

ARTICLE 4 – THE FULL COUNCIL

4.01 The Full Council will be the forum at which all Members of the Council discuss and decide the Council's policy framework and budget, which are reserved for approval and/or variation by full council alone, as follows: -

(a) **Policy Framework.** The policy framework means the following plans and strategies: -

- Best Value Performance Plan;
- Appointments to Outside Bodies
- *Sustainable Communities* Strategy;
- Crime and Disorder Reduction Strategy;
- Plans and strategies which together comprise the Development Plan;
- Council's Corporate Plan;
- The plan and strategy which comprise the Housing Investment Programme;
- Local Agenda 21 Strategy;

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, 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.

4.02 Functions of the full Council

Only the Council will exercise the following functions:

(a) adopting and changing the Constitution;

(b) approving or adopting the policy framework and the budget.

(c) 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 an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

(d) appointing the leader of the Executive;

(e) agreeing and/or amending the terms of reference for committees and panels, deciding on their composition and making appointments to them;

- (f) appointing representatives to outside bodies;
- (g) adopting an allowances scheme under Article 2.06;
- (h) changing the name of the area, conferring the title of honorary alderman or freedom of the borough
- (i) confirming the appointment of the Head of Paid Service, and proper officers
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive; and
- (l) determination of planning applications where the Council is the applicant.
- (m) election of Mayor and Deputy Mayor
- (n) approval of/and transactions over £100,000 in value.
- (o) all other matters which, by law, must be reserved to Council.

4.03 Council Meetings

There are three types of Council meeting:

- (a) the Annual Meeting;
- (b) ordinary meeting;
- (c) extraordinary meetings.

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

ARTICLE 6 –OVERVIEW AND SCRUTINY COMMITTEES

6.01 OVERVIEW AND SCRUTINY COMMITTEES

The Council will appoint four Overview and Scrutiny Committees to exercise the overview and scrutiny functions conferred on the Council by Section 21 of the Local Government Act 2000.

6.02 DUTIES OF OVERVIEW AND SCRUTINY COMMITTEES

The Overview and Scrutiny Committees will:

- (i) approve an annual overview and scrutiny Work Plan for functions within the Committee's remit;
- (ii) receive requests from the Executive and/or the Council for Scrutiny examinations and to allocate them priority in the Committee's Work Plan;
- (iii) receive requests from members of the public and other councillors and consider whether they should be included in the Committee's work plan;
- (iv) scrutinise *Executive and non-Executive* decisions ~~of the Executive~~ on matters falling within a Committee's subject area and report to the Executive and Council on the outcome of the scrutiny;
- (v) conduct scrutiny examinations into Executive decisions following call-in for reconsideration of decisions of the Executive made but not yet implemented, in accordance with the call-in procedure set out in Part 4E (14) of this Constitution;
- (vi) conduct scrutiny investigations into outside bodies in the Borough as appropriate or requested by the Executive and/or the Council.
- (vii) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues within the Committee's remit, and in particular by responding to consultations by the Executive on policy and budget issues in accordance with Part 4C of this Constitution (Policy & Budget Procedure Rules);
- (viii) conduct research and community and other consultation in the analysis of policy issues and possible options;

- (ix) consider and advise policies to encourage and enhance community participation in the development of policy options;

- (x) contribute to the development, implementation and monitoring of the Community Strategy for West Cumbria, in particular (but not exclusively) through the appointment of one member of each of the Economic Well Being, Environmental Well Being and Social Well Being Overview and Scrutiny Committees to serve on the equivalent Wellbeing Group within the West Cumbria Partnership;
- (xi) at the Committee's discretion, summons and question members of the Executive and/or committees and/or chief officers about their views on issues and proposals arising from decisions made or otherwise affecting the area;
- (xii) respond to consultations on key policy issues and/or options for service delivery arising from Best Value Service Reviews and report to the Executive thereon;
- (xiii) Investigate Community Calls for action and make appropriate recommendations following such investigations.

6.03 TERMS OF REFERENCE OF OVERVIEW AND SCRUTINY COMMITTEES

The Overview and Scrutiny Committees will monitor the work and provide input to the following areas:

Overview and Scrutiny Management Committee

Working with the Local Strategic Partnership to develop our
Community Plan

Performance Management

Monitoring services for customer-friendly practice

Our Comprehensive Performance Assessment (CPA)

Financial/human resources issues within the Council, including monitoring of the budgetary process.

IT & Communication issues including IEG

Electoral issues

Public relations issues

Reviewing executive decisions

Setting, co-ordinating and reviewing overview and scrutiny work plans

Cross Cutting scrutiny

Overview and Scrutiny Committee – Children, young People and Healthy Communities

- Better achievement for children & young people from vulnerable groups
- Reduce risk taking behaviour in young people
- Tackle discrimination & bullying
- Reducing Homelessness
- Participation in leisure services
- Tackle premature mortality
- Reduce smoking
- Combat obesity through sport & healthy activity
- Support older & disabled people living independently
- Affordable Warmth
- Choice & standards in health & social care

Overview and Scrutiny Committee – Economic Development and Enterprise

- Increase employment & economic activity
- Improve skill levels
- Increase enterprise
- Improve economic infrastructure
- Balanced housing markets
- Housing regeneration

Overview and Scrutiny Committee – Safer and Stronger Communities

- Reduce crime, fear of crime & offending
- Reduce domestic violence
- Reduce first time entrants to youth justice
- Reduce fire related deaths
- Reduce deaths & serious injuries in 16-20 age group
- Empower local people in local decision-making
- Reduce waste to landfill & increase recycling
- Improve quality of local environment through clean streets
- Contribute to climate change through energy efficiency
- Increase use of sustainable transport

ARTICLE 8 – REGULATORY AND OTHER COMMITTEES

The Council will appoint the following regulatory committees to carry out non-executive functions under the Local Government Act 2000, with terms of reference as set out in the Scheme of Delegations in Part 3 of the Constitution:

Planning Panel	11 Members
Appeals Panel	7 Members
Personnel Panel	7 Members
Licensing Committee	12 Members
Taxi and General Licensing Panel	7 Members
Member Training and Development Panel	7 Members
Audit Committee	7 Members (plus independent Chair)
Local <i>Development Framework</i> Working Party	7 Members
Transport Working Group	7 Members
Budget Resource Planning Working Party	78 Members
Nuclear Working Group	7 Members
Joint Consultative and Safety Panel	7 Members
Parish Review Working Party	7 Members
<i>Corporate Improvement Board</i>	<i>4 Members</i>
<i>Strategic Housing Panel</i>	<i>7 Members</i>

The Council designates all Members of the Council as an Appeals Panel pool from which Appeals Panels consisting of 7 Members will be drawn by alphabetical rota to discharge the responsibilities of the Appeals Panel set out in part 3 of this Constitution (Scheme of Delegations).

ARTICLE 9 – THE STANDARDS COMMITTEE

9.01 Standards Committee

The Council will establish a Standards Committee.

9.02 Composition

POLITICAL BALANCE

Standards Committees do not have to comply with the political balance rules in section 15 of the Local Government Act 1989 (duty to allocate seats to political groups).

Membership. The Standards Committee will be composed of:

- ~~five~~ *seven* councillors other than the leader;
- ~~two~~ *three* persons who are not councillors or officers of the council or any other body having a standards committee (independent members);
- ~~one~~ *two* members of a parish council wholly or mainly in the Council's area (parish members) to be nominated by the Cumbria Association of Local Councils.

Independent members. Independent members are entitled to vote at meetings;

Parish members. Parish members must be present when matters relating to those parish councils or their members are being considered. Parish members are entitled to vote at meetings.

Chairing the Committee. The Committee will be chaired by an independent Member.

9.03 Terms of Reference

The Standards Committee will have the following terms of reference:

- (a) promoting and maintaining high standards of conduct by the mayor, councillors, co-opted members;

- (b) assisting councillors to observe the Council's Code of Conduct;
- (c) advising the Council on the adoption or revision of the Council's Code of Conduct;
- (d) monitoring the operation of the Council's Code of Conduct;
- (e) advising, training or arranging to train councillors on matters relating to the Council's Code of Conduct;
- (f) granting dispensations to councillors from requirements relating to personal and prejudicial interests set out in the Members' Code of Conduct, in accordance with regulations made by the Secretary of State;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter and determining issues arising from such reports, in accordance with regulations made by the Secretary of State;
- (h) *Conducting initial assessments, reviewing initial assessments where necessary, and hearing and determining cases referred to the Committee under the locally-based conduct regime in accordance with Regulations made by the Secretary of State.*
- ~~(h)~~ (i) the exercise of (a) to (g) above in relation to parish councils wholly or partly in the Borough and the members of those parish Councils.
- (i) (j) Overseeing the Council's constitution
- ~~(j)~~ (k) Overseeing the Council's Complaints Procedure and issues relating to investigations by the Local Government Ombudsman
- (l) *Hearing and determining applications by Council employees for exemptions from political restrictions under Section 3A of the Local Government and Housing Act 1989 as amended.*

ARTICLE 10 – OFFICERS

10.01 Management Structure

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

Chief Executive (Head of Paid Service)
Corporate Director – Economic Prosperity & Sustainability
Corporate Director – Quality of Life
Head of Customer Services
Head of Finance & Business Development
Head of Legal & Democratic Services
Head of Leisure & Environmental Services
Head of Nuclear Policy and Sustainability
Head of Policy and Performance
~~Head of Regeneration~~
Head of Development Operations
Head of Development Strategy

- (c) **Head of Paid Service, Monitoring Officer and Chief Financial Officer.** The Council will designate the following posts as shown:

Head of Paid Service - Chief Executive

Monitoring Officer - Head of Legal & Democratic Services

Section 151 Officer (Chief Financial Officer) - Head of Finance & Business Development

10.02 Functions of the Chief Executive as Head of Paid Service

- (a) **Discharge of functions by the Council.** The Chief Executive will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a member of a specified accountancy body.

10.03 **Functions of the Head of Legal and Democratic Services as Monitoring Officer**

- (a) **Maintaining the Constitution.** The Head of Legal and Democratic Services will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Chief Executive and the Head of Finance and Business DevelopmentLegal and Democratic Services, the Head of Finance and Business DevelopmentLegal and Democratic Services will report to the full Council (or to the Executive in relation to an executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Head of Legal and Democratic Services will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Head of Legal and Democratic Services will receive and act on reports made by ethical standards officers and decisions of the case tribunals in cases of alleged breaches of the Council's Code of Conduct.
- (e) **Conducting investigations.** The Head of Legal and Democratic Services will conduct investigations into matters referred by ethical standards officers and/or the Standards Board for England, and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper officer for access to information.** The Head of Legal and Democratic Services will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether executive decisions are within the budget and policy framework.**
The Head of Legal and Democratic Services in consultation with the Head of Finance and Business Development will advise whether decisions of the executive are in accordance with the budget and policy framework.

- (h) **Providing advice.** The Head of Legal and Democratic Services 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 posts.** The Head of Legal and Democratic Services cannot be the Chief Financial Officer or the Head of Paid Service.

10.04 **Functions of the Head of Finance and Business Development as Chief Financial Officer**

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Chief Executive and the Head of Legal and Democratic Services, the Head of Finance and Business Development will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully, or if there is or is likely to be an unbalanced budget.
- (b) **Administration of financial affairs.** The Head of Finance and Business Development will have responsibility for the proper administration of the financial affairs of the Council, and will take the responsibilities imposed by the Accountancy Audit Regulations 1996 relating to accounting records and control systems (including internal audit) and the statement of accounts. The Head of Finance and Business Development as the responsible Financial Officer must by virtue of Section 113 of the Local Government Finance Act 1988 in England and Wales be a member of a specified accountancy body.
- (c) **Providing advice.** The Head of Finance and Business Development will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (d) **Give financial information.** The Head of Finance and Business Development will provide financial information to the media, members of the public and the community.

10.05 **Duty to provide sufficient resources to the Head of Legal and Democratic Services as Monitoring Officer and the Head of Finance and Business Development as Chief Financial Officer**

The Council will provide the Head of Legal and Democratic Services and the Head of Finance and Business Development with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

10.06 **Conduct**

Officers will comply with any Officers' Code of Conduct and Protocol on Officer/Member Relations as may from time to time be determined by the Council.

10.07 **Employment**

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

