



THE NEWCASTLE CHARTER

Part 2 - Articles of the Constitution

Comprising:

- Art 1 The Constitution
- Art 2 Members of the Council
- Art 3 Citizens and the Council
- Art 4 The Full Council
- Art 5 The Lord Mayor, Deputy Lord Mayor, Sheriff and Recorder
- Art 6 Scrutiny Committees (Overview and Scrutiny)
- Art 7 The Cabinet
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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 Newcastle City Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. support the Council's four priorities:-
 - A working city - creating good quality jobs and helping local people develop the skills to do them;
 - Decent neighbourhoods - working with local communities to look after each other and the environment;
 - Tackling inequalities - tackling discrimination and inequalities which prevent people from fulfilling their true potential; and
 - A fit for purpose council - a council which leads by enabling others to achieve.
2. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
3. support the active involvement of citizens in the process of local authority decision-making;
4. help councillors represent their constituents more effectively;
5. enable decisions to be taken efficiently and effectively;
6. create a powerful and effective means of holding decision-makers to public account;
7. ensure that no one will review or scrutinise a decision in which they were directly involved;
8. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
9. 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 normally 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 16.

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.01 Composition and eligibility

- (a) **Composition.** The Council will comprise 78 members, otherwise called councillors. Three councillors will be elected by the voters of each ward.
- (b) **Eligibility.** Broadly, only registered voters of the City of Newcastle upon Tyne or those living or working there will be eligible to hold the office of councillor. Some people, such as employees of the Council, are disqualified from being elected.

2.02 Election and terms of councillors

Election and terms. The ordinary election of a third (or as near as may be) of all councillors will normally be held on the first Thursday in May in each year, except that in 2009 and every fourth year after there will be no regular election. The terms of office of councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

Electoral Changes. The Local Government Boundary Commission for England periodically review and change the electoral arrangements for the City. As from 2004, the following electoral cycle applies

2004 All councillors retired and elections were held in all wards for three seats.

2005 No elections.

2006 One-third of councillors retired.

2007 One-third of councillors retired.

2008 One-third of councillors retired.

Note – Of the councillors elected in 2004, one in each ward retired in 2006, 2007 and 2008. The first to retire was the councillor elected in the ward by the smallest number of votes. The second to retire was the councillor elected by the next smallest number of votes.

2009 No elections

2010 and thereafter – usual cycle

2.03 Roles and functions of all councillors

- (a) **Key roles.** All councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;

- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (iv) respond to constituents' enquiries and representations, fairly and impartially;
 - (v) balance different interests identified within the ward and represent the ward as a whole;
 - (vi) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
 - (vii) effectively represent the interests of their ward and of individual constituents;
 - (viii) be involved in decision-making;
 - (ix) participate in the governance and management of the Council;
 - (x) be available to represent the Council on other bodies; and
 - (xi) maintain the highest standards of conduct and ethics.
- (b) **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 Rules in Part 4B of this Constitution.

2.04 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.

2.05 Allowances

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

ARTICLE 3 – CITIZENS AND THE COUNCIL

Introduction

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in this Article. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific council services, for example as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in this Constitution.

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4B 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 (including those when key decisions are being considered), except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (iii) find out from the Forward Plan what key decisions will be taken by the Cabinet and when;
 - (iv) see reports and background papers, and any records of decisions made by the Council and the Cabinet, except where confidential or exempt information is likely to be disclosed;
 - (v) inspect the Council's accounts and make their views known to the external auditor;
 - (vi) seek information from the Council under the Freedom of Information Act and other statutory provisions.
 - (vii) obtain a copy of the Constitution, subject to payment of an administrative and copying fee of £50.
- (c) **Participation.** Citizens have the right to participate in the Council's question time and to present petitions to the Council meeting. They can also express views to decision-makers before decisions are made. They are also able to participate through ward committees and the various partnerships that the Council has established. They

can also contact their local councillors about any matters of concern to them.

- (d) **Complaints.** Citizens have the right to complain to:
- (i) the Council itself under its complaints scheme;
 - (ii) the Ombudsman after using the Council's own complaints scheme if they think the Council has not followed its procedures properly;
 - (iii) the Council's Monitoring Officer about a breach of the Members' Code of Conduct.

3.02 Citizens' responsibilities

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

3.03 Petitions

In addition to presenting petitions to the Council meeting, citizens may also present petitions to the Council or its Cabinet through Council officers. They may do this in conjunction with their ward members. The relevant process is set out in the Council's Petitions Scheme.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Service Manager Democratic Services at the Civic Centre, or by telephone on 0191 211 5159, by e-mail to linda.scott@newcastle.gov.uk.

ARTICLE 4 – THE FULL COUNCIL

There are a number of functions that can only be dealt with by full Council. This Article describes them.

The statutory sources for the content of this Article are the Local Government Acts 1972, 2000 and 2003 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 [SI 2000 No. 2853] as amended.

4.01 Meanings

(a) **Policy Framework.** The policy framework means the following plans and strategies so far as they are required by law or the Council has otherwise decided to adopt them:-

- Annual Library Plan;
- Children and Young People's Plan;
- Council Plan;
- Crime and Disorder Reduction Strategy;
- Development Plan Documents;
- Statement of Licensing Policy
- Licensing Authority Policy Statement on Gambling;
- Local Transport Plan;
- Youth Justice Plan.

together with such other plans as the Council may from time to time determine should be adopted or approved by it.

The Appendix to this Article sets out current details of those plans and strategies adopted by the Council.

(b) **Revenue Budget and Capital Programme.** The revenue budget and capital programme includes the allocation of financial resources to different services and projects (capital and revenue) in line with the Council's priorities, the level of council tax (including the setting of the business rates and council tax bases), and the level of the Council's loans and, investments (including the policy regarding the determination of the minimum revenue provision).

The Appendix also includes information about deadlines for decisions in relation to the above.

(c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or for consent to such disposals where consent is required under sections 32 or 43 of the Housing Act 1985.

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 (except to the extent full Council has delegated that function), 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 4B 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 (except where the decision-maker is permitted to do so under this Constitution);
- (d) appointing the Leader of the Cabinet;
- (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) adopting an allowances scheme under Article 2.05;
- (h) changing the name of the area, conferring the title of honorary alderman or freedom of the City;
- (i) confirming the appointment of the Head of Paid Service;
- (j) promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3.3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;
- (l) agreeing to make a joint development plan document, or to establish a joint committee, with one or more other local planning authorities under sections 28 to 31 Planning and Compulsory Purchase Act 2004;
- (m) making or revising a council tax reduction scheme under section 13A(2) Local Government Finance Act 1992; and
- (n) all other matters which, by law, must be reserved to Council.

4.03 Council meetings

There are three types of Council meeting:

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

(c) extraordinary meetings.

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

4.04 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

Appendix – Plans and Strategies referred to in Article 4.01

<p>Annual Library Plan</p>	<p>Current Position –</p> <p>The requirement to produce an Annual Library Plan was removed by the Secretary of State in 2003 and replaced by a need to produce a Library Position Statement, in turn replaced by a requirement to have a Public Library Service Standards Report. Since 2004, the Public Library Service Standards are reported through the annual CIPFA Public Library Statistics Return. These do not require City Council approval. 2007 was the last year such standards were required.</p>
<p>Statutory References –</p> <p>Public Libraries and Museum Act 1964, s. 1(2)</p> <p>Statutory requirement of the Secretary of State to produce library information.</p>	<p>Future deadlines –</p> <p>Any replacement deadline currently unknown.</p>

<p>Council Plan</p>	<p>Current Position –</p> <p>The Council Delivery Plan 2017-18 was adopted by City Council on 28 June 2017.</p>
	<p>Future deadlines –</p> <p>The plan will be reviewed and refreshed as part of the planning and delivery process alongside the budget.</p>

<p>Children and Young Peoples Plan</p>	<p>Current Position –</p> <p>The current Children and Young People's Plan for 2015-2020 was approved by the Children's Trust Board (CTB) in November 2014. There was a mid-term review of the priorities in the current Plan in October 2016.</p>
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<p>Statutory References –</p> <p>S.17 Children Act 2004 was amended in 2009 to enable the Secretary of State to make regulations requiring the Children’s Trust Board to prepare a Children and Young Peoples Plan. Regulations made under s17 were, however, revoked in late 2010 so there is no current duty to prepare a plan. Many councils, including Newcastle, have, however, continued to produce a plan.</p>	<p>Future deadlines –</p> <p>None.</p>
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<p>Crime and Disorder Reduction Strategy</p>	<p>Current Position –</p> <p>Current plan is Safe Newcastle’s ‘Tackling Crime, Protecting Communities’ Plan 2016-2019. This was approved by Cabinet on 23 March 2016 and by full Council on 6 April 2016.</p>
<p>Statutory References –</p> <p>Crime and Disorder Act 1998, ss. 5 & 6</p>	<p>Future deadlines –</p> <p>This is now an annual rolling three year strategy requiring annual review and approval each Spring.</p>

<p>Development Plan Documents</p>	<p>Current Position –</p> <p>The Council’s Unitary Development Plan (“UDP”) (adopted on 28 January 1998) is in the process of being replaced with Development Plan Documents in accordance with the Council’s Local Development Scheme (“LDS”). The current LDS was updated and approved in March 2015 and covers the period 2015 - 2018. The Local Plan currently comprises the Council’s saved policies from the adopted UDP, the Walker Riverside Area Action Plan Development Plan Document, the Scotswood Benwell Area Action Plan Development Plan Document and the Core Strategy and Urban Core Plan (CSUCP) Part 1 of our Local Plan adopted in March 2015. The CSUCP replaces some UDP policies. There will be a further Development and Allocations Plan (Part 2 of our Local</p>
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	Plan) which once adopted will replace the UDP and Areas Action Plans.
Statutory References – Planning and Compulsory Purchase Act 2004, s.15	Future deadlines – The proposed programme for the preparation of the Development Plan Documents is set out in the LDS.

Statement of Licensing Policy	Current Position – Approved by Cabinet on 24 April 2013 and full Council on 1 May 2013 to take effect on 3 May 2013.
Statutory References – Licensing Act 2003, s.5	Future deadlines – 2 May 2018 (5 year statutory period) unless replaced earlier.

Licensing Authority Policy Statement on Gambling	Current Position – Approved by Cabinet on 27 January 2016 and full Council on 3 February 2016 to take effect on 10 March 2016.
Statutory References – Gambling Act 2005, s.349	Future deadlines – 31 January 2019 (3 year statutory review)

Local Transport Plan	Current Position – Strategic transport policy in the region is now overseen by the North East Combined Authority (NECA). NECA was established in April 2014 as a new legal body that brings together the seven councils which serve County Durham, Gateshead, Newcastle, North Tyneside, Northumberland, South Tyneside and Sunderland. The functions of the Tyne and Wear Integrated Transport Authority were transferred to NECA. Our Journey, A 20 year Transport Manifesto for the North East Combined Authority was approved by the Transport
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	North East Committee on the 3 November 2016 and sets out transport principles at a regional level. It is the precursor document to the full Transport Plan.
Statutory References – Transport Act 2000, s. 108(3) The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 No.1012	Future deadlines – The NECA Transport Manifesto will feed into the Local Transport Plan for NECA which will replace the Tyne and Wear Local Transport Plan. This will cover a period of twenty years.

Youth Justice Plan	Current Position – On 19 July 2006, it was agreed to delegate approval of future plans to the YOT Partnership Board. The plan for 2017/18 was approved by the Board on 12 June 2017 and agreed by the Youth Justice Board on 25 July 2017
Statutory References – Crime and Disorder Act 1998, s. 40	Future deadlines – The next Youth Justice Plan will cover 2018/19 and is due to be approved by the Youth Justice Board in July 2018.

Budget and Council Tax	Current Position – Budget rates and Council Tax bases agreed by City Council on 11 January 2017 and budget agreed by City Council on 1 March 2017
Statutory References – Local Government Finance Act 1992 Local Authorities (Calculation of Council Tax Base) Regulations 1992 [SI 1992 No 612] and subsequent related regulations Local Authorities (Standing Orders) (England) Regulations 2001 [SI 2001, No 3384] Local Government Act 2003	Future deadlines – Council Tax Base – must be set between 1 December and 31 January (For 2018 – 10 January) Council Tax – must be set before 11 March (For 2018 – 7 March)

<p>Local Government Finance Act 2012</p> <p>Note: S84 Local Government Act 2003 ended the need for the Council Tax base to be set by full Council. It is now up to Council to decide whether it can be set other than by full Council. In fact, City Council on 14 January 2004 decided that the Council Tax base should continue to be set by full Council.</p>	
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<p>Plan for controlling the Council's loans and investments (including the policy for determining the minimum revenue provision)</p>	<p>Current Position –</p> <p>City Council – Budget meeting – 1 March 2017</p>
<p>Statutory References –</p> <p>Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI No. 2853) as amended</p> <p>Local Government Act 2003</p> <p>Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 (SI No. 3146) as amended</p>	<p>Future deadlines –</p> <p>7 March 2018 meeting of City Council</p>

<p>Approval of the Council's Accounts</p>	<p>Current Position –</p> <p>City Council has delegated responsibility for approving the accounts to Constitutional Committee. They do not need approval by full Council but are included here for information.</p>
<p>Statutory References –</p> <p>The Accounts and Audit Regulations 2015 [SI 2015 No 234]</p>	<p>Future deadlines –</p> <p>30 September 2017</p>

ARTICLE 5 – THE LORD MAYOR, DEPUTY LORD MAYOR, SHERIFF AND RECORDER

5.01 Election of the Lord Mayor, Deputy Lord Mayor

- (a) At the Annual Meeting, the Council will elect from among its members a chair and deputy chair, who will have the titles of **Lord Mayor** and **Deputy Lord Mayor** respectively.
- (b) Neither the Leader nor a Cabinet Member may be elected as chair or deputy chair of the Council.

5.02 Appointment of Sheriff of Newcastle upon Tyne

- (c) The Council may appoint the Deputy Lord Mayor to the position of **Sheriff of Newcastle upon Tyne** during his/her term of office, who will then have the title of **Sheriff and Deputy Lord Mayor**.
- (d) The Council may appoint any other person to the position of **Sheriff of Newcastle upon Tyne** and shall at such time specify the term of office and the civic and ceremonial duties of such person.

5.03 Appointment of Recorder of Newcastle upon Tyne

Unless the Council resolves otherwise, the Senior Circuit Judge at Newcastle upon Tyne Crown Court shall be appointed as **Recorder of Newcastle upon Tyne**. The Council may from time to time specify the civic and ceremonial duties of such person.

5.04 Term of Office of the Lord Mayor and Deputy Lord Mayor

- (a) Unless he/she resigns or becomes disqualified, the Lord Mayor shall continue in office until his/her successor becomes entitled to act as chair and shall continue to be a member of the Council notwithstanding that he/she may have otherwise retired as a councillor. However, such a person shall not be entitled to vote in the election of chair, save to have a casting vote in the case of an equality of votes.
- (b) Unless he/she resigns or becomes disqualified, the Deputy Lord Mayor shall continue in office until immediately after the election of a chair at the next annual meeting of the Council and shall continue to be a member of the Council notwithstanding that he/she may have otherwise retired as a councillor. However, such a person shall not be entitled to vote in the election of chair, save to have a casting vote in the case of an equality of votes when presiding at the meeting.

5.05 Casual Vacancies in the Office of the Lord Mayor and Deputy Lord Mayor

- (a) The Council may at any time fill a casual vacancy in the office of Lord Mayor or Deputy Lord Mayor.
- (b) In the case of a vacancy in the office of Lord Mayor, an election to fill the vacancy shall be held not later than the next ordinary meeting of the Council held after the date on which the vacancy occurs, or if that meeting is held within 14 days after that date, then not later than the

next following ordinary meeting of the Council. The Proper Officer may convene a meeting of the Council for such an election.

5.06 First Citizen

The Lord Mayor will be the first citizen of the City of Newcastle upon Tyne and shall have precedence in the City, but not so as prejudicially to affect Her Majesty's royal prerogative.

5.07 Role and function of the Lord Mayor

The Lord Mayor and in his/her absence, the Deputy Lord Mayor will have the following roles and functions:-

- (a) to be a first citizen and ambassador for the City of Newcastle upon Tyne;
- (b) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (c) 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;
- (d) 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 are able to hold the Cabinet and committee chairs to account;
- (e) to promote public involvement in the Council's activities;
- (f) to be the conscience of the Council; and
- (g) to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

5.08 Absence of the Lord Mayor and Deputy Lord Mayor

- (a) In the absence of the Lord Mayor, the Deputy Lord Mayor shall preside at Council meetings.
- (b) In the absence of the Lord Mayor and Deputy Lord Mayor, another member of the Council (other than the Leader or a Cabinet Member) chosen by the members of the Council present shall preside.

5.09 Procedure for Election of Lord Mayor and Deputy Lord Mayor

The Council on 7 March 2007 agreed that from 1 May 2007 the procedures set out in the appendix to this Article should be followed for the appointment of the Lord Mayor and the Deputy Lord Mayor, including the filling of any casual vacancies.

The procedure was subsequently amended by Council on 1 May 2013.

APPENDIX TO ARTICLE 5

Procedure for Appointment of Lord Mayor and Deputy Lord Mayor

1. The Deputy Lord Mayor shall be elected annually by a secret ballot (if there is more than one nomination) to be conducted by the Service Manager Democratic Services during the 2 weeks leading up to the Annual Meeting. Nominations for the ballot shall be submitted to the Service Manager Democratic Services by no later than 4pm on the Wednesday following the first Thursday in May. The winner of the ballot shall be formally appointed Deputy Lord Mayor at the Annual Meeting.
2. The Deputy Lord Mayor at the end of his/her year of office shall be appointed Lord Mayor for the subsequent year at the next Annual Meeting, unless there is any other nomination for Lord Mayor. Any such nominations must be received by the Service Manager Democratic Services by no later than 4pm on the Wednesday following the first Thursday in May. In that event, a secret ballot shall be held for the appointment of the Lord Mayor, the candidates being the outgoing Deputy Lord Mayor (unless s/he is unable or unwilling to stand for any reason) and any other member(s) who has been nominated. The winner of that ballot shall be formally appointed Lord Mayor at the Annual Meeting.
3. In the event of a casual vacancy, the Council shall elect a replacement at its next ordinary meeting (or a special meeting if necessary), the expectation being that if the Lord Mayor's post became vacant mid-term, it would be filled by the Deputy Lord Mayor (assuming s/he is able and willing to accept the post) who would serve the remainder of the year. Nominations would then be invited to fill the vacant post of Deputy Lord Mayor for the remainder of that year. At the end of that year, the Lord Mayor and Deputy Lord Mayor would at the Annual Meeting be re-appointed to those positions unless there were any nomination received for either post by the Service Manager Democratic Services by 4pm on the Wednesday following the first Thursday in May, in which event there will be a secret ballot for that post.
4. Each member nominated must have served a minimum 5 years as a member of the Council at the time of nomination, although those years need not necessarily be consecutive.
5. Each nomination shall require a mover and seconder. Each mover of a nomination shall also prepare a statement explaining why they think the nominee would be appropriate for the role. Any member nominated shall commit, if appointed, to a full induction programme and undertake training and development where required.
6. Any ballot shall be conducted in secret and be free from the party whip. The decision, if there are more than 2 candidates, shall be made by a single transferable vote. If there are only 2 candidates, the decision shall be by a simple majority.

7. Any postholder shall reduce their Committee memberships and must give up any external responsibility which may imply a conflict of interest with their role.
8. The Leaders of the political groups and the Chief Executive will be closely involved in the induction programme to ensure that the incoming Deputy Lord Mayor is aware of corporate challenges ahead and the role of the Lord Mayor's office. This will also give the Deputy Lord Mayor the opportunity to share with the Leadership their thoughts about their themes for their Mayoral year.

ARTICLE 6 – OVERVIEW AND SCRUTINY

6.01 Terms of Reference –Scrutiny Committees

The Council has appointed an Overview and Scrutiny Committee and a Health Scrutiny Committee, with functions as set out below to discharge the overview and scrutiny functions conferred by section 9F of the Local Government Act 2000, the Police and Justice Act 2006, the Flood Risk Regulations 2009, the Health & Social Care Act 2012 and the Local Authority (Public Health, Health & Wellbeing Boards and Health Scrutiny) Regulations 2013.

6.02 Overview and Scrutiny Committee

Terms of Reference

The Overview and Scrutiny Committee will lead and coordinate the Council's Scrutiny activity. The terms of reference for this Committee are set out below:

1. To carry out, or arrange for the carrying out of, all of the Council's scrutiny activities including its responsibilities as the Council's designated Crime and Disorder Committee (in accordance with sections 19, 20 and 21 of the Police and Justice Act 2006), with the exception of those activities relating to Health and Wellbeing which are the responsibility of the Health Scrutiny Committee.
2. To manage and co-ordinate the Council's overview and scrutiny activities to promote an active and effective scrutiny function which provides "critical friend" challenge, adds value to the Council's policy and decision making process and helps deliver efficient, value-for money services.
3. To establish any sub-committees, standing or task & finish groups they deem appropriate to carry out scrutiny work. The power to appoint sub-committees, standing and task and finish groups may only be exercised by the Overview and Scrutiny Committee and may not be delegated.
4. The Overview and Scrutiny Committee shall determine the remits, and nominate members to serve on any sub-committee, standing or task and finish groups it appoints. Each sub-committee, standing or task & finish group should include at least one member of the Overview and Scrutiny Committee amongst its membership. The Overview and Scrutiny Committee will normally appoint at least the Chair of any such groups, who shall be drawn from the membership of the Overview and Scrutiny Committee.
5. Standing and task and finish groups shall normally be time limited and the Overview and Scrutiny Committee should set timescales for them to complete their work.
6. To ensure they are making progress the activities of all scrutiny sub-committees, standing and task & finish groups will report to Overview & Scrutiny Committee on a regular basis, and at least quarterly.

7. To co-ordinate its own work programme and those of any sub-committees, standing or task & finish groups it sees fit to appoint, ensuring that sufficient member and officer capacity is available to undertake the required work.
8. To consider and respond to issues, queries and concerns referred to them by City Council, Cabinet or any of the scrutiny sub-committees, or standing and task and finish groups they may decide to appoint.
9. To resolve any disputes between the sub-committees, standing and/or task & finish groups, in which event the decision of the Overview and Scrutiny Committee will be final.
10. To consider overview and scrutiny development, working practices and constitutional arrangements and make recommendations where necessary to Constitutional Committee, Cabinet or City Council.
11. To oversee and encourage the Council's involvement in and where appropriate, leadership of, external overview and scrutiny activity at local, regional and national level (such as the NE Scrutiny Member and Officer Networks, the Regional Joint Health Scrutiny Committee and the National Overview and Scrutiny Forum) and to nominate members to represent the Council for this purpose.
12. To encourage all non-executive members in the scrutiny pool to actively participate in all aspects of the scrutiny process including the work of sub-committees, standing and task & finish groups, relevant seminars and conferences, regional meetings and training courses.
13. To identify members' scrutiny training, development and general support needs and to consider, in conjunction with officers, the different ways in which they might be met.
14. In carrying out its scrutiny functions, the Overview and Scrutiny Committee may:
 - a. Make reports or recommendations to City Council, the Cabinet or other committees or sub-committees or relevant partners or other organisations.
 - b. Conduct or commission research, subject to resources being available.
 - c. Consult with relevant individuals, groups, communities and experts.
 - d. Require members of the Cabinet and senior officers of the Council (Head of Service and above) to attend to answer questions in accordance with paragraph 13 of Part 4E of the Charter.
 - e. Review and scrutinise the performance of other organisations and public bodies relevant to their area of work, utilising where necessary

the powers conferred by section 9F(2) of the Local Government Act 2000

- f. Question and gather evidence from any person or organisation (with their consent)
- g. Make appropriate use of any resources allocated to them to help them carry out their functions
- h. Task small groups or individual members to carry out work on their behalf including areas related to their work programme (for example making a site visit or interviewing witnesses), subject to all such work being agreed by the relevant committee in advance and a report back to the committee at the appropriate time.

These powers may be delegated to sub-committees, standing or task & finish groups in order to allow them to effectively carry out the functions they are tasked with. The Overview and Scrutiny Committee may wish to reserve to itself the power to sign off any reports from sub-committees, standing and task & finish groups and to make decisions about the use of resources.

- 15. The Overview and Scrutiny Committee will produce an annual report to City Council on all scrutiny work undertaken during the year.
- 16. To consider any matter referred to it by a member of the Council in accordance with section 9FC of the Local Government Act 2000 (Councillor Call for Action). The Overview and Scrutiny Committee may discharge this responsibility by referring the matter to an appropriate sub-committee, standing or task & finish group for consideration.
- 17. To consider, or arrange for the consideration of, any decisions which are "called in" for scrutiny in accordance with the provisions of section 15 of the Overview and Scrutiny Procedure Rules (Part 4E of the Newcastle Charter). Apart from specific issues relating to health and wellbeing, which will be considered by the Health Scrutiny Committee.
- 18. To make provision for the review and scrutiny of flood risk management and coastal erosion functions as required by section 9FH of the Local Government Act 2000.

6.03 Crime and Disorder Committee

Terms of Reference

- 1. The Overview and Scrutiny Committee shall be designated as the Council's Crime and Disorder Committee (in accordance with sections 19, 20 and 21 of the Police and Justice Act 2006) with responsibility for scrutinising crime and disorder and community safety matters, including Councillor Calls for Action on those topics and to exercise the duties and powers of a crime and disorder committee as set out below. The Overview

and Scrutiny Committee may delegate the responsibility for discharging these duties and the powers to carry out this role to a sub-committee.

2. The Crime and Disorder Committee shall meet to scrutinise decisions made or other actions taken in connection with the crime and disorder functions of the “responsible authorities” at least once per year; and
3. If the Committee makes a request in writing for information from a “responsible authority” or “co-operating person or body” the information must be provided in the timescale specified in the request unless this cannot reasonably be done, in which case it should be provided as soon as reasonably possible. The information provided shall be:
 - Depersonalised unless the identification of an individual is necessary to allow the committee to properly exercise its powers.
 - Not include information that would be reasonable likely to prejudice legal proceedings or current or future operations of the responsible authorities or co-operating person or body.
4. The Committee may require the attendance of an officer or employee of a responsible authority or cooperating person or body. Reasonable notice of the date and time of the intended date of attendance must be given.
5. If the Committee makes a report or recommendations to “a cooperating person or body” they must consider it and respond to the Committee in writing within 28 days or if this is not reasonable possible as soon as possible thereafter.

For the purposes of this paragraph “Cooperating persons or bodies” means:

- A parish council
- An NHS Trust or Foundation Trust
- The Governing body of an LEA maintained school or further education establishment
- The proprietor of an independent school
- A private registered provider of social housing
- Any other person or body prescribed by the Secretary of State under section 5(2)(c) of the Crime and Disorder Act 1998

6.04 Health Scrutiny Committee

Terms of Reference

The Health Scrutiny Committee will lead and coordinate the Council’s scrutiny activity in relation to Health and Wellbeing, and has various powers and duties in relation to health scrutiny. The terms of reference for this Committee are set out below:

1. Review and scrutinise any matter relating to the planning, provision and operation of the health service in Newcastle. This will encompass health and public health services commissioned by the Clinical Commissioning Group, the NHS Commissioning Board and the local authority, as well as health and public health services provided by NHS bodies and any other health service providers, including those from the independent and voluntary sectors providing services under contract with the NHS.
2. To make reports and recommendations to a responsible person and the Council on any matter it has reviewed and scrutinised.
3. Comment on consultations by responsible persons about proposals for a substantial development of the health service or for a substantial variation in the provision of the health service in Newcastle.
4. To make recommendations to Council on the application of the power of referral to the Secretary of State for Health if it considers that:
 - There has been inadequate consultation on the proposal; or
 - The proposal was not in the interests of the health service in its area.
5. The power to require responsible persons to provide information about the planning, provision and operation of health services in the city.
6. The power to require any member or employee of a responsible person to attend to answer questions necessary for discharging the scrutiny functions.
7. To co-ordinate its own work programme and those of any standing and task and finish groups it establishes, with the agreement of Overview & Scrutiny Committee.
8. To consider any health or wellbeing related decisions which are “called in” for scrutiny, in accordance with the provisions of section 15 of the Overview and Scrutiny Procedure Rules (Part 4E of the Newcastle Charter).
9. In carrying out its role, the committee will seek to ensure that:
 - The planning and delivery of healthcare reflects the views and aspirations of local communities.
 - All aspects of a local community have equal access to health services.
 - All aspects of a local community have an equal chance of a successful outcome.
 - Any proposals for substantial service change are in the best interests of local people.

10. The Chair, (Vice Chair or another nominated deputy) shall attend the North East Joint Health Scrutiny Committee and shall encourage involvement of Health Scrutiny Committee members in joint regional health scrutiny work where needed. This may include leadership of regional health scrutiny activities where appropriate.

6.05 Scrutiny Sub-Committees

1. The Overview and Scrutiny Committee may appoint standing sub-committees to help it carry out its scrutiny functions.
2. When it appoints sub-committees the Overview and Scrutiny Committee will determine their terms of reference. Each sub-committee will then normally set and manage its own work programme within those terms of reference.
3. Scrutiny sub-committees will be formal committees and will be subject to the relevant provisions of this Charter, including the Access to Information Rules in Part 4B.
4. The Overview and Scrutiny Committee may appoint a sub-committee to deal with issues referred to it for consideration under section 9FC of the Local Government Act 2000 (Councillor Call for Action).
5. The Overview and Scrutiny Committee may delegate to sub-committees the powers necessary to effectively carry out the role they are charged with, which will normally include:
 - a. Making reports or recommendations to full Council, Cabinet, Overview & Scrutiny Committee, Health Scrutiny Committee, other sub-committees, relevant partners or other organisations (although the Overview and Scrutiny Committee may reserve the right to formally sign off any such reports first).
 - b. Conduct or commission research, subject to resources being available.
 - c. Consult with relevant, individuals, groups, communities and experts.
 - d. The power to require members of the Cabinet and senior officers of the Council (Head of Service and above) to attend to answer questions in accordance with paragraph 13 of Part 4E of the Charter.
 - e. The power to review and scrutinise the performance of other organisations and public bodies relevant to their area of work, utilising where necessary the powers conferred by section 9F(2) of the Local Government Act 2000.
 - f. Questioning and gathering evidence from any person or organisation (with their consent).

- g. Making appropriate use of any resources allocated to them by the Overview and Scrutiny Committee to help them carry out their functions.
- h. Tasking small groups or individual members to carry out work on their behalf including areas related to their work programme (for example making a site visit or interviewing witnesses), subject to all such work being agreed by the sub-committee in advance and a report back to the sub-committee at the appropriate time.

6.06 Scrutiny Standing and Task & Finish Groups

1. The Overview and Scrutiny Committee may set up standing and task & finish groups to carry out reviews or other specific pieces of work as required. These may be groups which meet either regularly or from time to time to look at a specific issue or area of work; or groups tasked to carry out a specific time limited piece of work ("task and finish groups"). When it appoints a standing or task & finish group the Overview and Scrutiny Committee should be mindful that they do not duplicate work being done elsewhere and that sufficient resources are available to support the work of the proposed group. These standing and task & finish groups may:
 - Carry out scrutiny reviews.
 - Look at issues which do not readily fall within the remit of any sub-committees, either because they are crosscutting or because they cover areas not included in the remit of an existing sub-committee.
 - Contribute to the development of a particular policy area.
 - If delegated by the Overview and Scrutiny Committee, consider issues referred to that Committee for consideration under section 9FC of the Local Government Act 2000 (Councillor Calls for Action).
2. In general standing and task & finish groups:
 - Will have clearly defined terms of reference.
 - Will be time limited, unless the task they are set up for is ongoing in nature, for example to monitor the Council's budget or the performance of a particular service, in which case it will be known as a standing group and it may be appropriate to specify how often the group will meet (e.g. twice a year, quarterly etc).
 - Should be chaired by a member of the Overview and Scrutiny Committee who shall be charged with keeping the Overview and Scrutiny Committee informed of progress.
 - May draw their membership from all non-Executive members in the scrutiny pool (except Deputy Cabinet Members if any have been

appointed by the Leader). The membership of standing and task & finish groups will be agreed by the Overview and Scrutiny Committee.

- May include non-voting advisers.

6.07 Reporting Arrangements

1. When a sub-committee, standing or task & finish group is set up the Overview and Scrutiny Committee may specify the arrangements for approving any reports to Cabinet (or other bodies) produced by that group. In particular:
 - They may require any reports to be first submitted to the Overview and Scrutiny Committee and Health Scrutiny Committee, for areas related to health and wellbeing, for approval. This is the normal procedure for reports and is particularly appropriate in the case of major scrutiny reviews.
 - Formal sub-committees should normally be allowed to submit comments on Council reports or issues within their remit they have considered directly without first going to Overview and Scrutiny Committee.
 - They may authorise a task & finish group to report directly without obtaining any further approval (this would normally only be appropriate when the timescale for considering an issue is particularly short).
2. In some cases, for example where a task and finish group is contributing to development of a policy, a group may feed in comments directly to officers or Cabinet members rather than preparing a separate report. In such cases, any subsequent report to Cabinet on that area of work should include an explanation of scrutiny's contribution.

6.08 Procedure for submitting scrutiny reports to Cabinet

When Overview and Scrutiny Committee, Health Scrutiny Committee, a sub-committee, standing or task & finish group submits a report to Council or Cabinet (or a Committee or sub-committee of Cabinet):

1. The report must first be circulated to the relevant Cabinet Member(s) and senior officers.
2. The report should be considered at the next convenient meeting of Cabinet, and in any case within 2 months of it being circulated and notice being given to the proper officer, at the very latest, unless the Chair of the Overview and Scrutiny Committee and the relevant Cabinet Member agree to defer it.
3. In the case of reports or recommendations on crime and disorder matters from the statutory crime and disorder committee (i.e. Overview and Scrutiny Committee), a written response must be submitted to the

committee within 28 days of the date of the report or recommendations or if this is not possible, as soon as reasonably possible thereafter.

4. The report will normally be accompanied by a response from the relevant Cabinet member, which will be considered alongside the scrutiny report. The Cabinet Member's response may, at their discretion, include comments from appropriate officers. The response may be an interim response setting out what steps will be taken to respond fully and the timescale for preparing a final response which is required by section 9FE of the Local Government Act 2000 to be provided and published within two months.
5. The exception to the requirement for a written response from the Cabinet member is if a scrutiny report is commenting on an item which is already on the Cabinet agenda, in which case the Cabinet Member may respond verbally when they introduce the main report.
6. If there are reasons why a report needs to be considered urgently the relevant Cabinet Member may agree to let the report come forward without a written response.

6.09 Overview and Scrutiny Ethos

The Council's overall strategic policies and budget are set by City Council and all parts of the political management structure, including the Cabinet, non-executive committees, area structures and scrutiny, have important roles to play and should seek to work together to achieve the common objectives set by City Council.

Scrutiny has an important role to play in ensuring that the Cabinet is accountable for the decisions and actions that it takes and that it is delivering the corporate objectives the Council has agreed. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

Scrutiny activity 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 communities. Scrutiny committees should not shy away from the need to challenge and question decisions and make constructive criticism but unnecessary conflict and confrontation should be avoided.

Senior officers have a duty to cooperate with and assist scrutiny committees, sub-committees, standing and task & finish groups in carrying out their duties. Requests from scrutiny for information, attendance, or other support should be treated with the same respect as requests from the Cabinet.

6.10 Other Information

The Council has published a Scrutiny Handbook and associated guidance notes which provide information and guidance on its scrutiny arrangements. This is available on the Council's web site and will be reviewed as required.

6.11 Scrutiny Officer

As required by section 9FB of the Local Government Act 2000, the Council has designated a statutory “scrutiny officer” whose functions are to promote the role of the Council’s scrutiny committees, to provide support to them and their members and provide support and guidance to Council members and officers generally about scrutiny committee functions.

ARTICLE 7 – THE CABINET

7.01 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

- (i) The Cabinet will consist of the **Leader** together with at least two, but not more than nine, councillors appointed to the Cabinet by the Leader. The Cabinet currently comprises the Leader and nine other Cabinet members.
- (ii) Only councillors may be appointed to the Cabinet.
- (iii) There may be no co-optees and no deputies or substitutes for Cabinet members. Cabinet may however invite members and others to attend their meetings and, with the consent of the chair, speak.
- (iv) Neither the **Lord Mayor** nor the (**Sheriff** and) **Deputy Lord Mayor** may be appointed to the Cabinet and neither the **Leader** nor any of **member of the Cabinet** may be appointed to the office of **Lord Mayor** or (**Sheriff** and) **Deputy Lord Mayor**.
- (v) **Members of the Cabinet** (including the **Leader**) may not be members of a scrutiny committee.

7.03 Leader

- (i) The Leader will be a councillor elected to the position of Leader by the Council. Each election will be held on the day of the Annual Meeting when the incumbent's term of office as Leader expires.

The Leader will hold office until the first Annual Meeting after his/her normal day of retirement as a councillor (this being the fourth day after the ordinary day for elections in the year his/her term of office as a councillor expires, which will normally be four years after his/her election as a councillor) unless:

- (a) he/she resigns from the office; or
 - (b) he/she ceases to be a councillor; or
 - (c) the Council resolves to remove the Leader by a vote passed by a simple majority of those present and voting at a meeting of the Council upon a motion moved by written notice under Standing Order 14 provided the notice is signed by at least seven seconders as well as the proposer.
- (ii) In the event of any casual vacancy in the position of Leader, the

Council shall fill the vacancy at its next ordinary meeting of the Council held after the date on which the vacancy occurs or, if the Council then chooses, at the next following ordinary meeting of the Council. The Proper Officer shall include the filling of the vacancy as an item of business on the agenda for such meeting.

7.04 Other Cabinet Members

- (i) Other Cabinet members will be councillors elected to the position of Cabinet Member by the Leader. Each Cabinet Member shall hold office until:
 - (a) he/she resigns from that office; or
 - (b) he/she is removed from that office by the Leader upon such notice (if any) as the Leader considers appropriate; or
 - (c) he/she ceases to be a councillor.
- (ii) The Leader may at any time appoint a Cabinet Member to fill any vacancy.

7.05 Deputy Leader

- (i) The Leader may designate one of the Cabinet Members as **Deputy Leader**.
- (ii) The Deputy may exercise all the functions of the Leader where the position is vacant or where the Leader is absent or is otherwise unable to act.

7.06 Proceedings of the Cabinet

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

7.07 Responsibility for functions

- (i) The Leader may exercise executive functions himself/herself or may otherwise make arrangements to delegate responsibility for their discharge as set out in paragraph (ii) below.
- (ii) The Leader may delegate executive functions to:-
 - (a) The Cabinet as a whole;
 - (b) A committee of the Cabinet (comprising Cabinet members only);
 - (c) An individual Cabinet Member;
 - (d) An area committee, i.e. a ward committee;
 - (e) A joint committee;
 - (f) Another local authority or the executive of another local

authority;

- (g) A Delegated Officer.
- (iii) The Leader will maintain a list in Part 3 of this Constitution setting out the arrangements that have been made by him/her for the exercise of executive functions under paragraph (ii).

7.08 Cabinet Members' Roles and Portfolios

- (i) Cabinet members shall collectively and individually undertake leadership roles as determined by the Leader, including:
 - (a) leading the community planning process and the search for best value, with input and advice from select, area and ward committees;
 - (b) leading the preparation of the Council's policies and budget;
 - (c) taking in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Council; and
 - (d) being the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- (ii) The Leader may allocate portfolios to himself and other members of the Cabinet.
 - (a) The Leader will maintain a list in Part 3.4 of this Constitution setting out the allocation of portfolios; and
 - (b) The Leader will report to the next ordinary meeting of the Council such allocations and any alterations in such allocations.

7.09 Leader and Deputy of the Opposition

The Council shall appoint a councillor to the positions of **Leader of the Opposition** and **Deputy Leader of the Opposition** whether or not they are also appointed to be Cabinet Members.

7.10 Role of Deputy Cabinet Members

The Leader may appoint Deputy Cabinet Members.

Deputy Cabinet Members will support and act on behalf of their relevant Cabinet Member (to the fullest extent possible consistent with their not being a member of the Cabinet) in relation to those areas of executive activity specifically set out in the portfolio allocated to them from time to time by the Leader ('portfolio activities').

Deputy Cabinet Members will also, where they reasonably can, similarly support and act on behalf of their relevant Cabinet Member, or any other Cabinet Member, in relation to any other area of executive activity as requested to do so by such Cabinet Member or the Leader ('additional activities')

Without prejudice to the generality of those responsibilities, they **shall** include in relation to his/her portfolio activities and **may** include in relation to any additional activities:

1. Taking the political lead in influencing and helping to develop all necessary policy and operational proposals within their nominated portfolio activities and taking them forward for final approval whether by the Cabinet or the Cabinet Member or a Delegated Officer;
2. Publicly leading on the political direction of relevant activities and ensuring that such direction is effectively articulated, whether through attendance at meetings or other events, giving media interviews or approving press releases, representing the Council on appropriate bodies or the preparation of appropriate reports or otherwise;
3. Ensuring the Cabinet Member is appropriately briefed where necessary on relevant activities and proposals and that any instructions or requests by the Cabinet Member in relation to such activities are complied with so far as they reasonably can be;
4. Attending (and where appropriate chairing) all relevant meetings with Council officers or other elected members or external persons or bodies;
5. Attending Cabinet meetings and other Council meetings to speak about their relevant activities and deal with any questions and requests arising. This shall include meetings of any relevant scrutiny committee unless such committee has expressly requested attendance by the Cabinet Member;
6. Properly considering all relevant reports, papers and other documentation and working closely with relevant senior officers in order to fully understand relevant activities and any significant issues arising.

Note: For the avoidance of doubt, Deputy Cabinet Members are not members of the Cabinet and therefore cannot vote at any meeting of Cabinet or a Cabinet committee or be given delegated power to make an executive decision as an individual.

ARTICLE 8 – NON-EXECUTIVE COMMITTEES AND LICENSING COMMITTEE

8.01 Non-Executive Committees

The Council will appoint the committees set out in Part 3.5 of this Constitution to discharge the functions described there.

8.02 Licensing Committee

The Licensing Committee (and its sub-committees) is a statutory committee established under the Licensing Act 2003. It is subject to its own statutory provisions under the 2003 Act and the Gambling Act 2005 and regulations made under those Acts. Legislation that applies to non-executive committees of the Council does not necessarily apply to the Committee.

The Council will exercise its functions under the Licensing Act 2003 and the Gambling Act 2005 in accordance with Part 3.5A of this Constitution.

The former Licensing Committee has been renamed Regulatory and Appeals Committee and continues as a non-executive committee to deal with licensing and other regulatory matters not covered by the 2003 Act.

ARTICLE 9 – THE STANDARDS COMMITTEE

9.01 Standards Committee

The Council will establish a Standards Committee.

9.02 Standards Committee - Composition

- (a) **Membership.** The Standards Committee will consist of 10 members as follows:
- (i) 6 members of the City Council of which not more than one may be a Cabinet member;
 - (ii) 2 persons who are not councillors or officers of the Council or any other body having a standards committee and who are not otherwise disqualified from being appointed members of the committee (“independent members”);
 - (iii) 2 members of parish councils in the City who are not also members of the City Council (to be nominated jointly by the parish councils or determined by the City Council, where no nomination is received) (“parish members”).
- (b) **Voting Rights.** The independent members and the parish members will not be entitled to vote at meetings.
- (c) **Quorum.**
- The quorum of the Standards Committee shall be 4.
- Note: This quorum also applies to any sub-committee of the Standards Committee.
- (d) **Chairing the Committee.** The Council shall appoint an independent member to chair the Committee. Only an independent member can chair the Committee.

9.03 Standards Committee - Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members;
- (b) assisting the councillors and co-opted members to observe the Members’ Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members’ Code of Conduct;
- (d) monitoring the operation of the Members’ Code of Conduct;

- (e) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct so far as not delegated to the Monitoring Officer;
- (g) to assist and advise parish councils in the city, if requested and as appropriate, in relation to their discharge of functions (a) – (f) above in respect of their parish councillors;
- (h) dealing with written allegations that a councillor or co-opted member (or former councillor or co-opted member) of the Council or a parish councillor or former parish councillor in the City has failed, or may have failed, to comply with the Members' Code of Conduct;
- (i) dealing with complaints that a councillor or co-opted member of the Council has failed, or may have failed, to comply with one of the Council's local protocols;
- (j) promoting and maintaining high standards of conduct by officers;
- (k) assisting officers to observe the Code of Conduct for Employees;
- (l) advising the Council on the adoption or revision of the Code of Conduct for Employees;
- (m) monitoring the operation of the Code of Conduct for Employees;
- (n) reviewing and revising the level of allowances and expenses for the Independent Persons;
- (o) approving a version for publication of the arrangements for dealing with complaints against members and reviewing and amending such documentation from time to time as it thinks fit;
- (p) deciding what actions to take in respect of a member who is found on a hearing to have failed to comply with the code of conduct, including:
 - (i) Issuing a formal censure.
 - (ii) recommending to Council, or to the Parish Council, the issue of a formal censure by the Council or by the Parish Council.
 - (iii) publishing its findings in respect of the Member's conduct.
 - (iv) reporting its findings to Council, or to the Parish Council, for information.

- (v) recommending to the Council, or to the relevant Parish Council, that the Member be removed from any or all Committees or Sub-committees (subject to the approval of the member's Group if applicable).
- (vi) recommending to the Council, or to the Parish Council, that the Member be removed from being the chair or vice chair of any Committees or Sub-Committees.
- (vii) recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities.
- (viii) instructing the Monitoring Officer to, or recommending that the Parish Council, arrange training for the Member.
- (ix) recommending to the Council, or to the Parish Council, that the Member be removed, from one or more outside appointments to which he/she has been appointed or nominated by the Council or by the Parish Council.

9.04 Additional Roles of the Standards Committee

The Council may from time to time arrange for other functions to be discharged by the Standards Committee.

ARTICLE 10 – AREA COMMITTEES (WARD COMMITTEES)

10.01 Area Committees

The Council may appoint area committees as it thinks fit to discharge its functions. By Section 9E Local Government Act 2000, executive functions may also be discharged by an area committee, provided (a) it is established to discharge functions in respect of part of the Council's area (b) its members are members elected for the wards within that area.

The collective term used by the Council in its Charter to describe its area committees is “ward committees”.

10.02 Form, composition and function

There are 26 area committees each based on an individual ward and called a Ward Committee.

Each **Ward Committee** comprises the three councillors for the relevant ward.

Details of the delegations to **Ward Committees** by the Council and the Cabinet are set out in Part 3.7 of the Constitution.

10.03 Cabinet

The Cabinet is responsible for monitoring and regulating the ward committee structure.

10.04 Conflicts of interest – membership of area committees and scrutiny committees

Conflict of interest. If a scrutiny committee is considering decisions or action taken by an area committee of which the councillor concerned was a member and was present when the decision or action was taken, then the member must comply with the Council's code of conduct and only participate where permitted under the code (e.g. where attending for the purpose of answering questions or otherwise giving evidence relating to that decision or action.)

10.05 Area committees – access to information

- (i) Area committees will comply with the Access to Information Procedure Rules in Part 4B of this Constitution.
- (ii) Agendas for area committees which deal with both executive and non-executive functions will state which items are which.

10.06 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.

ARTICLE 11 – ADVISORY COMMITTEES

11.01 Advisory Committees

The Council or the Leader may appoint advisory committees to advise on the discharge of the functions of:

- (a) the Council or a committee or sub-committee of the Council;
- (b) the Cabinet, a committee of the Cabinet or a member of the Cabinet;
- (c) a Delegated Officer.

11.02 Functions

The Council and/or the Leader have appointed the advisory committees set out in Part 3.8 'Advisory Committees' of this Constitution to advise on the discharge of the functions described there.

11.03 Delegations

Where the terms of reference for an advisory committee include advising a body or delegated officer in respect of the discharge of their functions:

- (a) The body or the delegated officer shall have regard to any advice before exercising their delegated powers in respect of such functions; and
- (b) Where a particular body or delegated officer is specified, the body or officer shall have power to exercise the functions (whether executive and non-executive), save where under the provisions of this constitution or law, the matter is reserved to another body or officer.

11.04 Membership

- (a) A member of the Cabinet may be appointed to an advisory committee if otherwise eligible to do so as a councillor.
- (b) The Council may appoint to advisory committees persons who are not members of the Council ("co-optees") provided that such persons are not disqualified from such an appointment by law.

11.05 Co-optees - Voting Rights

Co-optees to advisory committees will be entitled to vote at meetings unless:-

- (a) the Council resolves that they shall not be entitled to vote when it appoints them; or
- (b) they are not entitled to vote by law.

11.06 Advisory committees – access to information

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

ARTICLE 12 – JOINT ARRANGEMENTS

12.01 Arrangements to promote well being

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

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

12.02 Joint arrangements

- (a) **Joint Advisory Committees.** The Council may join with one or more local authorities in appointing a committee to advise the appointing authorities, any executives of those authorities or a committee or member of those executives on any matter relating to the discharge of their functions.
- (b) **Non-Executive Functions.** 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. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (c) **Executive Functions.** The Cabinet may establish joint arrangements with one or more local authorities or with the executives of 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.
- (d) **Executive and Non-Executive Functions.** The Council and the Cabinet may establish joint arrangements with one or more local authorities or with the executives of one or more local authorities to exercise functions which are both executive and non-executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (e) **Existing Joint Arrangements.** Joint arrangements in respect of functions that become/have become executive functions shall continue until the Cabinet otherwise decides.

12.03 Appointments to Joint Committees

- (a) **Advisory Joint Committees.** The Council shall make appointments to joint advisory committees.
- (b) **Non-Executive Functions.** The Council shall make appointments to joint committees that solely exercise non-executive functions.
- (c) **Executive Functions.** The Cabinet shall make appointments to joint committees that solely exercise executive functions.

- (d) **Executive and Non-Executive Functions.** The Council shall, with the agreement of Cabinet, make appointments to joint committees that exercise both executive and non-executive functions.

12.04 Members of Joint Committees

- (a) **Advisory Committees and Non-Executive Functions.** The Council may appoint any member of the Council (including a Cabinet member) and co-opt other persons (not disqualified by law) where the arrangements permit. Political balance requirements apply.
- (b) **Executive Functions.** 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.
- (c) The Cabinet may appoint any member of the Council to a joint committee that solely exercises executive functions (but may not co-opt other persons):-
 - (i) where the joint committee is discharging a function in relation to five or more local authorities. Political balance requirements do not apply;
 - (ii) where the function of the joint committee is a function that is required by statute to be discharged by a joint committee. Political balance requirements do not apply.
 - (iii) where the joint committee has functions only in respect of part of the area of one of the local authorities which is smaller than two-fifths of that local authority (either by area or population). The Cabinet may appoint any member of the Council for a ward contained in the area. Political balance requirements do not apply.
- (d) **Executive and Non-Executive Functions.** The Council may, with the agreement of Cabinet:
 - (i) appoint any member of the Council, where the Council only appoints one member;
 - (ii) appoint any member of the Council but at least one must be a Cabinet member, where the Council appoints more than one member;
 - (iii) may co-opt other persons who are not members of the Council (not disqualified by law) where the arrangements permit; and
 - (iv) political balance requirements apply.
- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3.12 of this Constitution.

12.05 Access to information

- (a) The Access to Information Procedure Rules in Part 4B 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 is 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.

12.06 Delegation to and from other local authorities

- (a) The Council may delegate non-executive 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.

12.07 Contracting out

The Council (in respect of non-executive functions) and the Cabinet (in respect of executive functions) may contract out to another body or organisation functions:

- (a) 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
- (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.

12.08 Health Joint Arrangements

- (a) The Council (in respect of non-executive functions) and the Cabinet (in respect of executive functions) may enter into partnership arrangements with NHS bodies under section 75 of the National Health Service Act 2006:
 - (i) for the exercise by the Council of prescribed functions of NHS bodies
 - (ii) for the exercise by NHS bodies of prescribed health-related functions of the Council

if the arrangements are likely to lead to an improvement in the way in which those functions are exercised.

- (b) "Health-related functions" are defined in the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 SI No 617. Prescribed functions of NHS bodies are widely defined by the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 no 3094.

Section 75 and the 2000 Regulations define the type of arrangements that can be set up, namely:

- (i) Pooled fund arrangements
- (ii) Delegation of functions – lead commissioning
- (iii) Delegation of functions – integrated provision

Guidance on these arrangements has been issued as HSC 2000/010: LAC (2000)9.

- (c) Section 256 and 257 National Health Service Act 2006 enable the NHS Commissioning Board and Clinical Commissioning Groups to make payments to a local authority in connection with any social services functions and in respect of any of the local authority's functions which:
 - (i) have an effect on the health of any individuals
 - (ii) have an effect on, or are affected by, any NHS functions, or
 - (iii) are connected with any NHS functions
- (d) Section 76 National Health Service Act 2006 permits local authorities to make payments to NHS bodies in connection with their prescribed functions as set out in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 no 3094.
- (e) Details of arrangements entered into by the Council are set out in Part 3.12.

ARTICLE 13 – OFFICERS

13.01 Management structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Executive.** The Council will appoint a person to be Chief Executive and Head of Paid Service. He/she shall have responsibility for the overall corporate management and operational responsibility (including overall management responsibility for all officers).
- (c) **Other Chief Officers.** The Council will engage persons for the following posts, who will be designated chief officers:

Chief Officer	Functions
Director of Resources	<ul style="list-style-type: none"> • Financial Services • Human Resources • Business Management • Audit, Risk & Insurance • Legal Services • ICT Services
Director of Wellbeing, Care and Learning	<ul style="list-style-type: none"> • Commissioning and Procurement • Education • Business Management (Wellbeing, Care and Learning) • Adult Social Care • Children's Social Care • Resilience, Prevention and Early Intervention • Public Health
Director of Investment and Development	<ul style="list-style-type: none"> • Capital Investment • Development • Development Management • Fairer Housing • Strategic Property Services
Director of Communities	<ul style="list-style-type: none"> • Customers, Culture and Skills • Building and Commercial Enterprise • Highways, Local and Sustainability Services • Co-operative Communities • Facilities Services and Civic Management • Tyne and Wear Museums and Archives
Assistant Chief Executive	<ul style="list-style-type: none"> • Policy, Communications and Performance • Public Safety and Regulation • Economic Development • Regional Transport • Democratic Services
Assistant Director Legal Services	<ul style="list-style-type: none"> • Legal Services / Monitoring Officer

(d) Head of Paid Service, Monitoring Officer and Chief Financial Officer.

(i) The Council will designate the following posts as shown:

Designation	Post	Legislation
Head of Paid Service	Chief Executive	Section 4 of the Local Government and Housing Act 1989
Monitoring Officer	Assistant Director Legal Services	Sections 5 and 5A of the Local Government and Housing Act 1989
Chief Finance Officer	Director of Resources	Section 151 of the Local Government Act 1972

(ii) Different persons must be designated to these positions except that the Head of Paid Service and the Chief Finance Officer may be the same person (if he/she holds prescribed qualifications).

(iii) Such posts will have the functions described in Article 13.02–13.04 below.

(e) Deputy Monitoring Officer and Deputy Chief Finance Officer. The Monitoring Officer and the Chief Finance Officer (and not the Council) must appoint a Deputy. The current appointments are shown below:

Designation	Post
Deputy Monitoring Officer	Such person as the Monitoring Officer may appoint as deputy from time to time
Deputy Chief Finance Officer	Assistant Director Finance

(f) Monitoring Officer and Chief Finance Officer - Personal Duties.

(i) The duties in respect of the statutory reports by the Monitoring Officer and by the Chief Finance Officer (under sections 5 and 5A of the Local Government and Housing Act 1989 and section 114 of the Local Government Finance Act 1988 respectively) are personal to them, unless they are unable to act owing to absence or illness, in which case the duties are personal to their deputy.

(ii) Except in respect of the statutory duties referred to in sub-paragraph (i), all references to the Monitoring Officer and the Chief Finance Officer under this Constitution shall include reference to their Deputy and any other officer that they may nominate.

(g) Structure. The Chief Executive will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 1.4 of this Constitution.

13.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Chief Executive will report to 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.

13.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available 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 Chief Finance Officer, the Monitoring Officer will report to the full Council (or to the Cabinet in relation to an executive function) if he/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 and assessing complaints that a member has, or may have failed to comply with the Code of Conduct for Members.** The Monitoring Officer will receive written complaints that a member has, or may have failed to comply with the Members' Code of Conduct. The Monitoring Officer will then decide whether a complaint requires investigation.
- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters and make reports or recommendations in respect of them to the Standards Committee. The Monitoring Officer will carry out his/her responsibilities under the Council's Arrangements for dealing with standards allegations against Members under the Localism Act 2011 (contained in Part 5.4G of this Constitution).
- (f) **Granting Dispensations.** The Monitoring Officer may grant dispensations to members and co-opted members from requirements relating to interests set out in the Members' Code of Conduct, so far as not delegated to the Standards Committee.
- (g) **Proper officer for access to information.** The Monitoring Officer will assist the Service Manager Democratic Services to 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.
- (h) **Advising whether Cabinet decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (i) **Supporting the Audit Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards in audit and governance issues, including the Council's internal control environment, through the provision of support to the Audit Committee.

- (j) **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.

13.04 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council (or to the 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 Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Supporting the Audit Committee.** The Chief Finance Officer will contribute to the promotion and maintenance of high standards in audit and governance issues, including the Council's internal control environment, through the provision of support to the Audit Committee and by acting as its lead officer.
- (e) **Providing advice.** The Chief Finance 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.
- (f) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

13.05 Duty to provide sufficient resources to the Head of Paid Service, Monitoring Officer and Chief Finance Officer

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

13.06 Conduct

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

13.07 Employment

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

ARTICLE 14 – DECISION MAKING

14.01 Responsibility for decision making

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

14.02 Principles of decision making

- (a) All decisions of the Council will be made in accordance with principles of good decision-making.
- (b) In particular, all decision-makers shall take into account protocols for good decision making (approved by the Council) and guidance issued from time to time by the Head of Paid Service, Monitoring Officer and/or Chief Finance Officer which are contained in Part 3.13 of this Constitution.
- (c) All decision-makers shall act in accordance with the law and this Constitution.
- (d) All decision-makers shall ensure that they seek appropriate professional advice and shall take such advice into account in their decision-making.
- (e) All decision-makers shall ensure that decisions are made after due consideration with councillors, residents, stakeholders and partners.
- (f) All decision makers shall make decisions in accordance with principles of:-
 - (i) reasonableness;
 - (ii) fairness;
 - (iii) proportionality;
 - (iv) respect for human rights;
 - (v) presumption in favour of openness; and
 - (vi) clarity of aims and objectives.

14.03 Types of decision

Decisions reserved to full Council.

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

Key decisions.

- (b) A key decision is an executive decision (whether made by Cabinet, an individual Cabinet member, a delegated officer or another body) which, is likely:
 - (i) 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

- (ii) to be significant in terms of its effect on communities living or working in an area comprising two or more wards in the City.
- (c) In determining the meaning of "significant" the decision-maker must have regard to any guidance for the time being issued by the Secretary of State.
- (d) Decision-makers shall also have regard to protocols approved by the Council or guidance issued from time to time by the Head of Paid Service, Monitoring Officer and/or Chief Finance Officer which are contained in Part 7D of this Constitution.
- (e) A decision maker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4D of this Constitution and the Access to Information Procedure Rules set out in Part 4B of this Constitution.

14.04 Decision making by the full Council

Subject to Article 14.08, the Council meeting will follow the Council Procedure Rules set out in Part 4A of this Constitution when considering any matter.

14.05 Decision making by the Cabinet

Subject to Article 14.08, the Cabinet will follow the Cabinet Procedure Rules set out in Part 4D of this Constitution when considering any matter.

14.06 Decision making by scrutiny committees

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

14.07 Decision making by other committees and sub-committees established by the Council

Subject to Article 14.08, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4A of this Constitution as apply to them.

14.08 Decision making by Council bodies in a quasi-judicial manner

- (a) The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.
- (b) They shall have regard to any protocols approved by the Council or guidance issued from time to time by the Head of Paid Service, Monitoring Officer and/or Chief Finance Officer which are contained in Part 5 of this Constitution.

ARTICLE 15 – FINANCE, CONTRACTS AND LEGAL MATTERS

15.01 Financial management

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

15.02 Contracts

Every contract made by the Council will comply with Financial Regulation 8 (Procurement and Contracts) set out in Part 4F of this Constitution.

15.03 Legal proceedings

The Assistant Director Legal Services is authorised to act in legal proceedings in accordance with the delegations set out in Part 3.13 of this Constitution.

15.04 Authentication of documents

Authentication of documents on behalf of the Council shall be signed in accordance with the provisions contained in Part 3.13 of this Constitution.

15.05 Signing of Contracts

Contracts shall be signed in accordance with the provisions contained in Financial Regulation 8 contained in Part 4F of this Constitution.

15.06 The Council's Common Seal

The use of the Council's Common Seal shall be regulated in accordance with the provisions contained in the Council Procedure Rules contained in Part 4A of this Constitution.

ARTICLE 16 – REVIEW AND REVISION OF THE CONSTITUTION

16.01 Monitoring and review of the constitution

- (a) This Charter is a living flexible document which must be under constant review and monitoring to ensure that it contributes to and does not inhibit the Council from achieving its corporate and strategic objectives.
- (b) All members and officers of the Council have a responsibility to participate in this process.

16.02 Duty to monitor and review the constitution

The Constitutional Committee together with the Head of Paid Service, Monitoring Officer, Chief Finance Officer and the Service Manager Democratic Services will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

16.03 Protocol for monitoring and review of constitution by officers

A key role for the Head of Paid Service, Monitoring Officer, Chief Finance Officer and the Service Manager Democratic Services is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task they 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 members, 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.

16.04 Changes to the Constitution

- (a) **Approval.** Changes to the constitution will only be approved by the full Council after consideration of a report on the proposal by the Constitutional Committee, the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer and/or the Service Manager Democratic Services.
- (b) **Members.** If any member of the Council wishes to propose a change to the constitution, he/she should normally make a proposal to the chair of the Constitutional Committee or the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer and/or the Service Manager Democratic Services.
- (c) **Change from a Leader and Cabinet form of executive.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

(d) **Definition of “Change”.**

For the purposes of this Article, a change to the Constitution does not include amendments to this document:-

- (i) To give effect to decisions by the Council, the Cabinet, other bodies or officers in accordance with their statutory functions or delegated powers which need to be reflected in the Constitution;
- (ii) To give effect to changes in the law which apply directly to the Council and which need to be reflected in the Constitution; and
- (iii) To make typographical and stylistic corrections or improvements.

The Monitoring Officer shall have authority to make such amendments.

ARTICLE 17 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

17.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules contained in Part 4 may be suspended to the extent permitted within those Rules and 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 members of the body 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.

17.02 Interpretation

- (a) The Monitoring Officer or Deputy Monitoring Officer will interpret this Constitution when asked to do so and/or when he/she considers it necessary to do so.
- (b) This is without prejudice to the responsibility of the Lord Mayor, the Sheriff and Deputy Lord Mayor, or other person chairing meetings of the full Council to make decisions, give rulings or interpret the Council Procedure Rules.
- (c) All such decisions, rulings or interpretations shall be made:-
 - (i) to give overriding effect to any legal provision that applies to the Council; and
 - (ii) to give effect to the purposes of the constitution contained in Article 1 and other principles contained in this Constitution.
- (d) All such decisions, rulings or interpretations shall be final and, in particular, those made by the Lord Mayor, the Sheriff and Deputy Lord Mayor, or other person chairing meetings of the full Council shall not be challenged at the meeting of the Council.

17.03 Publication

- (a) The Assistant Director Legal Services will offer an electronic copy or a printed copy of this Constitution to each member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The Assistant Director Legal Services will also offer an electronic copy or a printed copy of any amendments to this Constitution to each member of the Council as soon as reasonably possible after the amendments are made.
- (c) The Assistant Director Legal Services will provide an electronic copy or a printed copy of this Constitution and any amendments to this Constitution to the Chief Executive, all Directors, the Monitoring Officer, the Chief Finance Officer and the Council's external auditors.

- (d) The Assistant Director Legal Services will ensure that copies of this Constitution and any amendments are available for inspection at council offices, libraries and other appropriate locations, and can be purchased on payment of a fee of £50.
- (e) The Assistant Director Legal Services will ensure that a copy of this Constitution and any amendments can be viewed electronically on and downloaded from the Council's Internet and Intranet.

SCHEDULE 1 OF PART 2: DESCRIPTION OF EXECUTIVE ARRANGEMENTS

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Scrutiny Committees) and the Scrutiny Committee Procedure Rules in Part 4E;
2. Article 7 (The Cabinet) and the Cabinet Procedure Rules in Part 4D;
3. Article 10 (Area Committees - Ward Committees), in so far as they relate to executive functions;
4. Article 12 (Joint arrangements), in so far as they relate to executive functions;
5. Article 14 (Decision making) and the Access to Information Procedure Rules in Part 4B;
6. Part 3 (Responsibility for Functions), in so far as they relate to executive functions.