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### Part 2 Articles of the constitution

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PART 2 – Articles of the constitution

Article 1 – The constitution

This article sets out the fundamental provisions of the constitution. It confirms that the council will act within the law and the provisions of this constitution. It defines those documents which comprise the constitution.

One of the most important parts of the article is the statement of purpose. It conveys clear and positive messages about the purposes of local government. It relates to the community leadership role of local government and shows how the arrangements set out in the constitution will support this.

The article also confirms that the local authority will monitor and review its constitution.

1.1 Powers of the council

(1) The council will exercise all its powers and duties in accordance with the law and this constitution.

1.2 The constitution

(1) This constitution, together with all its appendices, is the constitution of Broadland District Council.

1.3 Purpose of the constitution

(1) The purpose of the constitution is to:

(a) enable the council to provide clear leadership to the community in partnership with citizens, businesses, the not for profit sector and other organisations;

(b) support the active involvement of citizens in the process of local authority decision-making;

(c) help councillors represent their constituents more effectively;

(d) enable decisions to be taken efficiently and effectively;
(e) create a powerful and effective means of holding decision-makers to public account;

(f) ensure that no one will review or scrutinise a decision in which they were directly involved;

(g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions and

(h) provide a means of improving the delivery of services to the community.

1.4 Interpretation and review of the constitution

(1) 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.

(2) The council will monitor and evaluate the operation of the constitution as set out in article 15.

1.5 Definitions

(1) In this constitution the following words and phrases have the following meanings unless the context requires differently.

(a) “budget framework” means the council’s approved revenue and capital budgets as set out in the budget book for each financial year.

(b) “constitution” means the parts of the constitution comprising the articles, the scheme of delegation, rules of procedure, codes and protocols, members’ allowances scheme and management structure.
(c) “co-opted member” means a person who serves on a committee but who is not a member of the council.

(d) “councillor” means an elected member of the council.

(e) “employee” means someone who works for the council under a contract of employment between them and the council.

(f) “financial year” means the period of time between 1 April and 31 March.

(g) “head of service” means the heads of service described in article 12 of the constitution.

(h) “key decision” means a decision within the definition of key decision contained in article 13.3(2) of the constitution.

(i) “members” means people who have been elected as councillors.

(j) “municipal year” means the period of time between the council’s annual meetings in May of each year.

(k) “officers” means all employees and staff engaged by the council to carry out its functions. This word is also used instead of employees to cover those engaged under short term, agency or other non-employed situations.

(l) “policy framework” means the council’s vision, aims
and ambitions, plans and strategies set out in article 4 of the constitution.

(m) “stakeholders” means members, officers, the public, council tax and business ratepayers, community and voluntary associations and groups, other local authorities and public bodies who may be affected by the council’s operations.

(n) “clear working days” means working days excluding the day from which time is counted and the day at the end of the period so “five clear days notice” of a meeting means five working days excluding the day the notice was sent and the day on which the meeting is held.

(o) “working days” means Monday to Friday inclusive, but excluding any day which has been declared a bank holiday or when the offices of the council are otherwise closed to the public.

(2) In this constitution, unless the context requires differently:

(a) the masculine gender includes the feminine gender;

(b) the singular includes the plural;

(c) references to legislation include amendments or re-enactments;

(d) in procedural rules references to committees include sub-committees and
(e) references to the overview and scrutiny committee include any standing policy panels and time and task limited panels appointed under article 6.
Article 2 – Members of the council

Contents of the article

This article sets out the composition of the council, eligibility to stand for election as a member of the council and the form of election to be used.

The article also contains a section on the roles and functions of members of the council. This reinforces the fact that all members, whatever their formal position in the council and party political system, share common roles and responsibilities.

The article also deals with the rights and duties of members, especially as they affect access to land, buildings, documents and information and any confidentiality requirements surrounding the latter.

There are sections on conduct and allowances.

2.1 Composition and eligibility

(1) Composition. The council will comprise 47 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Boundary Committee (or its successors) and approved by the Electoral Commission.

(2) Eligibility. Only registered voters of the district or those living or working there will be eligible to be elected to hold the office of councillor.

2.2 Election and terms of councillors

(1) Election and terms. The regular election of all councillors will be held on the first Thursday in May beginning in 2007. The terms of office of councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.
2.3 Roles and functions of all councillors

(1) **Key roles.** All councillors will:

(a) collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions;

(b) represent their communities and bring their views into the council’s decision-making process, ie become the advocate of and for their communities;

(c) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances which are relevant to the council’s functions;

(d) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;

(e) be involved in decision-making;

(f) be available to represent the council on other bodies;

(g) develop and maintain a prominent position in the community, which reflects the position held and maintain the highest standards of conduct and ethics;

(h) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;

(i) effectively represent the interests of their ward and of individual constituents;

(j) respond to constituents’ enquiries and representations, fairly and impartially and

(k) participate in the governance and management of the council.
(2) Rights and duties

(a) Councillors will have such rights of access to such documents, information, land and buildings of the council as are necessary for the proper discharge of their functions and in accordance with the law.

(b) Councillors will not make public information which is confidential or exempt without the consent of the council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

(c) For these purposes, “confidential” and “exempt” information are defined in the access to information procedure rules in part 4 of this constitution.

2.4 Conduct

(1) Councillors will at all times observe the members’ code of conduct and the protocol on member/officer relations set out in part 5 of this constitution.

2.5 Allowances

(1) Councillors will be entitled to receive allowances in accordance with the members’ allowances scheme set out in part 6 of this constitution.
Article 3 – Citizens and the council

This council will be outward looking and seek to engage with the public wherever possible. This article sets out what citizens can expect from the council and what rights they have. With rights come responsibilities and it is also the role of the constitution to show how the council expects to be treated in return.

3.1 Citizens’ rights

(1) Citizens have the following rights. Their rights to information and to participate are explained in more detail in the access to information procedure rules in part 4 of this constitution:

(a) Voting and petitions. Citizens on the electoral register for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of constitution. Citizens have the right to petition the council in accordance with the council’s petitions scheme.

(b) Information. Citizens have the right to:

(i) attend meetings of the council, the executive and its committees except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;

(ii) find out from the forward plan what key decisions will be taken by the executive and when;

(iii) see reports and background papers and any records of decisions made by the council, its committees and the executive (subject to the council’s access to information procedure rules) and

(iv) inspect the council’s accounts and make their views known to the external auditor.
(c) **Participation.** Citizens have the right to participate in the council’s question time and contribute to investigations by overview and scrutiny committees.

(d) **Complaints.** Citizens have the right to complain to:

(i) the council itself under its complaints procedure;

(ii) the Ombudsman after using the council’s own complaints procedure and

(iii) the monitoring officer about a breach of the members’ code of conduct.

(iv) *(section on breach of the officers’ code to be added once the code is in force)*

### 3.2 Citizens’ responsibilities

(1) Citizens must not be violent, abusive or threatening to councillors, officers or contractors of the council and must not wilfully harm things owned by the council, councillors, officers or contractors of the council.
Article 4 – The full council

This article explains those functions reserved for council decision. This is done to make clear what authority the council has in relation to other parts of the constitution.

4.1 Meanings

(1) Policy framework. The policy framework means the council’s vision, aims and ambitions and plans, policies and strategies covering the following areas:

- Anti fraud, corruption and money laundering
- Children and young people
- Crime and disorder
- Development planning
- Licensing
- Sustainable Community
- Community Safety
- Equalities
- Economic development and tourism
- Housing including
  - Housing strategy
  - Private sector housing policy
  - Homelessness prevention strategy
  - Empty homes strategy
- Capital Strategy
Broadland District Council

Constitution

- Broadland Business Plan
- all plans and strategies which the cabinet refers to the council for adoption

(2) **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 and the control of its capital expenditure.

(3) **Housing land transfer.** Housing land transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 **Functions of the full council**

(1) Only the council will exercise the following functions:

(a) adopting and changing the constitution;

(b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer;

(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 chairman;
(e) appointing the leader;

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

(g) appointing representatives to outside organisations unless the appointment is an executive function or has been delegated by the council;

(h) adopting an allowances scheme under article 2.5;

(i) changing the name of the area;

(j) confirming the appointment of the proper officer head of paid service, section 151 officer and monitoring officer;

(k) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal bills;

(l) 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;

(m) represent the views of the local community on matters of significance and

(n) all other matters which, by law, must be reserved to council.

4.3 Council meetings

(1) There are three types of council meeting:

(a) the annual meeting;

(b) ordinary meeting and

(c) extraordinary meeting and they will be conducted in accordance with the council procedure rules in part 4 of this constitution.
4.4  Responsibility for functions

(1)  The council will maintain the tables in part 3 of this constitution setting out the responsibilities for the council’s functions which are not the responsibility of the executive.
Article 5 – Chairing the council

5.1 Role and function of the chairman

(1) The chairman of the council and in his absence, the vice-chairman, will have the following roles and functions:

(a) **Ceremonial role.** The chairman of council is a symbol of the authority, a symbol of an open society and an expression of social cohesion.

(b) **Chairing the council meeting.** The chairman will be the person presiding over council meetings.

(2) The chairman will be elected by the council annually. The chairman will have the following responsibilities:

(a) to uphold and promote the purposes of the constitution and to interpret the constitution when necessary;

(b) to preside over meetings of the council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;

(c) to ensure that the council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive or hold committee chairmanships are able to hold the executive and committee chairmen to account;

(d) to promote public involvement in the council's activities;

(e) to be the conscience of the council and

(f) to attend such civic and ceremonial functions as the council and he determines appropriate.
Article 6 – Overview and scrutiny

6.1 Introduction

(1) The overview and scrutiny function is central to the council’s constitution. Overview and scrutiny meets in public to discuss and make recommendations on the development of policies and to hold the cabinet to account for their actions. Overview and scrutiny has a key role in considering other matters of local concern and may be proactive in ensuring the well being of Broadland District Council’s residents.

(2) The responsibility for successful overview and scrutiny rests with all members and is embedded throughout the council’s operations.

6.2 Arrangements for overview and scrutiny

(1) The organisational structure for the overview and scrutiny function is as follows:

<table>
<thead>
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<th>Body</th>
<th>Role</th>
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<td>Council</td>
<td>• Decides the arrangements for overview and scrutiny.</td>
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<td>• Establishes and appoints standing policy panels.</td>
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<td>• Sets the council’s developmental work programme and allocates resources.</td>
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<td></td>
<td>• Receives reports from the overview and scrutiny committee and standing policy panels.</td>
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<tr>
<td></td>
<td>• Deals with call ins referred from the overview and scrutiny committee.</td>
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<td>• Commissions work by the overview and scrutiny committee.</td>
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| **Overview and Scrutiny Committee** | scrutiny committee and standing policy panels.  
- Monitors the effectiveness of the overview and scrutiny function.  
- Develops the overview and scrutiny work plan.  
- Allocates work between standing policy panels, time and task limited panels and sub-committees.  
- Monitors the performance of the council and the cabinet through scrutiny of decisions taken.  
- Service reviews.  
- Calls in for scrutiny executive decisions and key decisions by officers.  
- Establishes time and task limited panels and sub-committees to undertake work.  
- Receives reports from standing policy panels, time and task limited panels and sub-committees as appropriate.  
- Responds to Councillor Calls for Action.  
- Receives periodic reports on resilience matters. |
| **Standing Policy Panels** | Undertake work allocated by council, cabinet and the overview and scrutiny committee.  
- Submit reports on policy development matters to council, cabinet and the |
| Time and Task Limited Panels and Sub-Committees | • Undertake work allocated by the overview and scrutiny committee.  
• Report to the overview and scrutiny committee. |
|---|---|
| Cabinet | • Commissions policy development work from the standing policy panels.  
• Receives reports and recommendations from the overview and scrutiny committee and standing policy panels as a result of:  
  - policy development work;  
  - performance monitoring and  
  - called in decisions (in the case of the overview and scrutiny committee only). |
| Advisory Panels | • An advisory panel linked to each of the council’s ambitions will be appointed to inform and advise portfolio holders on ensuring the council meets its ambitions as set out in the Business Plan. |

(2) The composition and procedural rules of the overview and scrutiny committee, standing policy panels, time and task limited panels and sub-committees are contained in the overview and scrutiny procedure rules set out in part 4 of the constitution.

Note There are currently no standing policy panels appointed by the council.
6.3 General role

(1) The overview and scrutiny committee and where appointed standing policy panels will:

(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 full council and/or the cabinet and/or any joint committee in connection with the discharge of any functions;

(c) consider any matter affecting the area and

(d) in the case of the overview and scrutiny committee only, exercise the right to call in, for reconsideration, decisions made but not yet implemented by the executive.

(2) Neither the overview and scrutiny committee nor the standing policy panels, time and task limited panels or overview and scrutiny sub-committees should scrutinise individual decisions made by the planning, licensing & regulatory, standards and audit committees, or the appeals, awards or the appointments and pay panels.

6.4 Specific functions

(1) Policy development and review. The overview and scrutiny committee and standing policy panels may:

(a) assist the council and the cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;

(b) conduct research, community and other consultation in carrying out its functions;

(c) consider and implement mechanisms to encourage and enhance community participation in the council’s work;
(d) question members of the cabinet and/or committees and chief officers about their views on issues and proposals affecting the area and

(e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(2) Scrutiny. The overview and scrutiny committee may:

(a) review and scrutinise the decisions made by and performance of the cabinet and/or committees and council officers both in relation to individual decisions and over time;

(b) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas;

(c) question members of the cabinet and/or committees 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, policies or projects;

(d) make recommendations to the cabinet and/or appropriate committee and/or council arising from the outcome of the scrutiny process;

(e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance;

(f) to review services delivered to local people regardless if the service is funded by the authority, including third party organisations as well as partnerships;
(g) question and gather evidence from any person (with their consent).

(3) **Finance.** The overview and scrutiny committee will be responsible for the finances made available to it.

(4) **Annual report.** The overview and scrutiny committee must report annually to the council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

(5) **Officers.** The overview and scrutiny committee will exercise overall responsibility for the work programme of any officers employed to support its work.

6.5 **Proceedings of overview and scrutiny committees**

(1) The overview and scrutiny committee, standing policy panels, time and task limited panels and sub-committees will conduct proceedings in accordance with the overview and scrutiny procedure rules set out in part 4 of this constitution.
Article 7 – The executive

The role of the executive

*The executive procedure rules in part 4 of this constitution set out how the executive will operate. These include arrangements for meetings, individual decision making, scheme of delegation and sub-delegation of functions.*

7.1 **Role**

(1) The executive will 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.

7.2 **Form and composition**

(1) The executive will consist of the executive leader together with six councillors appointed to the executive by the leader. The leader must appoint six councillors to the executive and must appoint councillors to fill vacancies that occur when any councillor ceases to be a member of the executive before the end of the term of office of the executive leader.

7.3 **Leader**

(1) The leader will be a councillor elected to the position by the council at its annual meeting. The leader will hold office until:

(a) he resigns from the office; or
(b) he is no longer a councillor; or
(c) he is removed from office by resolution of the council; or
(d) he is not re-elected at the annual meeting.
7.4 Other executive members

(1) The leader will appoint the other executive members including the deputy leader. Only councillors may be appointed to the executive. There may be no co-optees and no deputies or substitutes for executive members. Neither the chairman nor vice chairman of the council may be appointed to the executive and members of the executive (including the leader) may not be members of the overview and scrutiny committee.

(2) Other executive members shall hold office during the term of office of the leader who appointed them unless before then

(a) they resign from office; or

(b) they are no longer councillors; or

(c) they are removed from office by the leader who must give written notice of any removal to the proper officer. The removal will take effect two working days after receipt of the notice by the proper officer.

7.5 Proceedings of the executive

(1) Proceedings of the executive shall take place in accordance with the executive procedure rules set out in part 4 of this constitution.

7.6 Responsibility for functions

(1) The leader will maintain a list in part 3 of this constitution setting out which individual members of the executive, committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions.
Article 8 – Licensing & Regulatory and other committees

8.1 The council will appoint the committees set out in the second column of the table entitled responsibility for functions in part 3 of this constitution to discharge the functions described in the first column of that table.
Article 9 – The standards committee

9.1 The council meeting will establish a standards committee.

9.2 Composition

(1) **Political balance**

Standards committees must comply with the political balance rules.

(2) **Membership.** The standards committee will be composed of:

(a) five councillors;

(b) four members of parish or town councils in the council’s area as co-opted members who will not be entitled to vote at meetings. At any time there shall be no more than two parish members from the same parish or town council.

(3) **Parish members.** Parish members will be elected by ballot among the parish and town councils in the Broadland area and will continue to hold office unless they cease to be eligible to be a parish member, cease to be a parish councillor, or resign from the standards committee.

(4) **Chairing the committee.** The council will appoint the standards committee chairman from amongst the council members.

(5) **Quorum.** A meeting of the standards committee will not be quorate unless at least three members are present for its duration.

9.3 **Role and Function**

(1) The standards committee will have the following roles and functions:
(a) promoting and maintaining high standards of conduct by councillors and co-opted members;

(b) assisting councillors and co-opted members to observe the members’ code of conduct;

(c) advising the council on the adoption or revision of the members’ code of conduct;

(d) monitoring the operation of the members' code of conduct;

(e) advising, training or arranging to train councillors and co-opted members on matters relating to the members’ code of conduct;

(f) receive and consider the findings and recommendations of the monitoring officer and/or the independent person in relation to alleged breaches of the code of conduct and where appropriate make subsequent recommendations to either full council or group leaders for action;

(g) the determination of allegations of breach of the members’ code of conduct and

(h) oversight of the planning code of practice;

(i) the exercise of (a) to (g) above in relation to the parish/town councils wholly or mainly in its area and the members of those parish/town councils;

(2) In the performance of their role and function co-opted parish members of the standards committee may attend meetings of the council, cabinet, committees, working groups or panels including meetings when the press and public are excluded and shall be permitted to speak to comply with council procedure rule 8 and at the invitation of the chairman on matters relating to the role and function of the standards committee.
(3) The chairman of the standards committee shall present the minutes of the standards committee to council.
Article 10 – Area committees and fora

10.1 The council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

10.2 The council will consult with relevant parish and town councils and the chairmen of relevant parish meetings when considering whether and how to establish area committees.
Article 11 – Joint arrangements

11.1 The council or the executive, in order to promote the economic, social or environmental well-being of its area, may:

(1) enter into arrangements or agreements with any person or body;

(2) co-operate with, or facilitate or co-ordinate the activities of, any person or body and

(3) exercise on behalf of that person or body any functions of that person or body.

11.2 Joint arrangements

(1) The council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions, which are not executive functions in any of the participating authorities, or advise the council. (Such arrangements may involve the appointment of a joint committee with these other local authorities.)

(2) The executive 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.

(3) Except as set out below, the executive may only appoint executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.

(4) The executive may appoint members to a joint committee from outside the executive in the following circumstances:

(a) the joint committee is discharging a function in relation to five or more local authorities;
(b) 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 executive may appoint to the joint committee any councillor who is a member for an electoral division or ward which is wholly or partly contained within the area.

The political balance requirements do not apply to such appointments.

(5) Details of any joint arrangements including any delegations to joint committees will be found in the council’s scheme of delegation in part 3 of this constitution.

11.3 Access to information

(1) The access to information procedure rules in part 4 of this constitution apply.

(2) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.

(3) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.4 Delegation to and from other local authorities

(1) The council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

(2) The executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
(3) The decision whether or not to accept such a delegation from another local authority shall be reserved to the council meeting.

11.5 Contracting out

(1) The council for functions which are not executive functions and the executive for executive functions may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the council’s agent under usual contacting principles, provided there is no delegation of the council’s discretionary decision making.
Article 12 – Officers

12.1 Management structure

Appointment of staff cannot be the responsibility of the executive. Appointment of staff below head of service level must be the responsibility of the head of paid service or their nominee.

(1) General. The full council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(2) Managing director, directors and assistant directors. The council will engage persons for the following posts.

<table>
<thead>
<tr>
<th>officer</th>
<th>Assistant director</th>
<th>Functions and areas of responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>managing director (and head of paid service)</td>
<td></td>
<td>Overall corporate management and operational responsibility (including overall management responsibility for all officers).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Leads the executive and corporate leadership teams.</td>
</tr>
<tr>
<td>(reporting to managing director)</td>
<td>assistant director chief of staff</td>
<td>Business and service improvement Policy / strategy Organisational development Communications and marketing Digital</td>
</tr>
<tr>
<td>Internal Consultancy Team</td>
<td>Generic internal consultancy role to lead programmes / projects and drive change across the “Two Councils – One Team”</td>
<td></td>
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<tr>
<td>---------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Director Place</th>
<th>Assistant Director Economic Growth</th>
<th>Economic Development</th>
</tr>
</thead>
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<table>
<thead>
<tr>
<th>Assistant Director Regulatory</th>
<th>Food, health, safety and licensing Environmental services Emergency planning</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Assistant Director Planning</th>
<th>CNC Housing delivery, strategy and policy Planning</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Director Resources</th>
<th>Assistant Director Finance</th>
<th>Finance, accountancy, financial services and fraud NNDR Local taxation and council tax Enforcement procurement</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Assistant Director Governance and Business Support</th>
<th>ICT Facilities HR Monitoring Officer Governance Electoral services Committee services Customer services (BDC)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Director People and Communities</th>
<th>Assistant Director Individuals and Families</th>
<th>Early Help Hub Housing (options, standards, private sector, independent living) Benefits Community safety Community capacity</th>
</tr>
</thead>
</table>


in the absence of the Monitoring Officer, the Governance Manager and the Senior Governance Officers shall act as Deputy Monitoring Officer. In the absence of the Chief Financial Officer (Section 151 Officer), the Senior Finance Business Partners and the Finance Manager shall act as Deputy Chief Financial Officer (Deputy Section 151 Officer).

Such posts will have the functions described in article 12.2–12.4 below.

(4) Structure. The head of paid service will determine and publicise a description of the overall departmental structure of the council showing the management structure and deployment of officers. This is set out at part 7 of this constitution.

(5) Politically restricted posts. The list of officers in politically restricted posts for the purposes of section 3 of the Local Government and Housing Act 1989 is contained in part 7 of this constitution.
12.2 Functions of the head of paid service

(1) Discharge of functions by the council. The head of paid service 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.

(2) Restrictions on functions. The head of paid service may not be the monitoring officer but may hold the post of chief finance officer, if a qualified accountant.

12.3 Functions of the monitoring officer

(1) 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 members, staff and the public.

(2) Ensuring lawfulness and fairness of decision making. After consulting with the head of paid service and chief finance officer, the monitoring officer will report to the full council or to the executive in relation to an executive function if he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to Maladministration with Report. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(3) 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.

(4) Proper officer for granting dispensations. The monitoring officer has been designated proper officer for this purpose under section 33 of the Localism Act 2011.
(5) **Conducting investigations.** The monitoring officer will conduct investigations into complaints made to the council for alleged breaches of the Code of Conduct and make reports or recommendations in respect of them to the standards committee, council, relevant group leader and relevant town or parish council.

(6) **Proper officer for access to information.** The monitoring officer 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.

(7) **Advising whether executive decisions are within the budget and policy framework.** The monitoring officer in conjunction with the chief finance officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

(8) **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, Maladministration with Report, financial impropriety, probity and budget and policy framework issues to all councillors.

(9) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service.

12.4 **Functions of the chief finance officer**

(1) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the monitoring officer, the chief finance officer will report to the full council or to the executive in relation to an executive function and the council’s external auditor if he 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.
(2) **Administration of financial affairs.** The chief finance officer will have responsibility for the administration of the financial affairs of the council.

(3) **Contributing to corporate management.** The chief finance officer will contribute to the corporate management of the council, in particular through the provision of professional financial advice.

(4) **Providing advice.** The chief finance officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(5) **Give financial information.** The chief finance officer will provide financial information to the media, members of the public and the community.

12.5 **Duty to provide sufficient resources to the monitoring officer and chief finance officer**

(1) The council will provide the monitoring officer and chief finance officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.6 **Conduct**

(1) Officers will comply with the officers' code of conduct and the protocol on member/officer relations set out in part 5 of this constitution.

12.7 **Employment**

(1) The recruitment, selection and dismissal of officers will comply with the officer employment procedure rules set out in part 4 of this constitution.
Article 13 – Decision making

13.1 Responsibility for decision making

(1) 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

(1) All decisions of the council will be made in accordance with the following principles.

(2) Good decision making goes beyond observing the often rehearsed legal requirements to have regard to all relevant considerations and ignore all irrelevant factors set out in Associated Picture Palaces v Wednesbury Corporation [1948] 1KB223. It involves the realistic evaluation of alternatives and due consultation through effective access for the public to decision making and decision makers.

(a) proportionality (ie 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 (see below for further details);

(d) a presumption in favour of openness and

(e) clarity of aims, desired outcomes and reasons for decisions, including explaining what options were considered.

13.3 Types of decision

(1) Decisions reserved to full council. Decisions relating to the functions listed in article 4.2 will be made by the full council and not delegated.
(2) **Key decisions.**

A “key decision” means an executive decision which is likely:

(a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

(3) The council has agreed the following definition of key decisions:

- there should be a presumption of openness in decision making;
- decisions which are likely to have a significant impact on communities in one ward or electoral division eg a school closure or traffic calming;
- the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected;
- decisions made by the executive in the course of developing proposals to the full council to amend the policy framework and
- any proposal with a cost in excess of 1% of the council’s net revenue budget.

(4) A decision taker may only make a key decision in accordance with the requirements of the access to information procedure rules set out in part 4 of this constitution.
13.4 Decision making by the full council

(1) Subject to article 13.8, the council meeting will follow the council procedure rules set out in part 4 of this constitution when considering any matter.

13.5 Decision making by the executive

(1) Subject to article 13.8, the executive will follow the executive procedure rules set out in part 4 of this constitution when considering any matter.

13.6 Decision making by the overview and scrutiny committee

(1) The overview and scrutiny committee will follow the overview and 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

(1) 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

(1) 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. The quasi judicial procedure rules set out in part 4 of this constitution will apply.
Article 14 – Finance, contracts and legal matters

14.1 Financial management

(1) 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

(1) Every contract made by the council will comply with the contracts procedure rules set out in part 4 of this constitution.

14.3 Legal proceedings

(1) The monitoring officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the council or in any case where the head of democratic services and monitoring officer considers that such action is necessary to protect the council’s interests.

14.4 Authentication of documents

(1) Where any document is necessary to any legal procedure or proceedings on behalf of the council, it will be signed by the monitoring officer or other person authorised by him, unless any enactment otherwise authorises or requires, or the council has given requisite authority to some other person.

14.5 Common seal of the council

(1) 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 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 monitoring officer or some other person authorised by him. A record of each affixing of the seal will be
made in the council’s seal register in which each document sealed will be numbered consecutively. The seal register will contain details of each document sealed, the parties to the document, a description of any property affected, the authority for affixing the seal and the date of sealing.
Article 15 – Review and revision of the constitution

15.1 Duty to monitor and review the constitution

(1) The council, advised by the monitoring officer, will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect.

(2) The first review will take place on the anniversary of the adoption of the constitution and each review will consider the adequacy of the arrangements for reviewing the constitution.

15.2 Protocol for monitoring and review of constitution by the monitoring officer

(1) A key role for the monitoring officer is to be aware of the strengths and weaknesses of the constitution adopted by the council and to make recommendations for ways in which it could be improved to achieve the purposes set out in article 1. In undertaking this task, the monitoring officer may:

(a) observe meetings of different parts of the member and officer structure;

(b) undertake an audit of a sample of decisions;

(c) record and analyse issues raised with him by members, officers, the public and other relevant stakeholders and

(d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.3 Changes to the constitution

(1) Approval. Changes to the constitution will only be approved by the full council after consideration of the proposal by the cabinet advised by the monitoring officer.

(2) Annual meeting. Changes to the following provisions of the constitution may be made at the annual meeting, following
consideration of the proposed changes by the monitoring officer:

(a) the number, titles and responsibilities of portfolio holders;

(b) the number and names of committees, panels or working groups;

(c) the terms of reference and responsibilities of committees, panels or working groups and

(d) the rules about membership and chairmanship of committees, panels and working groups;

(3) **Change from a leader and cabinet form of executive to alternative arrangements, or vice versa.** The council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.
Article 16 – Suspension, interpretation and publication of the constitution

This article ensures that the articles of the constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the council’s governance. However, it does provide for rules of procedure to be suspended provided this is to achieve an effect consistent with the purposes of the constitution set out in article 1.

16.1 Suspension of the constitution

(1) **Limit to suspension.** The articles of this constitution may not be suspended. The rules contained within part 4 of this constitution may be suspended by the full council to the extent permitted within those rules and the law.

(2) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole 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.

16.2 Interpretation

(1) The ruling of the chairman of the 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

(1) An up to date copy of the constitution will be available on the council’s website – [https://www.broadland.gov.uk/downloads/download/142/council_constitution](https://www.broadland.gov.uk/downloads/download/142/council_constitution). Hard copies will be made available to members on request at an appropriate time following their election but they are advised to refer to the online version to ensure there have been no amendments made.
(2) The managing director will ensure that copies are available for inspection at the council offices and on the council’s website. Hard copies can be purchased by members of the local press and made available to the public free of charge.
Schedule 1: Description of executive arrangements

The following parts of this constitution constitute the executive arrangements:

- **Article 6** Overview and scrutiny and the overview and scrutiny procedure rules;
- **Article 7** The executive and the executive procedure rules;
- **Article 10** Area committees and fora
- **Article 11** Joint arrangements
- **Article 13** Decision making and the access to information procedure rules;
- **Part 3** Responsibility for functions