



Public Document Pack

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Note:

**This virtual meeting will be
webcast live**

9 September 2020

COUNCIL MEETING

To all Members of the Council

You are summoned to attend a virtual meeting of the ARUN DISTRICT COUNCIL to be held on **Wednesday 16 September 2020** at **6.00 pm** to transact the business set out below:

A handwritten signature in black ink, appearing to read "N. V. Lynn".

Nigel Lynn
Chief Executive

AGENDA – SUPPLEMENT PACK

14. **Constitution Working Party - 24 August 2020** (Pages 1 - 50)

As outlined in the covering agenda, please find attached revised sections of the Constitution Parts 1 to 5 as set out below:

- Part 1 [Summary and Explanations]
- Part 2 [Articles of the Constitution]
- Part 3 [Responsibility for Functions]
- A revised Committee Structure for approval
- Part 4 [Officer Scheme of Delegation]
- Part 5 [Meeting Procedure Rules]

➤ Members are reminded that if they have detailed questions, would they please inform the relevant Cabinet Member/Chairman and/or Director in advance of the meeting in accordance with the Council Procedure Rules

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Public Document Pack Agenda Item 14

Subject to approval at the next Constitution Working Party meeting

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CONSTITUTION WORKING PARTY

24 August 2020 at 2.00 pm

Present: Councillors Mrs Yeates (Chairman), Mrs Gregory (Vice-Chairman), Bower, Mrs Haywood, Roberts, Charles (Substitute for Cooper) and Ms Thurston (Substitute for Mrs Catterson)

Councillors Coster and Gunner were also in attendance for all or part of the meeting.

[Note: Councillors Gunner and Ms Thurston were absent from the meeting during consideration of the matters referred to in the following Minutes – Minute 13 to Minute 15 (part)]. Councillors Mrs Gregory – Minute 15 (Part) at Council Procedure Rule 17.13; Councillors Mrs Haywood and Ms Thurston – Minute 15 (Part) – before the voting on the recommendations.

13. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bennett, Cooper and Mrs Catterson.

14. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

15. DRAFT 2021 CONSTITUTION - PARTS 1 TO 5

The Working Party recommenced its consideration of the draft 2021 Constitution at Part 3 – Responsibility for Functions – Section 5.0 – Regulatory Committees [Page 18]. This is the point that the Working Party had reached when it adjourned the meeting held on 17 August 2020.

The following comments were made:

- On the **Audit & Governance Committee** [Page 18] – slight rewording was made to Specific Function (4) to make it read better.
- On **the Development Control Committee** – [Page 19] under specific functions – in relation to functions 5 and 6 – the Working Party agreed that function 6 becomes 5 with 5 becoming 6 [a switch around] – to establish Panels first before receiving reports from them.
- Referring back to the creation of Sub-Committees and in particular the two Regeneration Sub-Committees, Councillor Bower asked what the outcome of the debate on 17 August 2020 had been in terms of how Sub-Committees would be created under the new Committee structure. It was explained that it had been agreed that should the Economic Committee wish to create Regeneration Sub-Committees these would be established reporting directly into this Committee. Discussion again focused on the

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creation of Bognor Regis, Littlehampton, Arundel and Rural Sub-Committees. The Chief Executive reminded Members of the need to consider staff resources as the structure approved at Full Council on 15 January 2020 had been agreed knowing that this would require an additional 1 FTE post in Committee Services. Any additional Sub-Committees created in addition to the structure approved would require the need to reconsider staffing resources, not just in Committee Services but also in terms of Lead Officer support.

- On the **Development Control Committee** [Page 19] – concern was expressed over the Committee’s specific functions in view of the Planning White Paper due be released shortly. In view of the likely changes, did anything needed to be added to cover this? The Working Party was reminded that it needed to focus on what it knew now; it could not predict the future. Views were aired that it would not be appropriate for DC to take on this role in any case as a regulatory Committee.
- On **Working Parties** [Page 23] this set out how Working Parties were established, and it was queried whether how they actually functioned should be included in this part of the Constitution. It was explained that the operation of Working Parties would be covered in Part 5 – Meeting Procedure Rules – to be debated later.
- On **Panels, the Dispensation Panel** [Page 24] reference to the Individual Cabinet Member to be replaced with ‘Member’ was agreed.
- On **Joint Staff Consultation Panel** [Page 26] – the wording complicated or controversial to be replaced with the word ‘complex’. The membership of the Panel was queried, and it was explained that this was appointed annually at the Annual Council Meeting and was not aligned to any Committee.

The remaining sections of Part 3 – Responsibility for Functions were then agreed.

Part 4 – Officer Scheme of Delegation

The proposals covered changes that needed to be made to reflect the legislation that the Council needed to work to under a Committee system and to change any references to consultation – from the relevant Cabinet Member to the relevant Committee Chairman. The proposals also took account of some issues previously raised by the Working Party back in February 2020. The two main ones being:

Section 3, Paragraph 3.1.2 (i) Group Head of Planning reviewing ward member rights to call-in minor applications, similar to household applications. It had been suggested that this request be deferred to await the outcome of the Planning Services review and the planned review by the Development Control Committee in January 2021. Another concern of the Working Party had been that of emergency decisions and how this would work within a Committee system. A new urgent powers section for the Chief Executive had been highlighted for the Working Party to review.

(Section 1 – General Principles)

- On Section 2.9 [Page 6] – clearer wording was requested by the Working Party to make it clear the Committee would determine this substitution in advance.
- The table in Section 7.1 **Proper Officers** [Page 10] under S 5 – the Monitoring Officer had been mentioned in both columns – could this be checked and amended if needed?
- On Section 7.2 [Page 11] and the reference to Public Health England – was this body still operating/in existence? It was explained that it would remain in place for another year, its deletion and replacement could then become a consequential amendment once arrangements had been confirmed.
- Returning to Section 2.1 **General Limitations** [Page 5] the request was made that consultation should also include Group Leaders. It was explained that such decisions only needed to involve consultation with the relevant professional Officers as this covered the types of decision that were not intended for political direction, they were about the day to day working of the Council. The Working Party still asked for Group Leaders to be included as a consultee.

(Section 2 – Chief Executive and Directors).

- Section 1.2 [Page 4] – a query was raised over the 6-month timeframe. It was explained that this covered what legislation had always advised and was intended for a specific delegation and not a general delegation. The legal team was requested to redraft this section for the Working Party to approve.
- On **Chief Executive, Directors and Group Heads** [Page 4] – a request was made that a new paragraph be added to stipulate that the Chief Executive should not be able to grant a leave of absence for a Councillor. The Chief Executive explained that the decision being referred to had been taken in full consultation with Group Leaders. It was strongly felt by some Members that the granting of legal absence for any Member could and should only be approved at Full Council and that the Chief Executive should not be able to make such a decision under emergency action. A further explanation was provided by the Interim Monitoring Officer, but some Members of the Working Party insisted on this being included, despite Paragraph 1.3 being cited as covering the concerns raised.
- On **Urgent Decisions** [Page 9] - should there be a financial cap, for example, £199k? Following debate, it was agreed to insert the wording “in consultation with Group Leaders” into the paragraph, which Officers would reword. The Working Party also agreed that a financial cap of £100k should be inserted.
- Paragraph 2.24 required better wording; the current wording was too vague. Should a list of emergency situations be included? Safeguards needed to be considered to protect the Council and its residents. It was agreed that consultation with Group Leaders should also be added. There was concern expressed by other Members of the Working Party that in a critical emergency – undertaking consultation with all Group Leaders could slow

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down decision making when this needed to be a very quick process. The Chief Executive explained that during the height of Covid-19, he was consulting with all Group Leaders on a weekly basis and talking through the decisions that needed to be made. If Councillors felt that such consultation needed to be formalised, then this could be added. The Working Party agreed to include these words and to also add/include Deputy Leader in the event that a Group Leader was not contactable.

- On the **Director of Services** and what that post was responsible for, it was noted that Foreshores needed to move from Community Wellbeing into Neighbourhood Services.
- It was also agreed that the three titles set out under Green Spaces in the Neighbourhood Services Group be deleted – just retaining the title of Green Spaces.
- On Paragraph 4.13 [Page 15] concerns were expressed over the maximum value of £750k per acquisition which was being excessive. It was felt that officers should be delegated lower financial limits. It was also thought that some form of consultation should take place with the Chairman of the Economic Committee rather than the Chairman of the Corporate Support Committee. It was explained that the consultation was with the Chairman of the Corporate Support Committee as this matter involved Council assets and how money was spent. The distinction between operational and commercial assets was also explained so that the Working Party could understand the need for this requirement.
- Members were also reminded that as the Committee system was a slower process to work with, to have to report more into meetings due to Officers having lower delegations would slow up processes and so it was essential to look at the practicalities of making any major changes to the Scheme of Delegation.
- Further comments were made to support that consultation on 4.13 should sit with the Chairman of the Economic Committee rather than Corporate Support Committee and that the figure for each acquisition should be reduced to £250k. It was explained that the figures in the Constitution had not changed and were historic and needed to ensure that the Council could conduct its business. Members were also reminded that adequate consultation was always undertaken with the required Members/Group Leaders in these instances.
- Following much debate, the Working Party agreed that the maximum value per acquisition be reduced from £750k to £250k. It was also agreed that other similar areas of the Constitution be updated in line with this change to include the proposed purchase on commercial properties. There were some Members who wished to have their opposition to this proposal recorded as they felt that this was a dangerous move and that the Section 151 Officer be consulted on what an appropriate figure should be.
- Officers explained that this debate was because as currently drafted, Full Council was controlling delegation to Officers. The way it should be drafted was that Full Council should delegate all disposals and acquisitions to Committees without limit and for the relevant Service Committee at its first

meeting, when considering the terms of reference, to reserve transaction above a certain figure to themselves and the rest be delegated to Officers with the Chief Executive deciding what levels to give to different levels of Officers.

- It was also explained that Part 4, Sections 3 and 4, were not matters within the remit of the Working Party as these were matters to be covered in the Chief Executive's delegation and authorisation to senior and junior Officers.

The Chairman then called a short adjournment.

- On **Section 3 – Group Heads** [Page 4] a query was raised over the new heading 1.0 in terms of what Subject to Being meant and as this title appeared in other sections too? It was agreed that this be investigated further and rewritten where needed.
- There was concern that there was no Group Head who was responsible for commercial activities. It was agreed that this was an action for the Chief Executive who had responsibility for Group Head appointments, not Full Council.
- On **Section 2.1.7 – Settlement Agreements** [Page 5] – the words “for the settlement” to be removed due to a duplication of words.
- On **the Group Head of Planning – Section 3.1.2** [Page 8] Paragraph (i) did not make sense. A rewrite was requested to make it clear what this meant.
- On **the Group Head of Technical Services – Section 3.2.5** [Page 9] **and Section 3.2.8** [Page 10] – there was concern over the £100,000 per annum delegated to Officers which seemed too high. A figure of £15k was suggested as being reasonable. It was explained that again this was a figure from the current Scheme of Delegation and not a new figure. The length of term at 25 years was also a concern. It was explained that the 25-year term was based on some historical lease agreements. A request was made that consultation with the Chairman of the Economic Committee be added and this was agreed.
- On **Section 3.2.6** [Page 10] – the figure of £50k should be no higher than £15k and should be subject to consultation with the Chairman of the Economic Committee. This was agreed, subject to consultation on this proposal being run past the Section 151 Officer for comment. Members were reminded by the Locum Lawyer that this was the Chief Executive's delegation for which he was accountable for and that it had been agreed that the Scheme of Delegation at this stage would not be radically changed.
- On **Group Head of Economy – Paragraph 3.3.1 [functions and responsibilities]** [Page 10] – should the list include Property and Estate matters rather than the Group Head of Technical Services. Should commercial activities also be added as a responsibility? The impacts on the management structure were again explained by the Chief Executive.
- On **Group Head of Community Wellbeing on Paragraph 4.1.1** [Page 11] the list of functions and responsibilities – that Foreshores needed to be removed and added to the Group Head of Neighbourhood Services.

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Section 4 – Functions

No queries were raised.

The remaining sections of Part 4 – Officer Scheme of Delegation were then agreed taking into account the advice that the scheme of delegation to Officers from Section 3 onwards were not within the remit of the Working Party but the responsibility of the Chief Executive.

Part 5 – Meeting Procedure Rules

It was explained to the Working Party that all reference to Cabinet Procedure Rules had been deleted as these would no longer apply. It was also proposed that Section 4, Public Speaking Rules for the Development Control Committee be removed from this Section of the Constitution with its principles incorporated into a proposed new Planning Protocol to replace the Local Planning Code of Conduct at Part 8, Section 6 of the Constitution. It was outlined that this reflected the practice of other Council models and would then bring all procedures for the Development Control Committee into one place in the Constitution. This new section would be presented to the Working Party at a future meeting.

It was also explained that Section 5, Virtual Meeting Procedure Rules had not been considered at this stage of the review as the legislation currently only provided for remote meetings to 6 May 2021. If further legislation was introduced by the Government to extend these provisions or to introduce other arrangements such as a 'hybrid' model, then these Meeting Procedure Rules would need to be revisited at that time.

The proposals covered changes that needed to be made to reflect the legislation that the Council needed to work to under a Committee system and to change any references to consultation – from the relevant Cabinet Member to the relevant Committee Chairman. The proposals also took account of some issues previously raised by the Working Party back in February 2020. The two main ones being:

Section 1 – Council Procedure Rules

- On **11 – Duration of Meetings – 11.2** [Page 9] There was discussion about whether a meeting which run out time needed to be held within ten days. It was agreed that there should be no 10 day rule. If the business was urgent it would be dealt with urgently. If not urgent, then the adjourned business could be dealt with at the beginning of the next scheduled meeting before the start of the scheduled meeting.
- On **12.1 – Questions by Members of the Public** [Page 9] – the one-minute duration was too short and should be at least 2 minutes. Following discussion, no change was agreed.

- On **12.2 – Time Limit for Questions** – Councillor responses should not be included in the 15 minutes allocated for Public Question Time. Following debate, no change was agreed.
- On **12.4 – Supplementary Questions** [Page 10] – it was felt that the supplementary question must be the Councillor who had responded to the original question and so the words “Committee Chairman” be removed and replaced with “Member” who replied. This was agreed by the Working Party.
- On **12.6 – Records of Questions** [Page 10] – a request was made for the link to the public question time web page to be included in the minutes. Having heard that this was custom and practice, this request was dismissed.
- On **15.2 – Motions set out in the agenda** [Page 13] – second paragraph – remove the word improper and replace with inappropriate. This was agreed.
- On **15.6 – How Motions will be dealt with – (b) Motions to be referred to Cabinet or a Committee** [Page 14] remove reference to Cabinet.
- On **16 – Motions without notice (f)** [Page 14] should Panels be referred to here in line with their inclusion in other areas of the Constitution. Officers to check and amend.
- On **17.13 – Point of Order** [Page 19] could wording be added to provide Councillors wishing to raise a Point of Order reasonable time to indicate the Procedure Rule in question. This was agreed and that the Locum Lawyer would redraft to incorporate this request.
- On **18 – Referral and Recovery – 18.1 – Referral** [Page 19] – it was acknowledged that this had been requested as an option to consider by the Governance Working Party and that **18.2 – Recovery** [Page 20] replaced the existing call-in process. A long debate took place on Referral Rule 18.1 (ii) to request a referral should be by any ten Members. It was felt that the ten Members should be cross-party and not from just one political group with no Member having a personal or pecuniary interest being able to form part of the ten. Other Members did not feel that the Referral rule was necessary as this had not been needed before when the Council operated a Committee system. It was felt that the whole of Rule 18 should be deleted as it was too complicated and as Rule 16 [Motions without Notice] (d) to refer something to an appropriate body or individual could be agreed. The Chief Executive reminded Members of the concerns that had been raised by the Governance Working Party in debating the move to a Committee system. As the Council had chosen to not have a Scrutiny Committee as part of the new structure and was a Council with no overall control, Officers had been requested to draft a recovery option for this Working Party to consider so that in the event that there were enough Members that did not like the decision made by a Committee or a recommendation proposed by a Committee, then there was a mechanism in place to refer it back for further reconsideration.
- On reflection, there were Members who felt that the idea of a back-up was sensible. Others argued that the scrutiny function of the Council would be Full Council with this having the ability to refer matters back. It was explained that this new rule would ensure a quicker process when this function was needed.
- Following further lengthy debate, it was accepted that there needed to be a process in place to change decisions, if needed but the 10 Councillors

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needed to do this was too few. A number of 25 to 28 Councillors was then suggested.

- As the Working Party expressed diverse opinions on this rule, it was taken to the vote. Those voting to retain the rule with modifications made on numbers were 3 – those wishing for it to be deleted from the Constitution were 3. The Chairman then used her casting vote to retain the rule and so this was approved. Debate then continued on the number of Councillors needed to invoke Recovery or Referral. Following further debate 28 Councillors were agreed without the need to specify political groups. This was approved.
- On **19.7 – Previous Decisions and Motions** [Page 21] the stipulation to be signed by five Members of the Council was queried and that this had been covered elsewhere in the Constitution. Questions were asked as to whether this should be more than five. This point would be reviewed and checked.
- On **Rule 21.4 – Minutes Included in the Council Agenda** [Page 23] why had Panels been included? This needed to be checked to marry up with suggested changes requested elsewhere in the Constitution.
- On **Rule 22.0 – Record of Attendance** [Page 23] – This may need to be reviewed if further guidance was received on virtual meetings or the need to introduce a hybrid approach. It was explained that when this did occur, as explained earlier in the meeting, the Constitution Working Party would review each relevant part of the Constitution at that time.

Section 2 – Committee Procedure Rules

- On **Rule 10 – Questions by Members of the Public** [Page 8] – the same requests were made as raised for Council meetings, but it was agreed that no change would be made.
- On **Rule 12.4 – Attendance of Group Leaders or Deputy Leaders** [Page 11] – it was agreed this did not apply and should be removed.
- On **Rule 13.3 – Length of Speeches** - a request was made to remove the 5-minute stipulation for quasi-judicial committees. The Chief Executive confirmed that this had been discussed at length with all Group Leaders. Following further debate, the Working Party agreed to no change.
- On **Rule 13.11 – Motions which may be Moved During Debate** [Page 12] (v) – to adjourn a debate – a request was made that the reason to adjourn must be provided and especially in relation to the Development Control Committee. It was explained that this was covered under Rule 12.12 (b).

The Working Party then turned to the recommendations presented in the report. As minor changes had been made to the Service Committee Structure as approved by Full Council on 15 January 2020, and amended by Full Council on 15 July 2020, it was agreed that the structure needed to be re-presented to Full Council for further approval highlighting the further changes proposed by the Working Party and to clarify arrangements. These further changes related to:

- (i) Corporate Policy and Performance:
 - Under service areas to include the wording after Partnership and Liaison [excluding where this falls within other Service Committees]
 - To lead on: to include Climate Change Strategy
- (ii) Residential and Wellbeing Services to not lead on:
 - Foreshores
- (iii) Environment and Wellbeing Services to lead on:
 - Foreshores
- (iv) Economic – to have included as a service area:
 - Commercial Activities

The Working Party then

RECOMMEND TO FULL COUNCIL – That

- (1) The proposed revisions to be incorporated into the new 2021 Constitution at Part 1 [Summary and Explanations] as set out in Appendix 1, as attached to the Minutes, be approved;
- (2) The proposed revisions to be incorporated into the new Constitution at Part 2 [Articles of the Constitution] as set out in Appendix 2, as attached to the minutes, be approved;
- (3) The proposed revisions to be incorporated into the new 2021 Constitution at Part 3 [Responsibility for Functions] as set out in Appendix 3, as attached to the Minutes, be approved;
- (4) As a result of the changes proposed in (3) above, and provided these are approved, the minor changes being suggested to the Service Committees, as set out in Appendix 4, attached to the Minutes – as shown highlighted in grey relating to the areas set out below, be approved:

Corporate Policy and Performance:

- Under service areas to include the wording after Partnership and Liaison [excluding where this falls within other Service Committees]
- To lead on: to include Climate Change Strategy

Residential and Wellbeing Services to not lead on:

- Foreshores

Environment and Wellbeing Services to lead on:

- Foreshores

Economic – to have included as a service area:

- Commercial Activities

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(5) The proposed revisions to be incorporated into the new 2021 Constitution at Part 4 [Officer Scheme of Delegation] as set out in Appendix 5, as attached to the Minutes be approved;

(6) The proposed revisions to be incorporated into the new 2021 Constitution at Part 5 [Meeting Procedure Rules] as set out in Appendix 6, as attached to the Minutes, be approved; and

(7) To comply with the binding decision already taken by the Council to change its form of governance, these revisions to take effect from the Annual Council Meeting on 19 May 2021.

Councillor Bower requested that his abstention on Recommendation 7 be recorded.

(The meeting concluded at 7.50 pm)

**DRAFT 2021 CONSTITUTION
PART 1 – SUMMARY & EXPLANATION**

PART 1 – SUMMARY AND EXPLANATION

DRAFT 2021 CONSTITUTION

PART 1 – SUMMARY & EXPLANATION

1.0 THE COUNCIL'S CONSTITUTION

Arun District Council has adopted a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 14 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are then outlined in separate rules and protocols throughout the document.

Article 1 of the Constitution commits the Council to being open and responsive to the needs and aspirations of the community and to providing clear leadership in the community in partnership with residents, business and other organisations. To demonstrating efficient, effective and accountable decision-making with the active involvement of residents. To effective representation by Councillors of their constituents; and to continuous improvements in service delivery.

2.0 HOW THE COUNCIL OPERATES

The Council is composed of 54 Councillors elected every 4 years. Councillors are democratically accountable to the residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

The Council operates a committee system in accordance with the Local Government Acts 1972 and 2000, and the Localism Act 2011.

All Councillors meet together as the Full Council. Meetings of the Full Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Full Council appoints from its own membership a Leader of the Council.

3.0 HOW DECISIONS ARE MADE

Most decisions on Council functions are dealt with by politically balanced committees, subject to the general oversight of the Full Council. The main Committees are:

**DRAFT 2021 CONSTITUTION
PART 1 – SUMMARY & EXPLANATION**

- Corporate Policy and Performance
- Corporate Support
- Planning Policy
- Residential and Wellbeing Services
- Environment and Neighbourhood Services
- Economic

The Council has adopted procedure rules for the review of decisions made by these Committees in certain circumstances.

Decisions will also be made by Regulatory Committees covering the functions of:

- Audit and Governance
- Development Control
- Licensing
- Standards

4.0 THE COUNCIL'S STAFF

The Council has members of staff (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationship between officers and Members of the Council set out in Part 8 of the Constitution.

DRAFT 2021 CONSTITUTION
PART 1 – SUMMARY & EXPLANATION

5.0 RESIDENTS' RIGHTS

Residents have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific Council services they have additional rights. These are not covered in the Constitution.

Residents have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- view a copy of the Constitution;
- attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;
- submit petitions at meetings of the Council;
- petition to request a referendum for a change of governance arrangements, e.g. a mayoral form of executive;
- participate in the Council's public question time;
- see reports and background papers specified and any record of decisions made by the Council and its Committees unless the Council decides the papers should not be made public. The Access to Information Procedure Rules at Part 6 of this Constitution explain the reasons why information may be withheld;;
- complain to the Council about the standard of service provided and any action or lack of action by the Council and its officers in accordance with the complaints procedure;
- complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly. However, they may only do this after using the Council's own complaints procedure;
- complain to the Council's Monitoring Officer if they have evidence which shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its residents in its work.

**DRAFT 2021 CONSTITUTION
PART 1 – SUMMARY & EXPLANATION**

Glossary of Terms

Set out below are the definitions for words referred to throughout this Constitution. For more detailed descriptions, please refer to the body of the Constitution or the relevant legislation.

<i>Agenda</i>	<i>A document comprising items and reports which sets out the business to be transacted at a meeting of the Council, a Committee or Sub-Committee. The agenda is normally published at least five clear working days before the meeting</i>
<i>Committee</i>	<i>A group of elected Members with delegated responsibility from Full Council for collective decision making who will meet in public unless confidential or exempt business is being discussed</i>
<i>Full Council</i>	<i>The 54 Councillors elected to Arun District Council</i>
<i>Councillor</i>	<i>A person elected to represent a Ward on the Council. A Councillor is appointed at either a four yearly election or a by-election</i>
<i>Constitution</i>	<i>This sets out how the Council operates, how decisions are made and how the procedures which are followed ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose</i>
<i>Head of Paid Service</i>	<i>A Statutory Officer (being the most senior officer of the Council) appointed in consequence of the Local Government and Housing Act 1989</i>
<i>Leader of the Council</i>	<i>A Councillor appointed by the Council. Usually the Leader of the largest political group of the Council</i>
<i>Chairman of the Council</i>	<i>The Councillor appointed by the Council annually to undertake civic duties and preside over Full Council meetings. The Chairman has no individual decision-making powers</i>
<i>Member</i>	<i>A term used to describe a Councillor</i>
<i>Minutes</i>	<i>Brief notes of proceedings of a meeting and record of resolutions made by those present at the meeting. A public record of decisions taken at meetings of the Full Council, its Committees and Sub-Committees</i>
<i>Monitoring Officer</i>	<i>A Statutory Officer with particular responsibility for the lawfulness and probity of the Council's decision making appointed in consequence of the Local Government and Housing Act 1989</i>
<i>Panel</i>	<i>.A group of elected persons (whose membership may include elected Members, officers, staff, independent persons, or just elected members, as occasion requires) established by Full Council or a Committee with a specific function and terms of reference who will meet in private in view of the confidential or exempt information to be discussed</i>
<i>Proper Officer</i>	<i>An officer nominated by the Council to undertake a particular function. For the purposes of the Constitution, the Proper Officer is the Head of Paid Service</i>
<i>Regulatory Committees</i>	<i>The Council's Committees which carry out its quasi-judicial functions (eg licensing, planning, etc)</i>

**DRAFT 2021 CONSTITUTION
PART 1 – SUMMARY & EXPLANATION**

<i>Section 151 Officer (Chief Financial Officer)</i>	A Statutory Officer responsible for the proper administration of the Council's financial affairs appointed in consequence of section 151 of the Local Government Act 1972
<i>Sub-Committee</i>	<i>A group of elected Members established by Full Council or a Committee with delegated responsibility for collective decision making who will meet in public unless confidential or exempt business is being discussed</i>
<i>Ward</i>	<i>The defined area within the District which a Councillor represents</i>
<i>Working Party</i>	<i>A group of elected Members established by Full Council or a Committee with a specific function and terms of reference who will generally meet in private (with varying degrees of informality) in view of the need for full and frank exchange of views and whose recommendations are reported to the parent body in open session</i>

**DRAFT 2021 CONSTITUTION
PART 2 – ARTICLES OF THE CONSTITUTION**

PART 2 - ARTICLES OF THE CONSTITUTION

**DRAFT 2021 CONSTITUTION
PART 2 – ARTICLES OF THE CONSTITUTION**

Contents

**DRAFT 2021 CONSTITUTION
PART 2 – ARTICLES OF THE CONSTITUTION**

ARTICLE 1 – THE CONSTITUTION

1.0 FUNCTIONS (POWERS AND DUTIES) OF THE COUNCIL

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

2.0 THE CONSTITUTION

This Constitution, and all its sections, is the Constitution of Arun District Council.

3.0 PURPOSE OF THE CONSTITUTION

The purpose of the Constitution is to:

- (i) enable the Council to provide clear leadership to the community in partnership with residents, businesses and other organisations;
- (ii) support the active involvement of residents in the process of local authority decision making;
- (iii) help Councillors represent their constituents more effectively;
- (iv) enable decisions to be taken efficiently and effectively;
- (v) create a powerful and effective means of holding decision-makers to public account;
- (vi) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (vii) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (viii) provide a means of improving the delivery of services to the community.

4.0 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 13.

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ARTICLE 2 – MEMBERS OF THE COUNCIL

1.0 COMPOSITION AND ELIGIBILITY

(a) Composition

The Council comprises 54 members otherwise called Councillors. Between two and three Councillors will be elected by the voters of each ward in accordance with the scheme drawn up by the Local Government Boundary Commission for England and approved by the Secretary of State.

(b) Eligibility

Only registered voters of the Arun District, those living or working there, or those who occupy as owner or tenant land or other premises in the district will be eligible to hold the office of Councillor.

2.0 ELECTION AND TERMS OF COUNCILLORS

The regular election of Councillors will be held on the first Thursday in May every four years. The term 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 election four years later.

3.0 ROLES AND FUNCTIONS OF ALL COUNCILLORS

Key roles – All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) contribute to the good governance of the district and actively encourage community participation and residents involvement in decision making;
- (iii) effectively represent the interests of the Council's area with special responsibility to the residents in their Ward;
- (iv) respond to constituents' enquiries and representations, fairly and impartially;
- (v) participate in the governance and management of the Council; and
- (vi) maintain the highest standards of conduct and ethics.

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Rights and Duties – All Councillors will:

- (i) have rights of access to only such documents, information, land and buildings of the Council as are necessary for the discharge of their functions and in accordance with the law;
- (ii) not make public information which is confidential or exempt without the written consent of the Council, Chief Executive or Monitoring Officer; or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it. Confidential and exempt information is defined in the Access to Information Rules at Part 6 of this Constitution.

4.0 CONDUCT

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 8 of this Constitution.

5.0 ALLOWANCES

Councillors will be entitled to receive allowances in accordance with the Members Allowances Scheme set out in Part 9 of this Constitution.

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ARTICLE 3 – RESIDENTS AND THE COUNCIL

1.0 RESIDENTS' RIGHTS

Residents have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 6 of this Constitution.

(a) Voting and Petitions

Those on the electoral register for the district have the right to vote in elections in their ward and sign a petition to request a referendum for a change from one form of governance to another. For a petition to be valid to require a referendum, the number of signatures must equate to no less than 5% of the electorate of the area. If there is a referendum, registered electors will have a right to vote in accordance with the timetable as prescribed under legislation, and to vote in any local referendum in respect of an increase in the local authority's precept.

(b) Other petitions

Any Arun resident can submit a petition as long as it follows the requirements of the Petitions Scheme set out in Part 8 of this Constitution. A petition can, amongst other outcomes, lead to a Council debate or the matter being considered by the relevant Service Committee.

(c) Information

Residents have the right to:

- (i) attend, record and report on meetings of the Council and its Committees and Sub-Committees except where confidential or exempt information is likely to be disclosed and the meeting, or part of the meeting, is therefore held in private;
- (ii) see reports and background papers and any records of decisions made by the Council and Committees, excluding confidential and exempt information; and inspect the Council's accounts and make their views known to the external auditor.

(c) Participation

Residents are able to participate in Public Question Time in Full Council and Service Committee meetings.

(d) Complaints

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Residents have the right to complain to the:

- (i) Council itself under its corporate complaints procedure;
- (ii) Local Government and Social Care Ombudsman after using the Council's own complaints procedure;
- (iii) Monitoring Officer about a breach of the Members' Code of Conduct by an Arun District Councillor; and
- (iv) Monitoring Officer about a breach of their respective Members' Code of Conduct of any Town and Parish Councillor in the Arun district.

2.0 RESIDENTS' RESPONSIBILITIES

Residents must not be violent, abusive or threatening to Councillors or officers in any form of contact, including through social media platforms, and must not wilfully cause damage to any property owned by the Council, Councillors or officers.

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ARTICLE 4 – THE FULL COUNCIL

1.0 MEANINGS

(a) **Policy Framework** – the policy framework means the following plans and strategies:

- Crime and Disorder Reduction Strategy
- Development Plan documents
- Licensing Authority Policy Statement
- Plans and alterations which together comprise the Development Plan (Local Plan)
- Sustainable Community Strategy (Arun Priorities, Vision 2020 and Strategic Targets)
- Corporate Plan
- Leisure Strategy
- Asset Management Plan
- Capital Strategy
- Commercial Strategy
- Housing Revenue Account (HRA) Business Plan
- Property Investment Strategy
-
- Budget – this includes:
 - the allocation of financial resources to different services and projects;
 - proposed contingency funds;
 - setting the Council Tax;
 - decisions relating to the control of the Council’s borrowing requirements, investments and capital expenditure; and
 - the setting of virement limits.

2.0 FUNCTIONS OF THE FULL COUNCIL

The functions of the Full Council are set out in Part 3 of this Constitution.

3.0 COUNCIL MEETINGS

There are four types of Full Council meeting:

- (a) the annual meeting;

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- (b) ordinary meetings;
- (c) special meetings; and
- (d) extraordinary meetings.

They will be conducted in accordance with the Council Procedure Rules in Part 5 of this Constitution.

4.0 RESPONSIBILITY FOR FUNCTIONS

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

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ARTICLE 5 – CHAIRING THE COUNCIL

1.0 ROLE AND FUNCTION OF THE CHAIRMAN

The Chairman will be appointed by the Full Council annually as set out in Part 3 of this Constitution. The Chairman of the Council and, in their absence the Vice-Chairman of the Council, has the role of acting as the leading citizen in Arun; chairing Council meetings; and representing the Council at various functions of a civic nature which the Council might host or at which it might be represented.

The Chairman shall remain in office until a new Chairman is appointed at the next Annual Council meeting unless they resign, become disqualified or are removed by a resolution of the Council.

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ARTICLE 6 – LEADER AND DEPUTY LEADER OF THE COUNCIL

1.0 LEADER

The Leader will be appointed at the annual meeting of the Council. The Leader will hold office from the date of their appointment to that position until they:-

- (a) resign from office; or
- (b) cease to be a Councillor; or
- (c) are removed from office by resolution of the Council

whichever first occurs.

As the Council operates a committee system form of governance, the Leader has no formal powers or duties conferred to them under the Local Government Act 1972 or the Local Government Act 2000.

The Leader will act as Chairman of the Corporate Policy & Performance Committee and will have the following additional roles and responsibilities:

- Provide a focal point for political leadership and strategic direction for the Council
- Represent the interests of the Council
- Ensure effective decision making, including working with all political groups to seek to achieve, where possible, cross party co-operation
- Be the key political contact for outside organisations, including central Government, Local Authority Associations and Council partners, and internally for the Council's Corporate Management Team
- Be the representative of the Council in its dealings with central Government, other local authorities and positively promote the Council within the media
- Promote the long term financial, business and economic stability of the Council

2.0 DEPUTY LEADER

The Deputy Leader will be appointed at the annual meeting of the Council. The Deputy Leader will hold office until they:-

- (a) resign from office; or
- (b) cease to be a Councillor; or

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(c) are removed from office by resolution of the Council.

whichever first occurs.

The Deputy Leader will act as Vice-Chairman of the Corporate Policy and Performance Committee and will assist the Leader of the Council generally in the conduct of the role and will assume the full role of the Leader in any circumstances in which the Leader is unable to act or is unavailable.

3.0 CASUAL VACANCIES

Any vacancy in the position of Leader or Deputy Leader shall be filled by the Full Council at the meeting that they cease to hold office or at the first subsequent meeting. The person(s) appointed shall be subject to the term of office described in the paragraphs above.

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ARTICLE 7 – COMMITTEES

1.0 COMMITTEES

The Council will establish such Committees and Sub-Committees as it requires for efficient and effective decision making and as required by law.

~~The Council resolved not to establish a specific overview and scrutiny committee for the purposes of Part 1A, paragraph 9JA of the Local Government Act 2000 (as amended) in introducing a committee system form of governance on 15 January 2020.~~

2.0 ROLE AND FUNCTIONS

Details of the Committees and Sub-Committees established, and their roles and functions, are set out in Part 3 of this Constitution.

3.0 PROCEEDINGS

Committees and Sub-Committees will conduct their proceedings in accordance with the relevant Procedure Rules set out in Part 5 of this Constitution.

4.0 MEMBERSHIP

The size and membership arrangements for all Committees and Sub-Committees established are set out in Part 3 of this Constitution. Their composition will be governed by proportionality rules.

5.0 CHAIRMAN AND VICE-CHAIRMAN OF COMMITTEES

The Council shall appoint at each Annual Council meeting the Chairman and Vice-Chairman of Committees and Sub-Committees. The Chairman and Vice-Chairman will remain in office until they:

- (a) resign from office; or
- (b) cease to be a Councillor; or
- (c) are removed from office by resolution of the Council.

whichever first occurs.

The role of the Chairman (and in their absence the Vice-Chairman) is to:

- Assume the role of Lead Member relating to matters within their Committee's remit

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- Ensure effective conduct of meetings
- Maintain a good understanding of the nature of the business of the Committee and key issues within its remit
- Act as a Council spokesperson as appropriate on matters within the Committee's remit, including responding to questions at Council meetings relating to the business and functions of the Committee
- Maintain good communication with the Vice-Chairman and Committee members to ensure the co-ordination and efficient management of the Committee's activity
- Represent the Council in connection with matters within the Committee's remit and positively promote the Council within the media.

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ARTICLE 8 – STANDARDS COMMITTEE

1.0 STANDARDS COMMITTEE

The Council will appoint a Standards Committee. Its composition shall be governed by proportionality rules and it shall be subject to the same requirements on confidential and exempt information as any other Committee.

The composition and functions of the Standards Committee and its Panels are set out in Part 3 of this Constitution.

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ARTICLE 9 – JOINT ARRANGEMENTS

1.0 Arrangements to promote well-being

The Council may, subject to statutory restrictions:

- (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;
- (c) exercise on behalf of that person or body any functions of that person or body;
- (d) create partnerships and partnership bodies.

2.0 Joint Arrangements

- (a) In accordance with Section 101 of the Local Government Act 1972, as amended, the Council may enter into joint arrangements with one or more local authorities to advise the Council on, or exercise Council functions.
- (b) Details of any joint arrangements including delegations to joint committees are detailed in Part 3 of this Constitution.

3.0 Access to Information

- (a) The Access to Information Procedure Rules set out in Part 6 of this Constitution apply to functions in a joint arrangement except in so far as the arrangement itself has made provision.

4.0 Delegation to and from other local authorities

- (a) The Council may arrange for the discharge of its functions to another local authority; and
- (b) The decision whether or not to accept a delegation from another local authority shall be reserved to the Council meeting.

5.0 Contracting out

- (a) The Council may contract out to another body or organisation any functions which may be exercised by an Officer. Such functions may be contracted out where they 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.

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ARTICLE 10 – OFFICERS

1.0 TERMINOLOGY

In this Article, use of the word “officers” means all employees and staff engaged by the Council to carry out its functions and includes those engaged under short-term, agency or other non-employed situations.

2.0 MANAGEMENT STRUCTURE

(a) **General** – without prejudice to Sections 111, 112 and 113 of the Local Government Act 1972, the Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief Executive and Directors** – the Council appoints persons for the following posts who will together form the Corporate Management Team:

Post	Responsibilities
Chief Executive	<ul style="list-style-type: none"> • Overall corporate management and strategic responsibility (including overall management responsibility for all officers) • Represents the Council on partnership and external bodies (as required by statute or the Council) • Provides direction for the Corporate Support Directorate as set out in Part 7 of this Constitution • Acts as Returning Officer and Electoral Registration Officer
Director of Place	<ul style="list-style-type: none"> • Provides direction for the Place Directorate as set out in Part 7 of this Constitution
Director of Services	<ul style="list-style-type: none"> • Provides direction for the Services Directorate as set out in Part 7 of this Constitution

(c) **Head of Paid Service, Monitoring Officer and Chief Financial Officer** - the Council has designated the following posts with the functions described below:

Post	Designation
Chief Executive	Head of Paid Service

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Group Head of Council Advice & Monitoring	Monitoring Officer
Group Head of Corporate Support	Chief Financial Officer and Section 151 Officer

- (d) **Structure** – the Head of Paid Service will determine and publicise a description of the overall directorate structure of the Council showing the management structure and deployment of officers. This is set out in Part 7 of this Constitution.

3.0 FUNCTIONS OF THE HEAD OF PAID SERVICE

- (a) **Discharge of functions by the Council** – the Head of Paid Service will report to the Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions, and the organisation of officers.
- (b) **Restrictions on functions** – the Head of Paid Service may not be the Chief Financial Officer or Monitoring Officer.

4.0 FUNCTIONS OF THE MONITORING OFFICER

- (a) **Maintaining the Constitution** – the Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Councillors, officers and the public.
- (b) **Ensuring lawfulness and fairness of decision making** – after consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the Council if they consider that any proposal, 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) **Conducting investigations** – the Monitoring Officer will consider allegations of misconduct by Councillors in accordance with the Council's adopted Local Assessment Procedure.
- (e) **Advising whether decisions are within the Budget and Policy Framework** – the Monitoring Officer and/or the Chief Financial Officer will advise whether decisions are in accordance with the Budget and Policy Framework.

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- (f) **Providing advice** – the Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, impropriety, probity, and Budget and Policy Framework issues to all Councillors; and will support and advise Councillors and officers in their respective roles.
- (g) **Restrictions on posts** – the Monitoring Officer may not be the Chief Financial Officer or the Head of Paid Service.

5.0 FUNCTIONS OF THE CHIEF FINANCIAL OFFICER

- (a) **Ensuring lawfulness and fairness of decision making** – after consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer, will report to the Council and to 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 Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to the Corporate Management Team** – the Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice** – the Chief Financial Officer will provide advice on the scope of powers and authority to take financial decisions, financial 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 Financial Officer will provide financial information to the media, members of the public and the community.
- (f) **Restrictions on posts** – the Chief Financial Officer may not be the Monitoring Officer or the Head of Paid Service.

6.0 DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCIAL OFFICER

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

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7.0 CONDUCT

Officers will comply with the Protocol on Member/Officer Relations set out in Part 8 of this Constitution.

8.0 EMPLOYMENT

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 6 of this Constitution.

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ARTICLE 11 – DECISION MAKING

1.0 RESPONSIBILITY FOR DECISION MAKING

The Council will issue and keep up-to-date a record of what part of the Council or which officer has responsibility for particular types of decisions or decisions relating to particular areas or functions. The record is set out in Parts 3 and 4 of this Constitution.

2.0 PRINCIPLES OF DECISION MAKING

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights and equality of opportunity;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) the rule of law.

3.0 TYPES OF DECISION

- (a) **Decisions Reserved to Full Council** – decisions relating to the functions of the Council as set out in Part 3 of this Constitution will be made by the Full Council and will not be delegated.
- (b) **Decisions made by Committees appointed by the Full Council** – authority to make such decisions is delegated by the Council as set out in Part 3 of this Constitution, in accordance with Section 101 of the Local Government Act 1972, as amended.
- (c) **Decisions made by Sub-Committees appointed either by the Full Council or a Committee** – authority to make such decisions is set out in Part 3 of this Constitution.
- (d) **Decisions made by officers** – authority to make such decisions is set out in Part 4 of this Constitution.

4.0 DECISION MAKING BY THE FULL COUNCIL

Subject to the general principles contained in this Article, the Full Council meeting will follow the Council Procedure Rules set out in Part 5 of this Constitution when considering any matter.

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5.0 DECISION MAKING BY COMMITTEES ESTABLISHED BY THE COUNCIL

Subject to the general principles contained in this Article, Council Committees will follow the Committee Procedure Rules set out in Part 5 of this Constitution as they apply to them.

6.0 DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS

The Council, a Committee or an officer acting as a tribunal; in a quasi-judicial manner; or determining or considering 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.

7.0 ACCESS TO INFORMATION

The Access to Information Procedure Rules set out in Part 6 of this Constitution will apply to decisions taken under this Article.

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ARTICLE 12 – FINANCE, CONTRACTS AND LEGAL MATTERS

1.0 FINANCIAL MANAGEMENT

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 6 of this Constitution.

2.0 CONTRACTS

Every contract made by the Council will comply with the Purchasing, Procurement, Contracts and Disposals Rules set out in Part 6 of this Constitution.

3.0 LEGAL PROCEEDINGS

The Group Head of Corporate Support or their nominated representative 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 they consider that such action is necessary to protect the Council's interests and in particular, to ensure that all procedural and evidential requirements are carried out in connection therewith.

4.0 COMMON SEAL OF THE COUNCIL

The Common Seal of the Council shall be kept in a safe place in the custody of the Group Head of Corporate Support or their nominated representative.

The Seal shall not be affixed to any document unless the sealing has been authorised by a resolution of the Full Council or Committee or Sub-Committee to which the Full Council have delegated their powers in this behalf; or by a decision of an officer to which the Full Council, a Committee or a Sub-Committee have delegated their powers.

The Group Head of Corporate Support or their nominated representatives shall attest every document which is being sealed and any entry of the sealing of every document to which the Common Seal has been attached shall be made and consecutively numbered in a record provided for that purpose and each entry duly attested. The record shall be open for inspection by every member of the Council.

5.0 AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Group Head of Corporate

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Support or their nominated representative unless any enactment otherwise requires or authorises, or the Full Council gives the necessary authority to some other person for the purpose of such proceedings.

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ARTICLE 13 – REVIEW AND REVISION OF THE CONSTITUTION

1.0 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

The Constitution Working Party will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

2.0 CHANGES TO THE CONSTITUTION

The Full Council has delegated authority to:

- (i) the Development Control Committee to approve changes to the Scheme of Delegation for development control services which are the responsibility of the Director of Place and Group Head of Planning;
- (ii) the Licensing Committee to approve changes to the Scheme of Delegation for environmental and licensing services which are the responsibility of the Director of Place and Group Head of Technical Services;
- (iii) the Monitoring Officer to make consequential changes as a result of the modification or re-enactment of legislation or express changes consequential to an agreed decision of Full Council; and
- (iv) the Chief Executive, in consultation with the Chairman of the Constitution Working Party, to agree that for any other reason the proposed change be put direct to Full Council for consideration and decision.

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**ARTICLE 14 – SUSPENSION, INTERPRETATION AND PUBLICATION OF
THE CONSTITUTION**

1.0 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 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 half of the total number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of Suspension** – the Council Procedure Rules may be suspended in accordance with this Article.

2.0 INTERPRETATION

The ruling of the Chairman of the Council as to the interpretation or application of this Constitution, or as to any proceedings of the Full Council, should not be challenged at any meeting of the Full Council. Such interpretation will have regard to the purposes of this Constitution set out in Article 1.

3.0 PUBLICATION

Copies of this Constitution will be available:

- to each member of the Council electronically on their election, with any revisions provided at the earliest opportunity;
- for inspection at Council offices;
- to view online at <http://www.arun.gov.uk/constitution>
- for purchase by members of the local press and the public on payment of a reasonable fee; and
- to Town and Parish Councils electronically at their request.

PART 3 - RESPONSIBILITY FOR FUNCTIONS

Contents

1.0 INTRODUCTION

- 1.1 This part of the Constitution explains who takes decisions and sets out the responsibilities of the Full Council, Committees, Sub-Committees and Panels.
- 1.2 Some functions can only be carried out by the Full Council. Other functions may be carried out by the Full Council or may be discharged through a Committee, Sub-Committee or an officer (except where a function is expressly reserved to the Council for decision). In addition, the Full Council may delegate decision making to a joint committee or another authority as set out in Article 9 of this Constitution.
- 1.3 These arrangements are confirmed in this part of the Constitution at:

Section 2.0	Full Council
Section 3.0	Terms of Reference of Committees
Section 4.0	Service Committees
Section 5.0	Regulatory Committees
Section 6.0	Sub-Committees
Section 7.0	Working Parties
Section 8.0	Panels
Section 9.0	Chief Executive Committees and Panels
Section 10.0	Statutory Officers Committees and Panels
Section 11.0	Joint Area Committees

- 1.4 The arrangements for the discharge of functions by officers are set out in the Officer Scheme of Delegation at Part 4 of this Constitution.
- 1.5 As Arun District Council operates a committee system form of governance, there is no statutory power to delegate the discharge of any function to an individual Councillor.

2.0 FULL COUNCIL

2.1 Only the Full Council will exercise the following functions:

1. Approving or adopting any plans and strategies that form the Council's Policy Framework, as set out in Article 4 (The Full Council).
2. Approving or adopting any plan or strategy for the control of the Council's borrowing, investments or capital expenditure, or for determining the Council's minimum revenue provision.
3. Approving for the purpose of its submission to the Secretary of State or any Minister of the Crown any plan or strategy referred to in 1 and 2 above (whether or not in the form of a draft) of which any part is required to be submitted for approval.
4. Making and changing the Members Allowances Scheme.
5. Making a request for single Councillor electoral wards to the Local Government Boundary Commission for England.
6. A resolution to change the Council's scheme for elections.
7. Changing the name of the district.
8. Considering any future change to the Council's form of governance, subject to statutory provisions.
9. Approving any proposals to the Secretary of State or Local Government Boundary Commission for England on electoral reviews of Arun District Council or West Sussex County Council and any consequential warding proposals for the Town/Parish Councils within the Arun District based on recommendations from the Corporate Support Committee.
10. Making an order giving effect to the recommendations made in a Community Governance Review and other Parish Council functions that are not otherwise delegated.
11. Adopting and changing the Constitution, other than allowed for by Article 13 (Review and Revision of the Constitution).
12. Agreeing or amending the Committee structure, making changes to the terms of reference and size of Committees and Sub-Committees.

13. Appointing for the municipal year, or remainder of a municipal year, the Chairman and Vice-Chairman of the Council on receipt of not more than one nomination from each political group.
14. Appointing the Leader of the Council and Deputy Leader.
15. Appointing the Chairmen and Vice-Chairmen of Committees, Sub-Committees, Working Parties and Panels.
16. Agreeing the membership of the Council's Committees, Sub-Committees, Working Parties and Panels.
17. Appointing the Council's representatives to Outside Bodies unless the appointment has been delegated by the Council.
18. Conferring the title of Honorary Alderman.
19. Appointing Independent Persons to the Standards Committee.
20. Confirming the appointment of the Head of Paid Service (Chief Executive) based on the recommendation of the Chief Executive's Recruitment and Selection Panel.
21. Confirming the appointment of a Director based on the recommendation of the Head of Paid Service.
22. Approving the dismissal of the Head of Paid Service (Chief Executive), Directors, Section 151 Officer and Monitoring Officer based on a recommendation from the Statutory Officers' Investigatory and Disciplinary Committee.
23. Approving terminations of service of the Head of Paid Service (Chief Executive) and Directors in respect of early/flexible retirement and/or redundancy within the framework of restructuring proposals.
24. Approving Settlement Agreements of more than £95,000.
25. Approving the Annual Senior Officer Pay Policy Statement.
26. Making compulsory purchase orders (other than under planning grounds).
27. Receiving a direct report requesting approval to a supplementary estimate outside of the budget when referral via the Corporate Policy & Performance Committee would cause an unreasonable delay to a project.
28. Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills.

29. Debating petitions that contain more than 1,500 signatures in accordance with the Council's Petitions Scheme set out in Part 8 of this Constitution.
30. The functions described in Article 9 (Joint Arrangements).
31. All other matters which, by law, must be reserved to the Council.

3.0 TERMS OF REFERENCE OF COMMITTEES

3.1 Committees will work to the following general terms of reference in discharging the specific functions allocated to them:

3.1.1 Each Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do other things that they reasonably consider necessary to inform their deliberations.

3.1.2 Each Committee is expected to determine by resolution all matters falling within their purpose and functions with the exception of:

- a) any plans and strategies listed in the Policy Framework at Article 4 of this Constitution;
- b) compulsory purchase orders;
- c) limitations set out in the Financial Procedure Rules and Purchasing, Procurement, Contracts & Disposals Rules as set out in Part 6 of this Constitution; and
- d) any matter which by law must be reserved to the Council

which will be recommended to the Full Council or Corporate Policy and Performance Committee, as appropriate.

3.1.3 Where a function does not clearly fall within the remit of one particular Service Committee, the Corporate Policy and Performance Committee shall direct which Committee shall deal with the function, or deal with the matter itself.

3.1.4 Each Committee is authorised to establish Sub-Committees and Working Parties as it considers necessary for the effective conduct of the Committee's powers and duties. The establishment of any Sub-Committees and Working Parties shall have regard to the overall resource parameters and advice of the Chief Executive and officers.

3.1.5 Each Committee is authorised to delegate to officers such further powers as it thinks fit to facilitate the effective management of the Council's and the Committee's business.

3.1.6 In discharging their functions, Committees should have regard to the ongoing requirement to make savings and efficiencies.

4.0 SERVICE COMMITTEES

4.1 CORPORATE POLICY AND PERFORMANCE COMMITTEE

Membership

9 Members

Purpose

This Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the Council directly or through any Sub-Committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Corporate Policy
- Corporate Performance
- Partnership and Liaison (excluding where this falls within another Service Committee's functions)
- Public Engagement

The Committee will lead on the following key plans and strategies:

- Corporate Plan
- Budget preparation and monitoring
- Medium Term Financial Strategy
- Capital Strategy
- Major emergency response
- Climate Change Strategy

Specific Functions

The Committee shall also exercise the following specific functions by or on behalf of the Council that fall within its remit:

1. Considering any policies that do not fall within a Service Committee's remit and approving these where they do not require a Full Council decision under the Policy Framework at Article 4 of this Constitution.
2. Overseeing the development and monitoring of the Corporate Plan taking account of the outcomes of performance reviews by the Service Committees and recommending any areas for change to the Full Council in line with the Policy Framework.
3. Overseeing the development and monitoring of the Service Delivery Plans and approving any change taking account of the outcomes of performance reviews by the Service Committees.
4. Leading on the budget setting process, in consultation with the other Service Committees, and putting forward a draft budget to the Full Council for approval.
5. Considering updates on the Medium-Term Financial Strategy and providing guidance to the other Service Committees as necessary.
6. Considering periodic budgetary monitoring and variation reports and making any recommendations to the Full Council as necessary.
7. Considering the Financial Outturn Report annually.
8. Considering requests for supplementary estimates outside of the budget and making recommendations to Full Council based on the limits listed in the Financial Procedure Rules set out in Part 6 of this Constitution.
9. Overseeing the development of the Climate Change Strategy and any subsequent Action Plan.

10. Monitoring and considering Ombudsman investigation reports and other complaints made.
11. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
12. In line with the limits listed in the Financial Procedure Rules set out in Part 6 of this Constitution approval of:
 - a. the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
 - b. virements of expenditure within relevant service area budgets;
 - c. the drawing down of funds; and
 - d. the award of grants to organisations, including discretionary rate relief
13. Providing leadership in the promotion and improvement of the District's economic, social and environmental well-being.
14. Encouraging fair and appropriate levels of community engagement in the Council's business.
15. Identifying issues to which the Council should attach priority and ensuring that these priorities are given proper effect.
16. Providing a focus for national, regional and sub-regional networking.
17. Clarifying the Council's position on issues of importance through appropriate internal and external communications.
18. Considering the minutes and any recommendations from the Joint Arun Area Committees.

Outside Bodies

- (a) The Committee will receive feedback reports from the Council's representatives on the following outside bodies and report any issues requiring action to the Council as appropriate:
 - Coast to Capital Local Enterprise Partnership Joint Committee
 - TBC
- (b) The Council's representative on the following outside bodies will be designated as the Chairman or a member of this Committee:
 - Coast to Capital Local Enterprise Partnership Joint Committee
 - TBC

4.2 CORPORATE SUPPORT COMMITTEE

Membership

11 Members

Purpose

The Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the Council directly or through any Sub-Committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Finance
- Legal Services
- Human Resources
- Communications
- Design, print and postal services
- ICT and Digital Agenda
- Information Management
- Customer Services
- Committee Services
- Elections and electoral reviews

The Committee will lead on the following key plans and strategies:

- ~~Asset Management Plan~~
- ~~Property Investment Strategy~~
- Digital Agenda Project

Specific Functions

The Committee shall also exercise the following specific functions by or on behalf of the Council:

1. Approving any service area policies where these do not require a Full Council decision under the Policy Framework at Article 4 of this Constitution.
2. Determining matters relating to the acquisition or disposal of land and assets ~~where the value exceeds £750,001 considered under the Property Investment Strategy.~~
3. Receiving reports for decision from the ICT and Digital Agenda Working Party.
4. Monitoring and considering Ombudsman investigation reports and other complaints made.
5. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
6. In line with the limits listed in the Financial Procedure Rules set out in Part 6 of this Constitution approval of:
 - a) the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
 - b) virements of expenditure within relevant service area budgets;
 - c) the drawing down of funds; and
 - d) the award of grants to organisations, including discretionary rate relief
7. Reviewing and considering electoral matters and making recommendations to the Returning Officer/Electoral Registration Officer and/or the Full Council as appropriate.
8. Considering and recommending to the Full Council proposals by the Chief Executive/Returning Officer for polling districts and polling places within the Arun District as required by the Review of Polling Districts and Polling Places [Parliamentary Elections] Regulations 2006.
9. Considering reports from the Chief Executive/Returning Officer on the ongoing review of polling stations, as required.
10. Considering reports from the Returning Officer on reviews of elections held and registration matters.
11. Considering and recommending to the Full Council any proposals for an electoral review of Arun District Council.
12. Reviewing and recommending to the Full Council any proposals from the Local Government Boundary Commission for England on electoral reviews of Arun District Council or West Sussex County Council and any consequential warding proposals for the Town/Parish Councils within the Arun District.
13. Reviewing and submitting comments on behalf of the Council on any proposals from the Boundary Commission for England on a review of Parliamentary constituency boundaries affecting the Arun District.
14. Undertaking community governance reviews in accordance with the Local Government and Public Involvement in Health Act 2007 and recommending any proposals for change to the Full Council.
15. Considering and agreeing a response to consultation documents on electoral matters.

16. Considering reports from the Joint Staff Consultative Panel, as required.

Performance Management

The Committee will have responsibility for monitoring service performance within the Corporate Plan and Service Delivery Plans across the range of their functions and reporting on the outcomes of their review to the Corporate Policy & Performance Committee.

Outside Bodies

- (a) The Committee will receive feedback reports from the Council's representatives on the following outside bodies and report any issues requiring action to the Council as appropriate:
 - TBC
- (b) The Council's representative on the following outside bodies will be designated as the Chairman or a member of this Committee:
 - TBC

4.3 PLANNING POLICY COMMITTEE

Membership

11 Members

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Place in consultation with the Chairman has been undertaken.

Purpose

The Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the Council directly or through any Sub-Committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Planning Policy
- Infrastructure

The Committee will lead on the following key plans and strategies:

- Local Plan
- Community Infrastructure Levy (CIL)

Specific Functions

The Committee shall also exercise the following specific functions by or on behalf of the Council:

1. Approving any service area policies where these do not require a Full Council decision under the Policy Framework at Article 4 of this Constitution.
2. Making recommendations on Planning Policy, Community Infrastructure Levy (CIL) documents and Infrastructure Funding Statements to the Full Council for approval.
3. Authorising public consultation on draft Planning Policy and CIL documents and material produced for public consultation reports.

4. Considering responses from public consultation and amending reports accordingly.
5. Approving any expenditure within agreed budgets for public consultation
6. Approving consultation on certain stages of plans/proposals/the CIL Charging Schedule.
7. Agreeing Supplementary Planning Documents and background evidence base documents.
8. Approving consultation responses.
9. Monitoring progress against agreed action plans and agreeing any necessary actions.
10. Making recommendations to the Full Council for approval of the implementation and governance of the CIL charging schedule.
11. Approving the repayment of money paid to the Council under Planning Obligations in these circumstances:
 - Where the money is unallocated for any project
 - Where the money cannot be spent on the previously identified project because the project falls or fails
 - Where the money is paid subject to a condition that it be spent on a specified project within a specified time. Such clauses are usually avoided by the Council but some developers insist that they be included in Planning Obligations.
12. Considering and monitoring the effectiveness of the Council's land use policies in respect of the District's towns, villages and countryside as expressed through the Local Plan and related Land Use Policy documents.
13. Taking action under relevant legislation in respect of the protection, enhancement and preservation of the physical and natural environment, save where powers have been delegated to the Development Control Committee in respect of:
 - Building preservation (particularly those designated as being of special architectural or historic interest)
 - Designation and enhancement of Conservation Areas
 - Preservation of trees and woodlands.
14. Monitoring and considering Ombudsman investigation reports and other complaints made.
15. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
16. In line with the limits listed in the Financial Procedure Rules set out in Part 6 of this Constitution approval of:
 - the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
 - virements of expenditure within relevant service area budgets;
 - the drawing down of funds; and
 - the award of grants to organisations, including discretionary rate relief.

Performance Management

The Committee will have responsibility for monitoring service performance within the Corporate Plan and Service Delivery Plans across the range of their functions and reporting on the outcomes of their review to the Corporate Policy & Performance Committee.

Outside Bodies

- (a) The Committee will receive feedback reports from the Council's representatives on the following outside bodies and report any issues requiring action to the Council as appropriate:

- West Sussex & Greater Brighton Strategic Planning Board
 - TBC
- (b) The Council's representative on the following outside bodies will be designated as the Chairman or a member of this Committee:
- West Sussex & Greater Brighton Strategic Planning Board
 - TBC

4.4 RESIDENTIAL AND WELLBEING SERVICES COMMITTEE

Membership

11 Members

Purpose

The Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the Council directly or through any Sub-Committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Housing Strategy and Enabling
- Housing Revenue Account (HRA)
- Homelessness
- Revenues and Benefits
- Leisure and Culture
- Community Safety
- Wellbeing
- Safeguarding
- Lifeline

The Committee will lead on the following key plans and strategies:

- HRA Business Plan
- Leisure Strategy
- Crime and Disorder Reduction Strategy

Specific Functions

The Committee shall also exercise the following specific functions by or on behalf of the Council:

1. Approving any service area policies where these do not require a Full Council decision under the Policy Framework at Article 4 of this Constitution.
2. Authorising the disposal of all HRA assets (land and property), outside of Right to Buy, where the value exceeds £500,001 and that the sale proceeds be reinvested back into the HRA account on all occasions.
3. Keeping under review the Council Tax Reduction Scheme and making recommendations to the Corporate Policy and Performance Committee where there are any financial consequences.
4. Approving cases for write-off where the value exceeds £10,001 where the current tenant arrears have accrued up to the point of bankruptcy being declared or the arrears are covered by an Administration Order.
5. Approving write-offs of former tenant arrears, rent arrears and other debts where the value exceeds £10,001.
6. Approving cases for write-off where the value exceeds £5,001 for Council Tax and £10,001 for National Non-Domestic Rates.

7. Approving variations to the terms and conditions of the Dual Use Agreement relating to the Arun Leisure Centre between the Council and West Sussex County Council to reflect the asset responsibility matrix submitted as part of the leisure operating contract.
8. Determining any matters that are not delegated to officers arising from the Council's statutory responsibilities under the Crime & Disorder Act 1988 and the Anti-Social Behaviour, Crime and Policing Act 2014.
9. Adopting Public Space Protection Orders which fall within the responsibility of this Committee.
10. Monitoring and considering Ombudsman investigation reports and other complaints made.
11. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
12. In line with the limits listed in the Financial Procedure Rules set out in Part 6 of this Constitution approval of:
 - a) the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
 - b) virements of expenditure within relevant service area budgets;
 - c) the drawing down of funds; and
 - d) the award of grants to organisations, including discretionary rate relief

Performance Management

The Committee will have responsibility for monitoring service performance within the Corporate Plan and Service Delivery Plans across the range of their functions and reporting on the outcomes of their review to the Corporate Policy & Performance Committee.

Outside Bodies

- (a) The Committee will receive feedback reports from the Council's representatives on the following outside bodies and report any issues requiring action to the Council as appropriate:
 - Sussex Police and Crime Panel
 - Health and Adult Social Care Scrutiny Committee (HASC)
 - Arun Wellbeing and Health Partnership
 - Safer Arun Partnership
 - TBC
- (b) The Council's representative on the following outside bodies will be designated as the Chairman or a member of this Committee:
 - Sussex Police and Crime Panel
 - Health and Adult Social Care Scrutiny Committee (HASC)
 - Arun Wellbeing and Health Partnership
 - Safer Arun Partnership
 - TBC

4.5 ENVIRONMENT AND NEIGHBOURHOOD SERVICES COMMITTEE

Membership

11 Members

Purpose

The Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the Council directly or through any Sub-Committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Green Spaces

- Cemeteries
- Waste and Recycling
- Car Parks
- Engineering
- Environmental Health
- Building Control
- Emergency Planning
- Foreshores

The Committee will lead on the following key plans and strategies:

- Waste and Recycling Strategy

Specific Functions

The Committee shall also exercise the following specific functions by or on behalf of the Council:

1. Approving any service area policies where these do not require a Full Council decision under the Policy Framework at Article 4 of this Constitution.
2. Adopting Public Space Protection Orders which fall within the responsibility of this Committee.
3. Monitoring and considering Ombudsman investigation reports and other complaints made.
4. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
5. In line with the limits listed in the Financial Procedure Rules set out in Part 6 of this Constitution approval of:
 - a) the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
 - b) virements of expenditure within relevant service area budgets;
 - c) the drawing down of funds; and
 - d) the award of grants to organisations, including discretionary rate relief

Performance Management

The Committee will have responsibility for monitoring service performance within the Corporate Plan and Service Delivery Plans across the range of their functions and reporting on the outcomes of their review to the Corporate Policy & Performance Committee.

Outside Bodies

- (a) The Committee will receive feedback reports from the Council's representatives on the following outside bodies and report any issues requiring action to the Council as appropriate:
 - TBC
- (b) The Council's representative on the following outside bodies will be designated as the Chairman or a member of this Committee:
 - TBC

4.6 ECONOMIC COMMITTEE

Membership

11 Members

Purpose

The Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the Council directly or through any Sub-Committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Economic Policy and Research
- Economic Partnerships
- Commercial Investment
- Commercial Activities
- Town Centre revival
- Business Development
- Tourism
- Property and Estates
- Land Charges

The Committee will lead on the following key plans and strategies:

- Commercial Strategy
- Asset Management Plan
- Property Investment Strategy

Specific Functions

The Committee shall also exercise the following specific functions by or on behalf of the Council:

1. Approving any service area policies where these do not require a Full Council decision under the Policy Framework at Article 4 of this Constitution.
2. Determining matters relating to the acquisition or disposal of land and assets where the value exceeds £250,001 (other than commercial properties which will be dealt with through the Property Investment Strategy by the Corporate Policy and Performance Committee).
3. Recommending any financial implications beyond agreed budgets from delivery of the Commercial Strategy to the Corporate Policy & Performance Committee.
4. Determining matters relating to terms to let, lease or license land or building or any interest in land or buildings which are or will be under the control of the Council where the rent exceeds £100,001 per annum (exclusive of rates) and the term of letting, leasing or licensing exceeds 25 years.
5. Reviewing the operation of any Council owned companies.
6. Monitoring and considering Ombudsman investigation reports and other complaints made.
7. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
8. In line with the limits listed in the Financial Procedure Rules set out in Part 6 of this Constitution approval of:
 - a) the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
 - b) virements of expenditure within relevant service area budgets;
 - c) the drawing down of funds; and
 - d) the award of grants to organisations, including discretionary rate relief
9. Making recommendations to the Full Council in relation to all major regeneration projects, including land and property, affecting the towns and villages within the Arun District.
10. In terms of major regeneration projects, approving the:
 - a) recruitment and engagement of consultants;
 - b) agreement to consult on certain stages of plans/proposals;

- c) monitoring of progress against agreed action plans and any necessary actions to address problems etc; and
- d) agreement to the drawing down of funds within the responsibilities of the Committee as listed in the Financial Procedure Rules at part 6 of this Constitution.

Note

The Committee will not encroach on any of the responsibilities of the Development Control Committee, Licensing Committee or the Planning Policy Committee.

Performance Management

The Committee will have responsibility for monitoring service performance within the Corporate Plan and Service Delivery Plans across the range of their functions and reporting on the outcomes of their review to the Corporate Policy & Performance Committee.

Outside Bodies

- (a) The Committee will receive feedback reports from the Council's representatives on the following outside bodies and report any issues requiring action to the Council as appropriate:
 - o TBC
- (b) The Council's representative on the following outside bodies will be designated as the Chairman or a member of this Committee:
 - o TBC

5.0 REGULATORY COMMITTEES

5.1 AUDIT AND GOVERNANCE COMMITTEE

Membership

11 Members

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Group Head of Corporate Support in consultation with the Chairman has been undertaken.

Purpose

The Committee has delegated authority to exercise the following functions of the Council:

- Corporate Complaints
- Internal Audit
- External Audit
- Members Allowances
- External scrutiny of partners

Specific Functions

The Committee shall also exercise the following specific functions by or on behalf of the Council:

1. Providing an independent assurance of the adequacy of the governance and risk management frameworks and the associated control environment so as to best protect the Council's reputation.
2. Providing independent scrutiny of the authority's financial and non-financial performance, to the extent that it affects the authority's exposure to risk and weakens the control environment.
3. Overseeing the financial reporting process.
4. Overseeing the work of internal and external audit and receive periodic reports on the work of the authority's Governance and Risk Group.
5. Advising the Council on:
 - a) Appropriate arrangements for internal audit activity, in line with published standards
 - b) The arrangements for the provision of external audit services
 - c) The effectiveness of anti-fraud measures
 - d) The arrangements for an appropriate Regulatory framework
 - e) Corporate Governance including approval of the Annual Governance Statement
 - f) Compliance with contract and financial procedure rules of the Constitution
 - g) Matters arising from the review and approval of the Annual Statement of Accounts by the Committee
 - h) The Authority's Treasury Management Strategy and results
 - i) The policy regarding provisions of the Regulation of Investigatory Powers Act 2010 (RIPA) and the use of such powers by the Council
6. Approving arrangements for establishing an Independent Remuneration Panel, in accordance with statutory requirements, and instructing the Chief Executive to make any appointments to the Panel in line with their delegated authority at Part 3, Section 2 of this Constitution.

7. Overseeing the work of the Independent Remuneration Panel in its periodic consideration of Members Allowances.
8. Reviewing and considering the Member Allowances Scheme based on reports from the Independent Remuneration Panel and making recommendations to the Full Council as required.

5.2 DEVELOPMENT CONTROL COMMITTEE

Membership

TBC 15 Members

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Place in consultation with the Chairman has been undertaken.

Purpose

The Committee has delegated authority to exercise the following functions of the Council:

- Planning applications
- Service performance

Specific Functions

The Committee shall also exercise the following specific functions by or on behalf of the Council:

1. Functions relating to Town and Country Planning and Development Control as specified in Schedule 1 of the Town & Country Planning Act 1990 (as amended) and the Planning (Listed Building & Buildings in Conservation Areas) Act 1990 (as amended).
2. Determining all applications/notifications and related planning enforcement matters.
3. Determining matters relating to the control of advertisements, the preservation of trees, buildings and important hedgerows, the creation extinguishment or diversion of public highways affected by development and decisions on high hedges.
4. Considering and making changes to the Officer Scheme of Delegation for development control services which are the responsibility of the Director of Place and Group Head of Planning as confirmed in Article 13 in this Constitution.
5. Appointing Briefing Panels and Site Inspection Panels and determining their membership, terms of reference and procedures to be confirmed in the Planning Protocol at Part 8 of this Constitution.
6. Receiving reports from the Site Inspection Panel

5.3 LICENSING COMMITTEE

Membership

11 Members

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Place in consultation with the Chairman has been undertaken.

Purpose

The Committee has delegated authority to exercise all the following functions of the Council relating to Licensing, Registration and Authorisation including the power to delegate such functions, as permitted by law, or the Council's Licensing Scheme of Delegation at Part 4 of this Constitution, to a Sub-Committee or to officers:

1. All functions of the licensing authority for the Council under the Licensing Act 2003 and Gambling Act 2005.
2. Determining reports from the Enforcement Review Panel where the Enforcement Review Panel considers such a referral to be appropriate to the circumstances of the case.
3. Considering and making changes to the Officer Scheme of Delegation for environmental licensing services which are the responsibility of the Director of Place and Group Head of Technical Services as confirmed in Article 13 in this Constitution.

5.4 STANDARDS COMMITTEE

Membership

11 Members + 4 Independent Persons

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Monitoring Officer in consultation with the Chairman has been undertaken.

Purpose

The Committee has delegated authority to exercise the following functions of the Council:

- Members' Code of Conduct
- Code of Conduct complaint reviews

Specific Functions

The Committee shall also exercise the following specific functions by or on behalf of the Council:

1. Promoting and maintaining high standards of conduct by District Councillors, Town and Parish Councillors and co-opted Members.
2. Advising the Council and Town and Parish Councils on the adoption or revision of the Members' Code of Conduct.
3. Monitoring the operation of the Local Assessment Procedure and recommending any revisions to the Full Council.
4. Where not covered by the Local Assessment Procedure, determining the action to be taken on any failure of a District Councillor, Town or Parish Councillor or co-opted Member to comply with the relevant authority's Code of Conduct following a report from the Monitoring Officer.
5. Determining any review made under the Local Assessment Procedure following a report from the Monitoring Officer.
6. Advising and supporting the Monitoring Officer in the delivery of training on the Members' Code of Conduct to District Councillors, Town and Parish Councillors and co-opted Members.
7. Considering membership and recruitment of Independent Persons to the Committee and making recommendations for appointments to the Full Council.

8. All other functions relating to standards of conduct of District Councillors, Town and Parish Councillors and co-opted Members under the Localism Act 2011 or Regulations made under it.

Role of Independent Persons

- a) They will have a consultative role when the Standards Committee or Assessment Panel makes decisions on complaints made against Councillors.
- b) They will be invited to meetings of the Standards Committee and may remain in meetings for all items to be considered unless they have a conflict of interest. Where they do, the Chairman and Vice-Chairman will have authority to decide if they may take part in the debate or request that they leave the meeting.
- c) They will not be entitled to vote at or chair meetings.

6.0 SUB-COMMITTEES

6.1 LICENSING SUB-COMMITTEE

Reporting to – Licensing Committee

Membership

3 Members drawn from the Licensing Committee

Functions

The Sub-Committee has the following functions:

1. Subject to all the provisions applying to delegations, the Licensing Sub-Committee shall have all the Council's powers and duties for:
 - a) Deciding applications for all licenses, permissions and associated matters, under the Licensing Act 2003 and Gambling Act 2005 where representations or objections have been received but which cannot be resolved by mediation or any other way permitted by law and where any decision has not been delegated to an officer by the Licensing Scheme of Delegation at Part 4 of this Constitution, statute or otherwise.
 - b) Deciding applications for the variation, suspension or revocation of all such licenses, permissions and associated matters, under the legislation mentioned in the paragraph above save those which can be resolved by mediation or any other way permitted by law or by delegation to an officer by the Licensing Scheme of Delegation at Part 4 of this Constitution, statute or otherwise.

Note

The Sub-Committee will meet as and when convened by the Group Head of Technical Services or their nominated officer.

7.0 WORKING PARTIES

Working Parties in operation at May 2021 are:

Name of the Working Party	Reporting to
Arun Leisure Centre Dual Use Officer Group	Residential & Wellbeing Services Committee
Constitution Working Party	Full Council
ICT and Digital Agenda Working Party	Corporate Support Committee

1. The Council and any Committee may establish Working Parties with responsibility for specific functions or tasks based on the following terms:
 - a) An agreed terms of reference, or if that is not practical the scope of the function/task to be undertaken
 - b) The size of the membership of the Working Party
 - c) How membership will be agreed, either nominated at the time the Working Party is established or through nomination by the Group Leaders based on proportionality rules
 - d) Proposals for the allocation of seats if vacancies occur, or whether to leave seats vacant
 - e) The timescale for the work to be undertaken

2. Working Parties will then:
 - a) Review their terms of reference and recommend any changes for approval to their parent body (Full Council or a Committee).
 - b) Make recommendations and report back to their parent body on the outcomes of their work.
 - c) Meet in private, unless the Working Party agrees that meetings should be held in public and proper notice is given in accordance with the requirements of the Committee Procedure Rules at Part 5 of this Constitution.

Note

Once established, the Chairman and Vice-Chairman of the Working Party will be appointed at the Annual Council Meeting each year.

8.0 PANELS

8.1 ASSESSMENT PANEL

Reporting to – Standards Committee

Membership

3 Members drawn from the Standards Committee + 1 Independent Person

Functions

The Panel has the following functions:

1. To meet as and when convened by the Monitoring Officer to assess written complaints made against a Councillor or co-opted Member of Arun District Council or a Town and Parish Council within the Arun District in respect of an alleged breach of the relevant authority's Code of Conduct.
2. To conduct hearings, take decisions and determine sanctions in accordance with the Local Assessment Procedure.
3. To report the outcome of their assessments to the Standards Committee.

8.2 DISPENSATION PANEL

Reporting to – Standards Committee

Membership

3 Members drawn from the Standards Committee

Functions

The Panel has the following functions:

1. To meet as and when convened by the Monitoring Officer to consider applications from Members of the Council for a dispensation to allow them to participate in the consideration, discussion or voting upon business before the Council where they have a pecuniary interest under the Members' Code of Conduct.
2. To grant a dispensation on the following criteria:
 - a) without the dispensation, the proportion of the Council who would be prohibited from participating would impede the Council's transaction of that business; or
 - b) without the dispensation, the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote; or
 - c) the granting of the dispensation is in the interests of people living in the Arun District; or
 - d) without the dispensation, each individual Member would be prohibited from participating in the business; or
 - e) it is otherwise appropriate to grant a dispensation.
3. To determine the period for the dispensation to be granted.
4. To report the outcome of any dispensations granted to the Standards Committee.

8.3 ENFORCEMENT REVIEW PANEL

Reporting to – Licensing Committee

Membership

Shall be in accordance with the Council's Enforcement Policy for Environmental Health (including Private Sector Housing) and Cleansing, as may be amended from time to time.

Functions

The Panel has the following functions:

1. To receive and consider reports of cases where formal legal action is considered to be an appropriate course of action in accordance with the Council's Enforcement Policy for Environmental Health (including Private Sector Housing) and Cleansing, as may be amended. To consider what, if any, action is appropriate and to provide authority for any such action
2. To refer such decisions to the Licensing Committee for approval where the Enforcement Review Panel considers such referral to be appropriate in the circumstances of the case.

8.4 JOINT STAFF CONSULTATIVE PANEL

Reporting to – Corporate Support Committee

Membership

Council representatives:

Two Members – Chairman and Vice-Chairman of Corporate Support Committee

Staff representatives

Two members of the Unison Branch Executive

Management representatives

Chief Executive and Human Resources Manager

Functions

The Panel has been established to facilitate consultation between the Council and its employees and to maintain and improve relations between both sides. It is not a decision-making body but may make recommendations, where appropriate, to the Corporate Support Committee or Full Council.

The Panel has the following functions:

1. To establish a regular method of negotiation and consultation between the Council and its staff in order to provide for the health, safety and welfare of staff and ensure an effective working environment.
2. To introduce changes to Human Resources Policy into the decision-making system for formal adoption, where appropriate, by the Corporate Support Committee or Full Council.
3. To examine problems arising from the operation of agreed procedures and conditions and assisting in the prevention of misunderstanding.
4. To ensure that employee representatives are well informed about the current and proposed strategy and activities of the Council and their proposals for the future and to address any issues relating to staff that arise from this.
5. To address any other staff related issues which it is agreed by all Panel members fit within the objectives of the Panel
6. To receive Reports/Minutes from the Staff Safety Panel to be noted or action agreed.

7. No matter about an individual shall be within the scope of the Panel.

Attendance at meetings and quorum

8. For a meeting to be quorate all of the members must be present, however, any of the Members are able to be substituted if necessary by another member of the Corporate Support Committee, Unison Member or Manager. Substitutes will have the same powers as appointees.
9. A full quorum is only required if a decision is to be referred to the Corporate Support Committee or Full Council, otherwise a meeting may proceed if only one Elected Member, one Unison representative and one Manager are present. In these circumstances a decision may be deferred to a future meeting.
10. Some decisions may be agreed outside of the formal meeting if e-mail consultation has taken place. Decisions made in this way will be recorded at the next formal meeting.
11. The Safety Coordinator and their representative will attend meetings of the Panel to provide advice and guidance if required, as well as present reports for discussion.
12. It may be appropriate for parties other than those set out in the Constitution to attend formal meetings for specific agenda items. This to be agreed in advance by all Panel members.

Regulations

13. A Chairman will be appointed by the Panel at its first meeting in each Council year.
14. If a vote is required, members of the Panel who are entitled to vote will be the Council's elected representatives and the Unison representatives.
15. Meetings of the Panel will be held approximately every quarter, but with additional meetings arranged if necessary to discuss significant issues and ensure good communication. Meetings will be held in closed session in view of the confidential nature of the business to be discussed.
16. The agenda shall be agreed in advance of the meeting and sent to each member of the Panel at least five working days before any meeting. This is a minimum timescale and in the interests of encouraging clarity and constructive debate at the meeting. Members of the Panel are encouraged to provide items for consideration in writing and with more notice than five days if items are complex.
17. As a general rule, matters brought before the Panel will have been formally raised with the appropriate Director previously.
18. No business other than that appearing on the agenda shall be transacted at any meeting unless both sides agree to its introduction.
19. Minutes will be agreed by members of the Panel in attendance, prior to being published on the staff Intranet.
20. It is anticipated that from time to time there will be a need to make recommendations to the Corporate Support Committee or Full Council where significant and/or wide ranging policy changes or new policies are proposed, or where there is a failure to reach agreement between the Employer and Unison. This will normally be by way of an officer report

8.5 STAFF APPEALS PANEL

Reporting to – Corporate Support Committee

Membership

8 Members - The Group Head of Corporate Support or their nominated representative has authority to call hearings of the Panel as and when required and shall select, in rotation, 3 Members to sit at a hearing of the Panel

Functions

The Panel has the following functions:

1. To act as the final level of appeal to determine appeals against decisions of the Council on employment matters, including those under the Disciplinary Procedure and the Grievance Procedure and to authorise the terms to settle any employment related dispute with the Council including:
 - a) any final financial settlement up to a limit of £25,000 for an individual claim to a compensatory payment. All financial claims relating to a regrading claim require a decision of the Full Council where a supplementary estimate is needed;
 - b) the non-financial terms for a settlement agreement or compromise agreement to settle a matter;
 - c) making a recommendation to the Full Council in all other cases; and
 - d) authorising the serving of relevant legal and other Notices by the Council arising out of any matter referred to an Employment Tribunal.
2. To operate within the Council's existing policies and procedures for hearing and determining Disciplinary and Grievance matters. In respect of all other matters coming before the Staff Appeals Panel, the procedure shall be determined by the Group Head of Corporate Support or their nominated representative.
3. No Member shall take any part in the proceedings of a Staff Appeals Panel where they have taken any part in the decision, which is under appeal.

9.0 CHIEF EXECUTIVE COMMITTEES AND PANELS

9.1 CHIEF EXECUTIVE'S APPRAISAL PANEL

Reporting to – Full Council and the other Chief Executive's Committees and Panels, as appropriate

Membership

3 Members comprising the Leader of the Council, Deputy Leader of the Council and Leader of the Opposition (or majority opposition group) appointed by the Full Council

The appointed Members shall not also be appointed to the Chief Executive's Remuneration Committee

Quorum – 2 Members

Purpose

1. To annually review the performance of the Chief Executive against previously agreed objectives and timescales as agreed as part of their contract of employment.
2. To have as its Proper Officer the Group Head of Corporate Support.
3. To meet in private. No one other than the Chief Executive, Members of the Panel or relevant third party will attend the meeting without the agreement of all members of the Panel, the Chief Executive or alternatively, without the agreement of the Full Council.
4. To refer any appeal about any action or outcome arising out of the work of the Appraisal Panel to the Staff Appeals Panel.
5. To work to the Terms of Reference set out below and where not expressly listed to follow the JNC Model Conditions.

Terms of Reference

6. To measure the performance of the Chief Executive against what is expected of them in the post from previously identified targets.
7. To measure achievement and identify any continuing development needs which if met would maintain a high level of performance.
8. To report to the Chief Executive's Remuneration Committee on the outcome of the appraisal.

Role

9. To set clear objectives, which are relevant and challenging but achievable for the Chief Executive. These objectives to be agreed with the post holder.
10. To review the Chief Executive's performance against agreed objectives and timescales that were set for the preceding year or period.
11. To discuss any continuing development needs for the Chief Executive which if met would maintain a high level of performance and/or meet anticipated future requirements in the context of the Council's changing priorities.
12. To ensure that the process for the Appraisal follows the JNC Model Conditions or other best practice as agreed from time to time.
13. To openly discuss the working relationship between leading Members and the Chief Executive and to adjust working approaches if necessary.
14. To report to the other Chief Executive's Committees and Panels as appropriate and/or necessary concerned with the role of Chief Executive on any positive or negative matters.

Casting Vote

15. The Leader of the Council shall have a second and casting vote. In the absence of the Leader of the Council, the Deputy Leader of the Council shall have a second and casting vote.

9.2 CHIEF EXECUTIVE'S REMUNERATION COMMITTEE

Reporting to – Full Council and the other Chief Executive's Committees and Panels, as appropriate

Membership

5 Members appointed by the Full Council

The appointed Members shall not also be appointed to the Chief Executive's Appraisal Panel

Quorum – 3 Members

Purpose

1. To consider the remuneration to be paid for the post of Chief Executive that takes into account the report of the Chief Executive's Recruitment and Selection Panel or the Chief Executive's Appraisal Panel and make recommendations to the Full Council.
2. To have as its Proper Officer the Group Head of Corporate Support or their representative.
3. To refer any appeal about any action or outcome arising out of the work of the Remuneration Committee to the Staff Appeals Panel.
4. To work to the Terms of Reference set out below and where not expressly listed to follow the JNC Model Conditions.

Terms of Reference

5. To look at all elements of the remuneration package, which are not set nationally (e.g. pensions) or by overall Council Policy, including fixed salary, variable pay elements and any additional benefits.
6. To ensure that such decisions are taken in a transparent manner and made available publicly in a suitable format.

Role

7. To undertake periodic reviews of the pay and remuneration of the Chief Executive.
8. To meet at least annually.
9. To receive from time to time, a report relating to relevant pay data from the Group Head of Corporate Support or their representative in relation to pay and remuneration schemes for Chief Executives.

9.3 CHIEF EXECUTIVE'S RECRUITMENT AND SELECTION PANEL

Reporting to – Full Council and the Chief Executive's Remuneration Committee, as appropriate

Membership

5 Members comprising the Leader of the Council and 4 other Members nominated by the Leader of the Council, in consultation with the other Group Leaders and approved by the Full Council

Quorum – 3 Members

Purpose

1. To undertake all processes leading to the recruitment and selection of a new Chief Executive.

2. To have as its Proper Officer the Group Head of Corporate Support or their representative.
3. To work to the Terms of Reference set out below and where not expressly listed to follow the JNC Model Conditions.

Terms of Reference

4. To be familiar with current views as to the important elements of the job of Chief Executive and to come to a view as to the essential elements of the job description, job skills and key attributes. It is likely that the Panel would seek internal and external advice throughout the process.
5. To report to the Chief Executive's Remuneration Committee on the outcome of the review of the remuneration package to be paid to a new Chief Executive.
6. To undertake all work necessary to recruit and select a Chief Executive and make recommendations to the Full Council to confirm the appointment as required by Part 3 of this Constitution.

10.0 STATUTORY OFFICERS COMMITTEES AND PANELS

10.1 STATUTORY OFFICERS' INVESTIGATORY AND DISCIPLINARY COMMITTEE

Reporting to – Full Council

Membership

5 Members appointed by the Full Council

The appointed Members shall not also be appointed to the Chief Executive's Appraisal Panel

Quorum – 3 Members

Purpose

1. To deal with matters relating to the conduct and/or capability of the following statutory officers:
 - Chief Executive;
 - Director of Place;
 - Director of Services;
 - Section 151 Officer; and
 - Monitoring Officer.
2. To have as its Proper Officer the Human Resources Manager.
3. To work to the Terms of Reference set out below

Terms of Reference

4. To consider allegations and take disciplinary action, as appropriate, relating to the conduct and/or capability of the statutory officers including:
 - To screen potential disciplinary/dismissal issues to consider whether they require investigation and whether the relevant officer should be suspended. This includes informing the statutory officer concerned of the allegations, allowing them to respond and to consider whether further investigation is needed.
 - To organise the investigation, including if appropriate instructing the Human Resources Manager to appoint a Designated Independent Person (who should make recommendations on whether and what disciplinary action might be appropriate) and consider what disciplinary action it wishes to recommend, after hearing the views of the statutory officer concerned.
 - Where the recommendation of the Committee is for dismissal, to refer the matter to the Statutory Officers' Investigatory and Disciplinary Panel for its views.
 - If, after taking the views of the Statutory Officers' Investigatory and Disciplinary Panel into account, the Committee's recommendation is for dismissal, the requirements of the Officer Employment Rules as set out in Part 6 of this Constitution will be followed.
 - If, following this, dismissal is still considered appropriate, to recommend to the Full Council that the statutory officer be dismissed as required by Part 3 of this Constitution.
 - Where the Committee decides that action short of dismissal, or no disciplinary action at all is appropriate, to inform the statutory officer concerned of that decision and any associated actions, without reference to the Statutory Officers' Investigatory and Disciplinary Panel or the Full Council.

10.2 STATUTORY OFFICERS' INVESTIGATORY AND DISCIPLINARY PANEL

Reporting to – Statutory Officers' Investigatory and Disciplinary Committee

Membership

3 Independent Persons from the Standards Committee or any other local authority

Quorum – 3 Members

Purpose

1. To meet as and when convened by the Human Resources Manager in order to carry out an independent review of the investigation and recommendations of the Statutory Officers' Investigatory and Disciplinary Committee where dismissal of one of the statutory officers is recommended.
2. To report the results of its independent review to the Statutory Officers' Investigatory and Disciplinary Committee.

11.0 JOINT AREA COMMITTEES

11.1 As confirmed in Article 9, the Council may enter into joint arrangements with one or more local authorities to advise the Council on, or exercise Council functions. Such arrangements may involve the appointment of a joint committee with these other local authorities.

11.2 Two Joint Area Committees are in operation at May 2021:

Name of the Committee	Reporting to
Joint Eastern Arun Area Committee	Corporate Policy and Performance Committee
Joint Western Arun Area Committee	Corporate Policy and Performance Committee

Membership

Arun District Council Members	Parish Council/Parish Meeting Members	West Sussex County Council Members
Joint Eastern Arun Area Committee (JEAAC)		
1 Member from each of the following Wards <ul style="list-style-type: none"> • Angmering & Findon • Arundel & Walberton • East Preston • Ferring • Littlehampton • Rustington 	1 Member from each of the following Parish areas: <ul style="list-style-type: none"> • Angmering • Arundel • Burpham • Clapham • Patching • East Preston • Ferring • Findon • Houghton • Kingston • Littlehampton • Lyminster & Crossbush • Poling • Rustington • South Stoke • Warningcamp 	1 Member from each of the following electoral divisions: <ul style="list-style-type: none"> • Angmering & Findon • Arundel & Courtwick • East Preston & Ferring • Littlehampton East • Littlehampton Town • Rustington
Joint Western Arun Area Committee (JWAAC)		
1 Member from each of the following Wards <ul style="list-style-type: none"> • Aldwick • Arundel & Walberton • Barnham • Bersted • Bognor Regis • Felpham • Middleton • Pagham • Yapton 	1 Member from each of the following Parish areas: <ul style="list-style-type: none"> • Aldingbourne • Aldwick • Barnham • Bersted • Bognor Regis • Climping • Eastergate • Felpham • Ford • Madehurst • Middleton-on-Sea • Pagham • Slindon • Walberton • Yapton 	1 Member from each of the following electoral divisions: <ul style="list-style-type: none"> • Bersted • Bognor Regis East • Bognor Regis West & Aldwick • Felpham • Fontwell • Middleton • Nyetimber

Delegation of functions to Joint Area Committees:

1. The District Council has agreed to delegate the following functions to the Joint Area Committees:
 - a) The promotion of the environmental, social and economic well-being of the rural area.
 - b) To advise on matters relating to farming and other rural activities, including the impact of Council services on such activities.
 - c) To develop and maintain partnerships within the two areas.
 - d) The implementation and management of new facilities in the form of play areas, public seats, concessions, kick-about areas, car parks, toilets, bus shelters, litter and recycling facilities, street nameplates, drains and sewers.
 - e) The disposal of facilities of the kind referred to in the paragraph above in accordance with Council policies.
 - f) To recommend to the relevant Committee/Full Council the provision of new facilities.
 - g) To grant the temporary use of Council facilities.
2. The County Council's delegation to the Joint Arun Area Committees can be viewed at:
<https://westsussex.moderngov.co.uk/documents/s16563/part3.pdf>

Voting Rights of members of the Joint Area Committees

3. The District Council has agreed to extend indefinitely, or until the Council determines otherwise three tier voting on the Joint Eastern Arun Area Committee and the Joint Western Arun Area Committee, with respect to items relating to Arun District Council functions as listed above.
4. Voting rights on those matters are given to Members of the District Council, West Sussex County Council, and Parish and Town Councils appointed by their respective Councils onto the Committees.
5. All Members may vote on items/matters where a recommendation is being made by the Area Committee to the District Council and on resolutions where:
 - the item is for information purposes only;
 - the item relates to the election of key members of the Committee or confirmation of the Minutes of the Area Committee; or
 - when the Committee is acting in a purely advisory capacity. This applies to both Area Committees.

Service Committee Structure – Agreed by Full Council on 15 January 2020 and amended by Full Council on 15 July 2020
Recommended amendments made by the Constitution Working Party – 17 and 24 August 2020

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Committee Name	Corporate Policy and Performance	Corporate Support	Planning Policy	Residential and Wellbeing Services	Environment and Neighbourhood Services	Economic	Full Council
Service areas	<ul style="list-style-type: none"> Corporate Policy Corporate Performance Partnership and Liaison [Excluding where this falls within another Service Committee] Climate Change Action Plan Public Engagement 	<ul style="list-style-type: none"> Finance Legal Services Human Resources Communications Design, print and postal services ICT and Digital Agenda Information Management Customer Services Committee Services Elections and electoral reviews 	<ul style="list-style-type: none"> Planning Policy Infrastructure 	<ul style="list-style-type: none"> Housing Strategy and Enabling HRA Homelessness Revenues and Benefits Leisure and Culture Community Safety Wellbeing Foreshores Safeguarding Lifeline 	<ul style="list-style-type: none"> Green Spaces Cemeteries Waste and Recycling Car Parks Engineering Environmental Health Building Control Emergency Planning Foreshores 	<ul style="list-style-type: none"> Economic Policy and Research Economic Partnerships Commercial Investment Commercial Activities Town Centre revival Business Development Tourism Property and Estates Land Charges 	<ul style="list-style-type: none"> Oversee all Council decisions Scrutiny of decision making (“call-in” principles) Legal advice/ Monitoring Officer Statutory functions as set out in Article 4 (Budget and Policy Framework)
Committee to lead on:	<ul style="list-style-type: none"> Corporate Plan Budget preparation and monitoring Medium Term Financial Strategy Capital Strategy Major emergency response Climate Change Strategy 	<ul style="list-style-type: none"> Asset Management Plan Property Investment Strategy Digital Agenda Project Service Performance 	<ul style="list-style-type: none"> Local Plan Community Infrastructure Levy (CIL) Service Performance 	<ul style="list-style-type: none"> HRA Business Plan Leisure Strategy Crime and Disorder Reduction Strategy Service Performance 	<ul style="list-style-type: none"> Waste and Recycling Strategy Service Performance 	<ul style="list-style-type: none"> Commercial Strategy Service Performance 	<ul style="list-style-type: none"> Constitution (through Constitution Working Party)
SMT Leads	Nigel Lynn, Karl Roberts, Philippa Dart, Alan Peach and Jackie Follis	Alan Peach, Jackie Follis, Joe Russell-Wells, Monitoring Officer	Karl Roberts and Neil Crowther	Philippa Dart, Satnam Kaur and Robin Wickham	Philippa Dart, Karl Roberts, Joe Russell-Wells and Nat Slade	Karl Roberts, Nat Slade and Denise Vine	Nigel Lynn, Karl Roberts, Philippa Dart, Alan Peach and Monitoring Officer

Regulatory Committees

Committee Name	Audit and Governance	Development Control (Name still to be reviewed)	Licensing	Standards
Service areas	<ul style="list-style-type: none"> Corporate Complaints Internal Audit External Audit Members Allowances External Scrutiny of partners 	<ul style="list-style-type: none"> Planning applications Service performance 	<ul style="list-style-type: none"> Licensing functions 	<ul style="list-style-type: none"> Members’ Code of Conduct Code of Conduct Complaint Reviews
SMT Leads	Nigel Lynn, Alan Peach, Jackie Follis and Monitoring Officer	Karl Roberts and Neil Crowther	Nat Slade	Monitoring Officer

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**DRAFT 2021 CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES**

**PART 4 - OFFICER SCHEME OF DELEGATION
(SECTION 1 – GENERAL PRINCIPLES)**

**DRAFT 2021 CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES**

Part 4 is set out in four sections as follows:

Section 1: General Principles

Section 2: Chief Executive and Directors

Section 3: Group Heads

Section 4: Functions

**DRAFT 2021 CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES**

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DRAFT 2021 CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES

1.0 GENERAL PRINCIPLES

- 1.1 All functions that are not specifically reserved by law or under this Constitution to the Full Council, a Regulatory Committee, Sub-Committee or officers, are delegated to the relevant Service Committee.
- 1.2 Subject to the above, the Council's functions delegated to officers are set out in Sections 2 and 3 of this Part of the Constitution.
- 1.3 This scheme is made by the Council under section 101(1)(a) of the Local Government Act 1972
- 1.4 The scheme is made in accordance with section 151 of the Local Government Act 1972, and all other provisions relating to functions held by the Council; and shall be construed in accordance with any legislation amending, or substituted for, any of those provisions, or any legislation having a similar purpose or made for similar purposes.
- 1.5 This scheme does not delegate to officers:
- any matter reserved to the Full Council,
 - any matter which by law may not be delegated to an officer,
 - any matter expressly reserved to a Committee or Sub-Committee by this Constitution,
 - any power to change concession policies,
 - any power to make a decision on permanent savings in a budget,
 - any power to make an order for the compulsory acquisition of land,
 - any power to acquire land in advance of requirements,
 - any power to confirm any order, or to issue or grant any permission, consent, licence or other determination, which is the subject of a statutory right of objection that has been duly exercised.
- 1.6 In respect of any matter falling within the parameters of this scheme, the Chief Executive may in writing make such detailed delegations to Directors concerning functions and activities within their areas of responsibility as they consider appropriate.
- 1.7 This scheme delegates powers and duties within broad functional descriptions. It includes powers and duties under all legislation, byelaws present and future, and common law provisions, within those descriptions, and all powers and duties incidental to that legislation including the institution and conduct of proceedings. The powers and duties shall be exercised in accordance with the Constitution and the policies and objectives of the Council relevant to the matter upon which action is to be taken.
- 1.8 This scheme includes an obligation on officers to keep Members of the Council properly informed of activity arising within the scope of these delegations.

DRAFT 2021 CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES

1.9 These general principles and any amendment of or addition to them made by the Council shall apply to the delegation of functions in the Constitution.

2.0 GENERAL LIMITATIONS

2.1 An officer, in exercising delegated powers, shall as consult other appropriate officers and shall have regard to any advice received.

2.2 Any exercise of delegated powers shall be subject to any PolicyFramework approved by the Council, including the authority's employment policies and disciplinary procedures, equality policies, and any service delivery policies; and shall be guided by relevant Codes of Conduct or Protocols produced or adopted by the Council (including any Code or Protocol which has been included within the Council's Constitution) and the Corporate Plan.

2.3 Any exercise of delegated powers shall be subject to:

- any statutory restrictions
- the Council's Procedure Rules relating to Purchasing, Procurement, Contracts and Disposals
- the Council's Financial Procedure Rules
- Article 12 of the Constitution (Finance, Contracts and Legal Matters)
- the provisions generally of this Part of the Constitution

2.4 In exercising delegated powers, officers shall not go beyond the provision made in the revenue or capital budgets for their service, except to the extent permitted by the Council's Financial Procedure Rules or the Procedure Rules relating to Purchasing, Procurement, Contracts and Disposals set out in Part 6 of this Constitution.

2.5 Any matters relating to the making and/or alteration of Council policy shall be referred to the Full Council or the relevant Service Committee.

2.6 The delegation of authority to deal with any matter shall not override the power of the Council to call for a report on any decision or action taken or to require any such matter under consideration to be referred to the Council or to the appropriate Committee or Sub-Committee for decision.

2.7 The Chief Executive, a Director or Group Head may, after consultation with any officer concerned, refer to the Council, the appropriate Committee or Sub-Committee for decision any matter which has been brought to their notice and which in their opinion, because of special difficulty or otherwise, warrants such reference.

2.8 It shall always be open to an officer to whom authority is delegated to consult the appropriate Chairman of a Committee on the exercise of a delegated function, or not to exercise a delegated function but to refer the matter back to the Full Council, the relevant Committee or Sub-Committee for decision.

2.9 Where a delegation requires the agreement of, or consultation with a Committee Chairman, such delegation shall allow for the substitution of the Vice-Chairman or in their absence, another member of the Committee.

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PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES

2.10 An officer to whom authority is delegated shall have power to undertake all work to give full effect to any decision of the Council, its Committees and Sub-Committees.

3.0 DELEGATIONS TO OFFICERS

3.1 The functions or activities listed in Sections 2 and 3 of this Part of the Constitution and varied from time to time are delegated to the officers in the posts named in Sections 2 and 3.

3.2 **Limitations of delegations** - The powers delegated to officers under this scheme do not include any power to take a decision which is properly a matter for the Council, or a Committee or Sub-Committee. Officers are, in the context of this scheme, responsible for the management of their services, the provision of advice to the Council and Members, and the implementation of Council policies and decisions. A decision which an officer takes, under a delegation made by or under this scheme, must:

- implement a policy previously approved or decision previously taken by the Council, or a Committee or Sub-Committee; or
- facilitate, or be conducive or incidental to, the implementation of a policy or decision previously approved;
- be recorded in accordance with paragraphs 5.1 and 5.2 below

4.0 FURTHER PROVISIONS

4.1 **Continuation of existing delegations** - A delegation to an officer which existed at the date of the introduction of this scheme shall, to any extent that it remains unaltered by (and is not inconsistent with) any delegation (or variation to a delegation) made by or under this scheme, shall continue to have effect.

4.2 **Deemed delegations** - Where in respect of a given function or activity, no delegation is in effect, and an officer has a management responsibility in relation to the exercise of that function or activity, the exercise of any delegated authority necessary to carry out the function or activity effectively shall be deemed to have been delegated to that post holder.

4.3 In this scheme, “officer” means the holder of any post to which a function or activity, or powers and duties in relation to such a function or activity, may be delegated.

4.4 Where a function or activity has been specifically delegated by or under this scheme to an officer, and where the officer to whom the delegation was made is absent or otherwise unavailable, that function or activity shall not be exercised by another officer without the consent of the Chief Executive.

4.5 An authority delegated to officers includes management of the human and material resources made available for the service area and any function concerned, within the limitations of this scheme, and subject to any specific delegations made by or in accordance with this scheme to another

DRAFT 2021 CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES

officer.

- 4.6 In each case, a delegated authority excludes any determination of policy, any exception to policy, or of any budget by the officer concerned.

5.0 RECORDS OF DECISIONS MADE BY OFFICERS WITH DELEGATED RESPONSIBILITIES

- 5.1 It is the responsibility of every officer exercising a delegated responsibility to maintain a paper or electronic record of all decisions made and actions decided upon for a period of six years or such other period as required by statute or regulation in a manner that meets the overall responsibility of the Council arising from that decision, including the needs of officers from all services who will action the decision as well as the officers who are responsible for the governance of the Council.

- 5.2 Where a decision delegated to an officer would otherwise have been taken by the Full Council, a Committee, Sub-Committee or Joint Committee either:

- a) under a specific express authorisation; or
- b) under a general authorisation to officers to take such decisions and, the effect of the decision is to -
 - grant a permission or licence;
 - affect the rights of an individual; or
 - award a contract or incur expenditure which, in either case, materially affects the Council's financial position

the decision-making officer must produce and retain for a period of six years a written record of the decision as soon as practicable containing the following information:

- i. the date the decision was taken;
- ii. a record of the decision and the reasons for the decision;
- iii. details of alternative options, if any, considered and rejected; and
- iv. where the decision falls under paragraph 5.2 a) above, the names of any Member of the Council who has declared a conflict of interest in relation to the decision

6.0 WRITTEN RECORD OF THE DECISION

- 1.1 For decision made under Paragraph 5.2 above, the written record must, as soon as reasonably practicable after the decision is made, be available:

- a) for inspection at Council Officers during normal working hours; and
- b) to view online

**DRAFT 2021 CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES**

7.0 PROPER OFFICERS

7.1 The Local Government Act 1972 introduced a requirement that the officer required to perform specified duties should be the "Proper Officer" appointed by the Council for that purpose. The Council has designated the under-mentioned officers in the following table as the 'Proper Officers' for the sections and schedules indicated.

Legislation Title (in alphabetical order)	Purpose	Proper Officer
Local Authorities (Referendums) (Petitions) (England) Regulations 2011	Petitions and Referendums	Chief Executive
Local Government Act 1972: •Schedule12 - para 4(2)(b)	Signing of Council summons to attend a meeting	
•Schedule14 para 25(7)	Certification of resolutions passed by the Council	Chief Executive
•S. 13(3)	Parish Trustee (In a parish not having a separate parish council)	Chief Executive
•S. 83(1)	Declarations of acceptance of office	
•S. 84	Resignation of a Member from office	
•S. 88(2)	Convening of Council meeting for filling Chairman casual vacancy	
•S. 89(1)(b)	Notice of casual councillor vacancy	
•S. 100A – 100K	Access to Information	
•S. 115(2)	Payment of money due	

**DRAFT 2021 CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES**

Legislation Title (in alphabetical order)	Purpose	Proper Officer
•S. 146(1)(a)	Securities – statutory declaration	Group Head of Corporate Support
•S. 146(1)(b)	Securities – certificate	
•S. 151	Financial administration	
•S. 191	Ordnance Survey applications	Director of Place
•S.s 210(6) and (7)	Charities	Group Head of Corporate Support
•S. 225(1)	Deposit of documents	Chief Executive
•S. 229(5)	Certification of photocopies (other than accounts)	Monitoring Officer
•S.s 234(1) and (2)	Authentication of documents	Chief Executive
•S.s 236(9)	Distribution of Byelaws	Group Head of Corporate Support
•S. 238	Provide certified copies of Byelaws	
Local Government Finance Act 1988 – S.114	Proper administration of financial affairs	Section 151 Officer
Local Government (Miscellaneous Provisions) Act 1976 – S.41	Evidence of resolutions and minutes of proceedings	Group Head of Corporate Support
Local Government Act 2000 – S.s 49 to 81 (insofar as the same are still in force)	Conduct of Members	Monitoring Officer
Local Government & Housing Act 1989 – •S. 4	Head of the Paid Service	Chief Executive
•S. 5	Monitoring Officer	Group Head of Council Advice & Monitoring
Public Health (Control of Disease) 1984 •S. 1	Duty to execute this Act	The Council has appointed Public Health England to act as Proper Officer when dealing with these powers
•S. 61	Power to enter premises	
Neighbourhood Planning (Referendums) Regulations 2012	Counting Officer	Chief Executive

**DRAFT 2021 CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES**

Legislation Title (in alphabetical order)	Purpose	Proper Officer
Representation of the People Act 1983: •S.8	Registration of Parliamentary and Local Government Electors – Electoral Registration Officer	Chief Executive
•S.28	Conduct of Parliamentary Elections – Discharge of Returning Officer’s Functions	Chief Executive
•S.35	Returning Officer	Chief Executive
Electoral Administration Act 2006	Updated local government election rules	Chief Executive
Police Reform and Social Responsibility Act 2011	Police and Crime Commissioner Elections	Chief Executive
Planning (Listed Buildings and Conservation Areas) Act 1990 – S.2	Deposit of lists of buildings of special architectural or historic interest	Director of Place

7.2 In any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act, 1972 or in any instrument made before 26th October 1972, a reference to a specified officer of the Council shall be deemed to be a reference to the relevant Director in which the function of the specified officer is now vested, or in appropriate cases to Public Health England.

7.3 Where written evidence of any such appointment as aforesaid is required, the Chief Executive or their nominated deputy shall issue it.

7.4 Officers responsible for the Governance of the Council are:

- Finance – Group Head of Corporate Support
- Internal Audit – Internal Audit Manager
- Committee Services and Information Management – Group Head of Council Advice & Monitoring

**DRAFT 2021 CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 2 – CHIEF EXECUTIVE & DIRECTORS**

**PART 4 - OFFICER SCHEME OF DELEGATION
(SECTION 2 – CHIEF EXECUTIVE & DIRECTORS)**

Part 4 is set out in four sections as follows:

Section 1: General Principles

Section 2: Chief Executive and Directors

Section 3: Group Heads

Section 4: Functions

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DRAFT 2021 CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 2 – CHIEF EXECUTIVE & DIRECTORS

1.0 CHIEF EXECUTIVE, DIRECTORS AND GROUP HEADS

- 1.1 With the exception of Proper Officer powers and those powers delegated to:
- a) the Group Head of Council Advice and Monitoring when acting as Monitoring Officer; and
 - b) the Group Head of Corporate Support when acting as Section 151 Officer
- the Chief Executive, Directors and Group Heads have the power to take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy, and to comply with and undertake all statutory obligations, duties, functions and powers within their area of responsibility and within approved budget.
- 1.2 Further to the above provisions, and those set out at Section 1 of this Part of the Constitution, the Chief Executive, Directors and Group Heads may allocate or delegate responsibility for exercising particular powers to any officer of the Council as they think fit. All such delegations are to be recorded in writing by the delegating officer and retained for the duration of the delegation (as opposed to authorisation) which shall not exceed a specified period exceeding six months and shall set out the description of the powers to be exercised by the officer of the Council and state the post held by the officer, in accordance with the Local Government Act 2000 (Constitutions) (England) Direction 2000.
- 1.3 For the purposes of the above provisions, the statutory obligations, duties, etc. referred to shall include, but not exhaustively, those contained within the legislation set out in a matrix of statutes held by the delegating officer in respect of their service area, a copy of which shall be provided to the Monitoring Officer together with all amendments.
- 1.4 The Monitoring Officer will maintain a central record of all delegations received from the delegating officers as are established under Paragraph 1.2 of this Part of the Constitution and will make them available for public inspection pursuant to section 100G of the Local Government Act 1972.
- 1.5 For the avoidance of doubt the Chief Executive is not authorised to grant a Councillor permission not to attend meetings of the Council for the purposes of section 85 of the Local Government Act 1972.

**2021 DRAFT CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS**

2.0 CHIEF EXECUTIVE

The Chief Executive is responsible for Corporate Support including:

- **Corporate Support Group** consisting of:
 - › Finance
 - Audit
 - Payroll
 - Procurement
 - s151 Officer/Accountancy
 - › Human Resources
 - › ICT and the digital agenda
 - › Legal Services
- **Council Advice Group & Monitoring** consisting of:
 - › Information Management
 - Customers of Concern
 - Data Protection
 - Freedom Of Information
 - Official Complaints
 - › Legal Advice to the Council
 - › Monitoring Officer
 - › Standards
 - › Committee Services
- **Policy Group** consisting of:
 - › Communications//marketing
 - › Corporate Performance
 - › Corporate Policy
 - › Design
 - › Electoral Services
 - › Local Partner Liaison
 - › National Partnerships [Devolution, Local Government Association (LGA), District Councils Network (DCN), Coastal West Sussex (CWS), Coast to Capital (CtC)]
 - › Postal Services
 - › Print
 - › Transformation

In addition to those delegated powers in Part 4, Section 2, paragraphs 1.0 and 2.0 of this Constitution, the Chief Executive has the following delegated powers:

**2021 DRAFT CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS**

Proper Officer Powers

2.1 The Chief Executive has the following Proper Officer powers as laid out below:

Legislation:	Purpose
Electoral Administration Act 2006	Updated local government election rules
Local Authorities (Referendums) (Petitions) (England) Regulations 2011	Petitions and Referendums
Local Government Act 1972:	
• S. 13(3)	Parish Trustee (In a parish not having a separate parish council)
• S. 83(1)	Declarations of acceptance of office
• S. 84	Resignation of a member from office
• S. 88(2)	Convening of Council meeting for filling Chairman casual vacancy
• S. 89(1)(b)	Notice of casual councillor vacancy
• S. 100A – 100K	Access to Information
• S. 225(1)	Deposit of documents
• S.s 234(1) and (2)	Authentication of documents
• Schedule 12 – para 4(2)(b)	Signing of Council summons to attend a meeting
• Schedule 14 – para 25(7)	Certification of resolutions passed by the Council
Local Government and Housing Act 1989 S. 4	Head of Paid Service
Neighbourhood Planning (Referendums) Regulations 2012	Counting Officer
Representation of People Act 1983:	
• S. 8	Registration of Parliamentary and Local Government Electors – Electoral Registration Officer
• S. 28	Conduct of Parliamentary Elections – Discharge of Returning Officer's functions
• S. 35	Returning Officer
Police Reform and Social Responsibility Act 2011	Police and Crime Commissioner Elections

2.2 Based on arrangements agreed by the Audit & Governance Committee to appoint members to the Independent Remuneration Panel, in consultation and agreement with Group Leaders and the Chairman of the Audit & Governance Committee.

2.3 Should the Chief Executive consider that the appointment of any Independent Person on the Standards Committee or of any member on the Independent Remuneration Panel should be changed or terminated, the Chief Executive will consult with the Group Leaders and Chairman of the Standards Committee or

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PART 4 – OFFICER SCHEME OF DELEGATION
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Audit & Governance Committee (as appropriate) and will make a recommendation to the Full Council on whether any such appointment should be changed or terminated.

- 2.4 To keep under review polling districts and polling places under the District (taking into consideration any recommended proposals for Polling Stations by the Corporate Support Committee) and to make such urgent changes to polling stations for use at any local and national election as is necessary to ensure that the election process is not delayed.
- 2.5 **Complaints Procedure** – To award compensation up to £5000 where appropriate, in the event that an investigation finds in the complainant's favour (along with the Group Head of Council Advice and Monitoring).
- 2.6 **Director/Group Head Annual Appraisal** – Having conducted an Annual Appraisal for a Director or Group Head, to decide whether or not to agree a progression up the existing pay scale for the post. Any appeal by the member of staff is to the Staff Appeals Panel.
- 2.7 **Special responsibility one-off payments to Members** – On the advice of the Group Head of Corporate Support, authorise special-responsibility one-off payments to Members, on an outline basis of £50 per half day for one-off intensive projects
- 2.8 **Appointment of deputy Electoral Registration Officers** – To appoint deputy Electoral Registration Officers.
- 2.9 **Approval of the Local Election Fees and Charges Scheme** – To approve the Local Election Fees and Charges Scheme recommended by the Returning Officer for West Sussex County Council.
- 2.10 Enter into partnerships and related memoranda of understanding in consultation with the relevant Committee Chairman, with details being retrospectively reported to relevant Committee at the earliest opportunity.
- 2.11 Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).
- 2.12 **Local Government Act 1972**
The Chief Executive, as Proper Officer, or his nominated deputy shall:
- be authorised to include in all agendas for meetings of the Full Council, its Committees and Sub-Committees, where necessary or appropriate, a motion to exclude the press and public where either confidential and/or exempt information is to be discussed within the terms of the Act or the Regulations.
 - be authorised to prepare lists of information as required by the Local Government (Access to Information) Act 1985 and the Regulations.
 - be authorised to determine the fees to be charged for the inspection and copying of documents under S. 100(H) of the Local Government Act 1972 and Regulation 22 of the Regulations (the Monitoring Officer or their nominated officer also has this power)
- 2.13 **Regulation of Investigatory Powers Act 2000 (RIPA) – Sections 28 and 29** – Designate Council officers to be responsible for the management of investigations and grant authorisations and to act as Senior Responsible Officer

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in accordance with Codes of Practice issued by the Home Office from time to time.

2.14 Protection of Freedoms Act 2012 – Section 33

Designate Council officers to act as Senior Responsible Officer and as the Single Point of Contact in accordance with the Surveillance Camera Code of Practice.

- 2.15 Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council's Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.
- 2.16 To institute any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the Council or in respect of which the Council is entitled to possession, in consultation with one of the Council's Solicitors, unless West Sussex County Council are exercising this power in accordance with the terms of any delegation arrangements with the Council.
- 2.17 Take steps to dispose of property abandoned on Council Land under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 12 of the Torts (Interference with Goods) Act 1977.
- 2.18 Approve virements of expenditure within budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 2.19 Approve supplementary estimates outside of budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 2.20 Approve the drawing down of funds based on the process and financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 2.21 Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 2.22 Where delay in obtaining instructions of the appropriate Committee Chairman would in their opinion prejudice the Council's position, the Chief Executive may authorise the institution or defending or settlement or general conduct of proceedings in the Courts or settlement of any dispute not the subject of court action, to safeguard the Council's interest. The Chief Executive will in such circumstances, endeavour to brief the Leader of the Council and other Group Leaders in advance of exercising such delegation, but will in all cases inform them and subsequently the Full Council, of the action taken. In the absence of the Chief Executive this authority is delegated to the Directors.

2.23 Urgent Decisions

An urgent decision where expenditure does not exceed £100,000 may only be made where, taking into account the Council's public interests, the Chief Executive considers that it cannot reasonably be deferred until the next scheduled meeting of the relevant Committee or Sub-Committee. Urgent decisions may only be taken after consulting with the Group Leaders of the Council and the relevant Committee Chairman. Where the Group Leader or Chairman is unable to act, the Deputy Group Leader or Vice Chairman are authorised to act on their behalf.

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Any decisions taken under this authority will be reported to the next meeting of the relevant Committee.

2.24 Emergency Response

In the case of emergencies, the Chief Executive is authorised to approve all reasonable expenditure and/or undertake all reasonable actions without consulting Members. This includes incurring expenditure for meeting the purposes of the Local Government Act 1972, S.138 in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of the Corporate Policy and Performance Committee.

2.25 Urgent Decisions immediately following a regular local election

Where a decision usually made by a Committee would be delayed solely by reason of the decision having to be made during the period from the fourth day after the date of a regular election and the Annual Council Meeting and, in the opinion of the Chief Executive the decision is urgent, the Chief Executive, in consultation with the Group Head of Council Advice and Monitoring, is authorised to make this decision.

Subject to time allowing, the Chief Executive will firstly consult with the person designated by the majority group as their Leader or if no nomination has been made or no majority group exists, with the persons designated by the political groups as their Leaders.

Any decisions taken under this authority will be reported to the next meeting of the relevant Committee.

2.26 Closure Notices

Pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014 power to issue Closure Notices for up to a maximum period of 48 hours and the power to delegate authority to other officers within the authority for the purpose of issuing Closure Notices for up to a maximum period of 48 hours. In the absence of the Chief Executive this authority is delegated to their nominees, these being members of the Senior Management Team [the Corporate Management Team and Group Heads].

2.27 To make consequential amendments to the Officer Scheme of Delegation, to reflect the re-designation of posts and the re-allocation of functions which affect the terms of the Scheme.

2.28 Settlement Agreements

- i. To agree terms for Settlement Agreements up to a cost to the Council of £50,000 in consultation with the Section 151 Officer;
- ii. To agree terms for Settlement Agreements up to a cost of £95,000 in consultation with the Leader of the Council, Leader of the Opposition, and Section 151 Officer;
- iii. To submit a report to Full Council for consideration on settlements of more than £95,000.

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PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS

3.0 DIRECTOR OF SERVICES

The Director of Services is responsible for:

- **Community Wellbeing Group** consisting of:
 - › Activities for the Elderly
 - › Community Safety (including ASB Team)
 - › Foreshores
 - › Leisure & Culture
 - › Safeguarding
 - › Telecare (Lifeline)
 - › Think Family
 - › Wellbeing
 - › Youth Council

- **Neighbourhood Services Group** consisting of:
 - › Car Parking
 - › Cemeteries
 - › Cleansing
 - › Customer Services (including Arun Direct)
 - › Emergency Planning
 - › Green Spaces-

- **Residential Services Group** consisting of:
 - › Benefits
 - › Homelessness
 - › Housing and Housing Revenue Account
 - › Strategy & enabling
 - › Registered Providers & Social Landlords
 - › Revenues

- 3.1 **Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.
- 3.2 **Council Tax and National Non-Domestic Rates** – to write-off irrecoverable amounts up to £5,000 for Council Tax and £10,000 for Non-Domestic Rates, subject to a subsequent report to the Residential and Wellbeing Services Committee of totals written off.
- 3.3 Approve virements of expenditure within budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 3.4 Approve supplementary estimates outside of budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 3.5 Approve the drawing down of funds based on the process and financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 3.6 Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.

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- 3.7 Enter into partnerships and related memoranda of understanding in consultation with the relevant Committee Chairman, with details being retrospectively reported to the relevant Committee at the earliest opportunity.
- 3.8 **Emergency Response** - Incur expenditure for meeting the purposes of S138 of the Local Government Act 1972 in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of the Corporate Policy and Performance Committee.
- 3.9 Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).
- 3.10 Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council's Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.
- 3.11 To institute any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the Council or in respect of which the Council is entitled to possession, in consultation with one of the Council's Solicitors, unless West Sussex County Council are exercising this power in accordance with the terms of any delegation arrangements with the Council.
- 3.12 Take steps to dispose of property abandoned on Council Land under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 12 of the Torts (Interference with Goods) Act 1977.
- 3.13 Where a response from the Disclosure and Barring Service reveals convictions or information relating to a Member, officer or a person that the Council causes to come into contact with children and/or vulnerable adults, to carry out a risk assessment in consultation with the Group Head of Corporate Support.

Review of Decision to seek Absolute Possession of a dwelling house where there has been prescribed Anti-social Behaviour

- 3.14 To carry out a review of the Council's decision to seek possession under the mandatory ground where there has been prescribed anti-social behaviour. In the absence of the Director of Services, this authority is delegated to the Group Head of Residential Services.
- 3.15 In consultation with the Chairman of the Residential and Wellbeing Services Committee and the S151 Officer, to acquire the housing target set with the Housing Revenue Account Business Plan, with updates on spend to be reported to the Corporate Policy and Performance Committee via the Budget Variation Report.
- 3.16 To approve the use of specialist legal advisors in connection with property acquisitions under the HRA Business Plan, in consultation with the S151 Officer.
- 3.17 In consultation with the Chairman of the Residential and Wellbeing Services Committee and the S151 Officer, to authorise the disposal of all HRA assets (land and property), outside of Right to Buy, up to the value to £500,000 and that the sale proceeds be reinvested back into the HRA account on all occasions.

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3.18 In the absence of the Chief Executive, to act as Acting Chief Executive with delegated responsibility for exercising all the powers set out in Part 4, Section 2, paragraph 2.0 of this Constitution.

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PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS**

4.0 DIRECTOR OF PLACE

The Director of Place is responsible for:

- **Economy Group** consisting of:
 - › Business Development
 - › Economic Partnerships [e.g. the Local Economic Partnership (LEP), the Regeneration Board, etc]
 - › Economic Policy & Research
 - › Tourism
 - › Town centres management
- **Planning Group** consisting of:
 - › Development Control
 - › Local Plan & Policy
 - › Strategic Development
 - › Technical Administration Support
- **Technical Services Group** consisting of:
 - › Building Control
 - › Engineering
 - › Environmental Health (incl. Private Sector Housing)
 - › Facilities Management
 - › Land Charges
 - Assets of Community Value Register
 - › Property & Estates
 - › Street Name & Numbering

4.1 Proper Officer Responsibilities

The Director of Place or their nominated officer has the following Proper Officer responsibilities as laid out in the table below:

Local Government Act 1972	Purpose
<ul style="list-style-type: none"> • S. 191 	Ordnance Survey applications
<ul style="list-style-type: none"> • 	
Planning Buildings Conservation Act 1990 – S.2 (Listed and Areas)	Deposit of lists of buildings of special architectural or historic interest

4.2 Deputy Returning Officer – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.

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PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS

- 4.3 Approve virements of expenditure within budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 4.4 Approve supplementary estimates outside of budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 4.5 Approve the drawing down of funds based on the process and financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 4.6 Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 4.7 Enter into partnerships and related memoranda of understanding in consultation with the relevant Committee Chairman, with details being retrospectively reported to the relevant Committee at the earliest opportunity.
- 4.8 **Emergency Response** - Incur expenditure for meeting the purposes of S138 of the Local Government Act 1972 in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of the Corporate Policy and Performance Committee.
- 4.9 Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).
- 4.10 Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council's Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.
- 4.11 To institute any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the Council or in respect of which the Council is entitled to possession, in consultation with one of the Council's Solicitors, unless West Sussex County Council are exercising this power in accordance with the terms of any delegation arrangements with the Council.
- 4.12 Take steps to dispose of property abandoned on Council Land under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 12 of the Torts (Interference with Goods) Act 1977.
- 4.13 Authority to approve the acquisition of commercial properties from the Property Investment Fund up to a maximum value of £750,000 per acquisition in consultation with the Chairman of the Economic Committee and the Section 151 Officer, subject to a viable business case.
- 4.14 In the absence of the Chief Executive, to act as Acting Chief Executive with delegated responsibility for exercising all the powers set out in Part 4, Section 2, paragraph 2.0 of this Constitution.

ASSETS OF COMMUNITY VALUE

- 4.15 Authority be delegated to the Director of Place and Group Head of Technical Services, or their nominated representative, to validate, consider and determine nominations for property/land to be listed as an asset of community value under the Assets of Community Value Policy.

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PART 4 – OFFICER SCHEME OF DELEGATION
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- 4.16 Authority be delegated to the Director of Place and Group Head of Technical Services, or their nominated representative, to determine compensation claims made under the Assets of Community Value Policy.
- 4.17 When a request for a Review is received, the Director of Place and Group Head of Technical Services, or their nominated representative, is authorised to appoint an officer of the Council to carry out the Review and to make the Review decision. Such officer to be of appropriate seniority and an officer who did not take part in making the original decision[Localism Act 2011 Section 92(6)(b)]

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**DRAFT 2021 CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 3 – GROUP HEADS**

**PART 4 - OFFICER SCHEME OF DELEGATION
(SECTION 3 – GROUP HEADS)**

Part 4 is set out in four sections as follows:

Section 1: General Principles

Section 2: Chief Executive and Directors

Section 3: Group Heads

Section 4: Functions

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**DRAFT 2021 CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 3 – GROUP HEADS**

1.0 Subject to being:

- within the overall resources allocated by the Council, and
- in direct support of the Council’s objectives, and
- within approved budget

the following functions are delegated to the following officers by the Chief Executive:

2.1 Group Head of Corporate Support

2.1.1 To act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to:

- Finance (including Audit, Procurement and Payroll),
- Human Resources,
- Legal Services,
- ICT and the Digital agenda

2.1.1 To implement changes to employment legislation concerning termination payments and pensions within Arun District Council’s Pensions Discretions Policy.

2.1.2 Proper Officer Responsibilities

a) The Group Head of Corporate Support has the following Proper Officer responsibilities as laid out in the table below:

Local Government Act 1972	Purpose
•S. 151	Financial administration

b) The Group Head of Corporate Support or their nominated officer has the following further Proper Officer responsibilities as laid out in the table below:

Local Government Act 1972	Purpose
•S. 115(2)	Payment of money due
•S. 146(1)(a)	Securities – statutory declaration
•S. 146(1)(b)	Securities – certificate
•	
•S.s 210(6) and (7)	Charities
•S. 236(9)	Distribution of Byelaws
•S.238	Provide certified copies of Byelaws
•	

2.1.3 **Section 151 Officer** - to carry out all relevant functions and to appoint a Deputy Section 151 Officer.

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- 2.1.4 **Council Tax Base** – approval of the Council Tax Base, in consultation with the Chairman of the Policy and Performance Committee.
- 2.1.5 **National Non-Domestic Rates (NNDR)** – approval of the NNDR, in consultation with the Chairman of the Policy and Performance Committee.
- 2.1.6 **Virements** – approve virements of expenditure within budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of this Constitution.
- 2.1.7 **Settlement Agreements** - to agree terms for the settlement of Settlement Agreements up to a cost to the Council of £25,000, in consultation with the Chief Executive. Settlements of more than £25,000 may be considered by the Chief Executive or the Full Council dependent on their value as confirmed in Part 4 (Officer Scheme of Delegation), Section 2 (Chief Executive and Directors) and Part 3 (Full Council)(of this Constitution.
- 2.1.8 **Sundry Debts** – to write-off irrecoverable amounts up to £2,000 subject to a subsequent report to the Corporate Support Committee of the totals written off.
- 2.1.9 To institute any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the Council or in respect of which the Council is entitled to possession, in consultation with one of the Council’s Solicitors, unless West Sussex County Council are exercising this power in accordance with the terms of any delegation arrangements with the Council.
- 2.1.10 **Senior Information Risk Owner (SIRO)** – to carry out the duties and responsibilities of the SIRO.
- 2.1.11 All lawyers in the employment of the Council have delegated authority to instruct external legal consultants.
- 2.1.12 **Procurement** – to approve the use of the Competitive Dialogue procedure, Innovation Partnership procedure, or Competitive Procedure with Negotiation.
- 2.1.13 **Procurement** – to approve the use of any Framework Agreement or Dynamic Purchasing System not set up by the Council and to sign any required access agreement relating to the same.
- 2.1.14 **Procurement** – to approve the use of price as the only award criteria.

2.2 Group Head of Policy

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- 2.2.1 To act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to the delivery of:
- Corporate Policy,
 - Corporate Performance,
 - Communications//marketing,
 - Scrutiny Support,
 - Electoral Services
 - National Partnerships,
 - Local Partner Liaison,
 - Design,
 - Print,
 - Postal Services
 - Transformation
- 2.2.2 **Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.
- 2.2.3 **Deputy Counting Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.
- 2.2.4 **Deputy Electoral Registration Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.
- 2.2.5 In consultation with the Chief Executive, power to fix the fees payable to canvassers and election staff on the basis of the West Sussex Returning Officers Fee and Charges Schedule.
- 2.2.6 **Procurement** – to approve the use of price as the only award criteria.

2.3 Group Head of Council Advice & Monitoring

- 2.3.1 To act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to:
- Standards,
 - Legal Advice to the Council,
 - Monitoring Officer,
 - Information Management and Support (including data protection, freedom of information, customers of concern and official complaints)
 - Committee Services

2.3.2 Proper Officer Responsibilities

a) The Group Head of Council Advice & Monitoring has the following Proper Officer Responsibility as laid out in the table below:

Local Government & Housing Act 1989	
• S. 5	Monitoring Officer

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b) The Group Head of Council Advice & Monitoring or their nominated officer has the following further Proper Officer responsibilities as laid out in the table below:

Local Government Act 1972	Purpose
• S.229(5)	Certification of photocopies (other than accounts)
Local Government Act 2000	
• S.s 49 to 81 (insofar as the same are still in force)	Conduct of Members
•	

2.3.3 **Monitoring Officer** - to carry out all relevant functions and to appoint a Deputy Monitoring Officer(s).

2.3.4 **Corporate Complaints Procedure** – to award compensation up to £5000 where appropriate, in the event that an investigation finds in the complainant’s favour (the Chief Executive also has this power).

2.3.5 To make any necessary consequential changes to the Constitution as a result of any legislation referred to in the Constitution that is modified or re-enacted.

2.3.6 Where Full Council makes express changes to the Constitution, authority to make those changes and further changes that are consequential to the express changes that Full Council has agreed.

2.3.7 **Data Protection Officer (DPO)** – to carry out the duties and responsibilities of the DPO and to appoint a Deputy Data Protection Officer to carry out functions as directed.

2.3.8 **Procurement** – to approve the use of price as the only award criteria.

2.0 Subject to being:

- within the overall resources allocated by the Council, and
- in direct support of the Council’s objectives, and
- within approved budget

the following functions are delegated to the following officers by the Director (Place):

3.1 Group Head of Planning

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3.1.1 Subject to the exceptions set out at paragraph 3.1.2 and 3.1.3 below, to act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Development Control
- Local Plan and Policy
- Strategic Development
- Technical Administration Support

3.1.2 To determine all planning applications except where the matters are reserved to the Development Control committee. Where the following exceptions apply, the application or matter will be determined by the Development Control Committee:

- i Any Major or minor application for planning permission which prior to its determination is subject to a written representation from the Parish Council, Town Council or formal Parish Meeting that the application site is within or one that immediately adjoins the application site, which is in conflict with the recommendation of Officers
- ii Any application for Full or Outline planning permission by or on behalf of the Council
- iii Any Major or Minor application as defined by the Ministry of Housing, Communities & Local Government which would be recommended for approval and would create a new access or egress via the A27, A29, A284, A259 and A280
- iv Any household application recommended for approval where the ward member has submitted a written request to the Chairman and/or Vice Chairman of the Development Control Committee before the end of the statutory consultation period shall be referred to the Development Control Committee where it is on sound planning grounds.

3.1.3 Where an application is received from a Member or officer, such application is to be determined in consultation with the Chairman of the Development Control Committee.

3.1.4 **Procurement** – to approve the use of price as the only award criteria.

3.2 Group Head of Technical Services

3.2.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Street Naming and Numbering,
- Land Charges (including Assets of Community Value),
- Engineering,
- Property & Estates,

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- Facilities Management,
 - Environmental Health (including Private Sector Housing)
 - Building Control.
- 3.2.2 To agree terms to the sale or purchase of any land, buildings or rights in land which are or will be under the control of the Council, subject to the approval of the Economic Committee in accordance with Part 3 of this Constitution and in consultation with the S151 Officer.
- 3.2.3 To agree terms for the acquisition and disposal of land (including any buildings and structures thereon) or any interest therein up to a value of £250,000 in each case subject to prior consultation with the relevant Committee Chairman and the S151 Officer.
- 3.2.4 With the Group Head of Residential Services, the authority to agree purchases of former council homes, private homes and new homes, in consultation with the Chairman of the Residential and Wellbeing Services and Economic Committees, and the S151 Officer.
- 3.2.5 To agree terms to let, lease or license land or building or any interest in land or buildings which are or will be under the control of the Council where the rent does not exceed £100,000 per annum (exclusive of rates) and the term of letting, leasing or licensing does not exceed 25 years subject to prior consultation with the Group Head with the responsibility for the current use and intended use of the property and the S151 Officer.
- 3.2.6 To accept surrenders or variations of leases and tenancies of land or buildings or any rights, including the release of covenants, where such would not be detrimental to the Council's interest and where the capital value or the rent per annum does not exceed £50,000 subject to prior consultation with the Group Head with responsibility for the current use and intended use of the property and the S151 Officer.
- 3.2.7 In respect of paragraphs 3.2.2 to 3.2.6 above, to negotiate any of the matters therein referred to.
- 3.2.8 To agree terms for the grant or benefit of easements and other rights in respect of land including party wall matters affecting the Council as land owner or to agree to a request from a lessee for a licence to assign or sub-let where the value does not exceed £100,000 per annum and subject to prior consultation with the Group Head with responsibility for the current use and intended use of the property and the S151 Officer.
- 3.2.9 To authorise the taking of action, including legal proceedings, for possession and forfeiture in cases of non-payment of rent or other breaches of the terms of leases or licences where the rent of such lease or licence does not exceed £50,000 per annum.

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3.2.10 To appoint a Proper Officer for the following purposes:

- The Health Protection (Notification) Regulations 2010 regulations 2, 3, 6 and the Public Health (Control of Disease) Act 1984 section 48.

3.2.11 **Procurement** – to approve the use of price as the only award criteria.

3.3 Group Head of Economy

3.3.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Economic Policy and Research,
- Town centres management,
- Business Development,
- Economic Partnerships
- Tourism

3.3.2 **Procurement** – to approve the use of price as the only award criteria.

3.0 Subject to being:

- within the overall resources allocated by the Council, and
- in direct support of the Council's objectives, and
- within approved budget

the following functions are delegated to the following officers by the Director (Services):

4.1 Group Head of Community Wellbeing

4.1.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to

- Leisure and Culture,
- Foreshores,
- Wellbeing,
- Safeguarding,
- Activities for the Elderly,
- Think Family,
- Telecare (Lifeline)
- Community Safety (incl. Anti-social behaviour team)
- Youth Council

4.1.2 To appoint local Business Wardens that are accredited with the Community Safety Scheme as authorised persons for the purposes of Section 63(1) of the Antisocial Behaviour Crime and Policing Act 2014.

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4.1.3 **Procurement** – to approve the use of price as the only award criteria.

4.2 Group Head of Residential Services

4.2.1 To act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to:

- Strategy and Enabling,
- Registered Providers and Social Landlords,
- Homelessness
- Housing and Housing Revenue Account
- Revenues
- Benefits

4.2.2 **Current tenant arrears** – to consider cases for write-off up to the value of £10,000 where the current tenant arrears have accrued up to the point of bankruptcy being declared or arrears covered by an Administration Order.

4.2.3 **Write-offs of former tenant arrears, rent arrears and other debts** – the following table shows who has the delegated authority to write-off former tenant arrears, rent arrears and other debts:

• Items up to £5,000	Neighbourhood Services Manager
• Items £5,001 to £10,000	Group Head of Residential Services in consultation with the S151 Officer
•	
•	

4.2.4 **Review of Decision to seek Absolute Possession of a dwelling house where there has been prescribed Anti-social Behaviour** - In the absence of the Director of Services, to carry out a review of the Council’s decision to seek possession under the mandatory ground where there has been prescribed anti-social behaviour.

4.2.5 With the Group Head of Technical Services, the authority to agree purchases of former council homes, private homes and new homes, in consultation with the Chairman of the Residential and Wellbeing Services and Economic Committees, and the S151 Officer.

4.2.6 In consultation with the S151 Officer, to make pro-rata contributions towards the capital cost of footway lighting schemes prepared by Parish Councils for Council estates where it can be demonstrated that the

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scheme would be in the Council's interest as landlord, based on the number of properties owned.

- 4.2.7 In consultation with the Chairman of the Residential and Wellbeing Services Committee, to approve terms for leasing of privately owned property to let to households accepted as homeless and in priority need.
- 4.2.8 **Council Tax and National Non-Domestic Rates**– to write-off irrecoverable amounts up to £5,000 for Council Tax and £10,000 for Non-Domestic Rates subject to a subsequent report to the Residential and Wellbeing Services Committee of totals written off.
- 4.2.9 To issue written warnings prior to issuing Community Protection Notices and Fixed Penalty Notices under the Antisocial Behaviour Crime and Policing Act 2014.
- 4.2.10 **Procurement** – to approve the use of price as the only award criteria.

4.3 Group Head of Neighbourhood Services

- 4.3.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:
- Car Parking
 - Green Spaces (including landscape, architecture, multi-skilled team, tree gang, planning advice and tree preservation orders)
 - Cleansing
 - Cemeteries
 - Emergency Planning
 - Customer Services (including Arun Direct)
- 4.3.2 Authority to approve and amend conditions and recycling credit levels where there is no significant cost to the Council, in consultation with the Chairman of the Environment and Neighbourhood Services Committee and the Group Head of Corporate Support.
- 4.3.3 Authority to approve and amend conditions and recycling credit levels where there is no significant cost to the Council, in consultation with the Chairman of the Environment and Neighbourhood Services Committee.
- 4.3.4 To issue written warnings prior to issuing Community Protection Notices and Fixed Penalty Notices under the Antisocial Behaviour Crime and Policing Act 2014.
- 4.3.5 **Procurement** – to approve the use of price as the only award criteria.

**DRAFT 2021 CONSTITUTION
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 4 – FUNCTIONS**

**PART 4 - OFFICER SCHEME OF DELEGATION
(SECTION 4 - FUNCTIONS)**

Part 4 is set out in four sections as follows:

Section 1: General Principles

Section 2: Chief Executive and Directors

Section 3: Group Heads

Section 4: Functions

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SECTION 4 - FUNCTIONS

1.0 LICENSING SCHEME OF DELEGATION

Pursuant to paragraphs 5.3 (Licensing Committee) and 6.1 (Licensing Sub-Committee) set out in Part 3 of the Constitution:

- 1.1 Subject to Paragraph 1.3 below, an authorised officer may determine all applications, renewals, variations, transfers and other matters in respect of any licenses, permissions, registrations and approvals under, and so far as is required or permitted by any legislation, policy or Officer Scheme of Delegation of the Council.
- 1.2 The legislation referred to above shall include, but not exhaustively:
- The Licensing Act 2003
 - The Gambling Act 2005
 - The Scrap Metal Dealers Act 2013
- 1.3 Where:
- the Council receives any objection, adverse representation or information concerning any of the above mentioned matters, and
 - such objection, representation or other matter cannot be resolved in such a way as is permitted by law, Council policy or the Officer Scheme of Delegation
- the matter will be referred to the Licensing Sub-Committee for determination.
- 1.4 An authorised officer may refuse to renew, or may suspend, revoke or take any other such action against any license, permission, registration or approval as permitted by law or such Council policy as is consistent with law.
- 1.5 Without prejudice to the generality of the afore-going provision, an authorised officer may refuse to renew, suspend or revoke a Hackney Carriage or Private Hire Vehicle Driver's License, save that the determination of any such action will be referred to the Licensing Sub-Committee where:
- that action is likely to present a departure from any Hackney Carriage or Private Hire Vehicle Licensing Policy adopted by the Council, or
 - the officer deems it proper to do so for any other reason.

**DRAFT 2021 CONSTITUTION
PART 5 – MEETING PROCEDURE RULES
SECTION 1 – COUNCIL PROCEDURE RULES**

**PART 5 – MEETING PROCEDURE RULES
(SECTION 1 – COUNCIL PROCEDURE RULES)**

Part 5 is set out in five sections as follows:

SECTION 1 – Council Procedure Rules

SECTION 2 – Committee Procedure Rules

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PART 5 – RULES OF PROCEDURE (MEETINGS)
SECTION 1 – COUNCIL PROCEDURE RULES

1. SCOPE

These rules apply to meetings of the Council.

2. ANNUAL MEETING OF THE COUNCIL

2.1 Timing and Business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will be held in April or May.

The annual meeting will:

- (i) appoint a person to preside if the Chairman of the Council is not present;
- (ii) appoint the Chairman of the Council in accordance with Part 3 of this Constitution;
- (iii) appoint the Vice-Chairman of the Council in accordance with Part 3 of this Constitution;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from Members in accordance with the Members' Code of Conduct;
- (vi) receive any announcements from the Chairman;
- (vii) consider any business not otherwise specified in the Council summons which, in the opinion of the Chairman of the Council, in consultation with the Chief Executive, is business of such urgency as to require immediate attention by the Council;
- (viii) appoint the Leader and Deputy Leader of the Council in accordance with Article 6;
- (ix) appoint members to the Service Committees, Regulatory Committees, other Sub-Committees, Working Parties and Panels;
- (x) appoint the Chairman and Vice-Chairman of all Service Committees, Regulatory Committees, Sub-Committees, Working Parties and Panels;
- (xi) approve the list of Members to be appointed to outside bodies, as submitted by the Leader of the Council;
- (xii) appoint the substantive and Councillor directors of the Council owned property company; and
- (xiii) consider any other business set out in the notice convening the meeting in the order which it appears in the Council summons, however that order may be varied at the discretion of the Chairman or by resolution of the Council.

3. ORDINARY MEETINGS OF THE COUNCIL

3.1 Timing and Business

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Ordinary meetings of the Council will take place in accordance with the annual calendar of meetings. Ordinary meetings will:

- (i) appoint a person to preside if the Chairman or Vice-Chairman are not present;
- (ii) receive any declarations of interest from Members in accordance with the Members' Code of Conduct;
- (iii) receive questions from members of the public;
- (iv) receive questions from Members with prejudicial interests in accordance with Council Procedure Rule 13;
- (v) consider and debate petitions received in accordance with the Petition's Scheme at Part 8 of this Constitution;
- (vi) approve the minutes of the last meeting;
- (vii) receive any announcements from the Chairman;
- (viii) consider any business not otherwise specified in the Council summons which, in the opinion of the Chairman of the Council, in consultation with the Chief Executive, is business of such urgency as to require immediate attention by the Council;
- (ix) receive reports from Service Committees, Regulatory Committees, Working Parties **of the Full Council** and Panels; and consider any recommendations contained therein;
- (x) consider motions;
- (xi) consider general questions from Members in accordance with Council Procedure Rule 14;
- (xii) receive and consider reports from officers of the Council; and
- (xiii) consider any other business set out in the notice convening the meeting in the order in which it appears in the Council summons, however that order may be varied at the discretion of the Chairman or by resolution of the Council.

4. SPECIAL MEETINGS OF THE COUNCIL

4.1 Calling Special Meetings

Special meetings of the Council may be called by the Chief Executive, in consultation with the Chairman of the Council and Political Group Leaders.

4.2 Business at Special Meetings

Special meetings will:

- (i) appoint a person to preside if the Chairman or Vice-Chairman are not present:

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- (ii) receive any declarations of interest from Members in accordance with the Members' Code of Conduct;
- (iii) receive questions from members of the public;
- (iv) receive questions from Members with prejudicial interests in accordance with Rule 13;
- (v) approve the minutes of the last meeting;
- (vi) receive any announcements from the Chairman;
- (vii) consider any business not otherwise specified in the Council summons which, in the opinion of the Chairman of the Council, in consultation with the Chief Executive, is business of such urgency as to require immediate attention by the Council;
- (viii) consider motions; and
- (ix) consider any other business set out in the notice convening the meeting in the order which it appears in the Council summons, however that order may be varied at the discretion of the Chairman or by resolution of the Council.

4.3 Procedure for Debates at Special Meetings

Where the meeting has been called to debate a specific topic or issue, the following procedure will apply:

- (i) Introduction by the Chairman
- (ii) Presentation by invited speaker(s) and/or officers
- (iii) Questions to be responded to by invited speaker(s) and/or officers from:
 - a. Members and
 - b. any other persons permitted by the Chairman
- (iv) Statements may then be made by:
 - a. Members and
 - b. any other persons permitted by the Chairman
- (v) Debate upon any motions received in accordance with Council Procedure Rule 17 or based on a recommendation from an officer
- (vi) Chairman to conclude the debate

The procedure may be varied by a resolution of the Council.

4.4 Special Meetings to Confer the Title of Honorary Alderman

A Special Meeting of the Council may be called by the Chief Executive, in consultation with the Chairman of the Council and Political Group Leaders, to consider conferring the title of Honorary Alderman on a former Councillor who meets the Council's agreed protocol.

At such meetings, the business to be followed will be:

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- (i) appoint a person to preside if the Chairman or Vice-Chairman are not present;
- (ii) receive any declarations of interest from Members in accordance with the Members' Code of Conduct; and
- (iii) consider conferment of the title of Honorary Alderman.

As required by Section 249 of the Local Government Act 1972, no other business shall be conducted at such a meeting.

5. EXTRAORDINARY MEETINGS

5.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call an extraordinary Council meeting:

- (i) The Full Council by resolution;
- (ii) the Chairman of the Council;
- (iii) the Monitoring Officer; and
- (iv) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and they have refused to call a meeting or have failed to call a meeting within seven days of the presentation of the requisition.

5.2 Business at Extraordinary Meetings

The summons to an extraordinary meeting of the Council shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

6. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

7. NOTICE OF AND SUMMONS TO MEETING

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules at Part 6 of this Constitution. At least five clear days before a meeting, the Chief Executive will send a summons to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

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PART 5 – RULES OF PROCEDURE (MEETINGS)
SECTION 1 – COUNCIL PROCEDURE RULES**

8. CANCELLATION, POSTPONEMENT OR ADJOURNMENT OF MEETINGS

The decision to cancel, postpone or adjourn any meeting of the Council shall be made by the Chairman, in consultation with the Chief Executive or their representative.

9. CHAIRMAN OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chairman.

10. QUORUM

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting, if the Chairman counts the number of Members present and declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the Council.

11. DURATION OF MEETING

11.1 Each unfinished meeting will adjourn at 10.30pm unless a majority of Councillors present vote to extend the meeting to 11pm at which time the meeting will stand adjourned.

11.2 The time and date of the continuation of the adjourned meeting will be decided by a majority of those Councillors present, or if no decision is reached, by the Chief Executive in consultation with the Chairman and Group Leaders, and where it is urgent and cannot wait until the next scheduled meeting it should normally take place within 10 working days of the meeting.

12. QUESTIONS BY MEMBERS OF THE PUBLIC

12.1 Submitting Questions

Members of the public may ask questions of the Chairmen of Committees, or the Vice-Chairmen in their absence, at meetings of the Council, subject to written notice of the question being submitted to the Monitoring Officer 5 working days prior to the meeting.

- a) All questions:
- must confirm to whom the question is addressed;
 - must be relevant to matters for which the Council has powers or duties;
 - should be limited to obtaining information or pressing for action; and
 - must not exceed one minute in duration.

b) Questions may be rejected by the Chief Executive/Chairman if they:

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- are not relevant to matters for which the Council has responsibility or which affect the District; or
- may be defamatory, frivolous or offensive; or
- are substantially the same as a question put at a meeting in the past six months; or
- would divulge, or require to be divulged, confidential or exempt information.

12.2 Time Limit for Questions

The time limit for questions by the public will be 15 minutes, although the Chairman has discretion to extend this period.

12.3 Asking Questions at the Meeting

The Chairman will invite questioners to put their questions in the order in which they are received. The questioner may ask only one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

The Chairman will have discretion to:

- a) group together similar questions to be put to the relevant Committee Chairman; and
- b) respond to the questioner where the same or similar question has been asked before and explain a written answer will be sent to them.

Where the questioner is unable to be present, the Chairman has discretion to:

- ask the Monitoring Officer to ask the question on their behalf;
- explain that a written reply will be given to the questioner; or
- decide that the question will not be dealt with.

Any question which cannot be dealt with during the period allowed for public question time will be responded to by written answer.

12.4 Supplementary Questions

If time permits, a questioner who has put a question in person may ask one supplementary question without notice to the **Member** who replied to their original question. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration.

12.5 Responses

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Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information. Where a reply cannot be given at the meeting, a written answer will be provided with 10 working days of the meeting and published to the Council's website.

12.6 Records of Questions

A schedule of questions and answers will be maintained and published to the Council's website within 10 working days of the meeting. The minutes of the meeting will record a summary of the questions and answers.

13. QUESTIONS BY MEMBERS WITH PREJUDICIAL INTERESTS

In line with the Members' Code of Conduct at Part 8 of this Constitution, a Member with a prejudicial interest may ask a question of the Chairman of a Committee at meetings of the Council as long as this is submitted and asked under the same rules that apply to the public, as set out in Council Procedure Rule 12.

14. QUESTIONS/STATEMENTS BY MEMBERS

14.1 Oral Questions on Reports of Committees, Sub-Committees, Working Parties and Panels

A Member of the Council may ask the Chairman of a Committee, Sub-Committee, Working Party or Panel any question, without notice, under an item of report of a Committee, Sub-Committee, Working Party or Panel when that item is being received or under consideration by the Council.

Each question shall be put and answered without discussion. The Member will have the right to ask a supplementary question which must arise directly out of the original question or the reply. A written answer will be provided if requested by the Member.

14.2 Statements by Members on Reports to Committees, Sub-Committees, Working Parties and Panels

A Member of the Council may make a statement, without notice, under an item of report of a Committee, Sub-Committee, Working Party or Panel when that item is being received or under consideration by the Council. The Chairman of the relevant Committee, Sub-Committee, Working Party or Panel will have the right of reply. No statement or reply shall exceed 5 minutes in duration, except at the discretion of the Chairman.

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In the case of statement made by the Chairman of a Committee, Sub-Committee, Working Party or Panel, at the discretion of the Chairman, a debate may ensue.

14.3 General Questions

Thirty minutes will be allocated at each ordinary meeting of the Council for general questions by Members. The Chairman has discretion to extend the time allowed to sixty minutes if there is a need.

A Member of the Council may ask the Chairman of any Committee, Sub-Committee, Working Party or Panel a question, in writing, on any matter in relation to which the Council has powers or duties or which affects the District.

A Member may only ask a question under this Council Procedure Rule if, either:

- (a) they have given notice in writing of the question to the Monitoring Officer by 12 noon two days before the date of the meeting; or
- (b) where a question relates to a matter of urgency, a Member must seek the agreement of the Chairman of the Council that they are prepared to accept the question. If agreement is forthcoming, the content of the question must be given in writing to the Monitoring Officer not later than 11am on the day of the meeting.

Questions will be considered in the order they have been received. A Member may ask one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

Each question will be put and answered without discussion. The question and the written reply by the Member concerned shall be made available to Members of the Council and to the public at the meeting.

The Member will have the right to ask a supplementary question against each question put which must arise directly out of the original question or the reply. This may be responded to by the relevant Member.

Where a reply cannot be given at the meeting to a question put, a written answer will be provided within 10 working days to the Member and any other Members who request it.

15. NOTICES OF MOTION

15.1 Notice

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Except for motions which can be moved without notice under Rule 16, written notice of every motion, signed by the Member(s) moving and seconding it, must be delivered to the Chief Executive at least eight clear days prior to the meeting. Clear days means days on which the Council offices are open for business and excludes both the day on which the motion is received and the day of the meeting at which the motion is to be presented.

Once received by the Chief Executive, notices of motion will be dated, numbered in the order in which they were received and published to the Council's website in the agenda for the meeting or in an addendum to the agenda.

15.2 Motions set out in agenda

The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the Member giving such notice intimated in writing when giving it, that they proposed to move it at some later meeting, or subsequently had withdrawn it in writing.

If notice is given of a motion which, in the opinion of the Chief Executive is out of order, illegal, irregular or inappropriate, they shall submit it to the Chairman, and shall not insert it in the summons without their agreement. In the event of the motion being considered unacceptable, the Chief Executive shall so inform the Member(s) giving the notice and their ruling on this matter will be final.

If notice is given of a motion for a particular meeting and in the opinion of the Chief Executive the agenda for that meeting is already full, or the agenda for the meeting is subject specific and the motion received is not in his view urgent or related to that specific business, the Chief Executive shall submit it to the Chairman and shall not insert it in the summons without the Chairman's agreement. The Chairman's ruling on this matter will be final.

In the event of the Chairman deciding that the motion shall not be inserted in the summons for which it was submitted, the Chief Executive shall so inform the Member(s) who submitted the motion on notice of the date of the meeting to which their motion will be presented. For the avoidance of doubt any decision under this paragraph and the previous paragraph shall be made by the Chairman and their ruling will be final.

15.3 Scope

Every Motion shall be relevant to some matter of major significance in relation to which the Council has powers or duties or which affects the District.

15.4 Failure to Move

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If a motion set out in the summons is not moved either by the Member who gave notice or by some other Member on their behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

15.5 How motions will be dealt with

Upon a motion being moved and seconded:

(a) **Motions to be considered by Council**

If the subject of the motion is a matter that is in the province of the Council, is an urgent matter, or it relates to a district wide issue or multi-ward matter, it shall be dealt with by Council at that Full Council meeting.

b) **Motions to be referred to a Committee**

If the subject of the motion comes within the province of a Service or Regulatory Committee, it shall stand deferred without discussion to:

- the relevant Committee; or
- to such other Committee, Sub-Committee or Working Party as the Council may determine for consideration and report. In the case of doubt, the Corporate Policy and Performance Committee shall consider the motion.

16. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- a) to appoint a Chairman of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- f) to receive reports or adopt recommendations of Committees, Working Parties, Panels , or officers and any subsequent motions and amendments arising;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) to suspend a particular Council Procedure Rule;

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- n) to amend the procedure for debate at Special Council meetings as set out in Council Procedure Rule 4;
- o) to exclude the public and press in accordance with the Access to Information Rules set out in Part 6 of this Constitution;
- p) to not hear further a Member named under Council Procedure Rule 25; and
- q) to give the consent of the Council where its consent is required by this Constitution.

17. RULES OF DEBATE

17.1 Standing to Speak

When a Member, officer or guest speaks at Full Council, where they are able they must stand and address the meeting through the Chairman, unless alternative arrangements have been agreed with the Chairman. If more than one person stands, the Chairman will ask one person to speak and the other must sit. Other Members must remain seated whilst another person is speaking unless they wish to make a point of order or a point of personal explanation.

17.2 Chairman Calling Order

When the Chairman raises their hand during a debate any Members, officers or guests speaking at the time must stop and sit down. This meeting must be silent.

17.3 Right to Require Motion in Writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to them before it is discussed.

17.4 Secunder's Speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

17.5 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes in length without the consent of the Chairman.

This Rule shall not apply when:

- (i) the relevant Committee Chairman is presenting the annual budget statement and statutory and non-statutory plans to the Council; or

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- (ii) the mover of a motion or amendment is making their speech which shall not exceed 10 minutes.

17.6 When a Member May Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another Member;
- b) to move a further amendment if the motion has been amended since they last spoke;
- c) if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- d) on a point of order; and
- e) by way of personal explanation.

17.7 Amendments to Motions

- a) An amendment to a motion must be relevant to a motion and will either be:-
 - i. to refer a subject of debate to the relevant Committee for consideration or reconsideration where Council Procedure Rule 19 (Previous Decisions and Motions) does not apply;
 - ii. to leave out words;
 - iii. to leave out words and insert or add others; or
 - iv. to insert or add words.

as long as such omission, insertion or addition of words does not have the effect of negating the motion or recommendation before the Council.

- b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- c) If an amendment is not carried, other amendments to the original motion may be moved.
- d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- e) Any amendment, made without notice, which involves a variation in approved expenditure for which no financial report is available shall, at the discretion of the Chairman, in consultation with the Chief Executive, stand referred to the Corporate Policy and Performance Committee for consideration.

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17.8 Alteration of Motion

- a) A Member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b) A Member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c) Only alterations which could be made as an amendment may be made.

17.9 Withdrawal of Motion

A Member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

17.10 Right of Reply

- a) The relevant Committee Chairman has a right of reply at the end of the debate in respect of a matter referred to the Council by a Committee.
- b) The relevant Sub-Committee, Working Party or Panel Chairman has a right of reply at the end of the debate in respect of a matter referred to the Council by a Sub-Committee, Working Party or Panel.
- c) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- d) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- e) The mover of the amendment has no right of reply to the debate on their amendment.

17.11 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a) to withdraw a motion;
- b) to amend a motion;
- c) to proceed to the next business;
- d) that the question be now put;
- e) to adjourn a debate;
- f) to adjourn a meeting;

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- g) to exclude the public and press in accordance with the Access to Information Rules set out in Part 6 of this Constitution; and
- h) to not hear further a Member named or to exclude them from the meeting under Council Procedure Rule 25.

17.12 Closure Motions

- a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - i. to proceed to the next business;
 - ii. that the question be now put;
 - iii. to adjourn a debate; or
 - iv. to adjourn a meeting.

- b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

- c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed, the Chairman will give:
 - i. the seconder the right to speak (if they reserved their right earlier);
 - ii. the relevant Committee Chairman the right of reply; and
 - iii. the mover of the original motion the right of reply before putting their motion to the vote.

- d) If a motion to adjourn the debate is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

- e) If a motion to adjourn the meeting is seconded and the Chairman thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion they shall put the adjournment motion to the vote without giving the mover to any motion under discussion their right of reply. If the motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Council.

17.13 Point of Order

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A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the Rule or law and the way in which they consider it has been broken. The Chairman may allow a reasonable time for the Member to identify the relevant Rule or point of law. The ruling of the Chairman on the matter will be final.

17.14 Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by a Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

18. REFERRAL AND RECOVERY

18.1 Referral

- (i) Referral should only be used where Members of the Council, after due deliberation, consider that it is in the interests of the community of the district that a pending decision should be made at a meeting of the Full Council rather than by a Committee or Sub-Committee.
- (ii) If, during the referral period, referral of a pending decision is requested by any twenty eight (28) Members of the Council then, notwithstanding anything in Part 3 (Responsibility for Functions) of this Constitution, no Committee or Sub-Committee may exercise any delegated authority to make that decision, but may instead make a recommendation to a meeting of the Full Council.
- (iii) In this rule “pending decision” means any decision that would otherwise be taken by a Committee or Sub-Committee of the Council except:
 - a. a decision to make a recommendation to a meeting of the Full Council or to any Committee or Sub-Committee of the Council (including a Joint Committee);
 - b. a decision relating to the determining of any approval, consent, licence, permission or registration; and
 - c. a decision in respect of which the Chief Executive, following consultation with the Leader of the Council, has, before the decision is referred, certified that any delay likely to be caused by the referral process would seriously prejudice the Council’s or the public interest.
- (iv) In this rule “referral period” means in relation to a pending decision, the period commencing with the publication on the Council’s website of the Committee or Sub-Committee agenda at which it would be considered and ending at 4pm on the day before the meeting.

18.2 Recovery

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- (i) Recovery should only be used where Members of the Council, after due deliberation, consider that a recoverable decision is not in the interests of the community of the district and ought to be reconsidered.
- (ii) During the recovery period, the Chief Executive shall recover a decision for consideration at a meeting of the Council if so requested by any twenty eight (28) members of the Council. They shall arrange for the decision to be placed on the agenda of the next available meeting of the Council.
- (iii) Notwithstanding anything in Part 3 (Responsibility for Functions) of this Constitution or elsewhere in this Constitution:
 - a. a recoverable decision may not be implemented during the recovery period; and
 - b. a decision that has been recovered under this Council Procedure Rule will be treated for all purposes as though the decision has been a recommendation to a meeting of the Full Council to take that decision.
- (iv) In this rule, the “next available” meeting means the first meeting falling more than ten working days after the Chief Executive receives the request for recovery, unless it is practicable to include the decision as an agenda item at an earlier meeting, in which case it means the earlier meeting.
- (v) In this rule “recoverable decision” means any decision taken by a Committee or Sub-Committee of the Council except:
 - a. a decision to make a recommendation to a meeting of the Full Council or to any Committee or Sub-Committee of the Council (including a Joint Committee);
 - b. a decision relating to the determining of any approval, consent, licence, permission or registration;
 - c. a decision relating to conduct or procedure at the meeting at which it was taken: and
 - d. a decision in respect of which the Chief Executive, following consultation with the Leader of the Council, has, before the decision is recovered, certified that any delay likely to be caused by the recovery process would seriously prejudice the Council’s or the public interest.
- (v) In this rule “recovery period” means, in relation to a decision, the period of six working days commencing with the day when the draft minutes of the meeting are posted on the Council’s website. This means that if the minutes were posted on a Monday, the request for recovery would need to be made no later than 4.30pm the Tuesday of the following week, unless there was a Bank Holiday in between.

19. PREVIOUS DECISIONS AND MOTIONS

19.1 Motion to Rescind a Previous Decision

With the exception of the Recovery arrangements at Council Procedure Rule 18.2, a motion or amendment to rescind a decision made at a meeting of the

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Council within the previous six months cannot be moved unless a notice of motion is submitted in accordance with Council Procedure Rule 15 and signed by at least 14 Members of the Council.

19.2 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the previous 6 months cannot be moved within a further period of 6 months.

20. VOTING

20.1 Voting on Motions/Recommendations in Part

Whilst it shall be normal practice to vote on a motion or recommendation in its entirety, the Chairman may use their discretion to allow a vote to be taken on each constituent part separately if a request is received from a Member.

20.2 Majority

All matters will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

20.3 Chairman's Casting Vote

If there are equal numbers of votes for and against, the Chairman shall have a second or casting vote.

20.4 Show of Hands

Unless a recorded vote is demanded by legislation or a Member requests a recorded vote, the Chairman will take the vote by a show of hands.

20.5 Recorded Vote

A Member may ask for the vote on a particular matter to be recorded before the vote is taken. The names for and against the motion or amendment or those who abstained from voting will be taken down and entered into the minutes. Such a request will be allowed unless the Chairman considers the request frivolous or vexatious.

20.6 Recorded Vote at Council Budget Setting Meetings

At the Budget meeting(s) each year, voting on any motion or amendment relating to the Budget or setting of the Council Tax will be recorded to show whether each

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Member present voted for or against the motion or amendment or abstained from voting, and entered into the minutes.

20.7 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

20.8 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

20.9 Voting on Appointing the Chairman and Vice-Chairman of the Council

The vote to appoint the Chairman and Vice-Chairman of the Council shall be by ballot.

21. MINUTES

21.1 Signing the Minutes

The Chairman will sign the minutes of the proceedings at the next meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

21.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purpose of paragraphs 41 (1) and (2) of Schedule 12 relating to the signing of minutes.

21.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

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21.4 Minutes included in the Council Agenda

Once the Council agenda has been circulated, any minutes produced after this date will be presented to the next meeting of the Council, with the exception of matters which have been considered by Service and Regulatory Committees, Sub-Committees, or Working Parties and Panels that are considered urgent and cannot wait until the next meeting of the Council.

22. RECORD OF ATTENDANCE

All Members present during any official Council meeting shall sign their name in the Attendance Book before the conclusion of the meeting. The Committee Manager will also record attendance in the minutes of the meeting.

23. EXCLUSION OF THE PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 6 of this Constitution or Council Procedure Rule 26.

24 PHOTOGRAPHY, BROADCASTING AND RECORDING OF MEETINGS

The Council supports the principles of openness and transparency in its decision making and allows recording, filming and broadcasting at its meetings that are open to the public. These arrangements will operate in accordance with the Council's Protocol on Filming and Recording of Council Meetings set out in Part 8 of this Constitution.

25 MEMBERS CONDUCT

25.1 General Disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they think necessary. The Chairman's decision is final.

25.2 A Member shall comply with the adopted Members' Code of Conduct set out in Part 8 of this Constitution. Further to the Code of Conduct, a Member must withdraw from a meeting room during the consideration of any item of business in which they have a disclosable pecuniary interest.

25.3 Member not to be heard further

If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

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25.4 Member to leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

26. DISTURBANCE BY THE PUBLIC

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they think necessary. The Chairman's decision is final.

26.1 Removal of Member of the Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman may adjourn the meeting for as long as they think necessary and will order their removal from the meeting room. The Chairman's decision is final.

26.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The Chairman may adjourn the meeting for as long as they think necessary while the room is cleared. The Chairman's decision is final.

27 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

27.1 Suspension

All of these Council Procedure Rules except Rules 20.3 (Chairman's Casting Vote) 20.6 (Recorded Vote at Council Budget Setting Meetings) and 21 (Minutes) may be suspended by motion on notice, or without notice, if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

27.2 Amendment

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

28. MEMBERSHIP OF COMMITTEES AND SUB-COMMITTEES

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28.1 Allocation of Seats

In accordance with the provisions of the Local Government and Housing Act 1989 or any regulations made thereunder, the Chief Executive shall **calculate** ~~determine~~ the number of seats to be allocated to each Political Group on Committees and Sub-Committees. A schedule confirming this allocation of seats will be reported to each Annual Council Meeting and retained by the Monitoring Officer.

The Leader of each Political Group shall at least 14 days before the Annual Council Meeting (or as soon as practicable in an election year) supply a list of their Group's membership of each Committee and Sub-Committee. Appointments will then be confirmed by the Annual Council Meeting.

28.2 Changes to Memberships

If at any time following an election there is a change to the number of Members in each Political Group, the Chief Executive shall review the allocation of seats and inform the Leader of each Political Group of any changes required.

Permanent changes in the membership of Committees and Sub-Committees must be notified by the relevant Group Leader or their deputy, in writing, to the Monitoring Officer at least 24 hours before the relevant meeting. Such changes will take immediate effect and then be reported to the next Full Council meeting for information.

28.3 Changes to Membership from a Vacancy on the Council

Where a vacancy occurs on the Council during the four-year term of office, that seat shall not be filled by a substitute Member until an election has been held for the vacancy and any changes to the allocation of seats have been agreed.

Once the allocation of seats has been reviewed by the Chief Executive, any changes to memberships notified by the relevant Group Leader will take immediate effect and will then be reported to the next Full Council meeting for information.

29. SUBSTITUTION

Where a Member of a Committee, Sub-Committee, Working Party or Panel is unable to attend a meeting, then the relevant Group Leader, or their deputy, may nominate a substitute Member provided that notice, in writing, is made to the Monitoring Officer and relevant Committee Manager by 10am on the day of the meeting. The substitute Member will cover that meeting only.

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Where a Committee operates designated substitute arrangements, then the deadline for written notification by the relevant Group Leader or their deputy is prior to the start of the meeting.

Any substitution by a Group Leader on the Development Control Committee will replace a relevant Group Member.

These substitution rules will not apply to the Licensing Committee or Licensing Sub-Committee.

30. REPRESENTATION ON OUTSIDE BODIES

30.1 Nominations to Outside Bodies

The Council acts as a representative on a number of outside bodies and each year the Chief Executive will provide a list of vacancies to the Leaders of all Political Groups so they can seek the views of their Members on which body they would wish to be nominated. All nominations received will be reported to the Leader of the Council.

The Leader of the Council shall, after consulting with the Leaders of all other Political Groups, be responsible for nominating Members to fill any vacancies on outside bodies. A list of the Members nominated shall be submitted to the Annual Council Meeting for approval.

30.2 Casual Vacancies on Outside Bodies

Any vacancies that occur during the municipal year will be reported to the Leader of the Council to make a nomination to the next ordinary meeting of the Full Council, following consultation with the Leaders of all other Political Groups.

31. SUBSTITUTION OF THE CHIEF EXECUTIVE

If the Chief Executive is unavailable or unable to act for the purpose of any of these Council Procedure Rules, then the Director of Services or Director of Place may substitute for them.

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