

PART 2 - ARTICLES OF THE CONSTITUTION

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ARTICLE 1 – THE CONSTITUTION

1.0 POWERS OF THE COUNCIL

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

2.0 THE CONSTITUTION

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

3.0 PURPOSE OF THE CONSTITUTION

The purpose of the Constitution is to:

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

4.0 INTERPRETATION AND REVIEW OF THE CONSTITUTION

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

ARTICLE 2 – MEMBERS OF THE COUNCIL

1.0 COMPOSITION AND ELIGIBILITY

(a) Composition

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

(b) Eligibility

Only registered voters of the Arun District or those living or working here will be eligible to stand for the office of Councillor.

2.0 ELECTION AND TERMS OF COUNCILLORS

The regular election of Councillors will be held on the first Thursday in May every four years. The next Council election will be in May 2019. The term of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the election four years later.

3.0 ROLES AND FUNCTIONS OF ALL COUNCILLORS

Key roles – All Councillors will

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

Rights and Duties – All Councillors will

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

4.0 CONDUCT

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

5.0 ALLOWANCES

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

ARTICLE 3 – RESIDENTS AND THE COUNCIL

1.0 RESIDENTS' RIGHTS

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

(a) Voting and Petitions

Those on the electoral register may sign a petition to request a referendum for a different form of governance in accordance with the timetable as prescribed under legislation, and to vote in any local referendum in respect of an increase in the local authority's precept.

(b) Information

Residents have the right to:-

- (i) attend, record and report on meetings of the Council and its Cabinet, committees and panels except where confidential or exempt information is likely to be disclosed and the meeting, or part of the meeting, is therefore held in private;
- (ii) find out from the Forward Plan what key decisions will be taken by the Cabinet and when;
- (iii) see reports and background papers and any records of decisions made by the Council and the Cabinet;
- (iv) inspect the Council's accounts and make their views known to the external auditor; and
- (v) submit petitions at a meeting of the Council.

(c) Participation

Residents are able to participate in Public Question Time in Council and Cabinet meetings and may be invited by the Overview Select Committee to participate in their investigations.

(d) Complaints

Residents have the right to complain to the:

- (i) Council itself under its complaints scheme;
- (ii) Local Government and Social Care Ombudsman after using the Council's own complaints scheme;
- (iii) Standards Committee about a breach of the Members' Code of Conduct; and

- (iv) Standards Committee about a breach of their respective Members' Code of Conduct of any town and parish councillor in Arun.

2.0 **RESIDENTS' RESPONSIBILITIES**

Residents must not be violent, abusive or threatening to councillors or officers, and must not wilfully cause damage to any property owned by the Council, Councillors or officers.

ARTICLE 4 – THE FULL COUNCIL

1.0 MEANINGS

- (a) **Policy Framework** – the policy framework means the following plans and strategies:
- Corporate Plan
 - Plans and alterations which together comprise the Local Plan
 - Leisure Strategy
 - Asset Management Plan
 - Capital Strategy
 - Arun Priorities and Vision 2020
 - Housing Revenue Account (HRA) Business Plan
 - Property Investment Strategy
 - Crime and Disorder Reduction Strategy
 - Budget – this includes:
 - the allocation of financial resources to different services and projects;
 - proposed contingency funds;
 - setting the Council Tax;
 - decisions relating to the control of the Council's borrowing requirements, investments and capital expenditure; and
 - the setting of virement limits.

2.0 FUNCTIONS OF THE FULL COUNCIL

Only the Council will exercise the following functions:-

- (a) Adopting and changing the Constitution, other than allowed by a Responsibility for Function, as set out at Part 3 of this Constitution, and any changes the Group Head of Council Advice & Monitoring Officer makes to the Constitution to reflect changes in legislation and changes of fact.
- (b) Appointing for the municipal year, or remainder of a municipal year, the Chairman and Vice-Chairman of the Council on receipt of not more than one nomination from each political group.
- (c) Approving or adopting the policy framework and budget and any application to the Secretary of State in respect of any Housing Land Transfer.

- (d) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 6 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.
- (e) Appointing the Leader and Deputy Leader.
- (f) Receiving and noting the Leader's report of who he/she has appointed as Cabinet Members, Deputies to Cabinet Members and the allocation of Portfolios to each Cabinet Member.
- (g) Appointing the Chairmen and Vice-Chairmen of committees, sub-committees, working groups and panels.
- (h) Agreeing the membership of the Council committees, sub-committees, working groups and panels.
- (i) Appointing the Council's representatives to Outside Bodies unless the appointment is an executive function or has been delegated by the Council.
- (j) Conferring the title of Honorary Alderman.
- (k) Appointing independent persons to the Standards Committee.
- (l) Adopting and changing the Members Allowances Scheme.
- (m) Changing the name of the District, changing governance arrangements (the Council's form of executive) and the passing of a resolution to change the electoral scheme (the electoral cycle).
- (n) Confirming the appointment of the Head of Paid Service (Chief Executive).
- (o) Approving the dismissal of the Head of Paid Service (Chief Executive), Directors, Section 151 Officer and Monitoring Officer based on a recommendation from the Statutory Officers' Investigatory and Disciplinary Committee.

- (p) Approving terminations of service of the Head of Paid Service (Chief Executive) and Directors in respect of early/flexible retirement and/or redundancy within the framework of restructuring proposals.
- (q) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills.
- (r) Debating petitions that contain more than 1,500 signatures in accordance with the Council's Petitions Scheme set out in Part 8 of this Constitution.
- (s) Receiving a direct report requesting approval to a supplementary estimate outside of the budget when referral via Cabinet would cause an unreasonable delay to a project.
- (t) The functions described in Article 11 - Joint Arrangements and Delegations to another Local Authority.
- (u) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- (v) All other matters which, by law, must be reserved to the Council.

3.0 COUNCIL MEETINGS

There are four types of Council meeting:-

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) special meetings; and
- (d) extraordinary meetings.

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

4.0 RESPONSIBILITY FOR FUNCTIONS

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

ARTICLE 5 – CHAIRING THE COUNCIL

1.0 ROLE AND FUNCTION OF THE CHAIRMAN

The Chairman will be appointed by the Council annually in accordance with Article 4 of this Constitution. The Chairman of the Council and, in his/her absence, the Vice-Chairman of the Council has the role of acting as the leading citizen in Arun; chairing Council meetings; and representing the Council at various functions of a civic nature which the Council might host or at which it might be represented.

ARTICLE 6 – OVERVIEW AND SCRUTINY

1.0 TERMS OF REFERENCE OF OVERVIEW SELECT COMMITTEE

The Council will appoint the Overview Select Committee to discharge its scrutiny function.

2.0 GENERAL ROLE

Within its terms of reference, the Overview Select Committee will:-

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) 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;
- (iii) review the performance of the Council and the achievement of performance indicators and targets;
- (iv) consider any other matter affecting the District or its residents; and
- (v) consider any decisions called in, but not yet implemented, made by the Cabinet or an individual Cabinet Member.

ARTICLE 7 – THE CABINET

1.0 THE CABINET

The Cabinet is responsible for the discharge of 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.

2.0 FORM AND COMPOSITION

The Cabinet will consist of the Leader and Deputy Leader, together with at least two, but not more than eight, Councillors appointed by the Leader.

3.0 LEADER

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

- (a) the first annual meeting after the Leader's normal day of retirement as a Councillor;
- (b) he/she resigns from the office; or
- (c) he/she is no longer a Councillor; or
- (d) he/she is removed from office by a resolution of the Council.

4.0 DEPUTY LEADER

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

- (a) he/she resigns from the office; or
- (b) he/she is no longer a Councillor; or
- (c) he/she is removed from office by the Council.

5.0 OTHER CABINET MEMBERS

The Leader will appoint Cabinet Members who will hold office until the day that:-

- (a) they resign from office; or
- (b) they are no longer Councillors; or
- (c) they are removed from office, either individually or collectively, by the Leader.

6.0 DEPUTIES TO CABINET MEMBERS

The Leader may appoint deputies to Cabinet Members who will hold office until the day that:-

- (a) they resign from office; or
- (b) they are no longer Councillors; or
- (c) they are removed from office, either individually or collectively, by the Leader.

7.0 CASUAL VACANCIES

Any vacancy in the position of Leader or Deputy Leader shall be filled by the Council at the meeting that they cease to hold office or at a subsequent meeting. Any vacancy in the position of Cabinet Member or deputy to a Cabinet Member will be filled by the Leader and reported to the Council for noting. The person(s) appointed shall be subject to the term of office described in the paragraphs above.

8.0 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.

9.0 RESPONSIBILITY FOR FUNCTIONS

- (a) Parts 3 and 4 of this Constitution set out which individual Cabinet Members, Committees, officers or joint arrangements are responsible for the exercise of a particular executive function and which are reserved to the full Cabinet.
- (b) The Leader may allocate or re-allocate the responsibilities for executive functions set out in Part 3 of this Constitution between Cabinet Members. The Leader will provide written notice to the Group Head of Council Advice & Monitoring Officer of such changes and these will be reported to the next Council meeting with the dates they will be effective from. The Group Head of Council Advice & Monitoring Officer will make the necessary consequential changes to this Constitution.
- (c) If for any reason the Leader is unable to act or that office is vacant, the Deputy Leader will act in his/her place. If for any reason both the Leader and Deputy Leader are unable to act or those offices are vacant, the Cabinet will act in place of the Leader or will arrange for a Cabinet Member to do so.

ARTICLE 8 – REGULATORY AND OTHER COMMITTEES

1.0 REGULATORY AND OTHER COMMITTEES, SUB-COMMITTEES, WORKING GROUPS AND PANELS

The Council will constitute the Committees, Sub-Committees, Working Groups and Panels it sees fit, as set out in Part 3 of this Constitution.

No Councillor can sit on a Regulatory Committee unless all the required training has been undertaken, as confirmed in Part 3 of this Constitution.

ARTICLE 9 – STANDARDS COMMITTEE

1.0 STANDARDS COMMITTEE

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

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

ARTICLE 10 – AREA COMMITTEES

1.0 JOINT AREA COMMITTEES

The Council may appoint Joint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of more efficient, transparent and accountable decision-making.

The Council will consult with the County Council and relevant Parish and Town Councils and the Chairmen of relevant Parish Meetings when considering whether and how to establish Joint Area Committees.

2.0 COMPOSITION

Name of Committee	Composition
Joint Eastern Arun Area Committee (JEAAC)	<p>1 member from each of the following Parish Councils/Parish Meetings: Angmering, Arundel, Burpham, Clapham, Patching, East Preston, Ferring, Findon, Houghton, Kingston, Littlehampton, Lyminster & Crossbush, Poling, Rustington, South Stoke and Warningcamp.</p> <p>1 member from each of the following District Wards:</p> <ul style="list-style-type: none">• Angmering & Findon• Arundel & Walberton• East Preston• Ferring• Littlehampton• Rustington <p>6 West Sussex County Councillors.</p>
Joint Western Arun Area Committee (JWAAC)	<p>1 member from each of the following Parish Councils/Parish Meetings: Aldingbourne, Aldwick, Barnham, Bersted, Bognor Regis, Climping, Eastergate, Felpham, Ford, Madehurst, Middleton on Sea, Pagham, Slindon, Walberton and Yapton.</p> <p>1 member from each of the following District Wards:</p> <ul style="list-style-type: none">• Aldwick• Arundel & Walberton• Barnham• Bersted• Bognor Regis• Felpham• Middleton

	<ul style="list-style-type: none"> • Pagham • Yapton <p>7 West Sussex County Councillors.</p>
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3.0 **FUNCTIONS AND VOTING RIGHTS**

The functions and voting rights delegated to the Joint Eastern Arun Area Committee and the Joint Western Arun Area Committee are set out in Part 3 of this Constitution.

4.0 **CONFLICT OF INTEREST**

If the Overview Select Committee is scrutinising specific decisions or proposals in relation to the business of a Joint Area Committee of which a Councillor sitting on the Overview Select Committee is a Member, then the Councillor should declare the interest and not speak or vote on the matter unless a dispensation has been given by the Standards Committee. The Councillor may remain in the meeting.

5.0 **GENERAL POLICY REVIEWS**

Where the Overview Select Committee is reviewing Joint Area Committee policy generally, the Member must declare his/her interest before the relevant Agenda Item is reached. He/she may remain in the meeting and speak and vote on the matter.

6.0 **ACCESS TO INFORMATION**

Joint Area Committees will comply with the Access to Information Rules in Part 6 of this Constitution.

7.0 **CABINET MEMBERS ON JOINT AREAS COMMITTEES**

A Member of the Cabinet may serve on a Joint Area Committee if otherwise eligible to do so as a Councillor.

8.0 **REPORTING**

The minutes from Joint Area Committees shall be reported to the Cabinet.

ARTICLE 11 – JOINT ARRANGEMENTS

1.0 JOINT ARRANGEMENTS

- (a) 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. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (c) 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 local authority as a whole.
- (d) The Cabinet may appoint Members to a joint committee from outside the Cabinet in the following circumstances:-
- the joint committee has functions for only part of the area of the authority and that area is smaller than two fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a member for an electoral ward which is wholly or partly contained within the area;
 - the joint committee is between a County Council and the District Council and relates to functions of the executive of the County Council. In such cases, the executive of the County Council 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.
- (e) Details of any joint arrangements including any delegations to joint committees will be found in Part 3 of this Constitution.

2.0 DELEGATIONS TO ANOTHER LOCAL AUTHORITY

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The Council may, upon a proposal by the Cabinet, delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

3.0 **CONTRACTING OUT**

The Council (for those functions that are not executive functions), and the Cabinet (in respect of 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 contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 12 – OFFICERS

1.0 TERMINOLOGY

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

2.0 MANAGEMENT STRUCTURE

(a) **General** – the Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

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

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

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

Post	Designation
Chief Executive	Head of Paid Service
Group Head of Council Advice & Monitoring Officer	Monitoring Officer
Group Head of Corporate Support	Chief Financial Officer and Section 151 Officer

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

3.0 **FUNCTIONS OF THE HEAD OF PAID SERVICE**

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

4.0 **FUNCTIONS OF THE MONITORING OFFICER**

- (a) **Maintaining the Constitution** – the Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Councillors, officers and the public.
- (b) **Ensuring lawfulness and fairness of decision making** – after consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the Council or to the Cabinet in relation to an executive function if he/she considers that any proposal, decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee** – the Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Advising whether executive decisions are within the Budget and Policy Framework** – the Monitoring Officer and/or the Chief Financial Officer will advise whether executive decisions are in accordance with the budget and policy framework.
- (e) **Providing advice** – the Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, and budget and policy framework issues to all Councillors; and will support and advise Councillors and officers in their respective roles.

- (f) **Restrictions on posts** – the Monitoring Officer may not be the Chief Financial Officer or the Head of Paid Service.

5.0 **FUNCTIONS OF THE CHIEF FINANCIAL OFFICER**

- (a) **Ensuring lawfulness and fairness of decision making** – after consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer, will report to the Council or to the Cabinet in relation to an executive function if he/she considers that any proposal, decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (b) **Administration of Financial Affairs** – the Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to the Corporate Management Team** – the Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice** – the Chief Financial Officer will provide advice on the scope of powers and authority to take 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.
- (e) **Give financial information** – the Chief Financial Officer will provide financial information to the media, members of the public and the community.
- (f) **Restrictions on posts** – the Chief Financial Officer may not be the Monitoring Officer or the Head of Paid Service.

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

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

7.0 **CONDUCT**

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

8.0 **EMPLOYMENT**

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

ARTICLE 13 – DECISION MAKING

1.0 RESPONSIBILITY FOR DECISION MAKING

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

2.0 PRINCIPLES OF DECISION MAKING

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;
- (f) the consideration of alternative options; and
- (g) an explanation of the reasons for the decision.

3.0 TYPES OF DECISION

(a) Decisions Reserved to Full Council

Decisions relating to the functions in Article 4 will be made by the Full Council and not delegated.

(b) Key Decisions

A 'key decision' means an executive decision taken by the Cabinet which is likely –

- (i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates; or
- (ii) to be significant in terms of its effects on communities living or working in the area comprising two or more wards;

In determining the meaning of 'significant', regard shall be had of any guidance for the time being issued by the Secretary of State. A key decision is any decision which would, if implemented, fall in any of the following categories –

- it is not in accordance with a policy, plan or strategy which forms part of the policy framework approved by the Council;
- it may result in the adoption of any additional policy, plan or strategy by the Council;
- it is not in accordance with the budget approved by the Council;
- it may increase financial commitments in future years above existing budgetary approvals;
- it will result in any of the following:
 - the appointment of additional permanent staff for which there is no budget provision;
 - the acquisition or disposal of land or property with a value in excess of £500,000;
 - the initiation of local legislation or byelaws;
 - if it is likely to be of significance in the opinion of the decision taker.

Any decision to incur expenditure or savings or realignment of expenditure in excess of £500,000 shall be treated as significant for these purposes.

The decision taker shall inform the Monitoring Officer of all decisions (including those with a financial value below £500,000) about which he/she has any doubt as to whether the decision may or may not be significant for the purposes of this paragraph and the Monitoring Officer may determine this as a key decision.

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.

4.0 DECISION MAKING BY THE FULL COUNCIL

The Council meeting will follow the Council Procedure Rules set out in Part 5 of this Constitution when considering any matter.

5.0 DECISION MAKING BY THE CABINET

The Cabinet will follow the Cabinet Procedure Rules set out in Part 5 of this Constitution when considering any matter.

6.0 DECISION MAKING BY THE OVERVIEW SELECT COMMITTEE

The Overview Select Committee will follow the Committee Procedure Rules set out in Part 5 and the Scrutiny Procedure Rules set out in Part 6 of this Constitution when considering any matter.

7.0 DECISION MAKING BY OTHER COMMITTEES AND WORKING GROUPS ESTABLISHED BY THE COUNCIL

Other Council committees and working groups will follow the Committee Procedure Rules set out in Part 5 of this Constitution as they apply to them.

ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

1.0 FINANCIAL MANAGEMENT

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

2.0 CONTRACTS

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

3.0 LEGAL PROCEEDINGS

The Group Head of Corporate Support or his/her nominated representative is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests and in particular, to ensure that all procedural and evidential requirements are carried out in connection therewith.

4.0 COMMON SEAL OF THE COUNCIL

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

The Seal shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or the Cabinet, individual Cabinet Member, or committee or sub-committee to which the Council have delegated their powers in this behalf; or by a decision of an officer to which the Council, committee or panel similarly have delegated their powers.

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

5.0 AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Group Head of Corporate Support or his/her nominated representative unless any enactment otherwise requires or

authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings.

ARTICLE 15 – REVIEW AND REVISION OF THE CONSTITUTION

1.0 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

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

2.0 CHANGES TO THE CONSTITUTION

The Council has delegated authority to:

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

ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

1.0 SUSPENSION OF THE CONSTITUTION

- (a) **Limit to Suspension** – the Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Council to the extent permitted within those Rules and the law.
- (b) **Procedure to Suspend** – a motion to suspend any Rules will not be moved without notice unless at least half of the total number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of Suspension** – the Council Procedure Rules may be suspended in accordance with this Article.

2.0 INTERPRETATION

The ruling of the Chairman of the Council, after consultation with the Monitoring Officer or his/her nominee as to the construction or application of the Constitution or as to any proceedings of the Council, should not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution set out in Article 1.

3.0 PUBLICATION

Copies of this Constitution will be available:

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