PART 2

Articles

1. ARTICLE 1 – THE CONSTITUTION

1.1 Powers of the Council

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

1.2 The Objectives

This Constitution seeks to achieve the following broad objectives:

- Clear decision making
- Transparency about who makes decisions
- Inclusive decision making and consensus
- A focus for community leadership
- Effective and efficient use of resources

1.3 The General Principles

To achieve these objectives the Constitution is based on the following general principles:

Openness – being open about the decisions and actions that the Council takes

Responsiveness – listening to all sections of the local community and finding a balance that will best meet local needs and aspirations

Representation – enabling the Council to act in the interests of the whole community that it serves

Stewardship – ensuring the Council uses its resources prudently and lawfully

Integrity – enabling Councillors and staff to act in accordance with the highest ethical standards

It further aims to:

- Enable the Council to work in partnership with residents and local organisations. Where able, to promote community empowerment and where necessary taking the leading role

- Support the active involvement of all citizens in the democratic process

- Help Councillors represent their constituents more effectively

- Create a clear and effective means of holding decision-makers to public account

- Ensure that no one will review or scrutinise a decision in which they were directly involved

- Ensure that those responsible for decision making are clearly identifiable and that they explain the reasons for decisions; and

- Provide a means of improving the delivery of services

1.4 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 achieving the objectives and the purposes stated above.

Other than minor and consequential changes, all revisions to the Constitution will be submitted to Council for approval in accordance with Article 14.

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.1 Composition and eligibility

a. Composition - The Council comprises 39 members, otherwise called Councillors. Each of the 13 wards of the Borough has three Councillors elected by the voters of that ward.

b. Eligibility - Only registered voters of the Borough or those who, for the preceding 12 months have owned land, worked or resided within the borough will be eligible to hold the office of Councillor.

2.2 Election and Term of Office

Unless directed by Parliament, the ordinary election of a third (one per ward) of all Councillors will be held on the first Thursday in May each year, except that in 2021 and every fourth year thereafter, there will be no regular election. The term of office of Councillors is 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.

2.3 The role of 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 partnership working, community participation and citizen involvement in decision making
- Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities
- Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances
- Respond to constituents' enquiries and representations, fairly and impartially
- Balance different interests identified within the ward and represent the ward as a whole
- Participate in the governance and management of the Council
- Be involved in decision-making
- Be available to represent the Council on other bodies; and

- Maintain the highest standards of conduct and ethics.

2.4 Rights and duties

a. 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. However, a member of the Council shall not visit any Council depot or workplace (other than the Council offices or an enquiry office) without arrangement with the appropriate senior officer. This rule shall not stop a member of the Cabinet or the Chair of a Committee from making general arrangements with the appropriate Strategic Director or Chief Executive to visit places for which his/her Committee is responsible or which falls within an Cabinet Member's portfolio.

b. 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 except with the consent of the person providing the information.

c. For these purposes 'confidential' and 'exempt' information are defined in the Access to Information Rules set out in Part 4 of this Constitution.

2.5 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.

2.6 Members' Allowances

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

2.7 Information about Councillors, etc.

Current information regarding the individual persons elected to the Council, together with details of the memberships of the Cabinet and/or Council committees, etc. may be found on the Council's website or on request from the Constitutional Services Manager.

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.1 Citizens' rights

Citizens have the following rights:

- To vote at local elections if they are registered
- To petition to request a referendum on a mayoral form of Executive
- Contact their local councillor about any matters of concern to them
- Attend meetings of the Council, the Cabinet and Council Committees except where, for example, exempt or confidential matters are being discussed
- Record and or photograph proceedings at Council meeting where the public may attend
- Participate in those parts of the Council meeting and other meetings which provide for public participation and, subject to the relevant Council arrangements, contribute to investigations by the overview and scrutiny committees
- Find out, from the Forward Plan, when major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when
- Find out, from the Forward Plan, what decisions the Cabinet will be taking in private
- See reports and background papers, and any record of decision made by the Council andCabinet, except where they include personal or confidential matters
- Access information under the Freedom of Information Act 2000 and Environmental Information Regulations 2004
- Inspect the Council's accounts and make their views known to the external auditor
- Submit a Petition in accordance with the Council's Petition Scheme
- Complain to the Council about any matter which falls within its responsibility in accordance with the Council's complaints procedure (available from Council offices)

- Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process

- Complain to the Monitoring Officer about a breach of the Councillors' Code of Conduct; and

- Complain to the Information Commissioner concerning access to information or misuse of personal data.

3.2 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.

ARTICLE 4 – THE COUNCIL

4.1 Meanings

a. Policy Framework

The policy framework means the following plans and strategies:

- Sustainable Community Strategy
- All plans and strategies which together comprise the Local Development Framework
- Corporate Plan
- The Community Safety Strategy
- Best Value Performance Plan
- Crime and Disorder reduction strategy
- Licensing authority policy statement
- Community Safety Strategy
- Housing Strategy

b. Budget. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Statement of Accounts, setting the council tax, the Council Tax Support Scheme and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

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 to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the Council

Only the Council will exercise the following functions, except that matters may be dealt with via the approved urgency procedure provided they are not reserved to the Council by law:

a. Electing a Mayor and Deputy Mayor.

b. Electing the Leader for a 4 year term or removing that person from office.

c. Appointing a Leader of the Opposition. Appointing committees as required by law or as otherwise appropriate, agreeing terms of reference, composition and electing Chairs to those Committees.

d. Appointing a Youth Mayor.

e. Adopting and changing the Constitution, including the Scheme of Delegation in so far as it relates to non-Executive functions, Standing Orders and Contract Standing Orders and Financial Regulations, other than where factual information requires updating;

f. Approving or adopting the policy framework, the budget (General Fund and Housing Revenue Account), as set out above and any application to the Secretary of State in respect of any Housing Land Transfer;

g. Subject to the urgency procedure contained in the Budget and Policy Framework Rules in Part 4 of this Constitution, and to any discretion granted by the Council to the decision makers, 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;

h. Adopting a Members' Allowances Scheme;

i. Conferring the titles of Honorary Freeman of the Borough and Honorary Alderman;

j. Functions relating to the name/status of the area, (under Section 74 of the 1972 Act);

k. The ratification of the appointment or notice of dismissal to the Head of Paid Service, Section 151 Officer, Monitoring Officer (via a Committee of the Council), Strategic Directors, the Council's Electoral Registration Officer, Deputy Electoral Registration Officer and Returning Officer.

l. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

m. Accepting a delegation from another Local Authority;

n. Considering and deciding upon action to be taken in relation to statutory reports of the Monitoring Officer, Chief Finance Officer and Head of Paid Service;

o. Establishing a new civic link;

p. Determination of an overall borrowing limit under Section 45 of the Local Government and Housing Act 1989;

q. Approving local lotteries;

r. Decisions on matters referred from or via theCabinet, the Overview and Scrutiny Committee, Select Committees or Standards Committee, where able to do so;

s. Considering Ombudsman reports and deciding upon action to be taken where there has been a finding of maladministration with injustice, and, to make payments or provide other benefits in cases of maladministration, etc. where this is not delegated to the officers;

t. Performing 'local choice functions' as set out in Part 3 of this Constitution that the Council decides should be undertaken by itself rather than the Cabinet except where the Council has delegated this function to a committee, sub committee or officer.

u. Taking decisions in respect of Council functions which have not been delegated by the Council to Committees or officers;

v. Those relating to elections and Electoral Registration (except insofar as they are the responsibility of, or have been delegated to, the Electoral Registration Officer or Returning Officer);

w. The appointment of review boards under regulations under subsection (4) of Section 34 (determination of claims and reviews) of the Social Security Act 1998; and

x. Dealing with all other matters which by law must be reserved to Council.

4.3 Council meetings

Council meetings are conducted in accordance with the Council's Standing Orders, as shown in Part 4 of the Council's Constitution.

4.4 Responsibility for functions

Part 3 of the Council's Constitution sets out the responsibilities for the Council's functions which are not the responsibility of the Leader/Cabinet .

Officers of the Council may carry out functions on behalf of the Council subject to the Scheme of Delegation set out at Part 3.

ARTICLE 5 – THE MAYOR AND YOUTH MAYOR

5.1 Role and function of the Mayor

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

a. Ceremonial Role

The Mayor will have an extensive ceremonial role in accordance with traditions established since the town became a Borough in 1974, and will attend such civic ceremonial functions as the Council and he/she determines appropriate.

b. Chairing the Council

The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:

(i) preside at 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;

(ii) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

(iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account;

(iv) to promote public involvement in the Council's activities;

(v) to be the conscience of the Council.

5.2 Role and Protocol for the Youth Mayor

The Youth Mayor must be a Stevenage resident and is appointed following receipt of a nomination from the Stevenage Youth Council. Stevenage Borough Council has no role in her/his election but formally appoints to the position in line with the nomination received and presents a Chain of Office at its Annual Council Meeting.

The term of office for the Youth Mayor is based on the Borough Council's Municipal Year.

The role of the Youth Mayor is summarised as follows –

- To be the public face of young people of Stevenage

- To attend Council meetings as representative of the Youth Council and may be accompanied by another member of the Youth Council
- To attend Civic Events e.g. the Community Reception, the Civic Service, the Service of Remembrance
- On occasion to accompany the Mayor/Deputy Mayor at youth orientated Mayoral engagements in Stevenage (as advised)
- To be consulted on expenditure of the Local Youth Budget for youth orientated projects and activities in Stevenage
- To assist the Borough Council in establishing closer links with the Stevenage Youth Council
- To be a standing invitee to meetings of the Community Select Committee

The Youth Mayor is not empowered to make decisions on behalf of or affecting the Stevenage Borough Council or Stevenage Youth Council.

The Youth Mayor must not make any public statement which might be taken to represent the views of Stevenage Borough Council, Stevenage Youth Council, its Members or Officers employed by it.

Any public and media communications (including Facebook, Twitter etc.) must be via the Council's Communications Team.

The Youth Mayor will comply with such requirements as to Health & Safety as may be given to him/her by any officer of the Council.

The Youth Mayor will have regard to the promotion of the good reputation of the Stevenage Youth Council and Stevenage Borough Council at all times.

ARTICLE 6 – SCRUTINY

6.1 Legislative Responsibility

The Council appoints an Overview and Scrutiny Committee and two Select Committees to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000, functions conferred by sections 119 and 126 of the Local Government and Public Involvement in Health Act 2007, and Section 19 of the Police and Justice Act 2006. The terms of reference of the Committees are set out at Part 3 of this Constitution.

6.2 Membership

No member of the Cabinet shall serve on a Scrutiny Committee (a generic term covering the Overview & Scrutiny Committee and the Select Committees). Details of the current membership of the Committees, their Chairs and Vice-Chairs and terms of reference may be found later in this Constitution, on the Council's website or be provided on request to the Constitutional Services Manager.

6.3 Annual Report

The Scrutiny Committees will make a report to Council on their activities at least once a year.

6.4 Scrutiny Procedures

Details of the procedures relating to Scrutiny are set out at Section 4 of this Constitution.

ARTICLE 7 – THE CABINET

7.1 Purpose

The Leader appoints the Cabinet to 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. Its terms of reference are set out in Part 3 of this Constitution.

7.2 Composition

The Leader determines the number of Councillors on the Cabinet (between two and nine Members excluding the Leader). The Cabinet and any of its Committees do not have to be politically balanced.

7.3 The Leader of the Council

The Leader of the Council is appointed at the relevant Annual Council meeting for a four year term unless he or she is removed from office, or is disqualified or ceases to be a Councillor.

7.4 Cabinet Members

The Leader appoints between 2 and 9 Councillors, the Members of the Cabinet and allocates specific areas of responsibility (portfolios) to them. The Cabinet Members appointed shall hold office for the Municipal Year unless he or she is removed from office by the Leader, or is disqualified or ceases to be a Councillor. There are no co-optees and no deputies or substitutes for Cabinet Members.

7.5 The Deputy Leader(s)

The Leader appoints a Deputy Leader(s) from the Cabinet Members whose term of office will be the same as the Leader's save that the Leader can replace the Deputy or Deputies at any time. The Deputy Leader(s) will exercise all the powers of the Leader in her/his absence**.**

7.6 Proceedings of the Cabinet

The procedures applicable to Cabinet are set out at Part 4 of this Constitution.

7.7 Cabinet Portfolios and Other Delegations

The Leader decides what type of Cabinet portfolios will exist and how they will be allocated and also determines the scheme of delegation for the discharge of executive functions. The proper officer maintains a list, in Part 3 of this Constitution, setting out which individual members of the

Cabinet are responsible for the exercise of particular executive functions (Cabinet Portfolios).

ARTICLE 8 – THE STANDARDS COMMITTEE, REGULATORY AND OTHER COMMITTEES

8.1 Standards Committee

Although the Council is no longer required to establish a Standards Committee (Localism Act 2011) this Council decided to retain the Standards Committee as a normal Committee of the Council, to deal with Standards issues and case-work. The Terms of Reference of the Standards Committee are set out at Part 3 of this Constitution.

8.2 Regulatory Committees

The Council appoints the following regulatory Committees to undertake a number of its statutory and other duties not delegated to officers:

- Planning & Development Committee in accordance with the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026
- Licensing Committee
- General Purposes Committee

The terms of reference of these Committees are set out at Part 3 of this Constitution.

8.3 Audit Committee

The Audit Committee is appointed as an Advisory Committee to the Council.

The terms of reference of the Committee are set out at Part 3 of this Constitution.

The Chair of the Committee must be neither a member of the Cabinet nor who serves as a Scrutiny member. There must also be one member of the Cabinet and at least one Member who serves on a Scrutiny Committee. The Council also appoints an Independent person (non-elected) to serve in a non-voting capacity.

8.4 Appointments Committee

The Council appoints an Appointments Committee to recommend the appointment and dismissal of the Chief Executive and appoint Strategic Directors, subject to the requirements of the Local Government Act 2000, Local Authorities (Standing Orders) (England) Regulations 2001, and the Officer Employment Rules contained in the Constitution.

The terms of reference of the Appointments Committee are set out at Part

3 of this Constitution.

8.5 Public Participation

The Licensing and General Purposes will allow applicants / objectors to address the Committee as appropriate.

ARTICLE 9 – JOINT ARRANGEMENTS AND JOINT COMMITTEES

9.1 Arrangements to promote well being

In order to promote the economic, social or environmental well being of the area, the Council and the Cabinet may establish joint arrangements with one or more authorities to exercise their functions.

Wherever possible the Council and the Cabinet will delegate decision making and operational aspects of any joint arrangements to officers, although joint working arrangements may involve establishing Joint Committees with the other participating authorities.

Additionally, joint working arrangements may also be established with representatives of staff.

9.2 Non-Executive functions

There are currently no Joint Council (non-Executive) Committees.

9.3 Executive Functions – CCTV Partnership Joint Executive Committee/Joint Executive Revenues and Benefits Shared Service Committee

The Executive, working jointly with North and East Hertfordshire and Hertsmere District Councils, has established a CCTV Partnership Joint Executive Committee. The terms of reference of this Joint Committee are set out in Part 3 of this Constitution.

The SBC membership includes the Cabinet Portfolio Holder with responsibility for Community Safety. The meetings are chaired by the Lead Member of the Authority that hosts the meeting.

The Executives of Stevenage and East Herts. Councils have also established a Joint Executive Revenues and Benefits Shared Service Committees to oversee the shared service working for Revenues and Benefits. The Committee includes the Cabinet Portfolio Holder for Resources. The position of Chair is to be held one year by the Lead Member for East Herts. Council, with the Lead Member for Stevenage serving as Vice-Chair. These positions are to be rotated annually between the two Councils.

9.4 Arrangements with other local authorities

The Council may make arrangements for other local authorities to perform non-executive functions on its behalf. The Leader may delegate Executive functions to another local authority or its Cabinet as appropriate.

The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council (non-Executive functions) or the Leader (Executive functions).

9.5 Contracting out

Council and the Leader / Cabinet, as appropriate, may contract out 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 and other legislation, 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.

ARTICLE 10 – OFFICERS

10.1 Appointments of Staff

Appointment of staff cannot be the responsibility of the Leader/ Cabinet and as detailed at Article 4 the Council is responsible for the Appointment of the Chief Executive, Head of Paid Service, Monitoring Officer, Proper Officers, Strategic Directors (one of whom is designated Deputy Chief Executive), the Electoral Registration Officer and the Returning Officer. Appointment of staff below Strategic Director level must be the responsibility of the Head of Paid Service or their nominee.

10.2 Functions of the Head of Paid Service

a. **Discharge of functions by the Council.** The Head of Paid Service will report to Council, as appropriate, on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

b. **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer, if a qualified accountant.

10.3 Officer Structure

A Strategic Leadership Team (SLT), comprising the Chief Executive, Strategic Directors and Directors advises Council and the Leader and Cabinet in its strategic leadership role and leads, directs and manages the organisation overall to achieve the Council's ambitions and key objectives.

Operational management is the responsibility of a number of Directors, each with their own Service Delivery Unit with specific responsibilities for delivering direct or support services within the overall direction and leadership of the Chief Executive and Strategic Directors.

The Head of Paid Service will maintain a description of the overall officer organisational structure of the Council at Part 7 of this Constitution.

10.4 Functions of the Monitoring Officer

a. **Maintaining the Constitution.** The Monitoring Officer is responsible for maintaining the Constitution and ensuring that members, staff and the public may have easy access.

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 Council or to the Cabinet, as appropriate, if he or she considers that any proposal, decision or

omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

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

d. **Proper officer for access to information.** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

e. **Advising whether** Cabinet **decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Leader/ Cabinet are in accordance with the budget and policy framework.

f. **Providing advice.** The Monitoring Officer will provide advice on the Code of Conduct, probity and maladministration.

g. **Conducting investigations.** The Monitoring Officer is responsible for consulting with the appointed Independent Person on alleged breaches of the Councillors Code of Conduct and where required conduct an investigation.

h. **Public disclosure of information.** Under Section 36 of the Freedom of Information Act 2000 the Monitoring Officer is designated as the person for determining whether the public disclosure of information should be withheld as likely to prejudice the conduct of public affairs.

10.5 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 Council or to the Leader/ 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. **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.

e. **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community, where appropriate.

10.6 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council has a duty to provide the 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.

10.7 Employment and Conduct

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

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

ARTICLE 11 – DECISION MAKING

11.1 Responsibility for decision making

Part 3 of this Constitution sets out who is responsible for particular types of decisions or decisions relating to particular services or functions.

11.2 Principles of decision making

Whenever a decision is taken, be it by Council, the Cabinet, a Committee or an individual member or officer, the following principles must be applied:

a. The action must be proportionate to the desired outcome;

b. Professional advice from officers must be taken into account;

c. There must be consultation where, and to the extent appropriate;

d. Human rights must be respected;

e. The process must be as open as possible; and

f. The aims and desired outcomes must be clear.

11.3 Decisions taken by Council

The Council makes decisions relating to those matters reserved to it, as set out at Article 4.2 that are not otherwise delegated. The rules of procedure, as set out in Part 4 of this Constitution must be followed.

The Chief Executive must arrange for notes to be taken of Council meetings and the decisions recorded, together with details of which members were in attendance. This information must be produced in the formal Minutes that are submitted to a subsequent meeting for approval.

11.4 Executive Decisions

Executive decisions may be ‘Key’ or ‘Non-Key’. The definition of a Key Decision is as follows:

A key decision means an executive decision which is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards of the borough; or to result in the local authority incurring significant expenditure or making savings which makes an impact on the Council’s agreed budget for the service or function to which the decision relates.

The Council has determined that for Key Decisions, ‘significant’ means expenditure or savings exceeding £75,000 that has not already been

accounted for in the Council's budget, excluding any of the following:

a. Decisions relating to borrowing and investment within the Council's treasury management strategy;

b. Decisions relating to the engagement and payment of staff, unless the Chief Executive determines otherwise;

c. Decisions relating to the sale and purchase of land or property below £250,000; and

d. Decisions relating to the acquisition of goods, services or works where provision has been made within the budget, and which are to be in accordance with existing Council policy, Contract Standing Orders and Financial Regulations, and where the cost does not exceed £250,000.

Other than in exceptional cases, notification that a Key Decision is to be taken must be included in the 'Forward Plan of Key Decisions' published at least 28 clear days before the decision is to be taken (see Access to Information Rules at Part 4 of this Constitution).

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

11.5 Decisions taken by the Leader / Cabinet **/ formal Executive bodies**

Executive decisions are to be taken by the Leader, Cabinet, Cabinet committees, individual portfolio holders or officers in accordance with a Scheme of Delegation determined by the Leader from time to time. Notification that a key decision is to be taken is to be given in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Chief Executive must arrange for notes to be taken of these meetings and the decisions recorded, together with details of which members were in attendance. The detailed rules of procedure for Key Decisions, as set out in Part 4 of this Constitution (Executive Procedure Rules), must be followed.

Subject to provisions relating to exempt information, as set out in the Access to Information Rules at Part 4 of this Constitution, within two days of a decision being taken by one of these bodies, a Notice of Decision that includes the following must be produced and available for public inspection:

- Details of the decision taken
- Reasons why the decision was taken
- Details of any other options considered

- A record of any conflict of interest declared by any member present in relation to the decision taken and a note of any dispensation granted by the Council's Standards Committee

Minutes are then produced including the above information and are submitted to a subsequent meeting of the decision making body for approval as a correct record.

Unless it is otherwise agreed in accordance with the rules of procedure set out at Part 4 of this Constitution, executive decisions taken may not be implemented until five clear days after the Notice of Decision has been produced.

11.6 Decision making by the scrutiny committees, other committees and sub-committees established by the Council

The scrutiny committees and other Council committees, sub-committees, Panels and other bodies established by the Council must follow the relevant procedures set out in Part 4 of this Constitution which apply to them. The Chief Executive must arrange for notes to be taken of these meetings and the decisions recorded, together with details of which members were in attendance.

As soon as practicable after the meeting a Summary of Decisions taken must be produced and available for public inspection. Minutes are produced that are submitted to a subsequent meeting for approval as a correct record.

11.7 Decision Making by the Leader or Individual Councillors

All such decisions must be made in accordance with the relevant rules of procedure as set out at Part 4 of this Constitution. The decision taken must be documented and include:

- Details of the decision taken
- Reasons why the decision was taken
- Details of any other options considered
- A record of any conflict of interest declared by the member in relation to the decision except those taken and a note of any dispensation granted by the Council's Standards Committee

This document must then be circulated to all Councillors and made available for public inspection (subject to the rules relating to exempt information).

Unless it is otherwise agreed in accordance with the rules of procedure set out at Part 4 of this Constitution, decisions taken by individual members may not be implemented until five clear days after the document detailing the decision has been circulated/made available for public inspection.

All such decisions taken by individual members, except those take in relation to Local Community Budgets, must be reported to a subsequent meeting of the Cabinet.

11.8 Local Community Budgets and Local Youth Budget

The provisions in paragraph 11.7 above also apply to individual Ward Member decision making in relation to their Local Community Budgets and the Member making decisions on the Local Youth Budget except that they are not required to be reported to the Cabinet.

11.9 Key-Decisions taken by Officers

The Council's Scheme of Delegations (as shown at Part 3 of this Constitution) allows for officers to take Key Decisions. The procedures set out at 11.7 above apply except that they are not required to be reported to the Cabinet.

ARTICLE 12 – FINANCE, CONTRACTS AND LEGAL MATTERS

12.1 Financial management

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.

12.2 Contracts

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

12.3 Legal proceedings

The Borough Solicitor 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 Borough Solicitor considers that such action is necessary to protect the Council's interests.

12.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Borough Solicitor or other person authorised by her/him, unless any enactment otherwise so authorises or requires, or the Council has given requisite authority, to some other person.

12.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Borough Solicitor. A decision of the Council, or of any part of it, (or those made under delegated powers and duties) are sufficient authority to seal documents needed for putting those decisions into effect.

The impression of the Common Seal must be attested by one of the following officers of the Council: Chief Executive, Borough Solicitor, or Strategic Director. A record of every sealing must be entered and consecutively numbered in a book and signed by one of the witnesses to the sealing.

ARTICLE 13 – MONITORING AND REVISION OF THE CONSTITUTION

13.1 Monitoring the Constitution

The Leader / Cabinet, upon the advice of the Monitoring officer in consultation with the Chief Executive, will monitor the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

13.2 Changes to the Constitution

Statutory changes to the Constitution may be made by the Borough Solicitor / Monitoring Officer without reference to Council. Other Changes to the Constitution will only be approved by Council. The Chief Executive may authorise minor and consequential amendments. The Leader of the Council is to be notified of all such amendments.

ARTICLE 14 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

14.1 Suspension of the Constitution

The Articles of this Constitution may not be suspended. Any of the Rules of Procedure may be suspended by the Council to the extent permitted within those Rules and the law.

14.2 Interpretation

The ruling of the Mayor, regarding 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; subject to any provisions of Council Standing Orders. Any interpretation by the Mayor will have regard to the purposes of this Constitution contained in Article 1.

14.3 Publication

The Chief Executive will ensure that each Councillor has access to a copy of this Constitution (a printed copy being made available upon specific request) and that it is available for public inspection at Council offices and on the website. Copies of the Constitution can be purchased by the press and public on payment of a reasonable fee.