

PART 2 – ARTICLES OF THE CONSTITUTION

Article 1 – The Constitution

1.01 Powers of the Council

The Council will exercise all of 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 the Chichester District Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. explain clearly how the Council works
2. show how the Council has organised itself to provide clear leadership to the community in partnership with residents of the district, businesses and other organisations
3. describe the separate roles of the Council, the Cabinet, the Overview and Scrutiny Committee and other committees
4. enable the Cabinet to act quickly and effectively within the Council's approved policy framework and budget
5. support the active involvement of members of the public in the process of local authority decision-making
6. help councillors represent their constituents more effectively, and describe their roles and how they engage with the local community
7. enable decisions to be taken efficiently, effectively and transparently
8. create a powerful and effective means of holding decision-makers to public account
9. ensure that no one will review or scrutinise a decision in which they were directly involved
10. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions and

11. provide a means of improving the delivery of services to the community.

The Constitution recognises the Council's role as a Community Leader and its strategic responsibility for community planning and for the efficient and effective delivery of services. Its overall objective is, therefore, to organize all of its activities in such a way as to ensure that they demonstrably contribute to agreed community outcomes as identified through the community planning process. The Council believes in the importance of partnership working in order to effectively discharge its community role, achieve value for money and to seek continuous improvement in all its endeavours

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 13.

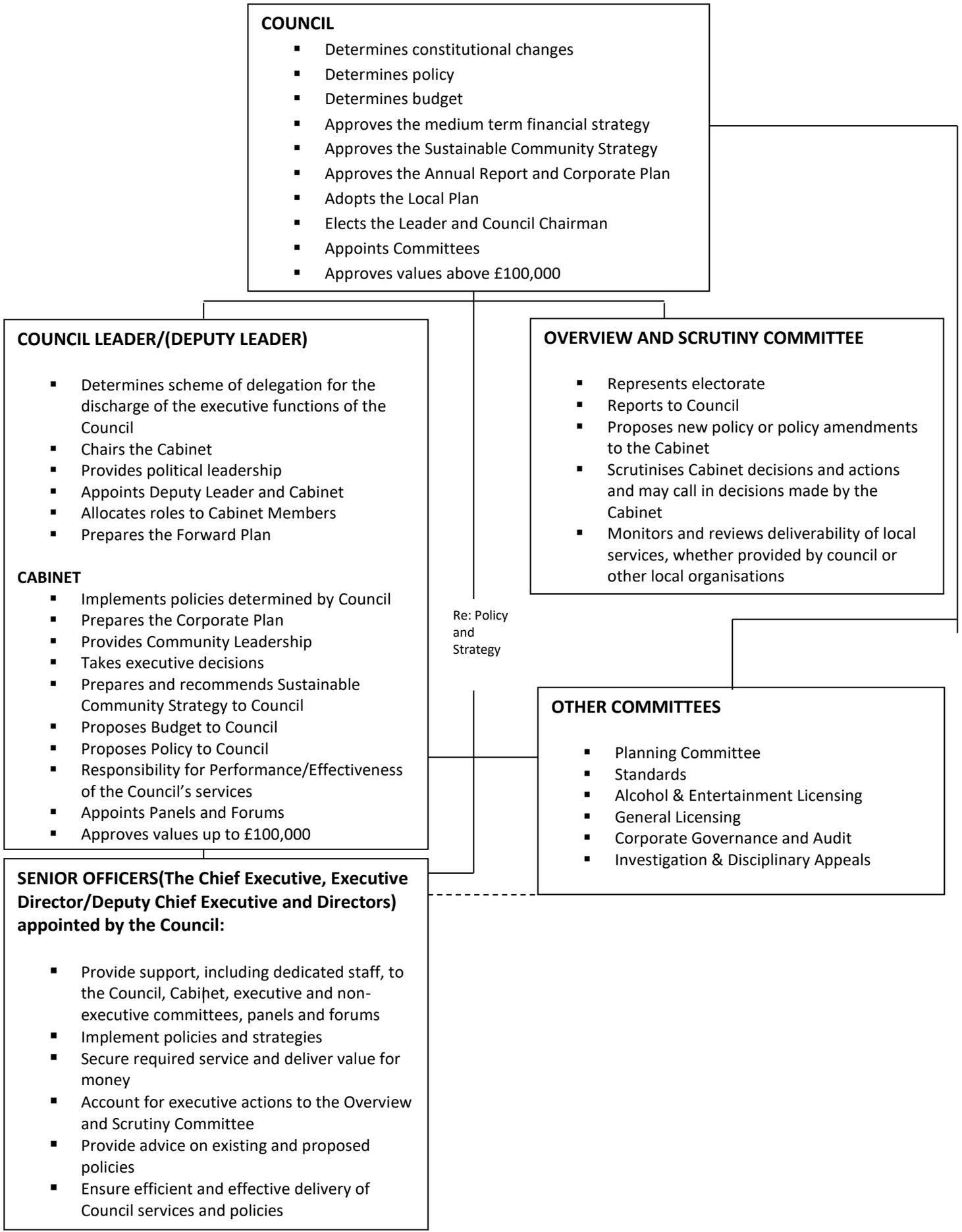
In this Constitution, unless the contrary intention appears:

- (a) words importing the masculine gender include the feminine
- (b) words importing the feminine gender include the masculine
- (c) words in the singular include the plural and words in the plural include the singular

1.05 Constitutional Structure of the Council

Table 1 illustrates the Council's Constitutional structure. It is explained in the rest of Part 2 of this Constitution.

Table 1: Constitutional Structure of the Council



Article 2 – Members of the Council

2.01 Composition and eligibility

- (a) **Composition:** The Council comprises 36 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 Local Government Boundary Commission for England and approved by Order in Parliament.
- (b) **Eligibility:** Only registered voters of the district or those living or working there shall be eligible to hold the office of councillor. (See Sections 79 - 81 of the Local Government Act 1972 for a fuller description of eligibility).

2.02 Election and terms of councillors

The regular election of councillors will normally 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. In the event of a vacancy occurring between regular elections, a by-election will be held in accordance with statutory provisions.

2.03 Roles and functions of all councillors

(a) **Key Roles.** All councillors will:-

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions
- (ii) consider the budget proposed by the Cabinet and vote on the final budget
- (iii) advise the Cabinet on decisions and policies that affect local issues
- (iv) review and question policies and decisions taken by the executive
- (v) contribute to the good governance of the area and actively encourage community participation and resident involvement in decision making
- (vi) effectively represent the interests of their ward and of individual constituents
- (vii) respond to constituents' enquiries and representations, fairly and impartially
- (viii) be familiar with the needs, priorities and aspirations of their local community by being accessible and by being involved in consultation with them and working with other local organisations
- (ix) represent the Council on other organisations and

(x) maintain the highest standards of conduct and ethics

(c) Rights and duties

- (i) 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.
- (ii) 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.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (iv) All members have the right to attend any meetings of the Cabinet or Committees but (unless they are members of that Committee) not to speak, unless with the Chairman's permission, or vote.
- (v) Individual councillors are not able to give instructions to officers and contractors acting for the Council.

2.04 **Conduct**

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

2.05 **Allowances**

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

2.06 **Political Groups**

- (a) Councillors may belong to local political groups. The groups are entitled under the Local Government (Committees and Political Groups) Regulations 1990 to nominate councillors to fill a proportion of the seats on certain committees of the Council.

Under these Regulations the membership of most committees broadly reflects the proportion of councillors who are members of each political group on the Council.

The main principles are:

- (i) that not all the seats on the committee are allocated to the same political group
- (ii) that the majority of the seats on the committee is allocated to a political group if the majority of councillors belong to that group

- (iii) subject to principles (i) and (ii) above that the number of seats on the ordinary committees of the Council which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees as is borne by the number of members of that group to the membership of the Council
- (iv) Subject to principles (i) to (iii) above that the number of seats on each committee reflects the proportion of councillors in the various Groups.

Exceptions to these principles are:

- (i) The membership of the Cabinet which does not require to be politically balanced; and of the Overview and Scrutiny Committee and the Alcohol & Entertainment Licensing Committee, which are not ordinary committees, but which nevertheless are balanced in accordance with principle (iv) above.
 - (ii) If a political group does not use up its allocation.
 - (iii) Notice of proposed allocation of seats is given and no member objects.
 - (iv) An area committee covers an area or population which is less than 40% of the total and the committee members are drawn from that area.
- (b) At meetings of the Council and the committees, individual councillors may have regard to the views of their political group on policy matters provided they also take into account other relevant considerations. However this would not apply, for example, to individual planning applications.

2.07 External Representation

The Council recognises the importance of its relationship with the communities it represents and all those who receive its services in order to provide desired outcomes. It achieves these aims in the following ways:

- by recognising the opportunity for the public and external bodies to be involved in its business through its committee structure and engagement with the community
- by making appropriate councillor appointments to other bodies
- by ensuring that the councillor representative role is meaningful and recognises the needs of the electorate

Article 3 – Residents and the Council

3.01 Residents' rights

Residents 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. 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. Anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition to request particular actions. Petitions will be managed and responded to in accordance with the Council's petition scheme and protocols set out in Part 5 of the Constitution.
- (b) Information. Residents have the right to:
 - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private
 - (ii) attend meetings of the Cabinet except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private
 - (iii) find out the time and place of a public meeting and inspect a copy of the agenda and connected reports at the Council's offices and on its website
 - (iv) find out from the forward plan what key decisions will be taken by the Cabinet and when
 - (v) see reports and background papers, and any records of decisions made by the Council and the executive, unless they are exempt under the Access to Information legislation (see Part 4.2 of this Constitution) and
 - (vi) inspect the Council's accounts and make their views known to the external auditor
- (c) Participation. Residents have the opportunity to participate in the Council's question time scheme and to speak on planning applications, planning enforcement and alcohol and entertainment licensing matters. s may be invited to contribute to investigations by the Overview and Scrutiny Committee.
- (d) Complaints. Residents have the right to complain to:
 - (i) the Council itself under its complaints scheme (details are set out in Part 4 of this Constitution)

- (ii) the Local Government Ombudsman - normally after using the Council's own complaints scheme and
- (iii) the Monitoring Officer about an alleged breach by a member of the Members' Code of Conduct (details are set out in Part 5 of this Constitution)

3.02 **Residents' responsibilities**

Residents must not be violent, abusive or threatening to councillors or Council staff, and must not willfully harm things owned by the Council, councillors or officers.

Residents attending meetings must also comply with the directions of the Chairman and refrain from disruptive behaviour.

Article 4 – The Full Council

4.01 The Role of Council

Council is the policy making body from which the Policy Framework will be established and the Budget set. Council has responsibility for ensuring that the correct structures are in place for the effective implementation and delivery of its services. This includes the exercise of overall responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972. Once the structures are agreed and appointments made, the Cabinet will be delegated the responsibility of policy implementation and effective service delivery. The election of the Leader and appointment of Committees (except the Cabinet), will be the responsibility of Council.

Each year the Council will elect a Chairman who shall not then be a member of the Cabinet or the Overview and Scrutiny Committee. The Council shall normally meet six times per year unless a need is identified for any additional meeting.

4.02 Meanings

(a) Policy Framework:

- i) The Policy Framework means the plans, policies and strategies which must be approved or adopted by the full Council and are, for the time being, the following:

- Sustainable Community Strategy
- Corporate Plan
- Local Plan and plans and strategies which together comprise the Local Development Plan
- Infrastructure Business Plan, incorporating the Community Infrastructure Levy (CIL) Spending Plan
- Medium Term Financial Strategy
- Crime and Disorder Reduction
- Strategy Treasury Management
- Strategy Licensing Authority Policy
- Statement(s)
- Senior Pay Policy Statement

- ii) The Council may add further significant plans, policies and strategies to the Policy Framework as it sees fit from time to time.

(b) Budget: The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.03 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution, with the exception of matters allocated to the Cabinet, and related Standing Orders and Procedure Rules and subject to the provisions of Article 13 in relation to minor and consequential amendments and to the powers of the Cabinet and certain Committees to agree protocols
- (b) deciding the major policies or objectives of the Council, and specifically to approve the budget and financial strategies, and the plans and strategies listed in Article 4.02 under Policy Framework
- (c) the discontinuance of, or major alterations to, existing services
- (d) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of 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) electing the Leader and removing him or her from office; appointing Committees (except the Cabinet) and their Chairmen and Vice Chairmen; dissolving a Committee or altering its membership or terms of reference, except for any Panel or Forum appointed by the Cabinet
- (f) appointing representatives to outside organisations unless the appointment is made by the Cabinet or has been delegated by the Council
- (g) adopting an allowances scheme for Councillors under Article 2.05
- (h) confirming the appointment of the Senior Officers (the Chief Executive, Executive Director/Deputy Chief Executive and Directors) and determining the terms and conditions on which they hold office (including procedures for their dismissal)
- (i) designating officers as Head of Paid Service, Monitoring Officer and Section 151 Officer
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- (k) expressing its views to the Cabinet before the Cabinet resolve to make a compulsory purchase order
- (l) all local choice functions which the Council decides should be undertaken by itself rather than the executive, and not listed in Part 3 of this Constitution
- (m) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993, as amended, should apply in the authority's area
- (n) functions relating to elections which are not carried out by the Chief Executive

- (o) functions relating to name and status of areas and individuals as set out in Schedule 1 to the Functions Regulations; major decisions relating to district, county, parish or other boundaries
- (p) approval of all development plan documents associated with the Local Plan prior to public consultation on them (but not, for the avoidance of doubt, local development documents, such as supplementary planning documents, that are not development plan documents)
- (q) Adopting, revising or replacing the Members' code of conduct; approving arrangements under which allegations that a Member has failed to comply with the code of conduct can be investigated and decided upon; appointing an independent person or persons as required by Section 28 of the Localism Act 2011 and
- (r) all other matters which, by law, must be reserved to Council

4.04 **Council meetings**

There are three types of Council meeting:

- (s) the annual meeting
- (t) ordinary meetings
- (u) special meetings

They will be conducted in accordance with the Procedural Standing Orders in Part 4 of this Constitution.

4.05 **Responsibility for functions**

The Council will determine the responsibilities for the Council's functions which are not the responsibility of the executive.

Article 5 – Chairing the Council

5.01 Role and function of the Chairman

The Chairman of Council and in his/her absence, the Vice-chairman will have the following roles and functions:

Ceremonial role

The Chairman shall have primary responsibility for civic and ceremonial functions and shall

- attend functions both within and outside the district to represent the Council.
- host functions in order to promote the Council and its interests.
- attend and participate in ceremonial events.
- ensure that the Council's services and achievements are appropriately celebrated and publicised.

Chairing the Council Meeting

The Chairman will be elected by the Council annually. The Chairman will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary having regard to appropriate advice
2. 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
3. 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 Cabinet and committee chairmen to account
4. to promote public involvement in the Council's activities
5. The Chairman of the Council has the power to suspend the Chief Executive in an emergency whereby his/her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the Council

Article 6 – Overview and Scrutiny Committee

6.01 Role and function

Overview and scrutiny is a non-executive function.

The way in which the overview and scrutiny function relates to that of the executive is shown in Table 1 of this Constitution.

6.02 General

The Council determines the size, terms of reference and membership of the Overview and Scrutiny Committee whose responsibilities are set out below:

- a) to review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions
- b) to make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of its functions
- c) to consider matters affecting the area or its inhabitants and to act as community champion in reflecting the views and interests of the community
- d) to exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet
- e) to consider reports and recommendations received from the West Sussex Joint Scrutiny Steering Group and/or any task and finish group set up to carry out a joint scrutiny review and ensure that the report and recommendations are dealt with in a suitable manner and referred on to the Cabinet and/or Council for a decision as appropriate

6.03 Specific functions

- (a) Policy development and review. The Committee may:
 - (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
 - (ii) conduct research within the resources approved, community and other consultation in the analysis of policy issues and possible options
 - (iii) consider and propose mechanisms to encourage and enhance community participation in the development of policy options
 - (iv) seek to improve the outcomes of current and new policies for the benefit of the community and
 - (v) question members of the Cabinet and/or committees and Senior Officers about their views on issues and proposals affecting the

area

- (b) Scrutiny. The Committee may:
 - (i) review and scrutinise the decisions made by and performance of the executive and/or committees and senior council officers both in relation to individual decisions and over time
 - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
 - (iii) question members of the executive and/or committees and Senior Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
 - (iv) make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process
 - (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance and
 - (vi) question and gather evidence from any person (with their consent)
- (c) Finance. The Committee may exercise overall responsibility for the finances made available to it.
- (d) Annual report. The Committee must report annually to full Council on its workings and its proposed future work programmes and amended working methods if appropriate.
- (e) Officers. The Committee will work in close liaison with officers employed to support its work.

6.04 Proceedings of the Committee

The terms of reference and delegated powers of the Overview and Scrutiny Committee are set out in Part 3 Section 2 of the Constitution.

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

Article 7 – The Cabinet

7.01 Role

The Cabinet will carry out all of the local authority's functions which are not the specific responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Form and composition

The Leader will determine the size of the Cabinet within statutory limits. The Leader will appoint between 2 and 9 other councillors (referred to as Cabinet Members) to the Cabinet and allocate areas of responsibility (portfolios) to them. The Leader and Cabinet Members collectively form the Cabinet. None of the members of the Cabinet will be members of the Overview and Scrutiny Committee.

7.03 Leader

The Leader will be a councillor elected to the position of Leader by a majority vote of the Council. The Leader will hold office until:

- (a) he/she resigns from the office or
- (b) he/she is suspended from being a councillor under relevant statutory provisions (although he/she may resume office at the end of the period of suspension) or
- (c) he/she is no longer a councillor or
- (d) he/she is removed from office by resolution of the Council provided that notice of any motion which would have the effect of removing him/her from office is delivered in writing to the office of the Chief Executive 10 clear days before the relevant Council meeting, signed by at least 10 councillors who reflect the proportion of seats of the political groups on the Council or
- (e) the election of another Leader at the next post-election Annual Council meeting

7.04 The Leader and the Cabinet

The Leader

- (a) determines the scheme of delegation for the discharge of the executive functions of the Council
- (b) has responsibility for the smooth running of the Cabinet
- (c) chairs all meetings of the Cabinet

- (d) may appoint Special Advisers to assist Cabinet Members in consultation with Cabinet Members and
- (e) has responsibility for the allocation of portfolios to the Cabinet members and may vary them at his/her discretion

7.05 **The Deputy Leader**

The Leader shall appoint one of the Cabinet Members to be the Deputy Leader. The Deputy Leader will hold office until:

- (a) he/she resigns from the office or
- (b) he/she is suspended from being a councillor under relevant statutory provisions (although he/she may resume office at the end of the period of suspension) or
- (c) he/she is no longer a councillor or
- (d) he/she is removed from office by the Leader

The Deputy Leader will carry out the functions of the Leader when he/she is absent

7.06 **The Cabinet Members**

Cabinet Members shall hold office until:

- (a) they resign from office or
- (b) they are suspended from being councillors under relevant statutory provisions (although they may resume office at the end of the period of suspension) or
- (c) they are no longer councillors or
- (d) they are removed from office, either individually or collectively, by the Leader
During their period as a Cabinet Member each councillor will be expected to work closely with designated officers. This will require an effective system of relevant information provision to those councillors. Responsibility for the identification of such information lies with the designated officers who will also be expected to brief the appropriate councillor on important operational items which may be happening as part of delegated Council business. Councillors expected to speak at Cabinet meetings, or called in to speak at the Overview and Scrutiny Committee meetings, must also be briefed by appropriate officers who will be entitled to accompany them at such meetings and able to speak there in their own right

The generic role of a Cabinet Member will include:

- (i) Collective responsibility for policy implementation as a Cabinet Member

- (ii) Specific responsibility for introducing reports and speaking at the Cabinet on issues within allocated portfolios
- (iii) Occasional responsibility for speaking on behalf of the Council at outside meetings where councillor attendance is required
- (iv) An acceptance of the need to be well informed, and where appropriate to undergo training about relevant current issues
- (v) Responding to media requests as appropriate in relation to topical issues. In this respect each councillor should attend media training sessions
- (vi) Speaking at Council meetings and answering questions on issues relevant to the allocated portfolio
- (vii) Chairing forums or panels as designated by the Cabinet
- (viii) Attendance at the Overview and Scrutiny Committee when requested to speak on particular performance issues

7.07 Proceedings of the Cabinet

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

7.08 Responsibility for functions

The Leader will maintain a list in Part 3 of 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 executive functions.

Article 8 – Regulatory and other Committees

8.01 Regulatory and other committees

The Council will appoint the following committees

- Overview and Scrutiny Committee
- Planning Committee
- Alcohol & Entertainment Licensing Committee
- General Licensing Committee
- Standards Committee
- Corporate Governance and Audit Committee
- Investigation and Disciplinary Committee
- Appeals Committee
- Independent Remuneration Panel
- Parish Remuneration Panel

The Council may appoint other Committees, including Area Committees, and Panels.

Their terms of reference and delegated powers are set out in Part 3 of this Constitution.

Article 9 – Joint Arrangements

9.01 Arrangements to promote well being

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

- (a) enter into arrangements or agreements with any person or body
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body and
- (c) exercise on behalf of that person or body any functions of that person or body

9.02 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, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Leader 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) Details of joint arrangements (if any) including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

9.03 Access to information

- (a) The Access to Information Procedure Rules in Part 4 of this Constitution apply.
- (b) 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.
- (c) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VI of the Local Government Act 1972 will apply.

9.04 Delegation to and from other local authorities

- (a) The Council may delegate or accept delegation of non-executive functions to or from another local authority or public agency.
- (b) The Cabinet may delegate or accept delegation of executive functions to or from another local authority or public agency.

9.05 **Contracting out**

The Council 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 10 – Officers

10.01 Management Structure

(a) General

The District Council may employ such staff (referred to as Officers) as it considers necessary to carry out its functions. The full Council will confirm the appointment of the Senior Officers only i.e. the Chief Executive, Executive Director/Deputy Chief Executive and Directors. All other officers will be appointed by a Director or by one of their managers.

Senior Officers have the responsibility for supporting both the executive and review roles of the Council and may have to account for executive actions to the Overview and Scrutiny Committee.

Essentially, Senior Officers have responsibility for advising the Council and its committees on policy formulation, development and implementation, and for ensuring that the policy, management of services and strategic roles of the Council are adequately supported and advising on the appropriate level of resources in order for this to be achieved. They have direct responsibility for the procurement of appropriate services both in terms of specification and performance to deliver agreed strategic outcomes within the resources allocated by Council. They also have responsibility for making strategic decisions and to prioritise officer activity to this end. They are directly responsible to the Council and its committees for their actions and are subject to the scrutiny activity of the Overview and Scrutiny Committee.

The Constitution recognises that the Council's arrangements for community planning, strategic management and value for money ensure that decisions within approved Council policy affecting service delivery are made by the Senior Officers without the need for councillor involvement.

(b) Senior Officers

The Senior Officers are the Chief Executive, the Executive Director/Deputy Chief Executive and Directors.

The Chief Executive is the most senior member of staff of the Council and is the Head of the Paid Service. The Chief Executive shares overall corporate management and operational responsibility with the Executive Director/Deputy Chief Executive and Directors. They give advice on policy formulation, development and implementation, and are accountable to committees and the Council for their actions.

All Senior Officers are entitled to attend and participate in all Council and committee meetings, forums and panels as they consider appropriate.

Any Senior Officer may assume the powers and act in the absence of another.

Each Senior Officer shall be a proper officer for any purpose required by a statute or statutory instrument which is not specified in the scheme of delegation to staff.

(c) The Directors

The four Directors are:

- Director of Corporate Services
- Director of Growth and Place
- Director of Housing and Communities
- Director of Planning and the Environment

They operate within the strategic management of the Chief Executive

They are responsible for the day to day operational delivery of services in an economic, efficient and effective manner.

They exercise decision making in accordance with the powers delegated to them.

(d) Statutory Appointments

The Council will designate the posts shown in Table 2 below:

Table 2: Statutory Appointments

Post	Designation
Chief Executive	Head of Paid Service (Section 4 Local Government & Housing Act 1989) Electoral Registration Officer (Section 8 Representation of the People Act 1983) Returning Officer for District and Parish Council Elections and Referenda (Section 35 Representation of the People Act 1983) Acting Returning Officer for Parliamentary Elections (Section 28 Representation of the People Act 1983) Acting Returning Officer for European Elections (Section 4 European Parliamentary Elections Act 1978) Deputy Returning Officer for County Council Elections (Section 35 Representation of the People Act 1983) Local Returning Officer for the Police Commissioner elections (Section 54 Police Reform and Social Responsibility Act 2011) and Referendums
Democratic Services Divisional Manager	Monitoring Officer (Section 5 Local Government & Housing Act 1989)

Director of Corporate Services	Chief Finance Officer (Section 151 Local Government Act 1972)
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Such posts will have the functions described in Article 10.02–12.04 below.

10.02 **Functions of the head of paid service (the Chief Executive)**

- (a) 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 coordinated, 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 Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

10.03 **Functions of the Monitoring Officer (the Legal and Democratic Services Divisional Manager)**

- (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 inspection by members, officers and the public.
- (b) Ensuring lawfulness and fairness of decision making. After consulting with the Chief Executive and the s151 Officer, the Monitoring Officer will report to the full Council, or to the Cabinet in relation to an executive function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) Supporting the Standards Committee. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee. Responsible for all Monitoring Officer functions in respect of parish councils within the area of the authority, and for making arrangements in conjunction with the Standards Committee for the provision of advice and training to members of the Council on the ethical framework.
- (d) In consultation with the Chairman or (in his absence) the Vice-Chairman, of the Council, granting dispensations under s 33 Localism Act 2011 enabling councillors with interests to speak and/or vote at meetings.
- (e) Dealing with Standards Allegations under the Localism Act 2011. The Monitoring Officer:
 - (i) will carry out an initial assessment of every allegation that a member of the Council or of a parish council in the district has failed to comply with the code of conduct and, after consulting the Independent Person, decide whether it should be referred to the Assessment Sub-

Committee;

- (ii) will appoint an investigating officer if the Assessment Sub-Committee decides that a complaint merits formal investigation;
 - (iii) will review the investigating officer's report, in consultation with the Independent Person, and determine either that no further action is required or that the matter should be referred to the Hearing Sub-Committee.
- (f) 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.
 - (g) Advising whether executive decisions are within the budget and policy framework. The Monitoring Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.
 - (h) Providing advice. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
 - (i) Contributing to corporate management.
 - (j) Restrictions on posts. The Monitoring Officer cannot be the Chief Finance Officer or the head of paid service.

The Monitoring Officer may appoint a Deputy Monitoring Officer(s) to exercise all or any of his responsibilities.

10.04 Functions of the Chief Finance Officer (the Director of Corporate Services)

- (a) Ensuring lawfulness and financial prudence of decision making. After consulting with the Chief Executive and 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 he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) Administration of financial affairs. The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) 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.
- (d) 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.

- (e) Give financial information. The Chief Finance Officer will provide financial information to officer, the media, members of the public and the community.
- (f) Restrictions on posts. The Chief Finance Officer cannot be the Monitoring Officer.

The Chief Finance Officer may appoint a Deputy Chief Finance Officer(s) to exercise all or any of his responsibilities.

10.05 Duty to provide sufficient resources to the returning officer, Monitoring Officer and chief finance officer

The Council will provide the returning officer, Monitoring Officer and chief finance officer with such officers, accommodation and other resources as are in the post- holder's opinion sufficient to allow their duties to be performed.

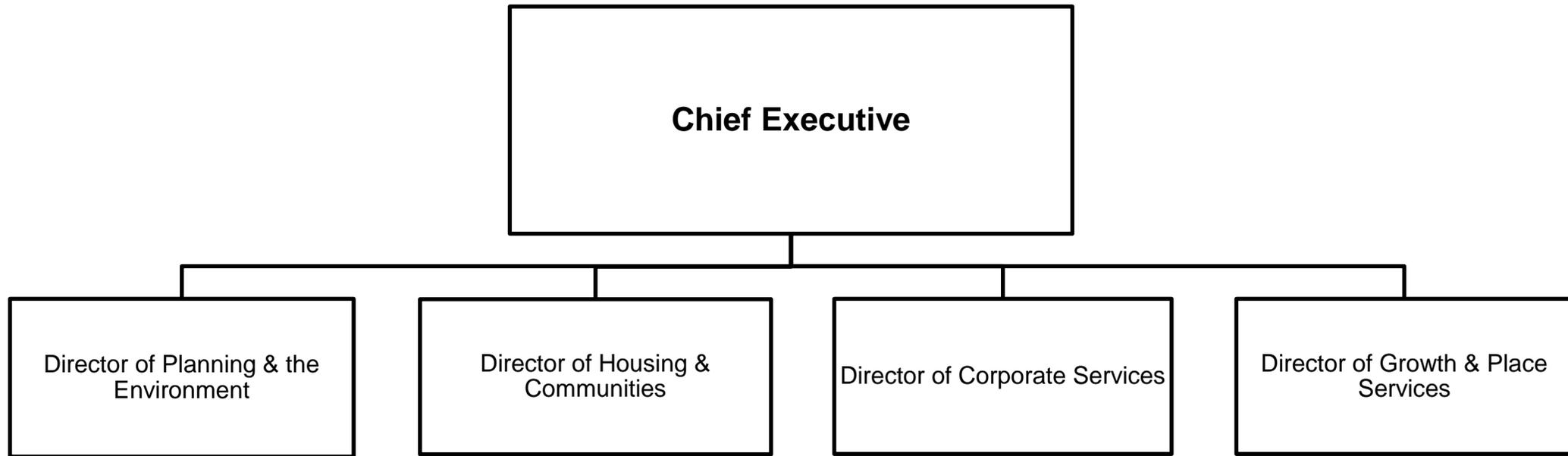
10.06 Conduct

Staff will comply with the Employee Code of Conduct and the Protocol on Member/Employee Relations set out in Part 5 of this Constitution.

10.07 Employment

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

Table 3 – Chichester District Council Senior Management Structure
with effect from 1 April 2018



Article 11 – Decision Making

11.01 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 or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

11.02 Principles of decision making

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

- (a) within legal and financial parameters
- (b) proportionality (i.e. the action must be proportionate to the desired outcome)
- (c) due consultation and the taking of professional advice from officers
- (d) respect for human rights
- (e) a presumption in favour of openness
- (f) clarity of aims and desired outcomes
- (g) promotion of equality
- (h) reduction in crime and disorder
- (i) sustainability and
- (j) compliance with members' and officer codes of conduct

11.03 Types of decision

- (a) Decisions reserved to full Council

Decisions relating to the functions listed in Article 4.3 (Policy Framework and Budget) will be made by the full Council and not delegated.

- (b) Key decisions

- (i) A "key decision" means an executive decision which:
 - (a) 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

- (b) is likely to be significant in terms of its effects on communities living or working in an area comprising one or more wards in the Council's area or
 - (c) is likely to incur expenditure, generate income, or produce savings greater than £100,000
- (ii) In accordance with section 38 of the Local Government Act 2000, in determining the meaning of "significant" for the purposes of paragraph (1) regards shall be had to any guidance for the time being issued by the Secretary of State.
 - (iii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.
 - (iv) In assessing whether a decision is a key decision, the decision taker must consider all the circumstances of a case.

11.04 Decision making by the full Council

Subject to Article 11.08, the Council meeting will follow the Council Procedural Standing Orders set out in Part 4 of this Constitution when considering any matter.

11.05 Decision making by the Cabinet

Subject to Article 11.08, the Cabinet will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

11.06 Decision making by the Overview and Scrutiny Committee

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

11.07 Decision making by other committees and sub-committees established by the Council

Subject to Article 11.08, other Council committees and sub-committees will follow those parts of the Procedural Standing Orders set out in Part 4 of this Constitution as apply to them.

11.08 Decision making by Council bodies acting as tribunals

The Council, its committees, a councillor or an employee 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.

Article 12 – Finance and Contracts

12.01 Financial management

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

12.02 Contracts

Every contract made by the Council will comply with the Contract Standing Orders set out in Part 4 of this Constitution unless the Cabinet authorise an exemption in exceptional circumstances (see Contract Standing Order 1.2).

Article 13 - Review and Revision of the Constitution

13.01 Duty to monitor and review the Constitution

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.

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 better to achieve the purposes set out in Article 1. In undertaking this task 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 with him/her by members, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

13.02 Changes to the Constitution

Changes to the constitution will be approved by the full Council after consideration of the proposal by the Cabinet.

The Monitoring Officer may make changes to the Constitution which are necessary in order to comply with the law, to reflect decisions of full Council, to correct errors or clarify ambiguities where to do so does not alter (but gives further effect to) the executive arrangements or the principles enshrined in the Constitution.

Article 14 – Suspension, Interpretation and Publication of the Constitution

14.01 Suspension of the Constitution

- (a) Suspension of the Articles. The Articles of this Constitution may not be suspended.
- (b) Suspension of the Rules of Procedure. 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.

14.02 Interpretation

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

14.03 Publication

The Monitoring Officer will ensure that printed copies of this Constitution are available for inspection at council offices, and can be purchased by members of the local press and the public on payment of a reasonable fee, and that a copy is on the Council's website.

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Overview and Scrutiny Committee) and the Overview and Scrutiny Procedure Rules (Part 4.5)
2. Article 7 (The Cabinet) and the Executive Procedure Rules (Part 4.4)
3. Article 9 (Joint arrangements)
5. Article 11 (Decision making) and the Access to Information Procedure Rules (Part 4.2)
6. Part 3 (Responsibility for Functions)