



<b>Title:</b>	<b>Constitution of the Council (Part 2: Articles)</b>
<b>Owner:</b>	<b>Chris Eberley</b>
<b>Date of version:</b>	<b>24<sup>th</sup> January 2022</b>
<b>Review due:</b>	<b>May 2023</b>
<b>Approved by Interim Monitoring Officer:</b>	<b>Chris Eberley</b>
<b>Date of Equality Impact Assessment:</b>	<b>24<sup>th</sup> January 2022</b>

**Adopted by Full Council on 24<sup>th</sup> January 2022**



# CONSTITUTION OF THE COUNCIL

## PART 2 - ARTICLES

### 1 POWERS OF THE COUNCIL

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

### THE CONSTITUTION

- 1.2 This Constitution, and its appendices, is the Constitution of the East Staffordshire Borough Council.

### PURPOSE OF THE CONSTITUTION

- 1.3 The purpose of the Constitution is to:
- 1.3.1 enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
  - 1.3.2 lay out an effective framework for good corporate governance of the Council as a public body;
  - 1.3.3 support the active involvement of citizens in the process of local authority decision-making;
  - 1.3.4 help Councillors represent people in their ward more effectively;
  - 1.3.5 enable decisions to be taken efficiently and effectively;
  - 1.3.6 create an effective means of holding decision-makers to public account;
  - 1.3.7 ensure that no one will review or scrutinise a decision in which they were or will continue to be directly involved;
  - 1.3.8 ensure that those responsible for decision-making are clearly identifiable to citizens and that they explain the reasons for decisions; and

- 1.3.9 provide a means of improving the delivery of services to the community.

## INTERPRETATION AND REVIEW OF THE CONSTITUTION

- 1.4 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.
- 1.5 The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

## 2 COUNCILLORS

### COMPOSITION AND ELIGIBILITY

- 2.1 **Composition.** The Council will comprise 39 Councillors, otherwise called “Members”. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission and approved by the Secretary of State.
- 2.2 **Eligibility.** Only persons over 18 who are registered voters of the Borough or who are living or working there will be eligible to hold the office of Councillor.

### ELECTION AND TERMS OF COUNCILLORS

- 2.3 The regular election of Councillors will be held on the first Thursday in May every 4 years. Ordinary elections are due to take place in 2023. Save for the Leader of the Council, the terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election. The term of office of the Leader of the Council will start on the day of his or her election as Leader of the Council and will finish on the day of the post-election annual meeting which follows his or her election as Leader of the Council (unless the Leader of the Council is removed from office before then).

### ROLES AND FUNCTIONS OF ALL COUNCILLORS

- 2.4 **Key roles - All Councillors will:**

- 2.4.1 collectively be the ultimate policy-makers;
- 2.4.2 represent their communities and bring their views into the Council's decision-making process, i.e. be advocates for their communities;
- 2.4.3 contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision-making;
- 2.4.4 deal with individual casework and act as an advocate for people in their ward in resolving particular concerns or grievances;
- 2.4.5 respond to enquiries and representations from people in their ward, fairly and impartially;
- 2.4.6 balance different interests identified within the ward and represent the ward as a whole;
- 2.4.7 be available to represent the Council on other bodies; and
- 2.4.8 maintain the highest standards of conduct and ethics.

## RIGHTS AND DUTIES

- 2.5 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.
- 2.6 Councillors will not make information public 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.

## ROLE DESCRIPTIONS

- 2.7 Each Councillor has a Role Description which sets out the broad role they are expected to carry out. The current Role Descriptions are set out in Part 3Ba of this Constitution.

## CONDUCT

- 2.8 Councillors will at all times observe:
  - 2.8.1 the Code of Conduct for Councillors;
  - 2.8.2 the Protocol for Councillor/Officer Relations;

2.8.3 the Gifts & Hospitality Code of Conduct for Councillors; and

2.8.4 the Councillors' Planning Code of Good Practice;

set out in Part 5 of this Constitution.

## ALLOWANCES

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

## POLITICAL GROUPS / LEADER OF THE OPPOSITION

2.10 The Council will recognise the existence of political groups and the "Leader of the Opposition" shall be the Leader of the largest political group on the Council (excluding the political group of the Leader of the Council) as notified to the Chief Executive from time to time.

# 3 CITIZENS AND THE COUNCIL

## CITIZENS' RIGHTS

3.1 Citizens have the following rights.

### VOTING

3.2 Citizens on the electoral roll for the area have the right to vote.

### INFORMATION

3.3 Citizens have the right to:

3.3.1 attend meetings of the Council, the Cabinet and their Committees and Sub-Committees, except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;

3.3.2 find out from the forward plan what key decisions will be taken by the Cabinet or Deputy Leaders or officers and when;

- 3.3.3 see reports and background papers, and any records of decisions made by the Council, the Cabinet, Deputy Leaders and officers , except where confidential or exempt information is likely to be disclosed;
- 3.3.4 inspect the Council's accounts and make their views known to the external auditor; and
- 3.3.5 inspect information shown in the Council's scheme of publication under the Freedom of Information Act 2000.

## PARTICIPATION

- 3.4 Citizens have the right:
  - 3.4.1 to contribute in writing to the work programme of the Scrutiny Committees and Sub-Committees;
  - 3.4.2 to approach any Councillor or officer of the Council to express views on any matter within the control or influence of the Council.

## COMPLAINTS

- 3.5 Citizens have the right to complain to:
  - 3.5.1 officers of the Council and expect a reply;
  - 3.5.2 the Council itself under its formal complaints scheme – See Part 4 of this Constitution;
  - 3.5.3 the Ombudsman, after using the Council's own complaints scheme;
  - 3.5.4 the Standards Committee about a breach of the Councillor's Code of Conduct.

## CITIZENS' RESPONSIBILITIES

- 3.6 Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm property owned by the Council, Councillors or officers.

## 4 THE FULL COUNCIL

### MEANINGS

#### POLICY FRAMEWORK

4.1 The policy framework means the following plans and strategies:

<b>Plan or Strategy</b>	<b>Provision of Act or Statutory Instrument</b>
Crime and Disorder Reduction Strategy	SS. 5 and 6 of the Crime and Disorder Act 1998.
Development plan documents <sup>1</sup>	S. 15 of the Planning and Compulsory Purchase Act 2004.
Licensing Authority Policy Statement	S. 349 of the Gambling Act 2005.
Plans and alterations which together comprise the development Plan (saved plans etc.)	S. 54 of the Town and Country Planning Act 1990.
Sustainable Community Strategy	S. 4 of the Local Government Act 2000.
Medium Term Financial Strategy	S. 4(1)(b) of the Functions Regulations
Treasury Management Strategy	S. 4(1)(b) of the Functions Regulations
Asset Management and Capital Strategy	S. 4(1)(b) of the Functions Regulations
The Corporate Plan <sup>2</sup>	S. 4(1)(c) of the Functions Regulations
Statement of Licensing Policy <sup>2</sup>	S. 5 Licensing Act 2003 and S. 4(1)(c) of the Functions Regulations
Single Equality Scheme <sup>2</sup>	S. 149 Equality Act 2010 and S. 4(1)(c) of the Functions Regulations
Any other plan or strategy whose adoption or approval is, by virtue of Regulation 5(1) of the Functions Regulations, a matter for determination	S. 4(1)(c) of the Functions Regulations

<sup>1</sup> This does not include the Local Development Scheme nor the Statement of Community Involvement.

<sup>2</sup> This is not mandatory.



by the authority (subject to Regulation 5(2))	
---	--

## BUDGET

- 4.2 The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, limits on approval of supplementary estimates, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

## FUNCTIONS OF THE COUNCIL

- 4.3 Only the full Council will discharge those functions shown as its responsibility in Part 3B of this Constitution.

## COUNCIL MEETINGS

- 4.4 The Procedures for Council meetings are set out in Part 3A of this Constitution.

## RESPONSIBILITY FOR FUNCTIONS AND POWERS TO MAKE DECISIONS

- 4.5 In adopting this Constitution the Council formally confirms the responsibility for functions and delegation of powers shown in Part 3 of this Constitution.

# 5 CHAIRING THE COUNCIL – THE MAYOR

## ROLE AND FUNCTION OF THE MAYOR

- 5.1 The Mayor and in their absence, the Deputy Mayor, will have the following roles and functions.

### CEREMONIAL ROLE

- 5.2 As First Citizen, the Mayor is a symbol of the authority of the Council and it is their duty to represent and promote the interests and welfare of the Borough and all who live in, work in or visit the Borough. The Mayor has social precedence, unless The

Queen or her direct representative is visiting the Borough. The Mayor gives recognition, appreciation and encouragement to all those groups and individuals who contribute to the life of the Borough.

## CORPORATE ROLE

- 5.3 The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:
- 5.3.1 To chair meetings of the Full Council;
  - 5.3.2 to uphold and promote the purposes of the Constitution;
  - 5.3.3 to promote public involvement in the Council's activities;
  - 5.3.4 to attend such civic and ceremonial functions as the Council and the Mayor determine appropriate.

## 6 THE EXECUTIVE – THE CABINET

### THE COUNCIL OPERATES AN “EXECUTIVE LEADER AND CABINET” MODEL

#### ROLE

- 6.1 The Leader and Deputy Leaders who form the Cabinet will collectively or individually carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

#### FORM AND COMPOSITION

- 6.2 The Cabinet will consist of:
- 6.2.1 the Leader of the Council, and
  - 6.2.2 at least 2, but not more than 10 Councillors appointed as Deputy Leaders by the Leader of the Council (but not including the Mayor or the Deputy Mayor). These may include up to 2 Deputy Leaders Without Portfolio nominated by the Leader of the Opposition.

## LEADER OF THE COUNCIL

6.3 The Leader of the Council will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until:

- 6.3.1 the day of the post-election annual meeting which follows their election as Leader of the Council; or
- 6.3.2 they resign from the office; or
- 6.3.3 they are no longer a Councillor; or
- 6.3.4 they are removed from office by resolution of the Council;

whichever is the earlier.

6.4 Amongst other powers, the Leader of the Council may:

- 6.4.1 determine the size of the Cabinet;
- 6.4.2 appoint and dismiss members of the Cabinet;
- 6.4.3 delegate functions to individual Deputy Leaders (including the power to appoint Deputy Leaders Without Portfolios who have no individual powers); and
- 6.4.4 appoint a Deputy Leader of the Council who shall be able to exercise all of the powers of the Leader of the Council in their absence.

Such decisions shall only be effective upon notification in writing to the Chief Executive. The Leader of the Council shall report any such changes to the next ordinary meeting of the Council.

## DEPUTY LEADERS

6.5 Deputy Leaders shall hold office until:

- 6.5.1 they resign from office; or
- 6.5.2 they are no longer Councillors; or
- 6.5.3 they are removed from office by the Leader who must give written notice of any removal to the Chief Executive (in which case the removal will take effect 2 working days after receipt of the notice by the Chief Executive);

whichever is the earlier.

## RESPONSIBILITY FOR FUNCTIONS AND PROCEDURES

6.6 The Functions and Procedures of the Cabinet are set out in Part 3C of this Constitution.

## 7 REGULATORY AND OTHER COMMITTEES

7.1 The Council will appoint the following Committees:

- 7.1.1 A Planning Committee;
- 7.1.2 A Licensing Committee;
- 7.1.3 An Appeals Panel;
- 7.1.4 A Complaints Panel;
- 7.1.5 A Chief Officer Standards Committee;
- 7.1.6 A Standards Committee;
- 7.1.7 An Audit Committee;
- 7.1.8 An Audit (approval of Statement of Accounts) Committee;
- 7.1.9 A Development Plan Committee.

## RESPONSIBILITY FOR FUNCTIONS AND PROCEDURES

7.2 The Functions and Procedures of these Committees and Panels are set out in Part 3 of this Constitution.

## 8 SCRUTINY ARRANGEMENTS

### DESCRIPTION OF SCRUTINY FUNCTIONS

- 8.1 The Council will appoint the following Scrutiny Committees to discharge the overview and scrutiny function under Section 21 of the Local Government Act 2000:
- 8.1.1 The Scrutiny (Value for Money) Committee;

8.1.2 The Scrutiny (Community Regeneration) Committee; and

8.1.3 The Scrutiny (Environment and Health & Wellbeing) Committee.

8.2 The Committees will have following scope, aligned to the relevant Cabinet Portfolio holder responsibilities:

<b>Committee</b>	<b>Scope</b>	<b>Corresponding Leader / Deputy Leader Portfolio</b>
<b>Scrutiny (Value for Money Council Services) Committee</b>	Overall responsibility for VFM across all Council functions Policy Framework, including Corporate Plan and ensuring priority led budgeting Corporate Plan Performance Management Resilience and Emergency Planning Corporate Health & Safety Equalities Human Resources, Payroll, Democratic and Legal Services Electoral Registration and Elections Assets and Estates Management Risk Management Programme Management	Leader

	<p>Communications function and Public Relations</p> <p>Corporate Procurement</p> <p>ICT</p>	
<p><b>Scrutiny (Community Regeneration) Committee</b></p>	<p>Town Centre Regeneration Programme</p> <p>Stewardship of Capital</p> <p>Regeneration Monies</p> <p>Economic Development</p> <p>Regeneration</p> <p>Brownfield Strategy</p> <p>Local Enterprise Partnership</p> <p>Planning Policy</p> <p>Planning and Development Control (Executive Functions only)</p> <p>Local Land Charges</p> <p>Strategic Tourism</p>	<p>Regeneration and Planning Policy</p> <p>Leisure Amenities &amp; Tourism (part)</p>
<p><b>Scrutiny (Environmental &amp; Health &amp; Well Being)</b></p>	<p>Leisure Centres Contract Management including Sports and Health Development</p> <p>Markets</p> <p>Open Spaces and contract management</p>	<p>Leisure Amenities &amp; Tourism (part)</p> <p>Environment and Housing</p>

	<p>Greenhouse Centre</p> <p>Cemeteries</p> <p>Facilities Management</p> <p>Waste Management and Recycling</p> <p>Street Cleansing</p> <p>Public Toilets</p> <p>Building Control</p> <p>Borough Council Drainage and Sewerage Functions</p> <p>Housing Strategy and Homelessness</p> <p>Housing Benefits</p> <p>Customer Services</p> <p>Collection and recovery of Council Tax, Business Rates and Other Income</p> <p>CCTV</p> <p>Off Street Car Parking</p> <p>Environmental Health (including: pollution, food safety, housing standards and commercial)</p> <p>Dog re-homing</p> <p>Licensing (Executive Functions</p>	<p>Community and Regulatory services</p>
--	--	--

	<p>only)</p> <p>Enforcement</p> <p>Climate Change Adaption</p> <p>Private Sector Housing</p> <p>Disabled Facilities Grants</p> <p>Partnerships (including LSP, Safer Neighbourhood panels, community safety, health and well being)</p> <p>Community centres- (including Neighbourhood Working</p> <p>Councillors’ Community Fund</p> <p>Safeguarding &amp; Counter-Terrorism</p> <p>Brewhouse and Arts</p> <p>Development</p> <p>Civic Function Suite</p>	
--	--	--

**FUNCTIONS AND PROCEDURES**

8.3 The Functions and Procedures of these Scrutiny Committees are set out in Part 3 of this Constitution.



## 9 JOINT ARRANGEMENTS

### ARRANGEMENTS TO PROMOTE WELL BEING

- 9.1 The Council, the Cabinet, the Leader or a Deputy Leader, in order to promote the economic, social or environmental well-being of its area, may, in relation to functions for which they are responsible:
- 9.1.1 enter into arrangements or agreements with any person or body;
  - 9.1.2 co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
  - 9.1.3 exercise on behalf of that person or body any functions of that person or body.

### JOINT ARRANGEMENTS

- 9.2 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities and the Council shall appoint Councillors to represent it on the joint committee.
- 9.3 The Cabinet or Deputy Leaders may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities and the Cabinet shall (save as provided below) appoint Cabinet members only to such joint committees.
- 9.4 The Cabinet may appoint non-Cabinet members of the Council to a joint committee exercising executive functions if the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a councillor for a ward which is wholly or partly contained within the area. In this case the political balance requirements do not apply to such appointments.

## ACCESS TO INFORMATION

- 9.5 The arrangements for access to information shown in Part 4 of this Constitution apply.
- 9.6 If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- 9.7 If the joint committee contains councillors who are not on the Cabinet of any participating authority then the access to information rules in Part V of the Local Government Act 1972 will apply.

## DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES

- 9.8 The Council may delegate non-executive functions to another local authority.
- 9.9 The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- 9.10 The decision whether or not to accept such a delegation from another local authority must be confirmed by the Council.

## CONTRACTING OUT

- 9.11 The Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

## STRATEGIC PARTNERSHIPS

- 9.12 The Council is committed to working in partnership with other local authorities and other bodies where to do so will further the aims and objectives of the Council (particularly the Council's Corporate Plan) and/or will deliver wider benefits to the people of the Borough.

## 10 OFFICERS

### MANAGEMENT STRUCTURE

#### GENERAL

- 10.1 The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. The Council's current senior management structure is set out in Part 3Za.

#### CHIEF OFFICERS

- 10.2 Subject to 10.4 below and the Officer Employment Rules contained in Part 4 of this Constitution, the Council will engage persons for the following posts, who will form the Corporate Management Team of the Council:
- 10.2.1 The Chief Executive
  - 10.2.2 The Heads of Service
- 10.3 The Chief Executive may allocate detailed responsibilities between such Officers as they see fit for the efficient running of the Council.

#### HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER

- 10.4 By law, the Council must have certain officers. These Statutory officers are:
- 10.4.1 The Head of Paid Service is the Chief Executive;
  - 10.4.2 The Interim Monitoring Officer is Chris Ebberley (until 28<sup>th</sup> Feb 2022) after which time the Monitoring Officer will be John Teasdale;
  - 10.4.3 The Chief Finance Officer (otherwise known as the Section 151 Officer) is Sal Khan.
- 10.5 The duties and responsibilities of these officers will be as laid down in law, including in particular:
- 10.5.1 The independent duty of the Head of Paid Service, if they consider it necessary, to report to the full Council on the discharge of its functions and the numbers, organisation and proper appointment of the staff required to discharge those functions;

- 10.5.2 The independent duty of the Monitoring Officer to report to the full Council if the Council is likely to be acting illegally or so as to cause maladministration;
- 10.5.3 The independent duty of the Chief Finance Officer to ensure the legality of the Council's financial transactions and to ensure that proper arrangements are in place for the management of the Council's financial affairs.
- 10.6 Further details of these roles are set out in Part 3Zb of this Constitution.
- 10.7 The Council will provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such officers, accommodation and other resources as are in the opinion of those officers sufficient to allow their duties to be performed.

## CONDUCT

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

## EMPLOYMENT

- 10.9 The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules, the Disciplinary Procedures for Chief Officers and the Disciplinary Procedures for Statutory Officers all set out in Part 4 of this Constitution.

# 11 DECISION MAKING

## RESPONSIBILITY FOR DECISION MAKING

- 11.1 Part 3 of this Constitution sets out the responsibility for functions and the delegation of powers, together with other rules relating to the taking of decisions within the Council.

## PRINCIPLES OF DECISION MAKING

- 11.2 All decisions of the Council will be made in accordance with the following principles:
  - 11.2.1 having due regard to the policy framework;
  - 11.2.2 proportionality (i.e. the action must be proportionate to the desired outcome);

- 11.2.3 due consultation and the taking of professional advice from officers;
- 11.2.4 respect for human rights;
- 11.2.5 a presumption in favour of openness;
- 11.2.6 clarity of aims and desired outcomes;
- 11.2.7 a consideration of other options;
- 11.2.8 where possible, reasons for decisions;
- 11.2.9 in accordance with the law; and
- 11.2.10 with due regard to any risks involved.

## DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS OR IN A QUASI-JUDICIAL MANNER

- 11.3 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.

## 12 FINANCE, CONTRACTS AND LEGAL MATTERS

### FINANCIAL MANAGEMENT

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

### CONTRACTS

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

## LEGAL PROCEEDINGS

- 12.3 Officers of the Council are authorised to institute legal proceedings in accordance with Part 3 of this Constitution.

## COMMON SEAL OF THE COUNCIL

- 12.4 The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The affixing of the Common Seal will be attested by the Chief Executive or the Monitoring Officer or some other person authorised by either of them.

## 13 HONORARY ALDERMEN

- 13.1 People who have been conferred with the title “Honorary Alderman” by the full Council shall have the following rights and privileges:
- 13.1.1 To enjoy the courtesy title “Alderman” and to be so addressed;
  - 13.1.2 To receive a badge of office and an illuminated address;
  - 13.1.3 To wear the badge on civic occasions;
  - 13.1.4 To have their names entered on the Honorary Alderman Roll;
  - 13.1.5 To have their names entered on a board containing the names of Honorary Aldermen of the Borough in the corridor near the Council Chamber;
  - 13.1.6 On request to receive a copy of the Council agenda together with such papers as are available to members of the public for that meeting;
  - 13.1.7 To have seat at Council Meetings in a block reserved for the use of Honorary Aldermen during public parts of these meetings;
  - 13.1.8 To have the use, in common with other Councillors, of the Councillors’ Room at the Town Hall;
  - 13.1.9 To be invited to those civic functions to which all Councillors are invited;
  - 13.1.10 To receive a copy of the Year Book and Diary issued by the Council;

- 13.1.11 In common with other past and present Councillors, to have the flag flown at half-mast above the Town Hall from the date of death to the date of interment;
- 13.1.12 To be accorded the same rights to a Civic Funeral as would apply in the case of a serving Councillor;
- 13.1.13 To enjoy such other privileges as the Council may confer upon them from time to time.

## 14 REVIEW AND REVISION OF THE CONSTITUTION

### DUTY TO MONITOR AND REVIEW THE CONSTITUTION

- 14.1 The Monitoring Officer will continually monitor the operation and effectiveness of the Constitution and review it at least annually to ensure that the aims and principles of the Constitution are given full effect and that the content is up to date.
- 14.2 In undertaking this task the Monitoring Officer may:
  - 14.2.1 observe meetings of different parts of the councillor and officer structure;
  - 14.2.2 undertake an audit trail of a sample of decisions;
  - 14.2.3 record and analyse issues raised with them by Councillors, officers, the public and other relevant stakeholders; and
  - 14.2.4 compare practices in this authority with those in other comparable authorities, or national examples of best practice.

### CHANGES TO THE CONSTITUTION

- 14.3 Save where this power has been delegated to the Monitoring Officer by the Constitution, changes to the following Parts of the Constitution (other than re-numbering where necessary) can only be approved by the full Council:
  - 14.3.1 Part 1 – Summary and Explanation
  - 14.3.2 Part 2 – Articles
  - 14.3.3 Part 3 – Responsibility for Functions, Procedures and Delegation of Powers
  - 14.3.4 Part 3A – Council Meeting Procedure Rules

- 14.3.5 Part 3B – The Full Council
  - 14.3.6 The Functions set out in Parts 3C, 3D, 3E, 3F, 3G, 3H, 3Ia, 3Ib, 3Ic, 3Id, 3J and 3K (the Committees can change their own procedures and they can changes their own delegation of powers to Sub-Committees &/or Officers).
  - 14.3.7 Part 3Z – Officers
  - 14.3.8 Part 3Zb – Statutory Officers
  - 14.3.9 Part 4D – The Contract Procedure Rules
  - 14.3.10 Part 4E – The Corporate Governance Statement
  - 14.3.11 Part 4F and Part 4G – Disciplinary Procedures for Chief Officers and Statutory Officers
  - 14.3.12 Part 4H – The Financial Regulations
  - 14.3.13 Part 4I – The Officer Employment Rules
  - 14.3.14 Part 5A – Code of Conduct for Councillors
  - 14.3.15 Part 5C – Protocol for Councillor/Officer Relations
  - 14.3.16 Part 5D – Councillors’ Code regarding Gifts & Hospitality
  - 14.3.17 Part 5E – Councillors’ Planning Code of Conduct
  - 14.3.18 Part 6 – Councillors Allowance Scheme
- 14.4 Changes to the other parts of the Constitution may be approved by the full Council or such other Committee or Officer as shall have delegated responsibility for such function.
- 14.5 The Monitoring Officer shall have the power to amend any part of this Constitution where such change is consequential upon a change in legislation or a change in the officer structure. In this case, the Monitoring Officer shall report such change to the next ordinary meeting of the full Council.

## 15 SUSPENSION, INTERPRETATION AND PUBLICATION

### SUSPENSION OF THE CONSTITUTION

- 15.1 The Articles of the Constitution set out in Part 2 may not be suspended by the Council.



- 15.2 Procedures in Part 4 of this Constitution may be suspended or varied in accordance with the rules contained within those procedures.

## INTERPRETATION

- 15.3 In the event of any dispute as to the interpretation of the Constitution, the matter shall be decided by the full Council, following a report from the Chief Executive and the Monitoring Officer. Such interpretation shall have regard to the purposes of this Constitution contained in Article 1.
- 15.4 The interpretation of any Procedures contained in Part 4 of this Constitution shall be made in accordance with the provisions within those procedures.
- 15.5 In this Constitution (including all the documents attached to it), “Chief Officer” shall mean the Chief Executive and the Heads of Service of the Council.

## PUBLICATION

- 15.6 The Monitoring Officer will ensure that all Councillors have access to an electronic copy of the latest version of the Constitution.
- 15.7 The Monitoring Officer will ensure that copies of the Constitution are available for inspection at the Town Hall, Burton upon Trent and can be purchased by members of the local press and the public on payment of a reasonable fee.
- 15.8 The Monitoring Officer will ensure that the Constitution is available on the Council’s Web Site.