

Part 2

Articles of the Constitution

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Article 1 – The Constitution

1.01 This part of the Constitution contains the remits of the Council, Committees, Sub-Committees, Forums and Panels. The Scheme of Delegation to Officers is contained in Part 3 of the Constitution. Appointments to Committees are made at the Annual Council Meeting or, when a vacancy occurs, at the next available meeting of the Council.

1.02 Powers of the Council

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

1.03 The Constitution

This Constitution, and all its appendices, is the Constitution of the Three Rivers District Council.

1.04 Purpose of the Constitution

The purpose of the Constitution for Three Rivers District Council is to:

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

1.05 Interpretation and Review of the Constitution

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

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

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Article 2 – Members of The Council

2.01 Composition and Eligibility

- (a) **Composition.** The Council comprises 39 members, otherwise called Councillors. One or more Councillors will be elected by the Local Government voters of each ward in accordance with The Local Government, England The Three Rivers (Electoral Changes) Order 2014 SI 2014 No 243.
- (b) **Eligibility.** Only registered voters of the District or those living or working there will be eligible to hold the office of Councillor.

2.02 Election and Terms of Councillors

Election and Terms: The ordinary election of a third of all Councillors will be held on the first Thursday in May in each year except in the year when it is the County Council elections. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.03 Roles and Functions of all Councillors

. All councillors will:

- collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- effectively represent the interests of their ward and its constituents;
- respond to constituents' enquiries and representations, fairly and impartially;
- participate in the governance and management of the Council; and
- maintain the highest standards of conduct and ethics.

(b) Rights and duties

- Councillors will have the right of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- 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. Councillors should seek advice from the ~~Associate Director Legal and Democratic~~ (Monitoring Officer) before considering any disclosure.
- For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 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.

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Article 3 – Citizens and The Council

3.01 Citizens' rights

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

- (a) **Voting and Petitions.** An individual over 18 who lives in the District and is qualified to be on the Register of Electors as a Local Government elector is entitled to vote for a Candidate at a Local Election. To register you have to contact the Electoral Registration Officer and ask to be placed on the register at the property in which you reside. An annual audit of voters is carried out by all Councils. You can apply for a postal vote at any time.

Citizens on the Register of Electors for the area have the right to vote and sign a Petition either electronically or in print 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) see reports and background papers, and any records of decisions made by the Council and its committees; and
 - (iii) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to participate at Council and Committee meetings and contribute by invitation to investigations by Committees. Council Procedure Rules 15 and 35(B) set out the procedure.
- (d) **Compliments, Comments and Complaints.** Citizens have the right to compliment, comment or complain to the Council under its adopted scheme. Citizens also have the right to complain to:
- (i) the Local Government Ombudsman after using the Council's own complaints scheme;
 - (ii) the ~~Associate Director Legal and Democratic~~ (Monitoring Officer) about a breach of the Members' Code of Conduct.

3.02 Citizens' Responsibilities

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

Article 4 – The Full Council

The Full Council is a formal meeting of all Councillors. It is required by law to take certain important decisions including setting the Council's Budget, Council Tax and approving key plans and strategies which form the Policy Framework, These are listed below.

The full Council is a central forum for councillors to debate and ask questions about the Council or any matter which affects it. It will carry out some functions itself but delegates others to Service Committees or to named officers.

4.01 Meanings

(a) Policy Framework

The policy framework means the following plans and strategies as well as any other plans required by law to have the approval of the Council and any other plans or strategies which the council may decide should be adopted by the meeting as a matter of local choice.

- Community Strategy;
- The Council's Strategic Plan;
- Crime and Disorder Reduction Strategy;
- Plans and strategies which together comprise the Local Plan including draft policies and proposals in association therewith;
- Licensing Authority Policy Statement;
- Policies made under the Gambling Act;
- Asset Management Plan;
- Statement of Pay Policy.
- Housing and Homelessness Strategy

(b) Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds and balances, the council tax base, setting the council tax in relation to the district and parish council budgets, council tax support scheme and the setting of virement limits.

4.02 The Council Meeting – Functions

Only the Council Meeting will exercise the following functions;

- (a) Adopting and changing the constitutional arrangements; including terms of reference of committees, deciding their composition and appointing them;
- (b) Approving or adapting the policy and budget frameworks, and any application to the Secretary of State in respect of any housing land transfer;
- (c) Appointing representatives to outside bodies at the Annual Meeting; with appointments between Annual Meetings being dealt with by the Policy and Resources Committee;

- (d) Adopting a Members' allowances scheme under Article 2.5;
- (e) Changing the name of the area, conferring the title of honorary alderman or granting the freedom of the District;
- (f) Confirming the appointment of the Head of Paid Service (Chief Executive);
- (g) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills, and
- (h) All other matters which by law must be reserved to Council.

4.03 Council Meetings

There are three types of Council meeting:

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

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

4.04 Responsibility for Functions

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

Note: For the avoidance of doubt the Full Council retains ultimate responsibility for the actions and decisions of all its Committees and also retains the ability to exercise all its powers whether or not they have been delegated to a Committee or Officer

However, the Council shall not overrule a power that has been delegated without first ensuring that such a step is in the best interest of the Council or its residents. The Council's ability to exercise its powers will not override or supersede any decision or action already taken by a Committee or Officer acting under delegated authority which has been enacted.

Further to the above, the Council can only overturn a delegated decision under the following exceptional circumstances (this list is not exclusive):

- The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ has deemed the decision *ultra vires*
- or
- The decision has not been enacted
 - No contracts have been exchanged
 - Any five Members, within five working days of the decision having been taken, write to the ~~Associate Director Legal and Democratic (Monitoring Officer)~~ or Chief Executive.

Discussion and decisions on Policy shall not go to Council unless legally required to do so and are only to be dealt with by the Policy and Resources Committee.

Dismissal of ~~Head of Paid Service~~ Chief Executive, ~~Associate Director Legal and Democratic (Monitoring Officer)~~ or Director of Finance Section 151 Officer

The dismissal of the ~~Chief Executive~~ Head of Paid Service, the ~~Associate Director Legal and Democratic (Monitoring Officer)~~ and the Director of Finance Section 151 Officer (the statutory officers) is reserved to Council.

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

The priority for selecting the independent persons is:

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

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

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

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

Article 5 – Chairing the Council

5.01 Role and function of the Chair

The Chair and Vice-Chair of the Council are elected at the Annual Council Meeting.

The person chairing the Council Meeting has the following responsibilities:

- (a) To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (b) To preside over meetings of the Council, so that its business can be carried out efficiently and with regard to the interests of the community and the rights of Councillors;
- (c) 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 all Members, who do not sit on Policy and Resources Committee or hold committee chairs, are able to hold the members of the Policy and Resources Committee and other chairs to account;
- (d) To promote public involvement in the Council's activities;
- (e) To be the conscience of the Council; and
- (f) To attend such civic and ceremonial functions as the Council and they determine appropriate
- (g) That the chain of office presented to the Chair of Council should be worn for civic and ceremonial functions. This would also apply to the Vice-Chair of the Council.

5.02 **Scheme for the Election of the Chair**

The Scheme for the Election of the Chair of the Council is contained in the Appendices to this Constitution.

Article 6 – Policy and Resources Committee

6.01 Introduction

The Policy Development and Review functions are undertaken by the Policy and Resources Committee.

6.02 Terms of Reference

Policy and Resources Committee

- (i) To set and co-ordinate all policy for itself and the service and other committees which have been delegated by Council:-
- (ii) To review and scrutinise the policies made or proposed to be made by the Council and to recommend appropriately to the Council:
 - (a) whether any new policies are required;
 - (b) whether any existing policies are no longer required;
 - (c) whether any changes are required to any existing policies;
 - (d) whether any action is required to make the policies more effective.
- (iii) To consider any matters which affect the Council's administrative area or the inhabitants of that area and to make recommendations or reports to the Council.
- (iv) To allocate resources to the other Committees to enable the Council functions to take place.
- (v) To be responsible for the following areas of concern and to review performance against the previous year's plans of the services within its remit:
 - Audit and Fraud including Audit Recommendations
 - Commercial Estate management
 - Committee/Member support
 - Communication
 - Customer Services Centre
 - Electoral registration and elections
 - Land and Property (PFM) and Office Services
 - Legal
 - Policy/Corporate support
 - Purchasing/procurement
 - Rent Account
 - Services provided jointly with other Local Authorities:
 - (Accountancy, Treasury, Income and Payments

- Benefits – Housing Benefit, Council Tax Benefit, discretionary NNDR relief
- Collection of Council Tax, National Non-Domestic Rate
- To undertake an annual review of the Council Tax Support Scheme and make recommendations to Council
- Information and Communications Technology
- Human Resources and Training)
- Themes / Strands allocated from the Council's Strategic Plan
- Resources and Finance including the development of Budget recommendations to Council
- Asset Management
- Major Projects
- Local Plan
- Community Infrastructure Levy
- Right to Build Register
- Requests for implementation of Public Spaces Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014.
- to authorise the purchase of property for investment.

6.03 **Membership**

- (i) Membership of the Committee will be determined in accordance with political balance rules under Section 15 to 17 of the Local Government and Housing Act 1989 and in accordance with methods of appointment set out in Council.
- (ii) The Leader of the Council shall Chair this Committee. The Lead Member for ~~Infrastructure and Planning Policy~~ Economic Development and Planning Policy shall be the Lead Member for the Local Plan. All the Lead Members designated as such by Council are *de facto* Members of this Committee. Lead Members are expected to oversee specific areas of work but do not have delegated authority for decisions
- (iii) Any delegations granted to the Leader of the Council may be delegated to the Deputy Leader in their absence.

6.04 **Lead Member for Resources and Shared Services**

	<p>Lead Member Resources and Shared Services – Finance Audit Revenue and Benefits Assets Policy and Corporate Support ICT Procurement and Contracts</p>
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Article 7 – Service Committees

7.01 There are two Service Committees. They are General Public Services and Economic Development and Climate Change, Leisure and Community

7.02 Their functions are:

- (i) To make all decisions in respect of their areas of responsibility (as set out in the tables below) provided these are within their allocated budgets and agreed policies.
- (ii) To consider any matter referred to them by the Council or the Policy and Resources Committee and recommend or report to the Council or the Policy and Resources Committee accordingly.
- (iii) To review performance against the previous year's plans of the services within their remit:
- (iv) To consider any matter identified by the Policy and Resources Committee for consideration within their remit.
- (v) To determine an annual Work Plan.
- (vi) To liaise and seek views of the local community and other interested parties in relation to the above matters.
- (vii) To consider any submitted Community or Councillor Calls for Action.

7.03 **Scope of Services within Service Committees' Remit**

The Council will appoint the Service Committees set out in the left-hand column of the table below to discharge the functions set out in the right-hand column of the same table.

Service Committees	Services Included
<p>General Public Services and Economic Development Committee</p>	<p>Themes / Strands allocated from the Council's Strategic Plan Reporting on allocated service plans</p> <p>Lead Member Economic Development and Planning Policy Economic Development Regeneration Infrastructure Town and Village town centre improvements Brownfield Register Building Control Conservation Areas and Local Listing Community Infrastructure Levy Development Management Policy Heritage Land Charges Land Drainage Listed Buildings Neighbourhood Planning Right to Buy Register Rickmansworth Town Project Board</p> <p>Lead Member Public Services Refuse and Recycling Highways Transport Cycling Parking</p> <p>Lead Member for Housing, Public Health and Wellbeing Housing Policy Homelessness and Housing Advice Housing and Disabled Facilities Grants Management of Traveller sites Private Housing and Houses in Multiple Occupation Residential Environmental Health Temporary accommodation. Public Health Strategy Wellbeing Strategy</p>

<p>Climate Change, Leisure and Community Committee</p>	<p>Themes / Strands allocated from the Council's Strategic Plan Reporting on allocated service plans</p> <p>Lead Member for Leisure Arts development and facilities Leisure grants Leisure development and facilities Open spaces Play areas and play development Sports development and facilities Leisure based health programmes</p> <p>Lead Member Sustainability and Climate Air pollution and noise pollution Animal and pest control Cemeteries and crematorium Environmental Forum Sustainability, climate change and energy efficiency Woodlands Tree Protection</p> <p>Lead Member for Community Partnerships Community Safety:</p> <ul style="list-style-type: none"> • To review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions (it is the Crime and Disorder Committee for the purposes of the Police and Justices Act 2006); • To make reports or recommendations to the Council with respect to the discharge of those functions; • The Committee will be able to co-opt members from the Responsible Authorities (the Community Safety Partnership) should it wish to when reviewing certain projects/decisions. <p>(We are required by law to have a scrutiny committee to carry out this function)</p> <p>Equalities Crime and Disorder Community Safety Partnerships Domestic Abuse Community Safety Disease Control Food Inspection Health and Safety Health and social care Licensing activities covered by the Licensing Acts Licensing and Regulatory activities outside the Licensing Acts Public Spaces Protection Orders Traveller incursions</p>
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7.04 **Proceedings of Service Committees**

The Committees will conduct their proceedings in accordance with the Council Procedure Rules as set out in Part 4 of this Constitution.

7.05. **Membership**

- (i) Membership of the Committees will be determined in accordance with political balance rules under Section 15 to 17 of the Local Government and Housing Act 1989 and in accordance with methods of appointment set out in Council.
- (ii) There are three lead members for each service committee and the chair of each committee will be decided ~~from the three.~~ by the Lead Members at the time of the meeting(s).
- (iii) Substitute Members are permitted in accordance with Council Procedure Rule 28.

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Article 8 – Regulatory and Other Committees

8.01 Regulatory and Other Committees

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

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Article 9 – The Standards Framework

9.01 In accordance with the Localism Act 2011, the Council has made arrangements to deal with complaints against Members of the District Council or a parish council in respect of breaches of the Code of Conduct. These arrangements are set out in Part 4 of the Constitution.

9.02 The ~~Associate Director Legal and Democratic~~Monitoring Officer shall receive all complaints against Members of the District Council or Parish Council in respect of breaches of the Code of Conduct. They may refer certain matters to a Standards Panel for consideration and/or determination.

9.02 **Composition**

The Panel will consist of three Members appointed by the Monitoring Officer from the Policy & Resources Committee.

9.03 When dealing with complaints the following stages take place:-

Stage 1 - The ~~Associate Director Legal and Democratic~~ (Monitoring Officer) considers the complaint in consultation with an Independent Person appointed by the Council. The Monitoring Officer may decide not to take any further action, to seek to resolve the matter informally or to require a formal investigation.

Stage 2 - Where the complaint has not been dismissed or resolved informally the Monitoring Officer will appoint an investigator who will advise the Monitoring Officer if, in their opinion, there has been a breach of the Code of Conduct. If the Monitoring Officer, in consultation with an Independent Person, concludes there has been no breach they will close the case. Where they conclude there has been a breach they may seek to resolve the matter informally or refer the matter to a Hearings Panel for determination.

Stage 3 - If a formal Hearing is required, a Panel of 3 Members, will be appointed to consider a report from the Investigating Officer and determine the complaint. If the complaint involves a Parish Councillor, a representative of the relevant Parish Council, Chair or nominated representative —will be added to the membership of the Panel. In accordance with the statutory provision, the Panel will consult the Independent Person before it determines the complaint.

Article 10 – Area Arrangements

10.01 Local Area Forums

The Council has ~~several appointed five~~ area forums, ~~one for each of the District's parished areas and one for the unparished area.~~

Terms of Reference

Each Local Area Forum is a consultative/advisory meeting which itself has no decision-making powers. Its dual purpose is to provide an opportunity for the public to raise matters of concern and interest and to express their views and to provide the Council with a platform to explain its position, policies and plans.

Composition/Membership

The Chair and the Vice-Chair of the Forums are elected at Annual Council. The ~~particular~~ Ward Councillors appointed to each Forum are those that represent the relevant Wards within each parished (or unparished) area. Council Officers attend meetings as warranted by agenda items but officer attendance is kept to a minimum in order to maintain the emphasis on direct interaction between the public and Councillors.

Regularity of Meetings

The meetings ~~are organised as and when required dates are set out in the Council Calendar of meetings. How the meeting is held is left to the discretion of the Chair and can be held~~ either virtually, face to face or as a hybrid meeting. ~~There is no minimum number of meetings per year.~~

General Procedures

It is the responsibility of the Chair and Vice Chair in consultation with fellow Ward Members to formulate the agenda for a meeting. Agendas should be published on the Council website and circulated to all Councillors approximately two weeks in advance of the meeting.

There are no formal notes of the meeting: Members might note any actions they have agreed to pursue, but these are not distributed.

Publicity

A wide range of methods of advertising meetings may be employed including the following:-

- Website and social media
- Local noticeboards (arranged via Council staff)
- Details provided to the relevant Local Parish/Community Council to publicise the meeting
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Attendance at the meetings

Through the Council website at [MyServices - Three Rivers District Council](#) it is possible for residents to register to receive details on their Local Area Forum

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Article 11 – Joint Arrangements

11.01 Arrangements to Promote Well Being

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

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

11.02 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise any functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee or advisory panel with these other local authorities.
- (b) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegations in Part 3 of this Constitution.

11.03 Access to Information

The Access to Information Procedure Rules in Part 4 of this Constitution apply.

11.04 Delegation to and from Other Local Authorities

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

11.05 Contracting Out under the Deregulation and Contracting Out Act 1994

The Council and/or one of its Committees may contract out to another body or organisation functions which may be exercised by an officer within any legislative constraints.

Article 12 – Officers

12.01 Management Structure

- (a) **General.** The full Council authorises the engagement of such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Statutory Chief Officers.** The full Council will engage persons for the following posts, who will be designated statutory chief officers:

Post	Functions and Areas of Responsibility
Chief Executive	<p><u>Head of Paid Service</u></p> <p>To lead the Corporate Management <u>TeamBoard</u> and assume overall responsibility for corporate and operational management of the Council including the provision of impartial professional advice to all parts of the political management structures.</p> <p>Together with the <u>Associate Director Legal and Democratic (Monitoring Officer)</u>, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Corporate and Advisory Role: To serve as a member of the Corporate Management <u>TeamBoard</u> and contribute to the corporate management of the Council including the provision of impartial professional advice to all parts of the political management structure.</p> <p>To have a general power of competence in cases of urgency or emergency.</p>
Shared Director of Finance	<p><u>Chief Financial Officer</u></p> <p>Corporate and Advisory Role: To serve as a member of the Corporate Management <u>TeamBoard</u> and contribute to the corporate management of the Council including the provision of impartial professional advice to all parts of the political management structure.</p> <p>Service Role: Strategic oversight of corporate services within the Lead Authority Agreement, currently</p> <ul style="list-style-type: none"> • To contribute to the Corporate Management of the Council • Finance and Accountancy; • Revenues and Benefits • Procurement

Post	Functions and Areas of Responsibility
	Direct operational management responsibility for the following service areas:- <ul style="list-style-type: none"> • Finance and Accountancy, • Revenues and Benefits •
	<ul style="list-style-type: none"> • •

- (c) ~~Head of paid service~~ **Chief Executive, Associate Director Legal and Democratic (Monitoring Officer)** and ~~chief financial officer~~ **Director of Finance**. The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))	Associate Director Legal and Democratic (Monitoring Officer)
Shared Director of Finance	Chief Finance Officer

Such posts will have the functions described in Article 12.02–12.04 below.

The ~~head of paid service~~ **Chief Executive, Associate Director Legal and Democratic (Monitoring Officer)** and ~~chief financial officer~~ **Director of Finance** may nominate a member of staff as a deputy to act in their absence or illness. The following nominations have been made:

Post	Designation
Director/ Associate Director (to be nominated by the Chief Executive)	Deputy Head of Paid Service
Principal Lawyer	Deputy Associate Director Legal and Democratic (Deputy Monitoring Officer)
Shared Director of Finance	Deputy Chief Finance Officer

- (d) **Structure.** ~~Chief Executive~~ **Chief Executive** ~~The head of paid service~~ will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.02 **Functions of the Head of Paid Service**

- (a) **Discharge of functions by the Council.** The ~~Chief Executive head of paid service~~ will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The ~~Chief Executive Head of Paid Service may not may not~~ be the ~~Associate Director Legal and Democratic (Monitoring Officer)~~ but may hold the post of ~~Director of Finance chief finance officer~~ if a qualified accountant.

12.03 **Functions of the ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~**

- (a) **Maintaining the Constitution.** The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (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 procedural fairness of decision making.** The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ will advise whether the decisions of the Committees and Sub-committees are in accordance with the Council's budget and policy framework.

After consulting with the ~~Chief Executive, Director of Finance Head of Paid Service and Chief Finance Officer and~~, the ~~Associate Director Legal and Democratic (Monitoring Officer)~~ will report to the full Council if they consider 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) **Overseeing the Standards Regime.** The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ will contribute to the promotion and maintenance of high standards of conduct overseeing and supporting the Standards Regime.
- (d) **Conducting investigations.** The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ will conduct investigations into relevant complaints and make reports or recommendations in respect of them to the Panel and/or the Council.
- (f) **Proper officer for access to information.**
- (g) **Providing advice.** The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (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.

- (h) **Restrictions on posts.** The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ cannot be the Director of Finance or Chief Executive ~~Chief Finance Officer or the Head of Paid Service~~.

12.04 **Functions of the Director of Finance**~~Chief Finance Officer~~

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the ~~Associate Director Legal and Democratic (Monitoring Officer)~~, the ~~chief finance officer~~ will report to the full Council and the Council's external auditor if they consider 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 Director of Finance ~~chief finance officer~~ will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Director of Finance ~~chief finance officer~~ will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The ~~Director of Finance 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.
- (e) **Give financial information.** The Director of Finance ~~chief finance officer~~ will provide financial information to the media, members of the public and the community.

12.05 **Duty to Provide Necessary Resources to the Chief Executive**~~Head of Paid Service, Associate Director Legal and Democratic (Monitoring Officer) and Director of Finance~~Chief Finance Officer

The Council will provide the Chief Executive, ~~Head of Paid Service, Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ and Director of Finance ~~Chief Finance Officer~~ with necessary resources to allow their duties to be performed.

12.06 **Conduct**

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

12.07 **Employment**

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

Article 13 – Decision making

13.01 Responsibility for Decision making

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

13.02 Principles of Decision making

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

- (a) The action must be in proportion to the desired outcome;
- (b) There should be due consultation and the taking of professional advice from officers;
- (c) There should be respect for human rights;
- (d) There should be a presumption in favour of openness;
- (e) There should be clarity of aims and desired outcomes;
- (f) There should be legality; and
- (g) There action should be in accordance with the key aims and objectives of the Council, meaning that where more than one decision is available to achieve a desired outcome, the Council will make the decision which is most likely to advance the Council's key aims and objectives, provided it is within its resources.

The reports presented to Council or Committees will explain what options were considered and give the reasons for the decision and the recommendation. A record of decisions made will be taken.

13.03 Types of Decision

Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

13.04 Decision making by the Full Council

Subject to Article 13.06, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by Committees and Sub-Committees established by the Council

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

13.06 **Decision making by Council Bodies Acting as Tribunals**

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

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Article 14 – Finance, Contracts and Legal Matters

14.01 Financial Management

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

14.02 Contracts

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

14.03 Legal Proceedings

The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ considers that such action is necessary to protect the Council's interests.

14.04 Authentication of Documents

Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Chief Executive unless any enactment otherwise requires or authorises, or the Council otherwise authorises some other person through the scheme of delegation to officers (as contained in Part 3 of this Constitution), or the Council gives the necessary authority to some other person for the purposes of such proceedings.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ should be sealed. The affixing of the Common Seal will be attested by the Chief Executive, Director of Finance, ~~Director of Community and Environmental Services~~ or the ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~.

Any of the following officers are also authorised to attest the seal:

A Principal Solicitor, Principal Lawyer of the Council, Data Protection and Resilience Emergency Planning and Risk Manager

Article 15 – Review and Revision of the Constitution

15.01 Duty to Monitor and Review the Constitution

The ~~Associate Director Legal and Democratic~~ (Monitoring Officer) will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for Monitoring and Review of Constitution by Associate Director Legal and Democratic (Monitoring Officer)

Terms of Reference for Committees

A key role for the ~~Associate Director Legal and Democratic~~ (Monitoring Officer) 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 the ~~Associate Director Legal and Democratic~~ (Monitoring Officer) may:

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with themselves by members, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.02 Changes to the Constitution

- (a) **Approval** Changes to the constitution will only be approved by the full Council after consideration of the proposal by the ~~Associate Director Legal and Democratic~~ (Monitoring Officer).
- (b) **Change from a Committee system to a Leader and Cabinet form of Executive or to a Mayoral 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 and must hold a binding referendum in accordance with legislation.

C Minor changes to the constitution are delegated to ~~Associate Director Legal and Democratic~~ (Monitoring Officer) ~~and will be reported to the next meeting of the Constitutional Sub-Committee.~~ will be undertaken under Part 3 of the Council Constitution, Section 8, Point 8.4. Any changes made will be reported in the Members' Information Bulletin and an annual report presented to Full Council in February each year.

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least two-thirds of the whole number of Councillors are present. The extent and duration of suspension will be in proportion to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 16.01:
 - Council Procedure Rules
 - Financial Procedure Rules
 - Contracts Procedure Rules

16.02 Interpretation

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

16.03 Publication

- (a) The Committee Team will give a copy of the Rules of Council to each member of the authority upon delivery to themselves of that individual's declaration of acceptance of office on the member first being elected to the Council. In addition links to the full Constitution and all the Parts which make up the Constitution are provided
- (b) The Committee Team will ensure that one copy is available for inspection at the Council offices, or can be viewed online at [Council constitution | Three Rivers District Council](#) and can be purchased by members of the local press and the public on payment of a reasonable fee.