

# Article 1 – The Constitution

# APPENDIX B

## 1.01 Powers of the Council

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

## 1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of Northumberland County Council.

## 1.03 Purpose of the Constitution

The purpose of the Constitution is to:

- (1) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations
- (2) support the active involvement of citizens in the process of local council decision-making
- (3) help councillors represent their constituents more effectively
- (4) enable decisions to be taken efficiently and effectively
- (5) create a powerful and effective means of holding decision-makers to public account
- (6) ensure that no one will review or scrutinise a decision in which they were directly involved
- (7) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions, and
- (8) provide a means of improving the delivery of services to the community.

## 1.04 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.**

## **Article 2 – Members of the Council**

### **Composition**

The Council will comprise 67 members, otherwise called councillors. One councillor will be elected by the voters of each Electoral Division in accordance with a scheme drawn up by the Boundary Commission except in the case of the Alnwick Division, which has two members.

### **Eligibility**

Only registered voters of the county or those living or working there will be eligible to hold the office of councillor.

#### **2.01 Election and terms of councillors**

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

#### **2.02 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 functions
- (b) represent their communities and bring their views into the Council's decision-making process, i.e. 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
- (d) balance different interests identified within the Electoral Division and represent the Electoral Division as a whole
- (e) be involved in decision-making
- (f) be available to represent the Council on other bodies, and
- (g) maintain the highest standards of conduct and ethics.

**(2) Rights and duties:**

- (a) Councillors will only 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. Failure to do so may be construed as a breach of the **Code of Conduct**.
- (c) For these purposes, “confidential” and “exempt” information are defined in ~~Appendix 3~~ the **Access to Information Procedure Rules** in Part 5 of this Constitution.

**2.03 Conduct**

Councillors will at all times observe the **Members’ Code of Conduct** and the Protocol on Member/Officer Relations set out in Part 6 of this Constitution.

**2.04 Allowances**

Councillors will be entitled to receive allowances in accordance with the **Members’ Allowances Scheme** set out in Part 7 of this Constitution.

**2.05 Member Details**

Details of all elected members of Northumberland County Council are available on the council’s website at [www.northumberland.gov.uk](http://www.northumberland.gov.uk)

## **Article 3 – ~~Citizens and the Council~~ Local Residents and the Public**

### **3.01 ~~Citizens' rights~~ Local Residents and the Public - Rights under the Constitution**

~~Citizens~~ Members of the public, particularly those who live or work in the area, have the following rights:

(NB their rights to information and to participate are explained in more detail in ~~Appendix 3~~ the **Access to Information Procedure Rules** in Part 5 of this Constitution):

#### **(1) Voting and petitions**

~~Citizens~~ Local residents on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

#### **(2) Information**

~~Citizens~~ have The right to:

- (a) attend meetings of the **Council** and its **committees**, with reasonable adjustments being made to allow participation, except those parts of meetings where confidential or exempt information is likely to be disclosed, and that part of the meeting is therefore held in private
- (b) attend meetings of the **Cabinet** when key decisions are being considered
- (c) find out from the **forward plan** what **key decisions** will be taken by the Cabinet and when
- (d) see reports and background papers, and any records of decisions made by the Council, Cabinet and Committees provided that they have not been classed as exempt under the **Access to Information** legislation ~~legislation~~ **Procedure Rules**
- (e) inspect the Council's accounts and make their views known to the external auditor
- (f) ***contact their local councillor about any matters of concern to them***
- (g) ***obtain information held by the Council using the***

*provisions of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004*

- (h) *obtain any personal information held about them by the Council, in accordance with relevant data protection legislation*
- (i) *record and film public meetings of the Council, cabinet or committees provided this is not undertaken in a disruptive manner (Council Procedure Rules)*

### (3) Participation

~~Citizens have~~ The right to:

- a) contribute to investigations by Overview and Scrutiny Committees (in accordance with the procedures agreed by the Council or the Committees – see Overview & Scrutiny Procedure Rules)
- b) *Ask Questions in accordance with the Council Procedure Rules*

### (4) Complaints

~~Citizens have~~ The right to complain to:

- (a) the Council under the complaints procedure *about the standard of service, action or lack of action*
- (b) the Ombudsman after using the Council's own complaints scheme
- (c) the Council's Standards Committee about a breach of the Code of Conduct for Elected Members.

### (5) Petitions

~~Citizens have~~ The right to petition the Council in accordance with the Petition Protocol procedure set out in Appendix 2 **Part 8**

## 3.02 Citizens' responsibilities

~~Citizens~~ *Members of the public* must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers. Where appropriate the Council has the right to refuse to engage with offending individuals.



# Article 4 – The Full Council

## Introduction

Meetings of the full Council involve all 67 councillors and take place in accordance with the dates and frequency set out in the diary of meetings as agreed by full Council. An annual meeting will be held in May each year when the appointments of the Civic Head and Deputy Civic Head of the County Council and councillors to the various committees of the Council are made.

While the majority of the work of the Council is delegated to the Cabinet and these committees and also to officers, full Council remains directly responsible for the functions listed at 4.02 below.

## 4.01 Meanings

### Budget and Policy Framework

- (1) Policy Framework. The policy framework means the following plans and strategies:-
  - (a) *those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and regulations under section 32 of the Local Government Act 2000 to be adopted by the Council:*
    - Children and Young Peoples Plan
    - ~~Sustainable Community Strategy~~
    - Crime and Disorder Reduction Strategy
    - ~~Housing Investment Programme~~ **Strategy for Northumberland & Investment Plan 2019 – 22**
    - Licensing Authority Policy Statement
    - Local Transport Plan **2011 -26**
    - ~~Local Development Framework~~ Plans and Strategies
    - Council's Corporate Plan **2018- 21**
    - ~~Adult Learning Plan~~ **Northumberland Skills Strategy**
    - Gambling Policy
  - (b) *other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice:*
    - Schedule and Planning Policy Documents which do not form part of the Statutory Development Plan
    - ~~Climate Change Action Plans~~ **Responding to Climate Change – A Statement of Intent**

- The Northumberland Cultural Strategy
- Joint Municipal Waste Management Strategy for Northumberland
- ~~Corporate Governance Framework~~
- ~~Tackling Disadvantage: NCC's Social Inclusion Strategy~~
- Equality and Diversity Policy Statement
- Northumberland Coast Area of Outstanding Natural Beauty Management Plan
- **Northumberland & North Tyneside Shoreline Management Plan**
- **Youth Justice Plan**
- **Adult Social Care Winter Plan**
- **Health & Well Being Strategy 2018 – 2028**
- **Regeneration and Investment Plan & Strategies**
- **Fire and Rescue Plan (Integrated Risk Management Plan) 2017 - 2021**
- Such other policies as are specifically adopted as part of the policy framework by the County Council.

- (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, the control of its capital expenditure, the policy on fees and charges, investments and the setting of virement limits.

***The following plans are approved annually as part of the Budget Process:***

- **MTFP**
- **Capital Strategy**
- **Capital Prudential Indicators**
- **Treasury Management Strategy**
- **Minimum Revenue Provision Policy**
- **Pay Policy Statement**
- **Revenues and Benefits Policies:**
  - **Council Tax Support Scheme**
  - **Caravans / Chalets Council Tax Policy**
  - **Council Tax Discounts Policy**
  - **Corporate Debt Recovery Policy**
  - **Discretionary Housing Payment Policy**
  - **Rate Relief Policy**
  - **Housing Benefit – War Pension and Armed Forces Compensation Disregard Policy**
  - **Counter Fraud Policy**
  - **Bribery and Corruption Policy**

- **Anti-Money Laundering Policy**
- **Local Welfare Assistance Policy – NETs**

#### **4.02 Functions of the Full Council**

Only the Council will exercise the following functions:

- (1) adopting and changing the Constitution;
- (2) approving or adopting the policy framework and the budget;
- (3) appointing the Leader, the Business Chair, Civic Head and Deputy Civic Head of the County Council, and the Chair of the Standards Committee (who shall not be a serving Councillor);
- (4) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them; appointing the Chair and Vice Chair of all committees of council.
- (5) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council to the Local Area Councils or otherwise;
- (6) adopting a **Members' Allowances scheme**
- (7) ~~and such~~ ***all*** other matters as set out in Part 3 of the Constitution ***under the terms of reference for Full Council***
- (8) subject to the urgency procedure contained in **the Access to Information Procedure Rules** in ~~Appendix 3~~ ***Part 5*** to 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.

#### **4.03 Council meetings**

There are three types of Council meeting:

- (1) the annual meeting
- (2) ordinary meetings

(3) extraordinary meetings

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

## Article 5 – Chairing the Council

### 5.01 Role and function of the Chair

The Business Chair will be elected by the Council at its annual meeting for the ensuing year.

The Business Chair and in their absence the Deputy Business Chair, will have the following responsibilities:

- (1) to participate in the formulation and implementation of Council policy, including taking the lead on and proposing new policy, strategy, programming, budget and service standards
- (2) to act as a council spokesperson and consult and communicate with members of all party groups, officers and key partners as appropriate to ensure that council policies are widely understood and positively promoted
- (3) to act as chair of appropriate committees including **full Council**
- (4) to have responsibility for liaison with the Head of Paid Service and members of the Management Board as required by the Leader
- (5) to act as a spokesperson within and outside the Council and the wider community
- (6) to represent the Council in the community and elsewhere
- (7) to preside impartially 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
- (8) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Portfolio Holders to account
- (9) to promote public involvement in the Council's activities, and
- (10) such other duties as may be delegated by the Leader of the Council.

### 5.02 Prohibition on membership of the Cabinet

Under prevailing legislation the Business Chair of the Council cannot also be a member of the **Cabinet**

## **Article 5a – Civic Head of the County Council**

### **5.03 Role and function of the Civic Head**

The Civic Head of the County Council will be elected by the Council annually.

The Civic Head and in their absence the Deputy Civic Head, will have the following responsibilities:

- (1) As the county's first citizen, act in an impartial manner as an ambassador for Northumberland by promoting the county at a local, regional and national level
- (2) Act as a symbol of the Council's democratic authority in an impartial manner and encourage democratic engagement at all levels, but particularly among young people
- (3) Promote community cohesion by working with individuals, ethnic minorities' community groups, the voluntary, public and private sector
- (4) Receive members of the Royal Family and other important visitors to the county and Council
- (5) Be committed to the values of the Council and promote those values
- (6) Encourage democratic engagement at all levels, specifically by teaching civic pride to local young people by hosting and visiting schools
- (7) Host the civic and ceremonial hospitality programme and preside over key civic functions
- (8) Open exhibitions, events and ceremonies on behalf of the Council
- (9) Visit schools and community groups, hosting such visits to the Council premises
- (10) Promote the Civic Head's charity by organising fund raising events and obtaining sponsorship
- (11) Be committed to the values of the Council and follow the values of public office
- (12) Delegate duties to the Vice Civic Head as appropriate
- (13) Help to create closer working relationships with town and parish councils in the county
- (14) Attend Religious events of all denominations.

## Article 6 – The Cabinet

### The Role of the Cabinet

#### 6.01 Role

The Cabinet 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.

#### 6.02 Form and composition

The Cabinet will consist of the Leader appointed by the Council together with at least 2, but not more than 9, councillors appointed by the Leader.

#### 6.03 Leader

The Leader will be a councillor appointed by the Council at its annual meeting following whole council elections or as prescribed by Statutory Instrument.

***The Leader will hold office for a four year period or the remaining term of the Council unless: ~~until:~~***

- (1) they resign from the office ***of Leader;*** or
- (2) they are removed from office by resolution of the Council in accordance with the provisions of the Local Government Act 2000: ***or***
- (3) ***they are no longer a Councillor***

***(NB If the Leader is not elected or does not stand for election they will remain in office during the period between the election and the annual Council when a new Leader will be elected)***

***Where the Council decides (by a simple majority of those present) to remove the Leader from office a new Leader will either be elected at the meeting which takes that decision or at the next meeting.***

***Otherwise, in the event of there being a vacancy in the office of Leader, the Council shall elect a new Leader at its next ordinary meeting of full Council***

#### **6.04 Deputy Leader**

The Leader shall annually appoint one Member of the Cabinet to be Deputy Leader who shall exercise the functions of the Leader in the absence of the Leader.

The Deputy Leader shall hold office until:

- (1) they resign from office; or
- (2) they are no longer a councillor; or
- (3) they are removed from office by the Leader of the Council.

#### **6.05 Other Cabinet Members**

Other Cabinet members shall hold office until:

- (1) they resign from office; or
- (2) they are no longer councillors; or
- (3) they are removed from office, either individually or collectively, by the Leader of the Council.

#### **6.06 Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the **Cabinet Procedure Rules** set out in Part 5 of this Constitution.

#### **6.07 Responsibility for Functions**

The Leader will maintain a list in this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Cabinet functions.

#### **6.08 Strategic Leadership**

The Cabinet collectively shall have clear responsibility for a range of corporate decisions and individually, Cabinet Members will provide the strategic leadership for their portfolios.

#### **6.09 Appointment of sub-committees and working groups**

The Cabinet can appoint its own sub-committees and working groups/Cabinet Advisory Groups and determine their membership including the Chair and

Vice Chair of each.<sup>1</sup>

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<sup>1</sup> Elected members on scrutiny should ensure that they do not have a conflict of interest before accepting an appointment

## THE CABINET (September 2020)

Cabinet Portfolio	Cabinet Portfolio
<p><b>Leader of the Council</b> Corporate Strategy &amp; Policy; Corporate Financial Strategy &amp; Policy; Liaison &amp; partnership development with external bodies, including town &amp; parish councils; Climate change; Road Strategy &amp; Highway Maintenance; Local Transport Plan; Street Lighting; Waste Management &amp; Recycling; Car Parks; Home-School Travel; Coast &amp; Flood Protection.</p>	<p><b>Deputy Leader and Cabinet Secretary</b> Public Health; Chair Health &amp; Wellbeing Board; Adult &amp; Community Education; Rural Proofing; Registrars, Registration &amp; Coroners; Organisational Development (supported by Deputy Business Chair)</p>
<p><b>Corporate Services</b> Budget Strategy &amp; Medium Term Financial Plan; Customer Services Strategy; Capital Programme &amp; Asset Management Strategy; Estates &amp; Assets; Corporate Governance &amp; Services; Performance Management; ICT Connectivity; Audit; Risk Strategy; Procurement Strategy; Shared &amp; Traded Services; Financial Services; Internal &amp; External Communications.</p>	<p><b>Adults' Wellbeing</b> Adult Services, Social Care &amp; Welfare; Voluntary Sector &amp; VCS; Safeguarding &amp; Strategic Commissioning including shared &amp; traded services; Ageing Well; Mental Health &amp; Emotional Well-being; Adult Learning Disability Services; Domestic abuse; Extra Care &amp; supported housing; Carers' Wellbeing; Northumberland Communities Together; Fuel Poverty; Equality &amp; Diversity (to link in with the Equality &amp; Diversity Champion on social inclusion &amp; E&amp;D)</p>
<p><b>Community Services</b> Fire &amp; Rescue; Emergency Planning &amp; Resilience; Public Protection &amp; Community Safety; Environmental Health; Environmental Enforcement; Trading Standards; Planning, Licensing &amp; Building Control; Housing.</p>	<p><b>Business &amp; Tourism</b> Delivery Assurance of Advance Northumberland; Delivery Assurance of Northumberland Tourism; Economic Development &amp; Business Growth; Regeneration; Tourism Strategy; Strategic Transport &amp; Infrastructure; Public Transport (Strategy &amp; Delivery) &amp; Connectivity; Town Markets.</p>
<p><b>Children &amp; Young People</b> Schools &amp; Children's Services; Early Years; Family Services; Children's Health &amp; Mental Well-being; SEND; Safeguarding &amp; LAC; Youth Services; Youth Offending; Training Skills &amp; Enterprise; Employability &amp; Access to Work; Teenage Sexual Health.</p>	<p><b>Healthy Lives</b> Delivery Assurance of Active Northumberland &amp; Woodhorn Museum Charitable Trust; Archives; Cultural Strategy; Leisure Strategy; Sport Strategy; Play Strategy; Healthy Living; Libraries &amp; Museums; Arts &amp; Heritage; Countryside/AONB/RoW/Parks; Cycling &amp; Walking.</p>

### Equality & Diversity Champion

To link in with Cabinet Member for Adults' Wellbeing on social inclusion & E&D

## Article 7 – Overview and Scrutiny Committees

### 7.01 Terms of Reference

The Council will appoint the Overview and Scrutiny Committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 (or regulations under section 32 of the Local Government Act 2000) in relation to the matters set out in the right hand column of the same table.

***Full Terms of Reference for each Overview & Scrutiny Committee are set out in Part 3***

<b>Committee</b>	<b>Scope</b>
<b><u>Communities and Place Overview and Scrutiny Committee</u></b>	Matters relating to housing, climate change, highways and neighbourhood, fire and rescue and community safety, culture, arts, leisure and tourism, and to the provision of Council services to communities in the built and natural environment of Northumberland
<b><u>Corporate Services and Economic Growth Overview &amp; Scrutiny Committee</u></b>	Matters relating to economic development and the Council's corporate services, strategic transport, and budgetary and performance management.
<b><u>Family and Children's Services Overview &amp; Scrutiny Committee</u></b>	Matters relating to the provision of education, lifelong learning and safeguarding children
<b><u>Health and Well Being Overview &amp; Scrutiny Committee</u></b>	Matters relating to the provision of health services in Northumberland and the general well-being of its residents, and to hold to account the Health & Wellbeing Board

In considering membership of such committees, due regard should be paid to the potential contribution of community stakeholders outside the Council. The Committees shall be entitled to co-opt non-members as non-voting co-optees as necessary for a particular matter that is subject to scrutiny.

### 7.02 General

Within their terms of reference the Overview and Scrutiny Committees, and their sub-committees, will:

- (1) Review and/or scrutinise decisions made (and proposed), or actions taken in connection with the discharge of any of the Council's functions;
- (2) Make reports and/or recommendations to the full Council and/or the Cabinet and/or any policy, joint or Local Area Council in connection with the discharge of any functions;
- (3) Consider any matter affecting the area or its inhabitants; and
- (4) Exercise the right to call-in, for reconsideration, (through the Chair's Group) decisions made but not yet implemented by the Cabinet and/or any policy or Local Area Council.

### 7.03 Specific functions

Within their terms of reference, Overview and Scrutiny Committees, and their sub-committees, may:

- (1) Assist the Council and the Cabinet in the development of the **Council's budget and policy framework**
- (2) Review and scrutinise the decisions made by and performance of the **Cabinet** and/or **Local Area Councils** and Council officers both in relation to individual decisions and over time
- (3) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- (4) Question members of the Cabinet and/or committees and chief 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
- (5) Make recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process
- (6) 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
- (7) Report and make recommendations to the Council or Cabinet on matters which affect the Council's area or the inhabitants of the area, and
- (8) Question and gather evidence from any person (with their consent).

#### **7.04 Overview and Scrutiny Budget**

Overview and Scrutiny Committees have overall responsibility for spending the budget made available to them.

#### **7.05 Annual Report**

Overview and Scrutiny Committees must report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

#### **7.06 Officers**

Overview and Scrutiny Committees will conduct their proceedings in accordance with the **Overview and Scrutiny Procedure Rules** as set out in Part 5 of this Constitution.

## **Article 8 – Regulatory and other committees**

### **8.01 Regulatory and other committees**

The Council will appoint *those* committees *set out in Part 3* to discharge its regulatory *and other* functions. Councillors should normally only participate in the decision making processes of such committees after receiving appropriate training in the functions of that committee.

### **8.02 Northumberland County Council LGPS Local Pension Board**

In accordance with Section 5 of the Public Service Pensions Act 2013, a local Pension Board assists Northumberland County Council in the governance and administration of the Northumberland County Council LGPS. Note that this LGPS Local Pension Board is not a local authority committee.

### **8.03 Firefighters' Pension Scheme for Northumberland Fire and Rescue Service Local Pension Board**

In accordance with Section 5 of the Public Service Pensions Act 2013, a local Pension Board assists Northumberland County Council in its capacity as Fire and Rescue Authority, in the governance and administration of the Firefighters' Pension Scheme (FPS). Note that this FPS Local Pension Board is not a local authority committee.

## **Article 9 - The Standards Committee**

***See also Part 3 Committee Terms of Reference***

### **9.01 Standards Committee**

The Council will establish a Standards Committee.

### **9.02 Composition**

The Standards Committee will be composed of eight county (3:3:1:1) and three parish council representatives, (who should preferably be geographically representative of the County as a whole), and one independent co-optee as its Chair. No more than one member of the Council's Cabinet may serve on this Committee. The parish council members and any co-optees are not entitled to vote at meetings.

***The Standards Committee must also include an Independent Person appointed under the Localism Act 2011 who will also sit on the Council's Dismissal Advisory Committee***

### **9.03 Chairing the Committee**

The Chair of the Committee will be appointed by Council as a person independent from the Council. As a co-optee the Chair is not entitled to vote at meetings.

### **9.04 Role and Function**

The Standards Committee will have the following roles and functions:

- (1) promoting and maintaining high standards of conduct by councillors, town and parish councillors, co-opted members and church and parent governor representatives
- (2) assisting the councillors, town and parish councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct
- (3) advising the Council on the adoption or revision of the Members' Code of Conduct
- (4) monitoring the operation of the Members' Code of Conduct
- (5) advising, training or arranging to train councillors, town and parish councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct
- (6) granting dispensations to councillors, co-opted members church and parent governor representatives from requirements relating to Disclosable Pecuniary Interests set out in the Members' Code of Conduct

- (7) assessing and reviewing complaints about councillors and conducting determinations' hearings
- (8) granting exemptions for politically restricted posts, and
- (9) such other roles as may be given by the Council.

## Article 10 - Local Area Councils

*See also Part 3 Committee Terms of Reference*

### 10.01 Local Area Councils

The Council may appoint local area councils 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.

The Council will consult with relevant parish/ town councils, the chairs of relevant parish meetings and other relevant persons/organisations when considering whether and how to establish local area councils.

### 10.02 Form, composition and function

- (1) The Council will appoint the five local area councils. They are North Northumberland, Tynedale, Castle Morpeth, Ashington and Blyth, and Cramlington, Bedlington and Seaton Valley. Their terms of reference are set out in **Part 3** of the Constitution and their membership consists of all councillors whose divisions lie in each area.
- (2) Delegations. The Council and the Cabinet will include details of any delegations to local area councils in **Part 3** of this Constitution, including the functions delegated, showing which are the responsibility of the Cabinet and which are not, the composition and membership of the committees, budgets and any limitations on delegation.
- (3) Local Area Councils may appoint sub-committees or working groups which will be provided with administrative support at the discretion of the Head of Paid Service.

### 10.03 Conflicts of interest – membership of local area councils and Overview and Scrutiny Committees

- (1) Conflict of interest

If an **Overview and Scrutiny Committee** is scrutinising specific decisions or proposals in relation to the business of the local area council of which the councillor concerned is a member, then the councillor may not speak or vote at the Overview and Scrutiny Committee meeting unless a dispensation to do so is given by the **Standards Committee**.

- (2) General policy reviews

Where the **Overview and Scrutiny Committee** is reviewing policy generally, the member must declare their interest before the relevant

agenda item is reached, but need not withdraw.

#### **10.04 Local Area Councils – access to information**

Local Area Councils will comply with the **Access to Information Rules** in ~~Appendix 3~~ **Part 5** of this Constitution. Agendas and notices for meetings which deal with both functions of the Cabinet and functions which are not the responsibility of the Cabinet, will state clearly which items are which.

#### **10.05 Cabinet members on local area councils**

A member of the Cabinet may serve on a local area council if otherwise eligible to do so as a councillor.

The relevant Cabinet Member may be invited to attend a meeting of a local area council depending upon the subject matter in question.

# Article 11 - Joint Arrangements

## 11.01 Arrangements to promote well being

The Council or the Cabinet 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.

## 11.02 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 **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.
- (3) Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the Council as a whole.
- (4) The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:
  - (a) the joint committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the council by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for an electoral division 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 delegations in Part 4 of this Constitution.**

### **11.03 Access to information**

- (1) The Access to Information Rules in ~~Appendix 3~~ **Part 5** of this Constitution apply.
- (2) 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.
- (3) If the joint committee contains members who are not on the Cabinet of any participating council then the access to information rules in Part VA of the Local Government Act 1972 will apply.

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

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

## Article 12 - Officers

### 12.01 Management structure

#### (1) General

The Council may engage such employees as it considers necessary to carry out its functions (see Appendix 4). ***See the Management Structure Chart in Part 8***

#### (2) Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers for the purposes of the Local Government and Housing Act 1989 and all of whom shall contribute to the corporate and strategic development of the Council.

Post	Functions and areas of responsibility
Chief Executive (Head of Paid Service)	<p>To act as Head of Paid Service and have authority over all other Directors so far as is necessary for efficient management and for carrying out the Council's functions; to be the Council's principal adviser on overall policy and to be responsible for all matters not specifically referred to any other Directorate.</p> <p>To exercise the powers of the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the business afforded the post under the Council's delegated powers scheme.</p> <p><b><i>NB The current Post holder is also a Director of the local NHS Foundation Trust</i></b></p>
Executive Director of Finance and S151 Officer <b><i>and Deputy Chief Executive</i></b>	<p>To act as the Chief Finance Officer and S151 Officer and to exercise the powers of the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the business afforded the post under the Council's delegated powers scheme.</p>
Executive Director of Adults' and Children's Services	<p>To be the Director of Adult Social Services for the purposes of the Local Authority Social Services Act 1970.</p> <p>To be the Council's Director of Children's Services for the purposes of the Children Act 2004.</p>

	To exercise the powers of the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the business afforded the post under the Council's delegated powers scheme.
Executive Director of HR/OD <b>and Deputy Chief Executive</b>	To exercise the powers of the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the business afforded the post under the Council's delegated powers scheme.  <b><i>NB The current post holder is seconded from the local NHS Foundation Trust</i></b>
Executive Director of Place	To exercise the powers of the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the business afforded the post under the Council's delegated powers scheme.
Chief Fire Officer	<b><i>To be the Chief Fire Officer for the purposes of the Fire and Rescue Act 2004</i></b>  To exercise the powers of the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the business afforded the post under the Council's delegated powers scheme.
Director/Head of Corporate Assurance <b>Executive Director of Regeneration, Commercial &amp; Economy</b>	To exercise the powers of the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the business afforded the post under the Council's delegated powers scheme.
Director of Transformation	<del>To exercise the powers of the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the business afforded the post under the Council's delegated powers scheme.</del>
<b>Director of Public Health</b>	<b><i>To be the Director of Public Health for the purposes of the NHS Act 2006 and Health and Social Care Act 2012</i></b>  To exercise the powers of the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the business afforded the post under the

	Council's delegated powers scheme.
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**(3) Monitoring Officer**

The Council will designate the post of Legal Services Manager or equivalent as its Monitoring Officer.

**(4) Deputy Section 151 Officer**

The Council will designate the post of Service Director: Finance or equivalent as its deputy Section 151 Officer.

NB – The above postholders will have unrestricted and direct access to the Leader, Deputy Leader and Chair of Audit Committee as may be required to fulfil the statutory requirements of their respective roles.

**(5) Structure**

The Head of Paid Service will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.

**12.02 Functions of the Head of Paid Service**

- (1) 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) The head of paid service may not be the monitoring officer but may hold the post of chief finance officer if a qualified accountant.

**12.03 Functions of the Monitoring Officer**

- (1) The monitoring officer shall have those functions as are detailed in the monitoring officer protocol in Part 6 of this Constitution.

**12.04 Functions of the Section 151 Officer and their Deputy**

- (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 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 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 proper administration of the financial affairs of the Council in accordance with the Finance and Contract Rules.
- (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 jointly with the monitoring officer will provide advice on the scope of powers of Council 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 appropriate financial information to the media, members of the public and the community.

#### **12.05 Conduct**

Officers will comply with the **Officers' Code of Conduct** and the **Protocol on Member/Officer Relations** set out in Part 6 of this Constitution.

#### **12.06 Employment**

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

#### **12.07 Finance and Contract Rules**

Officers shall comply with the **Finance and Contract Rules** *at Part 5 of which accompany* this Constitution.

## Article 13 - Decision Making

### 13.01 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.

### 13.02 Principles of decision making

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

- (1) proportionality (i.e. the action must be proportionate to the desired outcome)
- (2) due and appropriate consultation and the taking of professional advice from officers
- (3) respect for human rights
- (4) a presumption in favour of openness
- (5) clarity of aims and desired outcomes.

### 13.03 Types of decision

- (1) Decisions reserved to **full Council**

Decisions relating to the functions listed in Part 3 will be made by the full Council and not delegated.

- (2) Key decisions
  - (a) A key decision means an executive decision which is 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 effects on communities living or working in an area comprising two or more electoral divisions within the area of the Council.
  - (b) A decision taker may only make a key decision in accordance with the requirements of the **Cabinet Procedure Rules** set out in Part 5 of this Constitution.

- (3) Criteria for local key decisions
- (a) 'milestone' decisions, the timing of which will be known well in advance of the decision being taken. Examples include plans and strategies outside the Policy and Budget Framework, value for money and Auditors' reviews.
  - (b) substantive commitments within the Corporate Plan and Service Plans which involve a material change in policy and/or significant service development. In such cases it will be for the Cabinet Member to determine what is 'material' or 'significant'. It should be possible to determine the timing of required decisions well in advance of the decision being taken.
  - (c) operational decisions within the financial limits of the delegation scheme but which in the view of the relevant Cabinet Member may involve a material change of policy, are politically sensitive or may have a significant impact on a local community or reputation of the Council

#### **13.04 Decision making by the Full Council**

Subject to 13.08 below, the Council meeting will follow the **Council Procedure Rules** set out in Part 5 of this Constitution when considering any matter.

#### **13.05 Decision making by the Cabinet**

Subject to 13.08 below, the Cabinet will follow the **Cabinet Procedure Rules** set out in Part 5 of this Constitution when considering any matter.

#### **13.06 Decision making by Overview and Scrutiny Committees**

Overview and Scrutiny Committees will follow the **Overview and Scrutiny Procedure Rules** set out in Part 5 of this Constitution when considering any matter.

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

Subject to 13.08 below, other Council committees and sub-committees will follow those parts of the **Council Procedures Rules** set out in Part 5 of this Constitution as apply to them.

#### **13.08 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** *at Part 8*.

All Councillors and Officers will comply with the legislative requirements on access to information, decision making and recording having due regard to the criminal penalties for failure in certain circumstances.

## Article 14 - Finance, Contracts and Legal Matters

### 14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the **Finance and Contract Procedure Rules** accompanying this Constitution ~~at Part 5 and any guidance made under those Rules.~~

### 14.02 Contracts

Every contract made by the Council will comply with the Finance and Contract Procedure Rules accompanying this Constitution ~~at Part 5 and any guidance made under those Rules.~~

### 14.03 Legal proceedings

The Legal Services Manager or equivalent is authorised to institute, defend or participate in any administrative action and/or legal proceedings and to sign any document in any case where such action will facilitate the carrying out of decisions of the Council, or in any case where the Legal Services Manager or equivalent considers that such action is necessary to protect the Council's interests, or to further or achieve the objectives of the Council, and such powers may be exercised by any officer authorised by the Legal Services Manager or equivalent under their own name. For the sake of clarity the Legal Services Manager or equivalent may settle or otherwise compromise any such administrative action or legal proceedings if they have been commenced or there are reasonable grounds for believing such actions or proceedings may be contemplated.

### 14.04 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Legal Services Manager or equivalent. 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 Legal Services Manager or equivalent should be sealed. The affixing of the Common Seal will be attested by the Legal Services Manager or equivalent or some other officer authorised by the Legal Services Manager **and will be entered into a book provided for the purpose and signed by the person who attested the seal.**

## **Article 15 - Review and Revision of the Constitution**

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

The Monitoring Officer will monitor and review the operation of the Constitution annually to ensure that the aims and principles of the Constitution are given full effect.

### **15.02 Protocol for monitoring and review of constitution by monitoring officer**

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 amended in order to better achieve the purposes set out in Article 1. In undertaking this task the monitoring officer or an officer nominated by the monitoring officer may:

- (1) observe meetings of different parts of the member and officer structure
- (2) undertake an audit trail of a sample of decisions
- (3) record and analyse issues raised by members, officers, the public and other relevant stakeholders, and
- (4) compare practices in this Council with those in other comparable authorities, or national examples of best practice.

### **15.03 Changes to the Constitution**

Changes to the constitution will only be approved by the full Council after consideration of a written report from the Monitoring Officer in consultation with the Head of the Paid Service, the Section 151 Officer and their deputy.

# Article 16 - Suspension, Interpretation and Publication of the Constitution

## 16.01 Suspension of the Constitution

### (1) Limit to suspension

The Sections of this Constitution may not be suspended. The Rules specified below 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 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.

***The Council Procedure Rules at Part 5 also deal with the suspension of the rules relating to Council and Committee meetings.***

## 16.02 Interpretation

The ruling of the Business Chair 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.

## 16.03 Publication

- (1) The Head of Paid Service will ~~give a~~ **send an electronic link** to ~~printed copy of~~ this Constitution to each member of the council upon delivery of that individual's declaration of acceptance of office on the member first being elected to the Council. **A printed copy can be made available to those members which require it.**
- (2) The Head of Paid Service will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by the public on payment of a reasonable fee.
- (3) The Head of Paid Service will ensure that the summary of the Constitution **is available online** ~~made widely available within the area~~ and is updated as necessary.

## 16.04 Specific Definitions

“plan or strategy” means -

- (a) a plan or strategy of a description specified in column (1) of the table in Schedule 3 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (functions not to be the sole responsibility of a council’s Executive), as amended from time to time
- (b) a plan or strategy for the control of a relevant council’s borrowing or capital expenditure, or
- (c) any other plan or strategy whose adoption or approval is, by virtue of regulation 5(1) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (discharge of executive functions by authorities) as amended from time to time, a matter for determination by a relevant council

and such plans or strategies shall be referred to as “The Budget and Policy Framework”.

“working day” means any day which is not a Saturday, a Sunday, Christmas Eve, Christmas Day, Good Friday, a bank holiday in England or a day appointed for public thanksgiving or mourning (and “bank holiday” means a day to be observed as such under section 1 of and Schedule 1 to the Banking and Financial Dealings Act 1971).

## **Article 17 – The Declaration of Human Rights**

Northumberland County Council has decided that the Universal Declaration of Human Rights should be adopted by the Council and included within its constitution.

The Universal Declaration of Human Rights adopted and proclaimed by the United Nations General Assembly on 10 December 1948 is set out in ~~Appendix 4-~~**Part 8**