

## PART 2

### ARTICLES OF THE CONSTITUTION

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## **1.0 ARTICLE 1 – THE CONSTITUTION**

### **1.1 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution. A description of the executive arrangements of the Council is set out at Schedule 1 to this Part.

### **1.2 The Constitution**

This Constitution is the Constitution of Lichfield District Council.

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 members of the public 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 an 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 through effective challenge and support.

### **1.3 Interpretation and Review of the Constitution**

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

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

## 2.0 ARTICLE 2 – COUNCILLORS

### 2.1 Composition and eligibility

**Composition** The Council comprises 47 councillors. The District is divided into 22 wards. Each ward elects between 1 and 3 councillors as shown below:-

<u>Ward</u>	<u>No. of Councillors Elected</u>	<u>Ward</u>	<u>No. of Councillors Elected</u>
ALREWAS & FRADLEY	3	HAMMERWICH AND WALL	2
ARMITAGE WITH HANDSACRE (INCLUDING KINGS BROMLEY)	3	HIGHFIELD	2
BOLEY PARK	2	LEOMANSLEY	3
BONEY HAY & CENTRAL	3	LITTLE ASTON AND STONNALL	2
BOURNE VALE	1	LONGDON	1
CHADSMEAD	2	MEASE VALLEY	1
CHASE TERRACE	2	SHENSTONE	1
CHASETOWN	2	ST JOHN'S	3
COLTON AND THE RIDWARES	1	STOWE	3
CUDBOROUGH	2	SUMMERFIELD AND ALL SAINTS	3
FAZELEY	2	WHITTINGTON AND STREETHAY	3

**Eligibility** Only registered voters of the district; those living or working in the district, or those who have a material interest in land within the district (eg. as owner or tenant) will be eligible to stand to hold the office of Councillor. More information can be found at [Electoral Commission](#).

## **2.2 Election and terms of councillors**

The regular election of councillors will be held on the first Thursday in May every four years, the next election being in 2023. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

## **2.3 Roles and functions of all councillors**

All councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate functions;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) effectively represent the interest of their ward and of individual constituents;
- (iv) respond to constituent's enquiries and representations, fairly and impartially;
- (v) participate in the governance and strategic leadership of the Council;
- (vi) be available to represent the Council on other bodies; and
- (vii) maintain the highest standards of conduct and ethics as set out in Part 5 of the Constiution, Codes and Protocols.

## **2.4 Rights and duties**

- (i) Councillors will have the right to access documents, information, land and buildings of the Council as necessary to enable them to carry out the duties and in accordance with the law;
- (ii) Councillors should consider the situation carefully and, if appropriate, seek guidance from the Monitoring Officer before making public, information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it;

- (iii) For these purposes, “confidential” and “exempt” information is defined in the Access to Information Rules in Part 4 of this Constitution.

## **2.5 Conduct**

Councillors will at all times observe the Member’s Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

## **2.6 Allowances**

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

### 3.0 ARTICLE 3 – RESIDENTS AND THE COUNCIL

#### 3.1 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 4 of this Constitution):

- (a) **Voting and petitions:** Residents on the electoral roll for the District have the right to vote; sign a petition to request a referendum for an elected mayor form of Constitution; or sign any other petition they wish to support;
- (b) **Information:** Residents have the right to:
  - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;
  - (ii) attend meetings of the Cabinet except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (iii) see reports and background papers, and any records of decisions made by the Council, the Cabinet, the non-Executive Committees and significant officer decisions except where confidential or exempt information is likely to be disclosed and the meeting/decision is therefore held/made in private; and
  - (iv) inspect the Council's accounts and make their views known to the external auditor (during the specified period).
- (c) **Complaints:** Members of the public have the right to complain to:
  - (i) the Council both generally and using its complaints scheme ([Complaints and Feedback](#));
  - (ii) the ombudsman (normally after using the Council's own complaints scheme) (<http://www.lgo.org.uk/make-a-complaint>);
  - (iii) the Monitoring Officer that a Councillor has breached the Code of Conduct for Members ([Code of Conduct Complaint](#)).

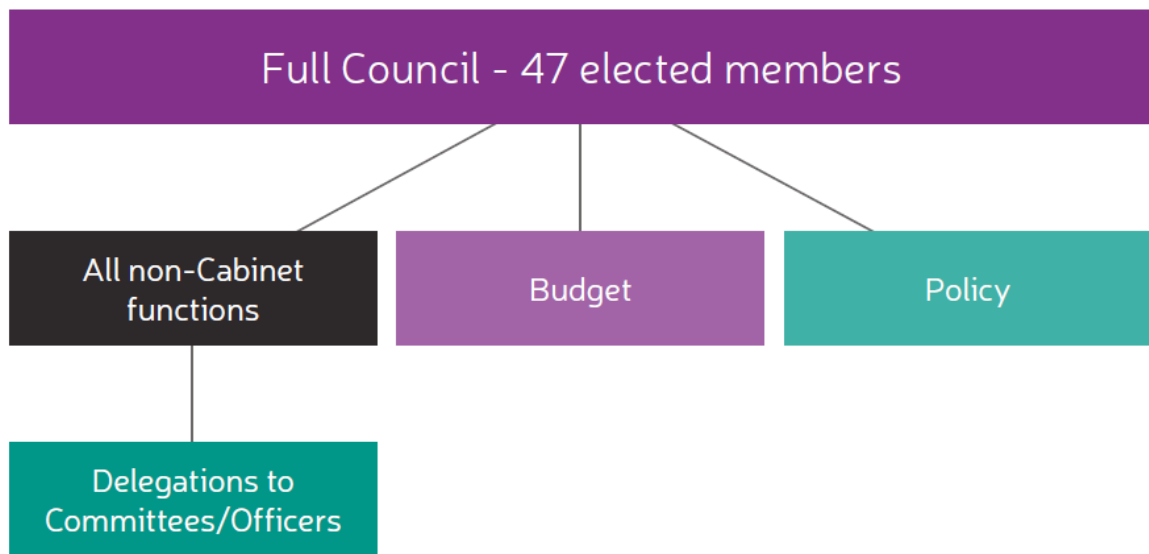
#### 3.2 Members of the public's responsibilities

Members of the public must treat officers and councillors with respect and not be violent, abusive, or threatening and must not wilfully harm things owned by the Council, councillors, or officers.

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A Customer Promise that sets out what members of the public can expect from representatives of the District Council can be found on the Council's website [Customer Promise](#).

## 4.0 ARTICLE 4 – THE COUNCIL



### 4.1 Introduction

The full Council is a formal meeting of all Councillors. The full Council is required by law to take certain important decisions including setting the Council's Budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). The full Council must also by law take decisions on a number of specific matters.

The full Council provides a central forum for debate and gives the opportunity for Councillors to ask questions about the Council or matters affecting the Council.

### 4.2 The Council

A meeting of the Council is one which all 47 members are entitled to attend and to speak and vote. The Council is responsible for the Budget and Policy Framework of the Council and for all of the functions not the responsibility of the Cabinet; it has a role in holding the Cabinet to account. It will carry out some functions itself but others will be delegated to Committees or named officers.

### 4.3 Policy Framework

The policy framework means the following plans and strategies, all of which are to be adopted by the Council:



Development Plan documents that comprise the Council's Local Development Framework and the revocation or revision of such documents (including any joint documents) often referred to as The Local Plan

Council's Strategic Plan

Licensing Policy

Gambling Policy

together with any other plans required by law to have the approval of Council and any other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice.

#### **4.4 Budget**

Responsibility for the budget (sometimes referred to as the Medium Term Financial Strategy or MTFS) includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

#### **4.5 Functions**

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) adopting or making material changes to the Council's Policy Framework and Budget;
- (c) adopting or making material changes to the Council's Treasury Management Policies and Investment Strategy;
- (d) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of any function which is covered by the policy framework or the budget where the decision maker or decision making body is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget i.e. make decisions outside the agreed budget and policy framework;
- (e) determining which Committees, Sub-Committees, working parties, Boards, Panels etc. shall be established as standing committees, the terms of reference of each body, the number of members (voting and non-voting) that each consists of and making the necessary appointments to the bodies;

- (f) taking decisions which are not normally the responsibility of the Leader and which have not been delegated by the Council to Committees, sub-committees, and officers e.g. approval of the Constitution;
- (g) making appointments to committees (including the appointment of Chairs and Vice Chairs);
- (h) appointing the Leader of the Council;
- (i) appointing the Chief Executive (who shall be the Head of Paid Service, Electoral Registration Officer, and Returning Officer);
- (j) appointing the Chief Finance Officer for the purposes of Section 151 of the Local Government Act 1972;
- (k) designating the Monitoring Officer for the purposes of Section 5 the Local Government and Housing Act 1989;
- (l) determining the scheme for and amounts of Members' allowances subject to the advice from the independent Remuneration Panel ;
- (m) the making of Procedure Rules including those in relation to Contracts and Finance;
- (n) the delegation of non-executive functions to Committees, Sub-Committees and officers, subject to the right to amend the Delegation Scheme from time to time as may be required;
- (o) all other matters which, by law, must be reserved to the decision of the Council as a whole;
- (p) to receive reports from the Cabinet, the Audit and Member Standards Committee and the Regulatory and Licensing Committee;
- (q) the setting of the Council Tax and Other matters reserved to the Council pursuant to Section 67 of the Local Government Finance Act 1992;
- (r) approving the change of name of the District and conferring the title of Honorary Alderman;
- (s) approving the change of name of any Parish;
- (t) approving a petition for a charter to confer borough status;
- (u) appointment of Councillors to Outside Bodies such as joint committees ( as described in Part 5;

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- (v) approving the [Council's Petition Scheme](#);
- (w) to approve [bye-laws and local Bills](#);
- (x) to receive reports from the Cabinet on urgent decisions contrary to the Policy Framework;
- (y) to take all decisions in respect of delegating non-executive functions to another local authority;
- (z) to take all decisions in respect of accepting the delegation of non-Executive functions from another local authority.

#### **4.6 Meetings of the Council**

There are three types of Council meeting:

- 1.1.1 the Annual Meeting;
- 1.1.2 Ordinary Meetings;
- 1.1.3 Extraordinary Meetings

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

#### **4.7 Responsibility for functions**

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

#### **4.8 Quorum**

The quorum for a meeting of the Council shall be one quarter of the number of voting members of the Council.

#### **4.9 Dismissal of Head of Paid Service, Monitoring Officer or s.151 Officer**

The dismissal of the Head of Paid Service, the Monitoring Officer and the s.151 Officer (the statutory officers) is reserved to Council.

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

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The priority for selecting the independent persons is:

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

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

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

Any payments to the independent persons for their assistance to the Council must not exceed the sums payable to that person in their role as an independent person for their work under the Localism Act 2011 (Code of Conduct matters).

## **5.0 ARTICLE 5 – CHAIRING THE COUNCIL**

### **5.1 Role and function of the Chair**

The Chair and Vice-Chair will be elected at the Annual Meeting of the Council. The Chair of the Council and in thier absence the Vice-Chair will have the following roles and functions:

#### **Ceremonial Role**

The Chair of the Council is the civic head of the Council and will represent the Council at such civic and ceremonial functions as the Council determines appropriate.

The Chair also has a role in promoting public involvement in the Council's activities and to maintain the dignity of the office and at no time to bring discredit to it.

#### **Chairing the Council meeting**

- (i) to uphold and promote the purposes of the Constitution;
- (ii) to preside over meetings of the Council ensuring compliance with the Rules of Procedure in the Constitution so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members determine the strategic objectives, policies and programmes to be followed; and
- (iv) The Chair maintains an apolitical stance, especially when chairing Council meetings.

## **6.0 ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEE**

**6.1** The Council is required by law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committee contributes to the development of Council policies and also holds the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local residents.

**6.2** The Council will appoint an Overview and Scrutiny Committee (which will comprise between 9 and 14 members of the Council except those who are members of the Cabinet), to discharge the function; this Committee will comprise the formal scrutiny arrangements of the Council supported by Scrutiny Task Groups

Any member of the Council may refer a matter\* affecting any part of the District to the Overview and Scrutiny Committee ("Councillor Calls for Action").

(\*Defined as a matter which relates to the functions of the Overview and Scrutiny Committee other than a local crime and disorder matter dealt with by the Police and Justice Act 2006 or a matter which the Secretary of State has excluded by Order).

No member of the Council may scrutinise a decision in which they were involved.

### **6.3 General Role**

The Overview and Scrutiny Committee may :

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (b) make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions;
- (c) consider any matter affecting the area or its residents;
- (d) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Cabinet;
- (e) to assist the Council and the Cabinet in the development of its budget and policy framework;

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- (f) consider any Councillor Calls for Action requiring scrutiny through the formal scrutiny process.
- (g) appoint any Scrutiny Task Groups to investigate or carry out any of these tasks and report back to the committee.

#### 6.4 Specific functions

- (a) **Policy Development and Review.** The Overview and Scrutiny Committee may:
  - (i) assist the Council and the Chief Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
  - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
  - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
  - (iv) question members of the Cabinet and officers about their views on issues and proposals affecting the area.
- (b) **Scrutiny.** The Overview and Scrutiny Committee may:
  - (i) review and scrutinise decisions made by and performance of any member exercising executive functions and officers both individually and over time;
  - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - (iii) question any member exercising executive functions and officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives, or projects;
  - (iv) make recommendations to the Cabinet and/or the Council arising from the outcome of the scrutiny process;
  - (v) question and gather evidence from any person (with their consent);
  - (vi) consider and make recommendations on a Councillor Call for Action;
  - (vii) challenge a decision of the Cabinet or an officer not to classify a certain decision as “key”.
  - (viii) consider and scrutinise the work of the Strategic Infrastructure Group including revision of CIL policies, procedures and proposals including

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approval of spending discretionary CIL allocations for strategic infrastructure projects

- (c) **Scrutiny of regulatory decisions.** The Overview and Scrutiny Committees may review policies and procedures in connection with any regulatory functions exercised by Planning and Regulatory & Licensing Committees, and Sub-Committees thereof, or by officers, but such a review shall not include scrutiny of any such decision relating to an individual application for determination, consent, licence, permission etc.

## **6.5 Crime and Disorder**

The Overview and Scrutiny Committee will act as the Council's Crime and Disorder Committee for the purposes of the Crime and Disorder (Overview and Scrutiny) Regulations. Any member of the Council, whether a member of this Committee or not, may refer a local crime or disorder matter\* to the Committee.

## **6.6 Proceedings of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

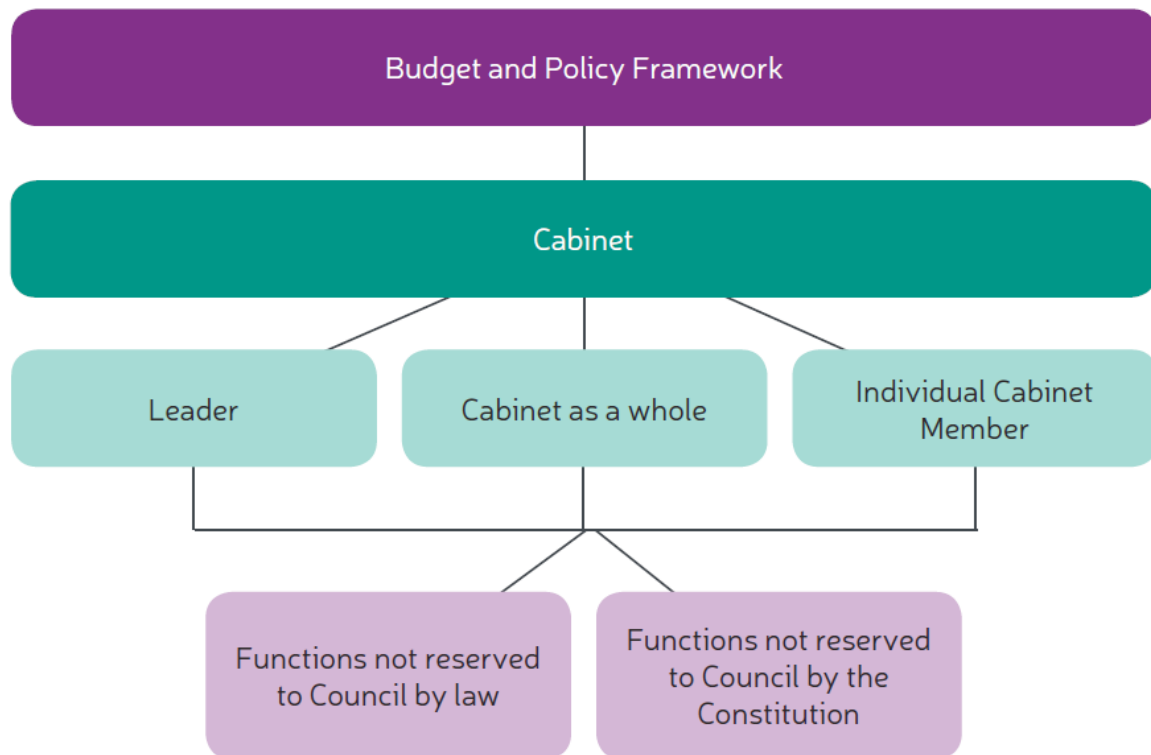
## **6.7 Quorum**

The quorum for a meeting of the Overview and Scrutiny Committee shall be one quarter of the number of voting members of the Overview and Scrutiny Committee.

- \* Local crime and disorder matter means a matter concerning:
- a) crime and disorder (including anti-social behaviour or other behaviour adversely affecting the local environment) or
  - b) the misuse of drugs, alcohol or other substances.
- Where such a matter affects all or part of the electoral area for which the member is elected or any person who lives or works in that area (s.19 Police and Justice Act 2006)



## 7.0 ARTICLE 7 - THE CABINET



### 7.1 Role

The Cabinet and individual cabinet members are appointed by the Leader to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution and will do so within the policy framework and budget set by the Council in accordance with these arrangements. . Many decisions will be made by the Leader, Cabinet or individual cabinet members rather than the full Council.

The Cabinet has a key role in proposing the budget and policy framework to the Council. The Cabinet and its members will lead the strategic direction and the drive for best value; lead the preparation of the Council's policies and budget; take in year decisions on resources and priorities, and be the focus for forming partnerships with other local public, private and voluntary and community sector organisations to address local needs. The Cabinet will also respond to any recommendations and reports from the Overview and Scrutiny Committee, and the Audit and Member Standards Committee relating to its functions.

The responsibilities of each individual member of the Cabinet are allocated by the Leader of the Council and are set out in Part 3 of this Constitution.

## **7.2 Form and composition**

The Cabinet will consist of the Leader of the Council and between 2 and 9 members of the Council appointed to the Cabinet by the Leader of the Council and known as Cabinet Members; one of whom the Leader of the Council will appoint Deputy Leader of the Council in line with group protocols.

## **7.3 Leader of the Council**

The Leader of the Council will be a councillor elected to that position at the first Annual Meeting of Council after a whole Council election until the day of the next post-election Annual Meeting of Council. The Leader of the Council will hold office until or unless:

- (i) they resign from the office; or
- (ii) they are no longer a councillor; or
- (iii) they are removed from office by resolution of the Council.

The Leader will carry out all of the Council's executive functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

## **7.4 Other Cabinet Members**

The Cabinet Members will be councillors appointed to the Cabinet by the Leader of the Council and shall hold office until:

- (i) they are removed from office either collectively or individually by the Leader of the Council;
- (ii) they resign from office;
- (iii) the Leader of the Council ceases to hold office (except that the Deputy Leader of the Council shall act as Leader of the Council until Council appoints another Leader);
- (iv) they are no longer councillors.

The Leader of the Council may change the membership of the Cabinet at any time.

One of the Cabinet Members will be appointed by the Leader of the Council as Deputy Leader of the Council. The Deputy Leader may exercise all of the functions of the Leader of the Council where the position is vacant or where the Leader is absent or is otherwise unable to act. The Leader of the Council may remove the Deputy Leader from office at any time (subject to group protocols).

## **7.5 Responsibility for functions**

- (a) The Monitoring Officer will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet, officers, or joint arrangements are responsible for the exercise of particular Cabinet functions; and
- (b) Where a Cabinet Member is unable to act, either through absence or otherwise, the Leader of the Council shall act in their place, if the Leader of the Council is unable to act, either through absence or otherwise, the Deputy Leader of the Council shall act in their place.

## **7.6 Delegation of Functions**

The Leader of the Council may exercise executive functions himself/herself or may otherwise make arrangements to delegate responsibility for their discharge as set out below:-

- (a) the Leader of the Council may delegate executive functions to:-
  - (i) the Cabinet as a whole;
  - (ii) a Committee of the Cabinet (comprising Cabinet Members only);
  - (iii) an individual Cabinet Member;
  - (iv) a joint committee;
  - (v) another local authority or the executive of another local authority;
  - (vi) an officer of the Council.

## **7.7 Proceedings of the Cabinet**

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

## **7.8 Quorum**

The quorum for a meeting of the Cabinet shall be three voting members of the Cabinet including either the Leader or the Deputy Leader.

## **7.9 Forward Plan**

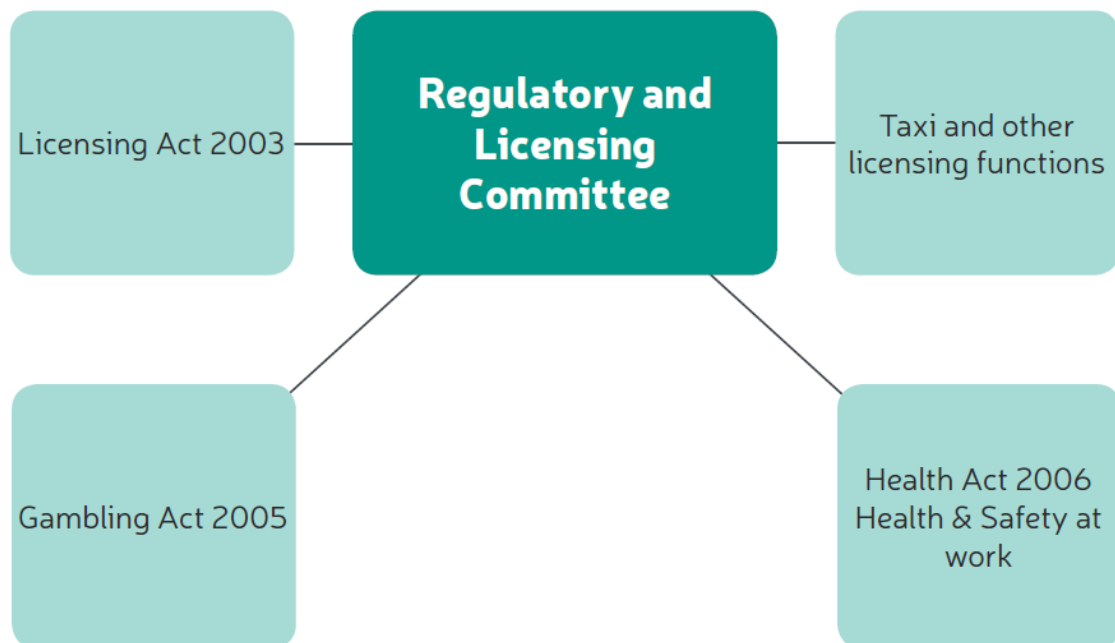
A Forward Plan setting out details of key decisions which it is known are due to be taken by the Cabinet over a four month period will be prepared and made available for inspection and published on the website.

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The Cabinet will not know about every key decision far enough in advance for it to be included in the Forward Plan. In such circumstances, the Chair of the Overview and Scrutiny Committee (or in their absence, the Vice-Chair) will be informed and a copy of the relevant details will be supplied to the members of the Overview and Scrutiny Committee at least three working days before the decision can be taken.

In cases of special urgency where a key decision is required at short notice, a decision can be made and acted upon, but only with the agreement of the Chair of the Overview and Scrutiny Committee or the Chair of the Council (or in their absence the Vice-Chair) who must agree that the matter is urgent and cannot reasonably be deferred.

## 8.0 ARTICLE 8 – PLANNING AND OTHER COMMITTEES



### 8.1 Introduction

The Council will appoint committees to undertake a variety of regulatory and other functions that are the responsibility of the Council but which do not have to be carried out by the full Council.

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## 8.2 Standing Committees

The Standing Committees are listed below and full details of their functions can be found in Part 3 of the Constitution (Responsibility for Council Functions) :-

- **Planning Committee**

The role of the Planning Committee is to be responsible for determining applications and enforcement decisions of the Council in relation to Town and Country Planning and other related matters as set out in Part 3 of the Constitution.

The Planning Committee shall comprise 15 members of the Council.

The quorum for a meeting of the Planning Committee shall be one quarter of the number of voting members of the Committee; the quorum is therefore 4.

- **Regulatory and Licensing Committee**

The role of the Regulatory and Licensing Committee is to be responsible for determining applications and enforcement decisions of the Council in relation to all licensing matters including setting of hackney carriage fares (other than those which are by law matters for the Cabinet) as set out in Part 3 of the Constitution.

The Regulatory and Licensing Committee shall comprise 13 Councillors appointed by the Council at its Annual Meeting. The Committee can exercise certain of its functions (under the Licensing Act 2003, the Gambling Act 2005 and taxi licensing legislation) through Licensing Sub-Committees; which shall comprise of any 3 of the 13 Councillors of the Committee.

The Head of Governance & Performance is responsible for choosing the members of any such sub-committee.

The quorum for a meeting of the Regulatory and Licensing Committee shall be one quarter of the number of voting members of the Committee, quorum is therefore 4.

The quorum for a meeting of a Licensing Sub-Committee shall be 3 voting members of the Licensing and Regulatory Committee.

- **Employment Committee**

The Employment Committee is responsible for setting policies relating to staffing matters, as well as approving the staffing structures of the Council.

The Employment Committee shall comprise of 10 Members.

The quorum of the Committee shall be 3 members.

- **Appointments Committee**

The role of the Appointments Committee is to make recommendations to full Council in respect of appointments to the posts of Chief Executive (Head of Paid Service the Monitoring Officer and the officer holding the post as Section 151 officer.

The Appointments Committee shall comprise of the Leader, 4 Cabinet Members plus the Leader of the Principal Opposition Group.

The quorum of the Committee shall be 3 members.

- **Investigatory and Disciplinary Committee**

The role of the Investigatory and Disciplinary Committee is to investigate and make a determination on any disciplinary action (including dismissal) against any officer listed in paragraph 3 of Schedule 1 Part II of the Local Authorities (Standing Orders) (England) Regulations 2001 (members of the Council's Leaderships Team); save that in Article 4.9 dismissal of the Chief Executive, Monitoring Officer and the Section 151 Officer when acting as Section 151 Officer is reserved to full Council, and the rules specified in Article 4.9 apply.

The Investigatory and Disciplinary Committee shall comprise 7 members of the Council; shall include at least one member of the Cabinet and shall comply with the provisions of the Local Government and Housing Act 1989 re: political balance.

The quorum of the Committee shall be 3 members which shall include at least one member of the Cabinet.

No member of this Committee may also be a member of the Disciplinary and Grievance Appeals Committee.

The Head of Governance & Performance is responsible for arranging training for and providing advice to this Committee (Unless the issues relate to the Head of Governance & Performance – where this advisory role will fall to the Head of Corporate Services).

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- **Disciplinary and Grievance Appeals Committee**

The role of the Disciplinary and Grievance Appeals Committee is to consider appeals against dismissals and grievances by Chief Officers of the Council and appeals against dismissals (including redundancy) by Heads of Service.

The Disciplinary and Grievance Appeals Committee shall comprise 7 members of the Council; shall include at least one member of the Cabinet and shall comply with the provisions of the Local Government and Housing Act 1989 re: political balance.

The quorum of the Committee shall be 3 members which shall include at least one member of the Cabinet.

No member of this Committee may also be a member of the Investigatory and Disciplinary Committee.

The Head of Governance & Performance is responsible for arranging training for and providing advice to this Committee (Unless the issues relate to the Head of Governance & Performance – where this advisory role will fall to the Head of Corporate Services).

### **8.3 Other Committees and Sub-Committees**

The Council will appoint such other committees as it considers appropriate to exercise any of its functions.

Any committee appointed by the Council may at any time appoint additional sub-committees and panels throughout the year. Their terms of reference and delegation of powers to them shall be explicit and within the Appointing Committee's terms of reference.

The Council, in the case of Standing Committees, or the parent committee, in the case of sub-committees or panels, will appoint the members to serve on the committee, sub-committee or panel subject to the right of a political group within the meaning of the Local Government and Housing Act 1989 and any regulations made under that Act to make nominations for those appointments at the meeting that makes the appointments before the appointments are made.

### **8.4 Qualifications for sitting on Planning and other Committees**

Only those members who have undertaken appropriate training at the appropriate time may vote on the relevant committees, sub-committees or panels. These



requirements apply to the Planning Committee and the Regulatory and Licensing Committee and any sub-committee or panel thereof.

## 9.0 ARTICLE 9 –SCRUTINY TASK GROUPS, and MEMBER OFFICER GROUPS

9.1 Overview and Scrutiny Committee will appoint scrutiny task groups to support effective scrutiny, where appropriate.

- **Scrutiny Task Groups**

Task groups are appointed to investigate and scrutinise specific matters and services, provided by either the Council or by external organisations. Where appropriate they suggest improvements which will benefit the Council, users of the service and residents of the district.

Each Scrutiny Task groups made up of a small number of Councillors - usually 5. The Team may include members from each political group on the Council but does not have to be politically balanced. . Membership is not restricted to members of the Overview and Scrutiny Committee and any non-Executive member of the Council may be nominated to serve on a Scrutiny Task group. Consideration may also be given to the appointment of persons from outside the Council as co-opted Members of Scrutiny Task groups.

When a new Scrutiny Team is proposed, the Overview and Scrutiny Committee will set out its Terms of Reference and expected timescale for report. The Committee will invite all non-Executive members of the Council to express an interest in joining the Team. The Chair of the Committee in consultation with Group Leaders will select membership of the Team taking into account the following:-

- experience and expertise of individual members;
  - whether or not the Members have taken part in previous Scrutiny Task groups.
- The aim is to build a team of Councillors with a mixture of experience and knowledge, but commitment to and enthusiasm for the task is as important.

Members of Scrutiny Task Groups are expected to:

- undertake appropriate reading and research. This may involve consultation, visits and evidence gathering between meetings of the Team;
- having agreed a programme of meetings of the Task Group, to attend as many of them as possible;
  - to ask for support, training and development if/when members feel it is necessary;
- to contribute fully to the drafting of the final report.

The Chair of the Task Group will be chosen from among the members of each group either at Overview and Scrutiny Committee when it sets up the Task Group, or at its first meeting and must hold suitable skills or attended relevant training. The Chair will ensure regular update reports are made as appropriate to all Councillors, including to meetings of Overview and Scrutiny Committee.

Task Groups may liaise with the Cabinet Member responsible for the area under scrutiny. However, it is not expected that the Cabinet Member will attend any meetings of a Task Group except by invitation.

The use of substitutes is discouraged because of the detailed nature of the work carried out by each Task group.

Each Task Group may undertake tours and site visits, consult the public and invite expert witnesses to inform its work.

- 9.2** A Member of the Cabinet may also be a Member on a Scrutiny task group and member officer groups where appropriate.

## **10.0 ARTICLE 10 – THE AUDIT AND MEMBER STANDARDS COMMITTEE**

### **10.1 Introduction**

The Council will establish an Audit and Member Standards Committee. Its role is to promote and maintain high standards of conduct by Councillors, to oversee the following: complaints; the elections process and other related matters as set out in Part 3 of the Constitution. It also undertakes a full audit role as set out in Part 3 of the Constitution.

The Council will appoint members of the Audit and Member Standards Committee annually.

The Chair of the Audit and Member Standards Committee or of any Sub-Committee of the Committee shall be a voting member of the Audit and Member Standards Committee.

### **10.2 Composition of the Audit and Member Standards Committee**

(a) The Audit and Member Standards Committee will consist of:

- nine councillors other than the Chair and the Leader of the Council  
Consideration to the inclusion of an **independent member** (where it is not already a mandatory requirement) based on an assessment of the knowledge and skills of the Committee.
- one **Independent person** who is not a Councillor or officer of the Council or any other body for Member Standards matters (an independent person);

The Independent Person and any independent member (if appointed) will not be entitled to vote at meetings.

### **10.3 Quorum**

- (a) The quorum for a meeting of the Audit and Member Standards Committee shall be one quarter of the number of voting members of the Committee, quorum is therefore 3.
- (b) The quorum for a meeting of a sub-committee of the Audit and Member Standards Committee shall be 3 voting members of the sub-committee.

### **10.4 Roles and Function**

The Audit and Member Standards Committee will have the roles and functions as set out in Part 3 of this Constitution.

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#### **10.5 Assessment Sub-Committee**

The Assessment Sub-Committee shall comprise 5 members of the Audit and Member Standards Committee (plus the Independent Person). The Sub-Committee shall be chaired by a voting member of the Audit and Member Standards Committee and shall conduct hearings into allegations that a Councillor (including a Parish Councillor) has breached the Code of Conduct for Members of the relevant authority in accordance with the arrangements for such hearings approved by Lichfield District Council.

#### **10.6 Review Sub-Committee**

The Review Sub-Committee shall comprise 4 members of the Audit and Member Standards Committee. The Sub-Committee shall be chaired by a voting member of the Audit and Member Standards Committee and shall review, if so requested by the person making the allegation, any decision of the Monitoring Officer in consultation with the Independent Person, following an initial assessment and decision not to investigate an allegation of a breach of the Code of Conduct for Members in accordance with the arrangements for such hearings approved by Lichfield District Council.

## **11.0 ARTICLE 11 - JOINT ARRANGEMENTS**

### **11.1 Introduction**

There are a number of circumstances where the Council is entitled to carry out certain functions jointly with another local authority.

### **11.2 Arrangements to promote well being**

The Council, acting through the Cabinet and subject to budget and policy, in order to promote the economic, social, or environmental well-being of its area, may:

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

### **11.3 Joint arrangements**

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those appointments need not reflect the political composition of the local authority as a whole.
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:
  - the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;
  - the joint committee is between the county council and a single district council and relates to functions of the Cabinet of the county council. In such cases, the Cabinet of the county council may appoint to the joint

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committee any councillor who is a member for an electoral division which is wholly or partly contained within the area.

- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

#### **11.4 Access to information**

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- (c) If the joint committee contains members who are not in the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

#### **11.5 Delegation to and from other local authorities**

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Cabinet of another local authority in accordance with the law and any restrictions elsewhere in this Constitution.
- (b) The Leader may delegate executive functions to another local authority or the Cabinet of another local authority in accordance with the law and any restrictions elsewhere in this Constitution.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council.

#### **11.6 Contracting Out**

The Council may contract out to another body or organisation functions:

- (a) which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994; or
- (b) under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

#### **11.7 Lichfield and Tamworth Joint Waste Committee**

11.7.1 The Committee shall consist of:

- (a) the Council Leader (or nominated deputy) from each Council;

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- (b) The Portfolio Holder with responsibility for Waste Manager (or nominated deputy) from each Council;
- (c) The Chief Executive (or nominated deputy) from each Council in an advisory capacity;
- (d) The Chief Officer with responsibility for Waste Management (or nominated deputy) in an advisory capacity.

11.7.2 Each of the Joint Committee Members (or substitute members as appropriate) of the Councils shall have one vote on any issue before the Joint Committee for determination. Decisions shall be made by simple majority.

11.7.3 The quorum for the Joint Committee shall be two Voting Members (one from each Council).

11.7.4 Full details regarding the Joint Committee can be found in the Constitution of the Lichfield and Tamworth Waste Collection Services Joint Committee.

## **11.8 Commercial Arrangements**

11.8.1 The Council may also enter into arrangements or projects to undertake commercial activities. Any such arrangement or project would be subject to the Council's usual governance provisions i.e. would require either Cabinet or Council approval depending on the proposed activity.



## **12.0 ARTICLE 12 – OFFICERS**

### **12.1 General**

The Council may engage such officers as it considers necessary to carry out its functions.

### **12.2 Chief Officers**

Section 43 of the Localism Act defines the meaning of a Chief Officer and refers to the Local Government Housing Act 1989. Statutorily the Chief Officer is currently the Chief Executive. Locally LDC has extended the definition to include all Heads of Service.

### **12.3 Head of Paid Service, Monitoring Officer, and Section 151 Officer**

The Council designates the following posts as shown:

Chief Executive	-	Head of Paid Service
Head of Finance and Procurement	-	Section 151 Officer
Head of Governance & Performance	-	Monitoring Officer

Such posts will have functions described in Articles 12.5 – 12.7 below.

### **12.4 Structure**

The overall structure of the Council showing the senior management and deployment of officers is set out in Part 7 of this Constitution. Further details can be found on the Council's website [Lichfield Leadership](#).

### **12.5 Functions of the Head of Paid Service**

#### **(a) Discharge of Functions by the Council**

The Chief Executive is responsible to the Council for the manner in which the discharge of the Council functions is co-ordinated, the appointment of officers required for the discharge of functions, and the organisation and training of them.

#### **(b) Restrictions on Functions**

The Chief Executive may not be the Monitoring Officer, but may hold the post of Section 151 Officer, if qualified.

## 12.6 Functions of the Chief Finance Officer

### (a) Ensuring Financial Prudence of Decision Making

After consulting the Head of Paid Service and the Monitoring Officer, Section 151 Officer will report to the Council (and to the Cabinet in relation to an executive function) and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is otherwise unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

### (b) Administration of Financial Affairs

The Chief Finance Officer will have responsibility for:

- the proper administration of financial affairs of the Council under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1998, and
- conducting a continuous internal audit of the financial affairs of the Council as required by the Accounts and Audit Regulations and for maintaining an adequate and effective system of internal audit as required by those regulations.

### (c) Providing Advice

The Section 151 Officer will, where appropriate in consultation with the Monitoring Officer, provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, and budget framework issues to all councillors and will support and advise all councillors and officers in their respective roles.

### (d) Give Financial Information

The Section 151 Officer will provide financial information to the media, the public, and the community in accordance with legislation.

### (e) Restrictions on Post

The Section 151 Officer cannot be the Monitoring Officer, but may hold the post of Head of Paid Service.

## **12.7 Functions of the Monitoring Officer**

### **(a) Maintaining the Constitution**

The Monitoring Officer will maintain an up to date version of the Constitution and ensure that it is widely available for consultation by members, officers, and the public.

### **(b) Ensuring Lawfulness and Fairness of Decision Making**

After consulting the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the Council (in relation to a non-executive function) and to the Cabinet in relation to an executive function if they consider that any proposal, decision, or omission will give rise to unlawfulness or any decision or omission has given rise to maladministration. Such a report will have the effect of preventing the proposal or decision from being implemented until the report has been considered.

### **(c) Supporting the Audit and Member Standards Committee**

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

Notwithstanding any duty of confidentiality, the Monitoring Officer shall be at liberty to disclose any information relating to the Council's affairs, and provide copies of any records or documents belonging to the Council to the Audit and Member Standards Committee, for the purposes of investigation or determination of an allegation that a Councillor has failed to comply with the Code of Conduct for Members.

### **(d) Receiving Reports**

The Monitoring Officer will receive and act on reports made by the Council's Audit and Member Standards Committee.

### **(e) Conducting Investigations**

The Monitoring Officer will conduct investigations into matters as directed by or which fall within the jurisdiction of the Audit and Member Standards Committee and the Monitoring Officer and make reports or recommendations in respect of the same to the Audit and Member Standards Committee, in so doing the Monitoring Officer shall comply with any arrangements for such investigations as may be adopted by the Council.

### **(f) Proper Officer for Access to Information**

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The Monitoring Officer will ensure that decisions, together with the reasons for those decisions, and relevant reports and background papers are made publicly available in accordance with legislation.

- (g) Advising whether Cabinet Decisions are within the Budget and Policy Framework.

The Monitoring Officer will advise whether the decisions of the Cabinet are in accordance with the Council's budget and policy framework.

- (h) Providing Advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

- (i) Restrictions on Post

The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

## **12.8 Duty to Provide Sufficient Resources to the Monitoring Officer and Section 151 Officer**

The Council will provide the Monitoring Officer and the Section 151 Officer with such office accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## **12.9 Conduct**

Officers will comply with the requirements of the Council's Disciplinary Rules and Procedures relating to conduct, Officers Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

## **12.10 Employment**

The recruitment selection and dismissal of officers will comply with the employment rules as set out in Part 4 of this Constitution.

## **13.0 ARTICLE 13 - DECISION MAKING**

### **13.1 Responsibility for Decision Making**

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

### **13.2 Principles of decision-making**

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

- (i) proportionality (i.e. the action must be proportionate to the desired outcome);
- (ii) due consultation and the taking of professional advice;
- (iii) due regard to the Members' Code of Conduct;
- (iv) a presumption in favour of openness;
- (v) clarity of aims and desired outcomes;
- (vi) explaining what options were considered;
- (vii) giving the reasons for the decision and the proper recording of those reasons;
- (viii) consideration to ways in which human rights can be enhanced and protected by the Council's actions.

### **13.3 Types of decision –**

- (a) Decisions reserved to Council - Decisions relating to the functions listed in Article 4 will be made by the Council and not delegated.
- (b) Key decisions:
  - (i) A key decision is defined as a decision likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates, or to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area. The Council had decided that any decision involving additional expenditure, income or savings over £150,000 (excluding any decision relating to investment of Council monies as part of Treasury Management Procedures) will be a key decision;

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- (ii) Where a decision is required to procure or award a contract exceeding £150,000 which is a funded and ongoing requirement for the Council, where the full value of the procurement (including options to extend) is fully funded at part of the Approved Budget this may be delegated to the appropriate Cabinet Portfolio holder, where these fully meet the requirements of the Contract Procedure Rules up to a maximum value of £400,000.
- (ii) A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in set out in Part 4 of this Constitution.

#### **13.4 Decision making by the Council**

Subject to Article 13.8, the Council will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **13.5 Decision making by the Cabinet**

Subject to Article 13.8, the Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **13.6 Decision making by the Scrutiny Committee**

The Overview and Scrutiny Committees will follow the Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **13.7 Decision making by other committees and sub-committees established by the Council**

Subject to Article 13.8, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

#### **13.8 Decision making by Council bodies acting as tribunals**

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

## 14.0 ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

### 14.1 Financial management

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

### 14.2 Contracts

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

### 14.3 Legal proceedings

The Chief Executive or the Head of Governance & Performance is, within budgetary provision and the policy framework, authorised to institute, defend, or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Governance & Performance considers that such action is necessary to protect the Council’s interests.

The Chief Executive and the Head of Governance & Performance have authority to authorise officers to appear in Court on behalf of the Council.

### 14.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive, Head of Service or other person authorised by the Chief Executive, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

There are two ways in which a Contract can be ‘signed’:

**Simple Contract** – not executed as a deed, use of one or more signatures, statues of limitations lasts for 6 years after the end of the Contract

**Sealed as a Deed** – executed as a deed, two signatures and stamp (via e-Signatures system) OR 2 signatures and seal (via hardcopy), statues of limitations lasts for 12 years after the end of the Contract

See the table below for when you use each approach:

	<b>Simple Contract</b>	<b>Sealed as a Deed</b>
Under £1,000	Yes	
£1,000 - £149,999	Yes	

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£150,000 – PCR2015 Threshold	Yes – unless subject to Key Decision	Yes – if subject to Key Decision
Above PCR2015 Threshold	Yes – unless subject to Key Decision	Yes – if subject to Key Decision

In addition to any other person who may be authorised by resolution of the Council, the proper officer for the purposes of authentication of documents under the Local Government Acts shall be:

- (i) The Chief Executive;
- (ii) The Head of Governance & Performance;
- (iii) Any officer authorised in writing by such Chief Officer.

Any such authentication may be physical or virtual in line with Contract Procedure Rules and must be accessible to the Monitoring Officer.

#### **14.5 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.

The common seal of the Council shall be affixed to a physical document only on the authority of:-

- (a) a resolution of the Council or Cabinet;
- (b) a resolution of a Committee or Sub-Committee which the Council has empowered to authorise the use of the seal;
- (c) a decision by the Council, or by a Committee, Sub-Committee, Cabinet or Cabinet Member or officer exercising delegated functions, to do anything where a document under the common seal is necessary or desirable as part of the action.

The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Chief Executive, the Monitoring Officer or other person authorised by the Chief Executive plus one Member.

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made and consecutively numbered in a register provided for the purpose by the person attesting the affixing of the Common Seal.



The Seal can be applied virtually through the use of a secure system designed for that purpose and held on behalf of the Monitoring Officer.

## **15.0 ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION**

### **15.1 Duty to monitor and review the constitution**

The Monitoring Officer will monitor the operation and effectiveness of the Constitution and review it at least bi-annually to ensure that the aims and principles of the Constitution are given full effect and that the content is up to date.

In undertaking this task the Monitoring Officer may:

- (i) observe meetings of different parts of the member and officer structure;
- (ii) undertake an audit trail of a sample of decisions;
- (iii) record and analyse issues raised with him/her by Councillors, officers, the public and other relevant stakeholders; and
- (iv) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

### **15.2 Changes to the Constitution**

#### **(a) Approval**

Subject to (c) below changes to the constitution will only be approved by the Council and changes will only be approved after consideration of the proposals by the Chief Executive and the Monitoring Officer (and the Section 151 Officer if the change impacts on their responsibilities) except that:

- (i) the Leader of the Council may, at any time, amend the areas of responsibility delegated to members of the Cabinet.
- (ii) the Chief Executive may, at any time, amend the responsibilities of the Leadership Team.

subject to the Leader of the Council and/or the Chief Executive notifying the Monitoring Officer of the changes approved in order that the Constitution of the Council may be amended accordingly and reported to the next meeting of the Full Council.

#### **(b) Change in the form of Governance**

The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals to change the form of its executive governance arrangements.

#### **(c) Interpretation and Consequential Changes**

In the event of any issue arising as to the interpretation of the Constitution the matter will be referred to the Chief Executive whose decision in that regard shall be final. The Chief Executive, in consultation with the Monitoring Officer, shall also be authorised to make minor changes to the Constitution designed to reflect legislative changes; to update job title or portfolio changes; to remove any inconsistency or ambiguity and/or give effect to any decisions of the Council. The Chief Executive in consultation with the Monitoring Officer and the Section 151 Officer shall also produce guidance and/or protocols to assist in the interpretation of the Constitution for other officers and members as appropriate.

## **16.0 ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**

### **16.1 Suspension of the Constitution**

- (a) **Limit to suspension** - The Articles of this Constitution may not be suspended. The Rules of Procedure relating to meetings of the Council, the Cabinet, Committees and Sub-committees may be suspended by the Council, the Cabinet, Committees and any Sub-committees to the extent permitted within the Council Procedure Rules and the Cabinet Procedure Rules included in Part 4 and by the law.
- (b) **Procedure to suspend** - A motion to suspend any such rules will not be moved without notice unless at least one half of all councillors is 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.

### **16.2 Interpretation**

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

### **16.3 Publication**

- (a) The Monitoring Officer will make available a copy of this Constitution electronically to each councillor upon delivery to him/her of that individual's declaration of acceptance of office on the councillor first being elected to the Council.
- (b) The Monitoring Officer will ensure that copies of this Constitution are available for inspection at the Council's offices, and can be purchased by members of the local press and the public on payment of a reasonable fee to be determined by the Monitoring Officer.
- (c) The Monitoring Officer will ensure that the Constitution is made available on the Council's website ([Lichfield District Council](#)).

## **Schedule 1: Description of Executive Arrangements**

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 Overview and Scrutiny Committee and the Overview and Scrutiny Procedure Rules;
2. Article 7 The Cabinet and the Cabinet Procedure Rules;
3. Article 11 (Joint arrangements)
4. Article 13 (Decision making) and the Access to Information Procedure Rules;
5. Part 3 (Responsibility for Functions).