or unitary county council, and the term of office of those members, are to be fixed by the standards committee after consultation with the parish councils for which the district council or unitary county council are the responsible authority.*
- (6) *Where the standards committee of a district council or unitary county council discharges the functions conferred by this section, the standards committee-*
- (a) *must include at least one member of any of the parish councils for which the district council or unitary county council are the responsible authority, and*
 - (b) *must ensure that at least one person falling within paragraph (a) is present at any meeting of the committee when matters relating to those parish councils, or the members of those parish councils, are being considered.*
- (7) *Where a sub-committee of the standards committee of a district council or unitary county council discharges the functions conferred by this section, the sub-committee must include-*

- (a) at least one member of the standards committee who falls within section 53(4)(b), and
 - (b) at least one member of any of the parish councils for which the district council or unitary county council are the responsible authority.
- (9) Subsections (7), (8), (9) and (10) of section 53 apply in relation to sub-committees of standards committees appointed under this section as they apply in relation to standards committees
- (10) Subsections (4) and (6) of section 54 apply in relation to sub-committees of standards committees appointed under this section as they apply in relation to standards committees.
- (11) Any function which by virtue of the following provisions of this Part is exercisable by or in relation to the standards committee of a relevant authority which is a parish council is to be exercisable by or in relation to-
- (a) the standards committee of the district council or unitary county council which are the responsible authority in relation to the parish council, or
 - (b) where that standards committee has appointed a sub-committee under this section, that sub-committee;
- and any reference in the following provisions of this Part to the standards committee of a relevant authority which is a parish council is to be construed accordingly.
- (12) A district council or unitary county council are the responsible authority-
- (a) in relation to a parish council which is not a common parish council, if the parish is situated within the area of the district council or county council,
 - (b) in relation to a parish council which is a common parish council-
 - (i) if the parishes in the group are wholly situated within that area, or
 - (ii) where that is not the case, if the greatest number of local government electors for the parishes in the group is situated in that area.

Section 81(5), Local Government Act 2000

- (5) The Secretary of State may prescribe in regulations the circumstances in which standards committees may grant dispensations under subsection (4).

The Relevant Authorities (Standards Committee) Regulations 2001

Interpretation

2. In these Regulations –

"independent member" means a person appointed to a standards committee, or sub-committee of the standards committee, of an authority under section 53(4)(b) or 55(7)(a) of the Act;

"partner" means a member of a couple who live together;

"relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and

"responsible authority" means a district council or unitary county council which has functions in relation to the parish councils for which it is responsible under section 55(12) of the Act.

3. (1) *An authority must ensure that –*
 - (a) *where its standards committee has more than three members, at least 25% are independent members; and*
 - (b) *where it is operating executive arrangements under Part II of the Act, no more than one member of its standards committee is a member of the executive.*
- (2) *Where an authority is a responsible authority, it must ensure that –*
 - (a) *if its standards committee has appointed a sub-committee under section 55(3) of the Act, that standards committee includes at least one member of any of the parish councils for which the authority is the responsible authority; and*
 - (b) *a member of its standards committee, or sub-committee of the standards committee, appointed under sub-paragraph (a), or under section 55(6)(a) or 55(7)(b) of the Act, is not also a member of that responsible authority.*
4. *Subject to regulation 5(c), a person may not be appointed as an independent member of a standards committee of an authority or sub-committee of the standards committee unless the appointment is –*
 - (a) *approved by a majority of the members of the authority;*
 - (b) *advertised in one or more newspapers circulating in the area of the authority;*
 - (c) *of a person who has submitted an application to the authority;*
 - (d) *of a person who has not within the period of five years immediately preceding the date of the appointment been a member or officer of the authority; and*
 - (e) *of a person who is not a relative or close friend of a member or officer of the authority.*
6. (1) *Subject to paragraph (2), a meeting of a standards committee or sub-committee of a standards committee shall not be quorate unless at least three members (including at least one independent member) of that committee or sub-committee are present for its duration.*
- (2) *Where at least one independent member would have been present for the duration of the meeting but for the fact that he was prevented or restricted from participating in any business of the authority by virtue of its code of conduct, the requirement in paragraph (2) for the quorum to include at least one independent member shall not apply.*
7. (1) *Subject to paragraphs (2) and (3), Part VA of the 1972 Act[4] shall apply in relation to meetings of a standards committee, or sub-committee of a standards committee, of an authority as it applies to meetings of a principal council.*
- (3) *Where a responsible authority must act in accordance with sections 100A(6)(a), 100B(1) or 100C(1) of the 1972 Act by virtue of paragraph (1), it shall also give to every parish council for which it is responsible –*
 - (a) *written notice of the time and place of the meeting at least five clear days before that meeting or, if the meeting is convened at shorter notice, then at the time it is convened;*

- (b) *a copy of the agenda for a meeting and copies of any report for a meeting at least five clear days before the meeting, except that –*
 - (i) *where the meeting is convened at shorter notice, the copies of the agenda and reports shall be given to the parish council from the time the meeting is convened; and*
 - (ii) *where an item is added to an agenda, copies of which have been given to the parish council, copies of the item (or of the revised agenda), and the copies of any report for the meeting relating to the item shall be given to the parish council from the time the item is added to the agenda,*

but nothing in this sub-paragraph requires copies of any agenda, item or report to be given to the parish council until copies are available to members of the responsible authority;

- (c) *after the meeting, a copy of the minutes excluding so much of the minutes of proceedings during which the meeting was not open to the public under section 100A(4) of the 1972 Act, or where applicable, a copy of a summary made under section 100C(2) of that Act;*
- (d) *after the meeting, a copy of the agenda for the meeting; and*
- (e) *after the meeting, a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.*

Article 10: Area Committees and Area Forums

10.01 Area Committees

The Council may appoint area committees as it sees fit, if it is satisfied that to do so would ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision-making.

The Council will consult with relevant parish and town councils and the chairmen of relevant parish meetings when considering whether and how to establish area committees.

10.02 Form, Composition and Function

Any area committees that the Council feels are appropriate to appoint, will be composed and with the terms of reference as set out below.

10.03 Area Committees with Decision-making Powers

These must be politically-balanced.

The Council and the Cabinet will include details of the delegations to area committees in Part 3 of this Constitution, including functions delegated, the composition and membership of the committees, budgets and any limitations on delegation.

10.04 Area Forums with no Decision-making Powers.

There will be no requirement for political balance – District Council members may be all from the relevant area together with representatives from the appropriate parish / town councils or parish meetings. The body will consider items of common concern and interest and will be able to submit requests, comments etc on matters of concern locally, to the Cabinet or scrutiny committees. Where a response is required or necessary this will be given to the members of the area forum within three months of the area forum meeting.

10.05 Conflicts of Interest – Membership of Area Committees and Scrutiny Committees

If a scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which the councillor concerned is a member, then the councillor may not speak or vote at the scrutiny committee meeting unless a dispensation to do so is given by the Standards Committee.

Where the scrutiny committee is reviewing policy generally, the member must declare his / her interest before the relevant agenda item is reached, but need not withdraw.

10.06 Area Committees – Access to Information

Area committees will comply with the Access to Information Procedure Rules in Part 4 of this Constitution.

Agendas and notices for area committee meetings which deal with both functions of the executive and functions which are not the responsibility of the executive will state clearly which items are which.

10.07 Cabinet members on Area Committees

A member of the Cabinet may serve on an area committee if otherwise eligible to do so as a councillor.

References:

Part VA Local Government Act 1972

Section 13, Local Government and Housing Act 1989

Reg. 4, 5 and 16A Local Government (Committees and Political Groups) Regulations 1990

Section 18, Local Government Act 2000

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

Chapter 6 Department of the Environment, Transport and the Regions Guidance

Article 11: Joint Arrangements

11.01 Arrangements to Promote Well being

The Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

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

11.02 Exercise of Functions through Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and / or their executives to exercise functions which are not executive functions in any of the participating authorities, or 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 members 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 if 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 political balance requirements do not apply to such appointments.
- (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.

11.03 Access to Information

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

11.04 Delegation to and from other Local Authorities

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.

- (b) The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.05 **Contracting Out**

The Council, for functions which are not executive functions, and the Cabinet, for executive functions, may contract out to another body or organisation, functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

References:

Sections 2, 19, 20 Local Government Act 2000

Chapter 6, Department of Environment, Transport and the Regions Guidance

The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000

Article 12: Officers

12.01 **Statutory Posts.** The statutory posts of Head of Paid Service, Monitoring Officer and Section 151 Officer will be held by the undernoted officers:

OFFICER	DESIGNATION
Chief Executive	Head of Paid Service
Head of Legal & Democratic Services Democratic & Licensing Services Manager	Monitoring Officer Deputy Monitoring Officer
Head of Finance & Central Services	Section 151 Officer

Such posts will have the functions described in paragraphs 12.03 to 12.05 below.

12.02 **Officer Structure.** The Head of Paid Service will determine a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

The structure pertaining at any given time will be published as Appendix 1 to this Article, and will specify Chief Officer posts.

12.03 **Functions of the Head of Paid Service**

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

12.04 **Functions of the Monitoring Officer**

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council, or to the Cabinet in relation to an executive function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the case tribunals.

- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper Officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether executive decisions are within the budget and Policy Framework.** The Monitoring Officer will advise whether decisions of the executive are in accordance with the budget and Policy Framework.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and Policy Framework issues to all councillors.
- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

12.05 **Functions of the Section 151 Officer**

12.06 **Definition:**

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council or to the Cabinet in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Section 151 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 and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.07 **Duty to Provide Sufficient Resources to the Head of Paid Service, Monitoring Officer and Section 151 Officer**

The Council will provide the Head of Paid Service, Monitoring Officer and Section 151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.08 **Corporate Management Team**

The concept of corporate management – that all parts of the Council should work together to achieve the aims and objectives of the Council rather than working individually to watertight compartments – has been adopted by the Council through the establishment of a small Management Team of Chief Officers. Although the members of

the team may be Heads of Service in their own right, they do not attend as representatives of particular service areas but are there as members of a body created to aid the management of the Council as a whole.

Most major items are considered by the Corporate Management Team of officers before submission to the Cabinet or other appropriate member-level decision-making body so that the implications of any matter on the Council's administration etc can be considered.

The Head of Paid Service will determine membership of Corporate Management Team, which will be published at Appendix 1 to this Article.

Meetings of the Team are chaired by the Chief Executive.

12.09 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer / Member Relations set out in Part 5 of this Constitution.

12.10 Employment

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

References:

Chapters 8 and 9 DETR Guidance

Sections 4 and 5, Local Government and Housing Act 1989

Section 60-66, Local Government Act 2000

CHIEF OFFICERS AND MEMBERSHIP OF MANAGEMENT TEAM

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY	
Chief Executive	Stephen Baker	
Assistant Chief Executive	Arthur Charvonja	Community Development and Engagement Corporate Health and Safety Democratic Services Electoral Services Housing Human Resources Legal and Licensing
Director of Resources	Alan McFarlane	Accounting and Finance Asset Management Audit Procurement Revenues and Benefits Strategic Client Waste
Strategic Director	Tony Osmanski	Customer Services Emergency Planning Environmental Services Leisure and Culture Port Health Some Community Engagement Local Strategic Partnership
Strategic Director	Stephen Archer	Building Control Coast Management Countryside Management Development Control Economic Development and Regeneration Planning Tourism
Head of Community and Economic Services	Andy Wright	Art and Sports Development Community Development Community Safety Countryside Management Economic Development and Regeneration Leisure Strategy and Development Museums and Culture
Head of Planning Services	Philip Ridley	Coastal Management Conservation and Design Development and Building Control Planning Planning Policy

Head of Customer & Commercial Partnerships	David Gallagher	Asset Management Car Park Management Customer Services Leisure Operations Procurement and Purchasing Theatre Management Waste Management Acts as strategic client with commercial Partnerships (e.g. Suffolk Coastal Services, Norfolk Property Services)
Head of Environmental Services and Port Health	Phil Gore	Corporate Health and Safety Emergency Planning Environmental Services Food Safety Health Improvement Port Health
Head of Legal & Democratic Services	Hilary Slater	Monitoring Officer Democratic Services Electoral Services Ethical Governance Legal Services Licensing Member Development and Support
Head of Strategic Housing & Tenant Services	Robert Prince	Housing Stock Private Sector Housing Strategic Housing
Head of ICT and Corporate Services	Steve Whelan	Communication and Media Management Community Engagement Council Performance, Policy, Strategy and Risk Human Resources and Organisational Development ICT Management Knowledge Management (including Land Charges and Geographic Information System)
Head of Financial Services	Homira Javadi	Financial and Management Accounting Central Administration Section 151 Officer
Head of Revenues & Benefits Service	Paul Comey	Council Tax Housing Benefit National Non-Domestic Rates
Audit Manager	Trevor Brown	Internal Audit Functions Liaison with External Audit Fraud Prevention Activity Data Protection Expertise and Advice Freedom of Information Expertise and Advice

Article 13 – Decision-Making

13.01 Responsibility for Decision-Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.02 Principles of Decision-Making

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

The District Council's aim in its decision-making is to make the process efficient, transparent and accountable so that it can be open and responsive to the needs of the people within Suffolk Coastal District. It will ensure that, as far as is reasonably possible:

- (a) The public know who is responsible for the decision;
- (b) The public know what decision they are planning to make;
- (c) The public know how they can make a contribution to the decision and at what point in the process they can best influence the decision maker; and
- (d) The public has access to information about decisions.

In order to achieve this, the Council has adopted the following principles of good decision-making:

1. Action taken will be proportionate to the desired outcome;
2. Due consultation will be undertaken and professional advice will be sought from officers;
3. Human rights will be respected;
4. There will be a presumption in favour of openness; and
5. Through its strategies, objectives and Forward Plan the Council will seek to achieve and maintain clarity of aims and desired outcomes.

13.03 Types of Decision

- (a) Decisions reserved to full Council.

Decisions relating to the functions listed in Article 4.02(a)-(e) and 4.02(g)-(i) will be made by the full Council and not delegated.

- (b) Key Decisions.

- (i) As defined in The Access to Information Procedure Rules contained in Part 4 of this Constitution, key decision means an executive decision which is likely:-

- to result in the local authority incurring expenditure or making savings in excess of £50,000 or which is significant having regard to the local authority'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 or electoral divisions in the area of the local authority.
- (ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

13.04 Decision-making by the full Council

Subject to Article 13.09, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision-making by the Cabinet

Subject to Article 13.09, the Cabinet will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision-making by Scrutiny Committees

Scrutiny committees will follow the Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision-making by other Committees and Sub-Committees established by the District Council

Subject to Article 13.09, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision-making by Officers

Subject to Article 13.09 officers making decisions will follow the guidance set out in Part 5 – Codes and Protocols in the Constitution.

13.09 Decision-making by Council bodies acting as Tribunals

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

13.10 Failure to comply with any relevant part of the Constitution will not necessarily invalidate the decision.

References:

Chapter 7, DETR Guidance

Deciding Rights – applying the Human Rights Act to good practice in local authority decision-making, Local Government Association/JUSTICE fact sheet available from IDeA Publication Sales ISBN 1 84049 189 2 code no. CA116

Chapter 7, DETR Guidance

Regulations made under section 22, Local Government Act 2000.

Article 14 - Finance, Contracts and Legal Matters

14.01 Financial Management

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

14.02 Contracts

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

Every contract to which the Council's Contract Procedure Rules applies shall be in writing. Contracts estimated to be above £25,000 (or any other contract where the appropriate Strategic Director or Head of Service deems such a requirement to be appropriate) shall be in a form approved by the Solicitor to the Council. Such contracts must either be signed by a duly authorised officer of the authority or made under the common seal of the Council attested by any two officers authorised by the Proper Officer of the Council.

14.03 Legal Proceedings

The Head of Legal and Democratic Services is responsible for instituting, defending or participating 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 he or she considers that such action is necessary to protect the Council's interests.

14.04 Authentication of Documents

Any document which will be a necessary step in legal proceedings on behalf of the Council and any certified extract of any proceedings of the Council shall be signed by the Chief Executive or the Head of Legal & Democratic Services unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Solicitor to the Council.

A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Solicitor to the Council should be sealed. Any two officers authorised by the Proper Officer of the Council will attest the affixing of the Common Seal.

References:

Sections 135, 151, 223 & 234, Local Government Act 1972
Part VIII, Local Government Finance Act 1988

Article 15 – Review and Revision of the Constitution

15.01 Monitoring and Review of the Constitution

1. The Governance Review Task Group shall request the Chief Executive to undertake a review of the Council's Constitution as soon as is reasonably practicable after the Council's Annual Meeting in the year of District Council elections;

It may request the Chief Executive to undertake a review of the Council's Constitution at such other time(s) as it deems appropriate.

2. The Standards Committee may request the Monitoring Officer to undertake a review of the Council's Constitution at such time(s) as it deems appropriate.
3. The Cabinet or individual members of the Council may propose to the Governance Review Task Group, change(s) to the Council's Constitution.
4. The Chief Executive may initiate a review of the Constitution if he /she believes that the efficient discharge of the Council's business is being impeded by some Constitutional provision
5. The Monitoring Officer
 - (i) may initiate a review of the Constitution if he /she believes the Constitution is leading the Council to operate in a manner contrary to law or guidance, or in a manner likely to lead to maladministration; or
 - (ii) may bring forward proposals for minor change - for instance to accommodate current operating or delegation practice / requirements

15.02 Changes to the Constitution

- (a) **Approval.** Subject to Article 15.02 (c), changes to the Constitution will only be approved by the full Council after consideration of a proposal by:-
 - (i) The Governance Review Task Group; or
 - (ii) The Standards Committee after first having obtained and considered the views of the Governance Review Task Group.
- (b) **Change from a Leader and Cabinet form of Executive to Alternative Arrangements.** The Council will take reasonable and proportionate steps to consult with local electors and other interested persons in the area when drawing up proposals for a change in the form of the Council's executive arrangements.
- (c) **Updating of Leader Delegations and Council Management Structure**
 - (i) Changes by the Leader of the Council to the Scheme of Delegation in respect of the delegations determined by him / her in accordance with Article 7 and Part 3 of this Constitution; and
 - (ii) Changes by the Head of Paid Service to the service areas of the Council in respect of the management structure and deployment of officers in accordance with Article 12 and Part 7 of this Constitution

shall not require prior consideration by the Governance Review Task Group or the Standards Committee - provided that the Leader of the Council and Head of Paid Service shall report those changes to Council as soon as is reasonably practicable.

- (iii) The making of minor changes to the Scheme of Delegation in Part 3B of the Constitution arising from legislation changes, be delegated to the Head of Legal and Democratic Services, following consultation with the Leader of the Council and Head of Paid Service.

References:

Sections 30 : Local Government Act 2000:

Operation of different executive arrangements: 30. - (1) The Secretary of State may by regulations make provision for or in connection with the operation by a local authority which are operating executive arrangements ("the existing arrangements") of executive arrangements ("the different arrangements") which differ from the existing arrangements in any respect.

Section 37, Local Government Act 2000

Local authority constitution. 37. - (1) A local authority which are operating executive arrangements or alternative arrangements must prepare and keep up to date a document (referred to in this section as their constitution)

Chapters 10 and 15, DETR Guidance

Article 16: Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The rules specified below may be suspended by the full Council to the extent permitted within those rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are 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.
- (c) **Rules capable of suspension.** The following rules may be suspended in accordance with Article 16.01:
 - (i) the Council Procedure Rules as contained in Part 4 of this Constitution

16.02 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.

16.03 Publication

The Proper Officer will ensure that an up to date electronic version of the Constitution is available on the Council's intranet and website.

Schedule 1:

Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Scrutiny Committees) and the Scrutiny Procedure Rules;
2. Article 7 (The Executive) and the Executive Procedure Rules;
3. Article 10 (Area Committees and Forums)
4. Article 13 (Decision-making) and the Access to Information Procedure Rules;
5. Part 3 (Responsibility for Functions).