

Part 2

Articles of the Constitution

Article 1 The Constitution

1. Purpose of the Constitution

1.1 This Constitution is made under Section 37 of the Local Government Act 2000. It provides a framework of rules governing the way in which the Council exercises its functions and takes decisions. The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The purpose of the Constitution is to:

- enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- support the active involvement of citizens in the process of local authority decision-making;
- help councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- provide a means of improving the delivery of services to the community; and
- provide a robust framework of ethical standards that the Council, councillors and officers will observe in the conduct of the Council's business.

2. 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. Composition and eligibility

- 1.1 Composition - The Northamptonshire County Council will comprise 57 members, called councillors. Councillors will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Boundary Committee for England and approved by the Secretary of State.
- 1.2 Eligibility - Only registered voters of the Council area or those living or working there will be eligible to hold the office of councillor. There are certain legal exclusions.

2. Election and terms of councillors

The regular election of councillors will normally be held on the first Thursday in May every four years beginning in May 2001. 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 councillor not continuing in office, a by-election will be held at the earliest appropriate opportunity.

3. Roles and functions of all councillors

All councillors will:

- collectively, in meetings of the Council, be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- represent their communities and bring their views into the Council's decision-making process i.e. become the advocate of and for their communities;
- deal with individual casework, act as an advocate for constituents in resolving particular concerns or grievances and respond to constituents' enquiries and representations, fairly and impartially;
- balance different interests identified within the electoral division and the area of the Council as a whole;
- participate in the governance and management of the Council and be involved in decision-making;
- be available to represent the Council on other bodies; and
- maintain the highest standards of conduct and ethics.

4. Rights and Duties

- 4.1 Councillors will have the right to see such information and 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.

- 4.2 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 any information given in confidence.
- 4.3 For these purposes, “confidential” and “exempt” information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

5. Conduct

Councillors will at all times observe the Code of Conduct and the Protocol on Councillor/Officer Relations set out in Part 5 of this Constitution.

6. Allowances

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

Article 3 Citizens and the Council

1. Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution.

2. Voting and petitions.

2.1 Citizens on the electoral roll for the area have the right to vote in elections to the Council and to raise and sign a petition to request a referendum for an elected mayor form of Constitution and to vote in any referendum.

2.2 Citizens may also bring petitions directly to the Full Council.

3. Information.

Citizens have the right, subject to the Access to Information Procedure Rules in Part 4 of the Constitution, to:

- a) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting or part of the meeting is therefore held in private;
- b) attend meetings of the Cabinet when key decisions as defined in Article 13 are being considered except where confidential or exempt information is likely to be disclosed, and the meeting or part of the meeting is therefore held in private;
- c) find out from the forward plan what key decisions will be taken by the Cabinet or its sub-committees and when;
- d) see reports and background papers and any records of decisions made by the Council and the Cabinet or their sub-committees;
- e) inspect the Council's accounts and make their views known to the external auditor; and
- f) receive any information held by the Council subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

4. Participation.

Citizens have the right to ask questions or address the Council, the Cabinet or a committee on an item on the public agenda, subject to the Procedure Rules set out in Part 4 of the Constitution.

5. Complaints.

Citizens have the right to complain to:

- a) the Council itself under its complaints scheme (copies of which may be obtained from the Council's web site, reception points and libraries);
- b) The Council's Standards Committee about a breach of the Councillor's Code of Conduct; and

c) the Ombudsman after using the Council's own complaints scheme.

6. Access to Councillors.

All people who live in the County have the right to contact councillors easily and for a councillor to ensure that their views are conveyed to the appropriate people at the appropriate time.

7. Citizens' responsibilities

Citizens must not be violent, abusive or threatening to councillors, other members of committees or officers and must not wilfully harm things owned by the Council, councillors, other members of committees or officers.

Article 4 The Full Council

1. Functions of the full Council

Only the Council will exercise the following functions:

- a) approving, adopting and changing the Constitution;
- b) approving or adopting the budget and policy framework;
- c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- d) appointing and dismissing the Leader and dismissing the Deputy Leader and other members of the Cabinet;
- e) agreeing to the establishment of standing committees;
- f) appointing and dismissing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- g) adopting an allowances scheme;
- h) changing the name of the Council;
- i) confirming the appointment of the Head of Paid Service, Monitoring Officer and Chief Finance Officer;
- j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- k) all local choice functions set out in the Constitution which the Council decides for the time being and from time to time should be undertaken by itself rather than the Cabinet; and
- l) all other matters which, by law, must be reserved to Council.

2. Definition of the Policy Framework and the Budget

2.1 Policy Framework - The policy framework means the following plans and strategies:

Policies and Plans required by regulation

- The Council Plan
- Children and Young Peoples Plan
- Sustainable Communities Strategy
- Local Transport Plan
- The Minerals and Waste Development Framework, comprising the following Local Development Documents:
 - Minerals and Waste Core Strategy
 - Locations for Minerals Development
 - Locations for Waste Development
 - Control and Management of (Minerals and Waste) Development
 - Development and Implementation Principles for Minerals and Waste Development (Supplementary Planning Document)
- Youth Justice Plan

Local Choice Functions and other Plans adopted as part of the Policy Framework

- Adult Learning Plan
- Integrated Risk Management Plan

2.2 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 control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

2.3 Council meetings - There are four types of Council meeting:

- a) Annual meeting
- b) Budget Meeting
- c) Business Meetings
- d) Extraordinary meetings

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

2.4 Responsibility for functions - The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions.

Article 5 Chairing the Council

1. Role and function of the Chairman

The Chairman of the Council will be elected by the Council annually. The Chairman of the Council and in his/her absence, the Vice-Chairman and will have the following responsibilities:

- a) carry out ceremonial duties on behalf of the Council;
- b) uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- c) 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;
- d) ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which councillors are able to hold the Cabinet to account;
- e) promote public involvement in the Council's activities; and
- f) if requested, agree that certain decisions of the Cabinet be treated as urgent.

Article 6 Overview and Scrutiny Committees

1. Terms of reference

1.1 The Council has appointed an Overview and Scrutiny Committee 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. The Overview and Scrutiny Committee is also appointed to discharge the functions for health scrutiny conferred on the Council by section 244 of the National Health Service Act 2006. The detailed terms of reference of the Committee are set out in Part 4 of this Constitution.

2. General role

2.1 within the scope of its terms of reference as set out within Part 4 of this constitution, the Overview and Scrutiny Committee will:

- a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions, including those functions executed on behalf of the Council by companies of which the Council is the sole or majority owner;
- b) make reports and/or recommendations to the full Council and/or the Cabinet and/or any, joint committee in connection with the discharge of functions;
- c) be a necessary part of the Council's policy development process;
- d) consider any matter affecting the County or any part thereof or its inhabitants; and
- e) consider decisions made but not yet implemented by the Cabinet which have been called in.

It should be noted that decisions made by regulatory committees cannot be called in by the Overview and Scrutiny Committee.

3. Specific functions

3.1 Policy development and review - within the scope of its terms of reference as set out within Part 4 of this constitution, the Overview and Scrutiny Committee may:

- a) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- b) conduct research or undertake consultation in the analysis of policy issues;
- c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

- d) question members of the Cabinet and/or committees and Chief Officers about their views on issues and proposals affecting Northamptonshire; and
- e) liaise with other external organisations working in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

3.2 Scrutiny – within the scope of its terms of reference as set out within Part 4 of this constitution, the Overview and Scrutiny Committee may:

- a) review and scrutinise the decisions made by, and the performance of, the Cabinet and/or committees and officers;
- b) review and scrutinise the performance of the Council;
- c) question members of the Cabinet and/or committees and Chief Officers about their decisions and performance;
- d) make recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- e) review and scrutinise the performance of other public bodies affecting the County and invite reports from them by requesting them to address the committee and citizens about their activities and performance; and
- f) question and gather evidence from any person (with their consent).

3.3 Annual report - the Overview and Scrutiny Committee will report at least annually to full Council on its operation and work programme.

3.4 Officers – the Overview and Scrutiny Committee may exercise overall responsibility for the work programme of the officers employed to support its work.

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

Article 7 Part 1 The Cabinet

1. Role

The Cabinet will carry out all of the Council's functions which are not the responsibility of the full Council or any other part of the Council, whether by law or under this Constitution. All executive decisions are taken within the parameters established by the policy and budget framework adopted by the Council.

2. Form and composition

The Cabinet will consist of the Leader of the Council together with a minimum of 2 and a maximum of 9 councillors appointed to the Cabinet by the Leader of the Council. Within this Constitution, references to "Cabinet Member" mean the Leader or other members of the Cabinet. The Cabinet will include a Statutory Lead Member for Children's Services and a Lead Member for Adult Social Care Services.

3. Frequency of Meetings

Not less than 10 meetings of the Cabinet will be held each year.

4. Leader

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

- a) he/she resigns from the office;
- b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension);
- c) he/she is removed by a resolution of Council;
- d) he/she is no longer a councillor; or
- e) the day of the post election annual meeting which follows his/her election.

5. Deputy Leader

The Deputy Leader will be a councillor appointed to the position of Deputy Leader by the Leader of the Council. The Deputy Leader will hold office until;

- a) he/she is removed from office by the Leader;
- b) he/she resigns from the office;

- c) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension);
- d) he/she is removed from office, either individually or collectively, by resolution of the Council; or
- e) he/she is no longer a councillor.

6. Other Cabinet Members

Other Cabinet Members will be appointed by the Leader and shall hold office until:

- a) they are removed from office by the Leader;
- b) they resign from office;
- c) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);
- d) they are removed from office, either individually or collectively, by resolution of the Council; or
- e) they are no longer a councillor.

7. Assistant Cabinet Members

7.1 The Leader may appoint such councillors as he/she considers appropriate to provide support and assistance to particular Cabinet Members. These councillors will be known as 'Assistant Cabinet Members'. Persons occupying such positions will not themselves be members of the Executive, nor will they be entitled to act as a member of any Overview and Scrutiny Committee dealing with Council functions.

7.2 Assistant Cabinet Members shall hold office until:

- a) they resign from office;
- b) they are dismissed by the Leader of the Council; or
- c) suspended from being councillor under Part III of the Local Government Act 2000; or
- d) they are no longer a councillor.

8. Proceedings of the Cabinet

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

9. Responsibility for functions

- 9.1 Responsibility for executive functions is as set out in Part 3 of this constitution.
- 9.2 The Cabinet is responsible for all functions of the Council which are not allocated to the Council itself or another part of the Council by law or by this Constitution.
- 9.3 Cabinet functions must be discharged in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution by:
- a) The Cabinet as a whole;
 - b) A committee of the Cabinet;
 - c) An individual Cabinet Member;
 - d) An officer in consultation with an individual Cabinet Member;
 - e) An officer;
 - f) Joint arrangements; or
 - g) Another local authority.
- 9.4 The Cabinet may establish committees with a minimum membership of 3 members of the Cabinet.
- 9.5 The Leader will have the responsibility for the publication of the forward plan.
- 9.6 The Leader may perform ceremonial functions.

10. Executive Arrangements in the event of no Leader and Cabinet being elected

If a situation arises where the Council is unable to appoint a Leader, the following arrangements will apply:

- a) subject to 10 b) below, any function or activity, including executive decision-making which would normally be undertaken by the Cabinet, the Leader or other Cabinet Members will be undertaken by the Chief Executive who will act in consultation with the leaders of all the political groups.
- b) where, by statute or otherwise, any such function or activity is required to be undertaken by the Leader or another Cabinet member, it will be undertaken by any one of the leaders of the political parties, to be specified in each case by the Chief Executive who will act in consultation with the leaders of all the political groups.

Article 7 Part 2 The Shadow Cabinet

1. Role

The Shadow Cabinet will have responsibility for providing an effective challenge to the Cabinet, contributing constructively to the achievement of the Council's functions and corporate outcomes.

2. Form and composition

The leader of each opposition group may choose to form a Shadow Cabinet from among the Council's councillors. The leader of each opposition group shall notify the Council of the names of councillors nominated to form a Shadow Cabinet and of any changes in the membership of the Shadow Cabinet at meetings of the Council. The Shadow Cabinet shall be comprised of no greater number of members than the Cabinet, not including the Leader of the Council.

3. Functions

Functions of the Shadow Cabinet:

- a) to call to account or challenge the Administration at meetings of the Council and its committees;
- b) to have regular meetings with other councillors as appropriate to keep them informed of the Shadow Cabinet's role and performance;
- c) to maintain effective relationships with the Cabinet and Assistant Cabinet Members as well as the Chief Officers and other managers and to meet with them to ensure that the Shadow Cabinet are suitably briefed on service matters and other relevant issues; and
- d) to assist on ensuring effective arrangements for the Council's scrutiny function.

Article 8 Regulatory and other committees

1. Regulatory and other committees

The Council will appoint the committees set out in the left hand column of the table as set out below to discharge the functions described in the right hand column and Part 3 of this Constitution entitled “Responsibility for Functions”.

Committee	Functions
Development Control Committee	<ul style="list-style-type: none"> Town and Country Planning matters.
Ad Hoc Appointments and Appeals Committee	<ul style="list-style-type: none"> Making arrangements for the appointment of Head of Paid Service and Chief Officers excluding those Chief Officers appointed by the LGSS Joint Committee. Making arrangements for the Chief Officer disciplinary and redundancy appeals including those appointed by the LGSS Joint Committee.
Standards Committee	<ul style="list-style-type: none"> Codes of Conduct for officers and councillors. Oversight of complaints. Training to ensure understanding of the Codes of Conduct, other ethical issues and supporting councillors.
Pensions Committee	<ul style="list-style-type: none"> Ensures the Fund complies with all relevant legislation. Governing the administration of the fund. Ensuring appropriate arrangements for the administration of benefits are in place. Reviewing investment strategies for the Fund.
Audit Committee	<ul style="list-style-type: none"> Independent assurance of the adequacy of the risk management framework and the associated control environment. Independent scrutiny of the authority’s financial and non financial performance to the extent that it affects the authority’s exposure to risk and weakens the control environment. Assurance that issues arising from the preparation of the authority’s financial accounts are properly dealt with e.g. check of compliance with the authorities account policies, issues arising from internal audit, and assurance surrounding the effectiveness of the code of corporate governance through the compilation of the annual governance statement. This includes the Council itself and companies of which the Council is the sole or majority owner in relation to functions they provide on behalf of the Council.

<p>Health and Wellbeing Board</p>	<ul style="list-style-type: none"> • Review of the Joint Health and Wellbeing Strategy and Joint Strategic Needs Assessment and development of the Pharmaceutical Needs Assessment. • Review of Clinical Commissioning Group and local authority commissioning plans. • Responding to consultations about commissioning plans issued by clinical commissioning groups in connection with Section 26 of the Health and Social Care Act 2012. • Responsibility for encouraging persons who arrange for the provision of any health or social care services in the Council's area to work in an integrated manner • Responsibility for providing advice, assistance and support considered appropriate for the purpose of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006. • Develop, approve and implement the Better Care Fund and any future developments related to the Better Care Fund, as well as anticipating future policy developments in terms of integration and system change between the NHS and local government partners.
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Article 9 - The Local Pension Board(s)

1. Local Pension Boards

The Council has established two Local Pension Boards. The first is concerned with the Council's role as an administering authority in respect of the Local Government Pension Scheme. The second is concerned with the Firefighters' Pensions Scheme. The Local Pension Boards shall have the following membership and powers.

2. Local Pension Board – Local Government Pension Scheme

a) Composition

Representatives	Number of seats	Term of Appointment	Method of Appointment
Employers	3	4 Years	<ul style="list-style-type: none">• Two councillor representatives determined by Northamptonshire County Council.• One representative of a Scheme employer such as an admitted body or non-tax raising body that participates in the Northamptonshire Pension Fund appointed via an open selection process.
Scheme Members	3	4 Years	<ul style="list-style-type: none">• Three representatives appointed via an open selection process. Any trade union members so appointed will represent scheme members.

b) Voting, Frequency of Meetings and Quorum

All Local Pension Board Members shall have the right to vote in meetings.

The Local Pension Board (Local Government Pension Scheme) shall meet a minimum of four times a year. The date, hour and place of meetings shall be fixed by the Board. The Chair may call additional meetings if necessary. Quorum shall be four Local Pension Board Members, provided that the employer and member sides are both represented.

No business requiring a formal resolution shall be transacted at any meeting of the Local Pension Board unless the meeting is quorate. If it arises during the course of a meeting that a quorum is no longer present, the Chair shall either suspend business until a quorum is re-established or declare the meeting at an end and arrange for the completion of the agenda at the next meeting or at a special meeting. Substitutes shall be permitted.

The Chair and Vice-Chair of the Local Pension Board shall be elected by the Board at its annual meeting. The normal term of office for the Chair and Vice-Chair of the Local Pension Board shall be one year, subject to earlier removal by vote of the Local Pension Board.

3. Local Pension Board – Firefighters’ Pension Scheme

a) Composition

Representatives	Number of seats	Term of Appointment	Method of Appointment
Employers	2	4 Years	<ul style="list-style-type: none"> • One councillor representative determined by Northamptonshire County Council. • One officer representative determined by Northamptonshire County Council
Scheme Members	2	4 Years	<ul style="list-style-type: none"> • Two representatives appointed via an open selection process. Any trade union members so appointed will represent scheme members.

b) Voting, Frequency of Meetings and Quorum

All Local Pension Board Members shall have the right to vote in meetings.

The Local Pension Board (Firefighter’s Pension Scheme) shall meet a minimum of two times a year. The date, hour and place of meetings shall be fixed by the Board. The Chair may call additional meetings if necessary. Quorum shall be two Local Pension Board Members, provided that at least one member each from the employer and member sides are present.

No business requiring a formal resolution shall be transacted at any meeting of the Board unless the meeting is quorate. If it arises during the course of a meeting that a quorum is no longer present, the Chairman/woman shall either suspend business until a quorum is re-established or declare the meeting at an end and arrange for the completion of the agenda at the next meeting or at a special meeting. Substitutes shall be permitted.

The Chair and Vice-Chair of the Local Pension Board shall be elected by the Board at its annual meeting. The normal term of office for the Chair and Vice-Chair of the Local Pension Board shall be one year, subject to earlier removal by vote of the Local Pension Board.

4. Role and Function

The Pensions Fund Boards will have the following roles and functions:

- Authority to assist the administering authority in securing compliance with:
 - The Principal 2013 Regulations;
 - Any other legislation; and
 - Any requirements imposed by the Pensions Regulator in relation to the Scheme.
- Authority to assist the administering authority in ensuring the effective and efficient governance and administration of the Scheme.

5. Training and Knowledge of Members

Members may not be permitted to take part in meetings of the Local Pension Board unless they have complied with any training requirements for Board members as set out in the Public Services Pensions Act.

Article 10 The Standards Committee

6. Standards Committee

The Council has established the Standards Committee.

7. Composition

The Standards Committee will be composed of one councillor from each of the political groups and up to three independent members appointed by the Council. The independent members will not be entitled to vote at meetings. The Committee will appoint its own Chairman. The quorum will be two councillors.

The Committee will act, on an ad hoc basis, as the Hearing Sub-Committees to consider and determine complaints against County Councillors alleging that they have breached the Members' Code of Conduct.

8. Role and Function

The Standards Committee will have the following roles and functions:

- a) promoting and maintaining high standards of conduct by councillors and co-opted members of the Council;
- b) assisting councillors and co-opted members to observe the councillors' Code of Conduct;
- c) advising the Council on the adoption or revision of the councillors' and officers' Codes of Conduct;
- d) monitoring the operation of the councillors' and officers' Codes of Conduct;
- e) advising, training or arranging to train councillors and co-opted members and church and parent governor representatives on matters relating to the councillors' Code of Conduct;
- f) Undertaking hearings into alleged breaches of the Code of Conduct and determining appropriate sanctions or actions where a breach is found.
- g) proactively raise the profile of standards and ethical issues;
- h) overview of the whistleblowing policy;

Article 11 This previously referred to Area Committees and Area partnerships

The Council has decided not to appoint any area committees.

Article 12 Joint Arrangements

1. 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:

- 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.

With regard to the Contract Procedure Rules were appropriate.

2. Joint arrangements with other local authorities

2.1 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.

2.2 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.

2.3 Except as set out below, the Cabinet may only appoint Cabinet Members to a joint committee and those councillors need not reflect the political composition of the Council as a whole.

2.4 The Cabinet may appoint councillors 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; and
- b) the joint committee is between the Council and a single district council and relates to functions of the Cabinet of the Council. In such cases, the Cabinet of the 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.

In both of these cases the political balance requirements do not apply to such appointments.

2.5 Details of any joint arrangements made by the Council, including any delegations to joint committees, are set out in the following table:

Description of Joint Arrangements	Functions and Delegations
North Northamptonshire Joint Planning Committee	<ul style="list-style-type: none"> • The preparation, submission and revision of such of the local development documents specified in the draft local development scheme submitted to the Secretary of State on 18th March 2005 as are identified in that scheme for preparation otherwise than by a constituent Authority.
West Northamptonshire Joint Strategic Planning Committee	<ul style="list-style-type: none"> • The preparation, submission and revision of: <ul style="list-style-type: none"> ○ such of the local development documents specified in the local development scheme submitted to the Secretary of State on 16th March 2007 as are identified in that scheme for preparation otherwise than by a constituent authority; ○ the joint local development scheme and the local development documents specified in the joint local development scheme.
LGSS Joint Committee with Cambridgeshire County Council and Milton Keynes Council	<p>Executive and non-executive functions relating to:</p> <ul style="list-style-type: none"> • Organisational Development and Human Resources; • Internal Audit and Risk Management; • Procurement; • Legal Services; • Democratic Services; • Finance; • Information Technology; and • Enterprise Resource Planning Systems Administration <p>As set out in Schedule 2 to the Delegation and Joint Committee Agreement between Cambridgeshire County Council, Milton Keynes Council and Northamptonshire County Council and in Part 3 of this Constitution.</p>

3. Access to information

3.1 The Access to Information Procedure Rules in Part 4 of this Constitution apply.

3.2 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.

3.3 If the joint committee contains members who are not on the Cabinet/Executive of any participating authority then the Access to Information Procedure Rules in Part VA of the Local Government Act 1972 will apply.

4. Delegation to and from other local authorities

- 4.1 The Council may delegate functions to another local authority or, in certain circumstances, the Executive of another local authority.
- 4.2 The Cabinet may delegate executive functions to another local authority or the Executive of another local authority in certain circumstances.
- 4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council.

5. Contracting out

- 5.1 The Council, for functions which are not executive functions, and the Cabinet for executive functions, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.
- 5.2 The Council may also establish partnership arrangements with National Health Service Bodies which may include a joint committee.

Article 13 Officers

1. General

The full Council or the Local Government Shared Services Joint Committee may engage such staff (referred to as officers) as it considers necessary to carry out their functions.

2. Chief Officers

2.1 The full Council will engage persons for the following posts, designated as Chief Officers:

- Chief Executive and Head of Paid Service;
- Director of Adult Social Care Services (statutory Director of Adult Social Services);
- Director of Children, Families and Education (statutory Director of Children’s Services);
- Director of Place;
- Director of People (Director of Public Health);
- Chief Fire Officer; and

2.2 The Local Government Shared Services Joint Committee will engage persons for the following posts, designated as Chief Officers:

- Managing Director (LGSS)

2.3 The functions and areas of responsibility of each of the Council’s Chief Officers are set out the Part 3 of this Constitution.

3. Statutory Chief Officers

3.1 The Council will designate the following posts as shown in the table below.

Post	Designation
Chief Executive	Head of Paid Service
Monitoring Officer	Monitoring Officer
Director of Finance	Chief Finance Officer/Section 151 Officer

3.2 These posts will have the functions described in paragraphs 5 to 7 below.

4. Other Officers

4.1 The Council will designate the following posts as shown in the table below.

Post	Designation
Chief Executive	Chief Information Officer (CIO) for the County Council
Deputy Director of Public Health	Caldicott Guardian for the County Council
LGSS Director of IT	Information Technology Security Officer

5. Functions of the Head of Paid Service

5.1 Structure - The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

5.2 Discharge of functions by the Council - The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

6. Functions of the Monitoring Officer

6.1 Maintaining the Constitution - The Monitoring Officer will maintain and review in concert with the Standards Committee and the Constitution Working Group, an up-to-date version of the Constitution and will ensure that it is widely available to councillors, staff and the public.

6.2 Ensuring lawfulness and fairness of decision making - After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the 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.

6.3 Supporting the Standards Committee - The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

6.4 Receiving reports - The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.

- 6.5 Conducting investigations - The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- 6.6 Proper officer for access to information - The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- 6.7 Advising whether executive decisions are within the budget and policy framework - The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- 6.8 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.

7. Functions of the Chief Finance Officer

- 7.1 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 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.
- 7.2 Administration of financial affairs - The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- 7.3 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.
- 7.4 Providing advice - The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- 7.5 Give financial information - The Chief Finance Officer will provide financial information to the media, members of the public and the community.

8. Restrictions on functions

The Head of Paid Service may not be the Monitoring Officer or the Chief Finance Officer. The Monitoring Officer may not be the Chief Finance Officer or the Head of Paid Service.

9. Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

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

10. Conduct

Officers will comply with the officers' Code of Conduct and the Protocol on Councillor/Officer Relations set out in Part 5 of this Constitution.

11. Employment

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

11.2 The term "Deputy Chief Officer" shall mean a person who, in respect of all or most of his or her duties, reports directly or is directly accountable to one or more of the Chief Officers, but not one whose duties are solely secretarial or clerical or are otherwise in the nature of support services.

Article 14 Decision Making

1. Responsibility for decision making

- 1.1 Section 13 of the Local Government Act 2000 provides that all the functions of the Council shall be functions of the Executive except in so far as they are reserved to the Council by the Local Government Act 2000 (“the Act”) by other or subsequent legislation or by regulations made under the Act.
- 1.2 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (‘the Regulations’) define those functions:
- 1.2.1 which must not be discharged by the Executive;
 - 1.2.2 which may be the responsibility of the Executive;
 - 1.2.3 which may not be the sole responsibility of the Executive; and
 - 1.2.4 circumstances in which functions which would otherwise be functions of the Executive fall to be discharged other than by the Executive.
- 1.3 The Council therefore only has discretion to define the split of functions between the Council (“non-executive functions”) and the Cabinet (“executive functions”) in respect of those which fall within categories 1.2.2 and 1.2.3 above.
- 1.4 The Council will issue and keep up to date a record of what part of the Council or which 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.
- 1.5 The Council may make arrangements under s.101 of the Local Government Act 1972 for the discharge of any of its functions by:
- a) a committee;
 - b) a sub-committee;
 - c) a joint committee;
 - d) another local authority; or
 - e) an officer.

2. Principles of decision making

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

- a) the need to have regard to all relevant considerations and to ignore all irrelevant considerations;
- 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) a realistic evaluation of all alternatives;

- e) acting compatibly with human rights (see below for further details);
- f) a presumption in favour of openness; and
- g) the prior need to identify clear aims and outcomes.

3. Types of decision

3.1 Decisions reserved to full Council - The functions reserved to the full Council are set out in Article 4. Any decisions arising will only be made by the full Council and not delegated. Other functions are set out in Part 3 of the Constitution.

3.2 Executive decisions – An “executive decision” is a decision which is associated with a function which is the responsibility of the Cabinet to make either under the law or this Constitution.

3.3 Key decisions. A “key decision” is an executive decision which is likely:

3.3.1 to result in the authority incurring expenditure or making savings in excess of £500,000 (in a single transaction or a related series of transactions) with the exception of

- all loans to banks, financial institutions and other organisations made in accordance with the Treasury Management Strategy;
- The procurement of placements for children and adults of care packages, including residential care, for children and adults with disabilities or other conditions warranting the provision of such placements or packages.

and/or

3.3.2 to be significant in terms of its effect on the community living or working in an area in Northamptonshire.

3.4 In determining whether a decision is “significant” the decision taker should:

- a) consider whether the outcome will have an impact for better or worse on the amenity of the community or quality of service provided by the Council to a significant number of people living or working in the locality affected;
- b) have regard to the presumption towards openness (and hence it being a key decision);
- c) consider whether it would be possible or practicable to reverse the decision; and
- d) consult the member(s) whose electoral division(s) might be affected and, in case of doubt, may seek advice from the Monitoring Officer.

3.5 All key decisions must be included in the forward plan.

3.6 The decision taker may only make a key decision in accordance with the requirements of the Constitution.

4. Decision making by the full Council

Subject to paragraph 8 below, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

5. Decision making by the Cabinet, its committees and Cabinet Members

Subject to paragraph 8 below, the Cabinet, Cabinet committees and individual Cabinet Members will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

6. Decision making by the LGSS Joint Committee

The LGSS Joint Committee will follow the procedure rules set out in the Local Government and Shared Services Delegation and Joint Committee Agreement when considering any matter.

7. Decision making by Council Owned Bodies on Behalf of the Council

Commissioning of any bodies or companies of which the Council is the majority or sole owner will follow the requirements of this constitution when exercising any function on behalf of the Council. Any decisions that fall under the definition of a 'key decision' under 3.3 above shall be reserved for Cabinet unless explicitly delegated to another decision maker by the Cabinet.

8. Scrutiny of decisions by Overview and Scrutiny Committees

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

9. Decision making by other committees and sub-committees established by the Council

Subject to paragraph 8 below, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution that apply to them.

10. 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.

11. Decision Making Statement of Required Practice

The Decision Making Statement of Required Practice (SORP) sets out in more detail the administrative process that officers must follow when identifying decisions that must be taken and the process for taking those decisions.

Article 15 Finance, Contracts and Legal Matters

1. Financial management

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

2. Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

3. Legal proceedings

The LGSS Director of Legal Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the LGSS Director of Legal Services considers that such action is necessary to protect the Council's interests.

4. Authentication of documents

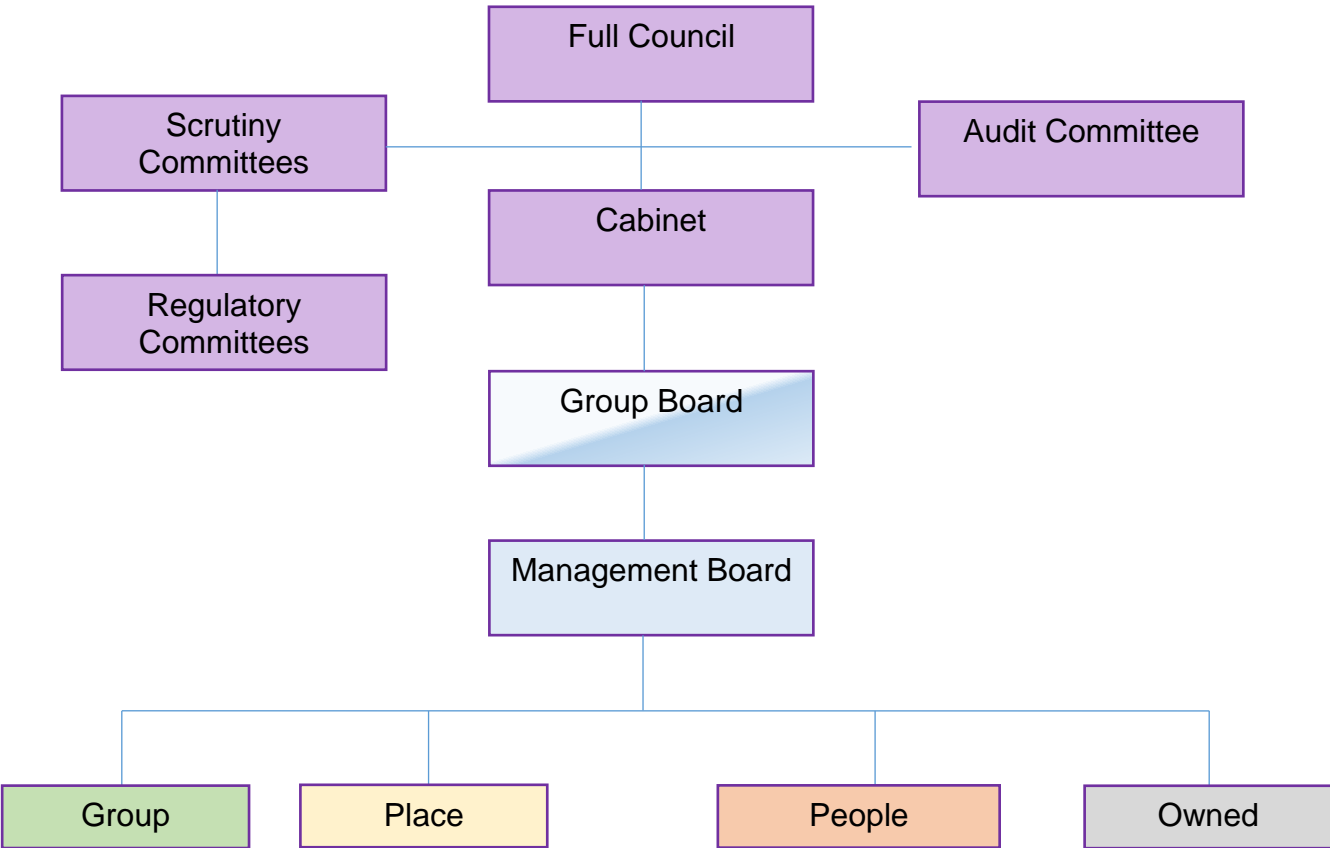
- 4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the LGSS Director of Legal Services or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- 4.2 All contracts shall be made and recorded in writing. Any contract with a value exceeding £20,000 entered into on behalf of the local authority must either be signed by at least two officers of the authority or made under the common seal of the Council attested by the LGSS Director of Legal Services or an officer authorised by him or her. Further detail is provided in the Contract Procedure Rules set out in Part 4 of this Constitution.

5. Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the LGSS Director of Legal Services. 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 LGSS Director of Legal Services should be sealed. The affixing of the Common Seal will be attested by the LGSS Director of Legal Services or some other person authorised by him or her.

Article 16 The Next Generation Council Model

- 1.1 The Next Generation Council model has at its heart the principle of delivering services to the citizens of Northamptonshire by tailoring those services both to the needs and requirements of those same citizens.
- 1.2 Governance of the Council under the Next Generation Council does not change the role of the elected members in that it will remain the same both under the Constitution and statutory legislation.
- 1.3 The Council along with its scrutiny function will continue to have a vital oversight over the functions and services of the Next Generation Council. In effect, the Council’s Constitution remains as the Council’s main governing instrument along with the various applicable statutory provisions and preserves the vital role of the Council’s elected members as representatives of the citizens of Northamptonshire.
- 1.4 The following sets out the structure for the Next Generation Council:



- 1.5 The introduction of the Next Generation Council model does not change the roles of Full Council, Cabinet, the Audit Committee nor Scrutiny. Responsibility and accountability for the delivery of statutory services also remains with the Council.
- 1.6 The Group Board meets to discuss the strategic direction of the Council, political direction, upcoming pressures and upcoming initiatives. Meetings will be held monthly and chaired by the Chief Executive. Membership includes:
- Leader of the Council
 - All Cabinet Members
 - Chief Executive
 - Corporate Director for Place Commissioning
 - Corporate Director for People Commissioning
 - Director of Finance/Chief Finance Officer
 - Managing Director of Children’s Trust
 - Managing Director of Olympus Adult Care Services
 - Managing Director of First for Wellbeing
 - Managing Director of E-Marketplace Company
 - Managing Director of LGSS
 - Other attendees, as required
- 1.7 The Management Board provides oversight of the management of the Council’s delivery of services, budgetary performance and other activities. The meeting will be held monthly and chaired by the Chief Executive. Membership includes:
- Chief Executive
 - Corporate Director for Place Commissioning
 - Corporate Director for People Commissioning
 - Director of Finance/Chief Finance Officer
 - Other attendees, as required
- 1.8 The Management Board will cover the following standard agenda:
- Ownership update – performance of the externalised social enterprises, joint committee and trading vehicles and matters arising (Dashboard)
 - Commissioning update
 - People services – delivery and performance of the commissioning contracts entered into with the arms length social enterprises, risk management and matters arising (Dashboard)
 - Place services – delivery and performance of the externalised Place Commissioning contracts, development and delivery of Big Ideas Agenda, development and delivery of the capital programme, risk management and matters arising (Dashboard)
 - Internal commissioning (NCC Group, LGSS) – delivery and performance of services, risk management and matters arising (Dashboard)

- Statutory responsibilities – report on the delivery of statutory responsibilities, risk management and matters arising (Dashboard)
- Corporate landlord & asset holder – report on the delivery of the corporate landlord and asset holder responsibilities, asset exploitation, risk management and matters arising (Dashboard)
- Financial governance – report on the strategic funding position of the Council, delivery of the savings agenda, reserves position, income generation performance, financial performance looking backward and forwards, risk management and matters arising (Dashboard)
- External factors – all contribute intelligence in relation to national policy, other authorities and partners, demand pressures and other matters arising. (Managed through a spreadsheet to keep track of actions, responsibilities and risks).

1.9 Strategic Commissioning in the context of the Next Generation Council model has three distinct elements :

- Establishing the outcomes the Council requires.
- Contracting for the delivery of those outcomes within defined financial resources.
- Monitoring those contracts to ensure the outcomes are delivered.

1.10 The Place function deals with strategic commissioning for Environment, Planning , Fire and Public Safety and Highways. Additionally, the Place function acts as the Council’s asset holder, ensuring that those delivering the services have the necessary physical infrastructure to facilitate and support their delivery of Council services. As the Council’s asset holder the Place function also works to support the Council’s business and economic development role through the effective use of those same assets.

1.11The People function deals with the strategic commissioning activities for Health and Wellbeing, Children’s Services and Adult Services.

1.12In addition the two main strategic commissioning functions of People and Place will also engage in the following core functions :

- Establishing the required service outcomes in collaboration with the directors who hold the relevant statutory responsibilities under the Constitution.
- Contract for the delivery of those outcomes within the Council’s financial resources in collaboration with the Strategic Director of Finance
- Monitor the delivery of those contracts in collaboration with the directors holding the relevant statutory responsibilities and the Director of Finance.

1.13The Council remains legally responsible for all those services and responsibilities devolved to it by statute and any ancillary government directive and/or guidance and this responsibility cannot be delegated or transferred to any company whether or not in the control of the Council or any other vehicle charged and /or contracted with the delivery of such statutory services.

Article 17 Review and Revision of the Constitution

1. Duty to monitor and review the Constitution

The Councillor Services and Governance Working Group and the Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

2. Protocol for monitoring and review of Constitution by the Monitoring Officer

2.1 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.

2.2 The Councillor Services and Governance Working Group and the Monitoring Officer may:

- a) observe meetings of different parts of the councillor and officer structure;
- b) undertake an audit trail of a sample of decisions;
- c) record and analyse issues raised with him/her by councillors, officers, the public and other relevant stakeholders; and
- d) compare practices in this Council with those in other comparable authorities, or national examples of best practice.

3. Changes to the Constitution

3.1 Any councillor, the full Council or part of the Council may request the Monitoring Officer to consider any proposed changes to the Constitution.

3.2 The Monitoring Officer may propose changes to the Constitution and shall carry out an annual review of the Constitution, in consultation with the Constitution Working Group and the Standards Committee. All proposed changes to the Constitution shall be considered by the Monitoring Officer before being considered for approval by the full Council.

3.3 For proposed changes from a leader and cabinet form of Executive, the Council must the Council must comply with the provisions of the Localism Act 2011 and any associated regulations.

Article 18 Suspension, Interpretation and Publication of the Constitution

1. Suspension of the Constitution.

- 1.1 Limit to suspension - The Articles of this Constitution may not be suspended. The Council Procedure Rules may be suspended by the full Council to the extent permitted within those Rules and the law.
- 1.2 Procedure to suspend - A motion to suspend any rules will not be moved without notice unless one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

2. 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.

3. Publication

- 3.1 The Monitoring Officer will ensure a copy of this Constitution is available to each councillor upon that individual's declaration of acceptance of office or the councillor first being elected to the Council.
- 3.2 The Monitoring Officer will ensure that the Constitution is available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- 3.3 The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

Article 19 Commissioners

1. Background

1.14 Northamptonshire County Council is overseen by two Commissioners. They were appointed by Secretary of State for Housing, Communities and Local Government in May 2018 after a Best Value Inspection highlighted serious failings in the way the Council was governed.

1.15 A direction under section 15(5) and (6) of the Local Government Act 1999 is now in place. As a result of the direction, the Council is required to:

- rebuild the governance capacity of the Authority, addressing the current culture of poor governance – both from the political leadership team and the senior executive group – and discouragement of challenge and scrutiny, that is acting as a hindrance to compliance with the best value duty under Part I of the 1999 Act; and
- secure as soon as practicable that the Authority's financial management is exercised in conformity with the best value duty thereby delivering improvements in services and outcomes for the people of Northamptonshire.

2. Actions the Council must take

2.1 The Council is also required to take a number of actions while the notice is in place. The actions to be taken by the Council are:

1. To refer to the Commissioners, together with any recommendation the Authority wishes to make, any matter where the Authority does not agree with any recommendation or part of a recommendation made to it by a statutory officer or where it does not comply with and implement any such recommendation within the period specified by the statutory officer in the recommendation;
2. To comply with and implement any decision or recommendation of the Commissioners following such a reference;
3. To comply with and implement any decision or recommendation of the Commissioners following a reference to the Commissioners by any statutory officer of a matter where the Authority has not complied with or implemented a recommendation by the statutory officer within the period specified by the statutory officer in the recommendation and the Authority itself has not complied with the obligation set out in (1) above to refer the matter to the Commissioners;
4. To refer to the Commissioners any and all proposals for in-year amendments to budgets;
5. To cease to pay or, insofar as may be agreed with the Commissioners, to reduce to a level that is commensurate with the extent of the functions that the Authority's executive exercises from time to time, any special responsibility allowances that members of the Authority receive by virtue of them being members of, or otherwise connected with, the Authority's executive;
6. To allow the Commissioners at all reasonable times such access as appears to the Commissioners to be necessary:
 - a) to any premises of the Authority;
 - b) to any document relating to the Authority; and
 - c) to any employee or member of the Authority.

7. To provide the Commissioners, at the expense of the Authority, with such reasonable amenities and services and administrative support as the Commissioners may reasonably require from time to time to carry out their functions and responsibilities under these Directions;
8. To pay the Commissioners' reasonable expenses, and such fees as the Secretary of State determines are to be paid to them;
9. To provide the Commissioners with such assistance and information, including any views of the Authority on any matter, as the Commissioners may reasonably request; and
10. To co-operate with the Secretary of State for Housing, Communities and Local Government in relation to implementing the terms of these Directions.

3. Powers and functions of the Commissioners

- 3.1 The Commissioners shall exercise the following powers and functions until such time as the Secretary of State directs otherwise:
1. All functions associated with the governance and scrutiny of strategic decision making by the Authority;
 2. All functions associated with the strategic financial management of the Authority, to include:
 - a) providing advice and challenge to the Authority in the setting of annual budgets for the Authority;
 - b) scrutiny of all in-year amendments to annual budgets; and
 - c) the power to amend budgets where Commissioners consider that those budgets constitute a risk to the Authority's ability to fulfil its best value duty.
 3. All non-executive functions relating to the appointment and dismissal of persons to positions the holders of which are to be designated as statutory officers, to include:
 - a) the functions of designating a person as a statutory officer and removing a person from a statutory office;
 - b) the functions under section 112 of the Local Government Act 1972 of –
 - i. appointing and determining the terms and conditions of employment of an officer of the Authority, insofar as those functions are exercised for the purpose of appointing a person as an officer of the Authority principally in order for that person to be designated as a statutory officer; and
 - ii. dismissing any person who has been designated as a statutory officer from his or her position as an officer of the Authority.
- 3.2 All other services of the Council remain under local democratic control and decisions shall be taken in accordance with the provisions of this Constitution.
- 3.3 The commissioners shall have the right to address the Council and the Cabinet and any committee or sub-committee established by either of those bodies. The restrictions set out within the Council Procedure Rules, the Cabinet Procedure Rules or any other part of the Constitution shall not apply.

Schedule 1 Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

- a) Article 6 (Overview and Scrutiny) and the Overview and Scrutiny Procedure Rules;
- b) Article 7 (The Cabinet) and the Cabinet Procedure Rules;
- c) Article 11 (Joint arrangements) – Highways Agencies, Local Government Shared Services Joint Committee;
- d) Article 13 (Decision Making) and the Access to Information Procedure Rules; and
- e) Part 3 (Responsibility for Functions).