

PART 2

ARTICLES OF THE CONSTITUTION

PART 2 ARTICLES OF THE CONSTITUTION

ARTICLE 1 - THE CONSTITUTION

1.01 Powers of the Council

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

1.02 The Constitution

Parts 1 to 6 of this Constitution are the Constitution of City of Doncaster Council.

1.03 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 in its opinion is closest to the purposes outlined in Part 1, Section 1 of the Constitution.

References in the Constitution to any Statute or Statutory Instrument shall include references to any statutory modification or re-enactment of the same for the time being in force.

Review and Revision of the Constitution

1.04 Duty to Monitor and Review the Constitution

The Monitoring Officer in conjunction with the Elections and Democratic Structures Committee and, where relevant, the Audit Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

1.05 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 Part 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

PART 2 ARTICLES OF THE CONSTITUTION

ARTICLE 1 - THE CONSTITUTION

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

1.06 Changes to the Constitution

- (a) Changes to the Constitution will only be approved by the Full Council, subject to (c) below. The Elections and Democratic Structures Committee has overall responsibility for reviewing the Constitution and recommending changes to Full Council.

Where such changes are related to the Code of Conduct, ethical governance and corporate governance issues, the Audit Committee will report direct to Council any proposed changes.

- (b) Amendments to the Constitution may only be made by a resolution of a simple majority of Members present at a Council Meeting, unless the law prescribes otherwise.
- (c) The Monitoring Officer is authorised to make minor amendments, consequential upon statutory or regulatory change, or to rectify errors, or to update arrangements consequential upon other external factors.
- (d) To change from a Mayoral form of Executive to another form of Executive, the Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum. The change will not take effect until the end of an Elected Mayor's term of office.

Statutory and Guidance References

**Local Government Act 2000 ss30, 37
DCLG New Council Constitutions Chapters 10 and 15**

PART 2 ARTICLES OF THE CONSTITUTION

ARTICLE 1 - THE CONSTITUTION

Suspension, Interpretation and Publication of the Constitution

1.07 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended only to the extent permitted within those Rules and the law.
- (b) **Procedures to suspend.** A motion to suspend any rule will not be moved without notice unless at least one half of the Councillors entitled to vote 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 Part 1 of the Constitution.
- (c) **Rules capable of suspension.** The following Rules may be suspended, and then only to the extent that the Rules allow:
 - (i) Council Procedure Rules
 - (ii) Access to Information Rules (in cases of urgency)
 - (iii) Budget and Policy Framework Rules (in cases of urgency)
 - (iv) Financial Procedure Rules
 - (v) Contract Procedure Rules
 - (vi) Employment Procedure Rules

Interpretation

- (a) The ruling of the Chair of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Part 1 (Summary and Explanation).
- (b) Detailed rules as to interpretation are set out in Rule 38 of the Council Procedure Rules set out in Part 4 of this Constitution.

Publication

- (a) The Chief Executive will ensure that copies of this Constitution are available for inspection at council offices and other appropriate locations, and on the Internet, and can be purchased by members of the local press and the public on payment of a reasonable fee.

Statutory and Guidance References

None

PART 2 ARTICLES OF THE CONSTITUTION

ARTICLE 2 - MEMBERS OF THE COUNCIL

2.01 Composition and Eligibility

- (a) **Composition.** The Council will comprise the Elected Mayor and 55 Members, otherwise called Councillors. Two or three Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor.

2.02 Conduct

The Mayor and Councillors and co-opted Members of Committees or Sub-Committees will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.03 Allowances

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

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 3 - THE FULL COUNCIL

3.01 Functions of the Full Council

Only the Full Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) election of the Chair and Vice-Chair;
- (c) receiving reports from the Mayor setting out the composition and responsibilities of the Cabinet and the current scheme of delegations;
- (d) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (e) making decisions about any Executive function which is covered by the Budget and Policy Framework where the decision is wholly or partly contrary to the Budget or Policy Framework (subject to the Urgency Procedure in Rule 16 of the Access to Information Rules or Rule 5 in the Budget and Policy Framework Procedure Rules in Part 4);
- (f) agreeing and/or amending the terms of reference for Committees and Sub-Committees and deciding on their composition;
- (g) appointing representatives to outside bodies unless the appointment is an Executive function;
- (h) adopting a Members allowances scheme under Article 2.03;
- (i) changing the name of the area, conferring the title of freedom of the borough;
- (j) confirming the appointment of the Chief Executive;
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) receiving an annual report from Overview and Scrutiny Management Committee;

PART 2 ARTICLES OF THE CONSTITUTION

ARTICLE 3 - THE FULL COUNCIL

- (m) adopting or amending a Code of Conduct for Members;
- (n) determining motions of confidence in the Mayor or Members of the Cabinet;
- (o) all other matters which, by law, must be reserved to the Full Council, including setting the Council Tax;
- (p) conflict resolution under the Budget and Policy Framework Procedure Rules;
- (q) acceptance of delegations from another local authority under Article 7;
- (r) local choice functions set out in part 3.5 of the Constitution.

3.02 Delegation by Full Council

- (a) The Full Council will establish and maintain the regulatory and other Committees, and Sub-Committees set out in Part 3.
- (b) The Full Council may delegate any of its functions, other than those reserved to Full Council, to Committees or Sub-Committees, including ad hoc Committees and Sub-Committees, and Officers not listed in Part 3.
- (c) The Chief Executive will maintain a list of ad hoc Committees and Sub-Committees established at any time. The list will be available with copies of this Constitution.

3.03 Full Council Meetings

There are three types of Full Council meetings:

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

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

PART 2 ARTICLES OF THE CONSTITUTION

ARTICLE 3 - THE FULL COUNCIL

3.04 Responsibility for Functions

The Chief Executive will maintain the lists in Part 3 of this Constitution which sets out the responsibilities of the Full Council's functions.

3.05 State of the Borough Debate

The Chair of the Full Council may call a State of the Borough debate annually on a date and in a form to be agreed with the Elected Mayor.

3.06 References to the Full Council

In this Constitution references to the Full Council, where the context allows, include references to Committees or Sub-Committees; Joint Committees or other joint arrangements and officers with delegated powers.

Statutory and Guidance References

**Local Government Act 2000 s32 and Regulations thereunder
Local Government Act (Functions and Responsibilities) (England)
Regulations 2000
DETR New Council Constitutions Guidance Chapter 2
Leasehold Reform, Housing and Urban Development Act 1993
Housing Act 1985 s32, 43
Local Government Act 2000 (Constitutions) (England) Direction 2000**

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 4 - OVERVIEW AND SCRUTINY

4.01 Terms of Reference

The Full Council will establish and maintain an Overview and Scrutiny Management Committee and Standing Panels to discharge the functions conferred by Section 21 of the Local Government Act 2000. The Overview and Scrutiny Management Committee will have the following within its terms of reference;

1. To be responsible for co-ordinating and undertaking the Council's overview and scrutiny function in respect of all areas of Council activity, including partnership working and other matters outside the direct responsibility of the Council which affect the Borough or its inhabitants.
2. To have authority to establish such ad hoc Overview and Scrutiny Sub-Committees as are necessary to look at specific issues determined by the Scrutiny Management Committee, ensuring that the workload of Sub-Committees is coherent, achievable and supported by the necessary resources.
3. Membership of Overview and Scrutiny Management Committee, Scrutiny Sub-Committees and ad hoc panels, is not to include the Mayor or Members of the Cabinet.
4. To respond to the call-in of decisions as set out in Rule 9 of the Overview and Scrutiny Procedure Rules and Rule 8 of the Budget and Policy Framework Rules in Part 4 of this Constitution.
5. To make clear and concise recommendations to the Executive on matters that have been subject to review or scrutiny.
6. To make reports to the Full Council on matters that have been subject to review or scrutiny, including clear and concise recommendations.
7. To be responsible for drafting protocols in respect of the Overview and Scrutiny process and promoting consistency of approach by the Overview and Scrutiny Sub-Committees.

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 4 - OVERVIEW AND SCRUTINY

4.02 General Role

Within their terms of reference, Overview and Scrutiny Management Committee will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the Full Council and/or the Executive and/or joint or area committees in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants;
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive and/or any policy or area committees; and
- (v) consider how to develop and make use of individuals and community networks, locally, nationally, and internationally.

4.03 Specific Functions

- (a) **Policy development and review.** Overview and Scrutiny Management Committee will, at its discretion:
 - (i) assist the Full Council and the Executive in the development of its budget and policy framework by in depth analysis of policy issues;
 - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - (iv) question the Mayor and/or Members of the Executive and/or committees and chief officers about their views on issues and proposals affecting the area; and
 - (v) liaise with residents, partners, stakeholders and other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 4 - OVERVIEW AND SCRUTINY

- (b) **Scrutiny.** Overview and Scrutiny Management Committee will, at its discretion:
 - (i) review and scrutinise the decisions made by and the performance of the Executive and/or committees and 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 area;
 - (iii) question the Mayor and Members of the Cabinet and/or Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - (iv) make recommendations to the Executive and/or appropriate committee and/or Full Council arising from the outcome of the scrutiny process;
 - (v) review and scrutinise the performance of other public bodies, external organisations, partners and stakeholders in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committees and local people about their activities and performance; and
 - (vi) question and gather evidence from any person.
- (c) **Finance.** Overview and Scrutiny Management Committee will exercise overall responsibility for the finances made available to them.
- (d) **Annual report.** Overview and Scrutiny Management Committee must report annually to Full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** Overview and Scrutiny Management Committee will exercise overall responsibility for the work programme of the officers supporting their work.

PART 2 ARTICLES OF THE CONSTITUTION

ARTICLE 4 - OVERVIEW AND SCRUTINY

4.04 Proceedings of Overview and Scrutiny Management Committee and Overview and Scrutiny Sub-Committees

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

4.05 Matters not within the Terms of Reference of Overview and Scrutiny Management Committee

A list of matters not normally within the Terms of Reference of the Overview and Management Committee are set out in Rule 18 of the Overview and Scrutiny Procedure Rules.

Statutory and Guidance References

**Local Government Act 2000 Sch 1
DETR New Council Constitutions Guidance Chapter 3
Local Government Act 1999 s5**

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 5 - REGULATORY AND OTHER COMMITTEES AND SUB-COMMITTEES OF THE FULL COUNCIL

5.01 Regulatory and other Committees and Sub-Committees

- (a) The Full Council will appoint the Committees and Sub-Committees set out in Part 3 of this Constitution to discharge the functions described in that Part.
- (b) Ad hoc Committees and Sub-Committees may be established at any time and decisions taken by them within their Terms of Reference are effective, notwithstanding that Part 3 of this Constitution has not been amended to reflect their establishment.

Statutory and Guidance References

**Local Authorities (Functions and Responsibilities) (England)
Regulations 2000**
Local Government Act 1972 Sections 101, 102
Local Government Act 2000 s11, Sch 1
DETR Guidance

PART 2 ARTICLES OF THE CONSTITUTION

ARTICLE 6 – AREA COMMITTEES

6.01 Area Committees

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

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

6.02 The Chief Executive has responsibility for publishing a list of any Area Committees, their Terms of Reference, the composition and Membership of the Committees, budgets and any limitation on delegation as are established under Article 6 from time to time and for amending Part 3 to reflect any changes.

6.03 Conflicts of Interest - Membership of Area Committees and Overview and Scrutiny Management Committee or Sub-Committees

- (a) **Conflict of interest.** If the Overview and Scrutiny Management Committee or Sub-Committees are scrutinising specific decisions or proposals in relation to the business of an Area Committee of which the Councillor concerned is a Member, then the Councillor may not speak or vote at the Overview and Scrutiny Committee meeting unless a dispensation to do so is given by the Monitoring Officer.
- (b) **General policy reviews.** Where the Overview and Scrutiny Management Committee or Sub-Committees are reviewing policy generally the Member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

6.04 Area Committees - Access to Information

Area Committees will comply with the Access to Information Rules in Part 4 of this Constitution.

6.05 Agendas and notices for Area Committee meetings which deal with both functions of the Executive and functions which are not the responsibility of the Executive will state clearly which items are which.

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 6 – AREA COMMITTEES

6.06 Executive Members on Area Committees

A Member of the Executive may serve on an Area Committee if eligible to do so as a Councillor. The Mayor may be appointed as a Member of any Area Committee.

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 7 - JOINT ARRANGEMENTS

7.01 Arrangements to Promote Well Being

The Full Council or the Executive 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.

7.02 Joint Arrangements

- (a) The Full Council may establish joint arrangements with one or more local authorities and/or their executive to exercise functions which are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of a Joint Committee with these other local authorities. Any Member of the Council, including the Mayor or Members of the Executive may be appointed by the Full Council under this rule.
- (b) The Executive may establish joint arrangements with one or more local authorities to exercise functions which are Executive functions. Such arrangements may involve the appointment of Joint Committees with these other local authorities.
- (c) Except as set out below, the Executive may only appoint Executive Members to a Joint Committee and those Members need not reflect the political composition of the local authority as a whole.
- (d) The Executive may appoint Members to a Joint Committee from outside the Executive in the following circumstances:
 - where a Joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the Joint Committee any Councillor who is a Member for a ward which is wholly or partly contained within the area;

the political balance requirements in section 15 of the 1989 Local Government and Housing Act do not apply to such appointments.

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 7 - JOINT ARRANGEMENTS

- (e) Where joint arrangements involve both executive and non-executive functions then arrangements will be approved by Full Council with the agreement of the Executive and the appointments will be made/endorsed by both bodies.
- (f) The Chief Executive will ensure details of any joint arrangements including any delegations to Joint Committees are included in the schemes of delegations in Part 3 of this Constitution.

7.03 Access to Information

- (a) The Access to Information 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 with such modifications as are necessary to accommodate participating inconsistencies between the regimes operating in each of the participating authorities.
- (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 VA of the Local Government Act 1972 will apply.

7.04 Delegation to other Local Authorities

- (a) The Full Council may delegate non-Executive functions to another local authority or, the executive of another local authority.
- (b) The Executive may delegate Executive functions to the Executive of another local authority.
- (c) Any such delegation may only be made with the agreement of the other local authority and that agreement must conclude whether the delegation is to the Executive or the Full Council of the other authority.

7.05 Delegation from other Local Authorities

The decision whether or not to accept such a delegation of non-executive functions from another local authority shall be reserved to the Full Council meeting.

PART 2 ARTICLES OF THE CONSTITUTION

ARTICLE 7 - JOINT ARRANGEMENTS

7.06 Contracting Out

The Full Council and/or the Executive 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.

Statutory and Guidance References

**Local Government Act 2000 s2, 19, 20
Local Authorities (Arrangements for the Discharge of Functions)
(England) Regulations 2000
DETR New Council Constitutions Guidance Chapter 6**

PART 2 ARTICLES OF THE CONSTITUTION

ARTICLE 8 - DECISION MAKING

8.01 Responsibility for Decision Making

The Chief Executive 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.

8.02 Principles of Decision Making

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

- (a) furthering the delivery of the Council's Corporate Plan Outcomes and Borough Strategy.
- (b) consistency with the budget and policy framework except where there are identified and compelling reasons for inconsistency.
- (c) encouraging appropriate openness and accountability through consultation and participation.
- (d) ensuring ethical and financial probity and the good management of financial, human and physical resources.
- (e) pursuing lawful, proportionate and reasonable decision making taking in to account all relevant factors and having regard to the European Convention on Human Rights.
- (f) consistency with this Constitution.
- (g) objectives and outcomes will be clear and defined.
- (h) following the Codes of Conduct for Members and Employees, set out in Part 5.
- (i) the promotion of equality and the elimination of unlawful discrimination.
- (j) the promotion of the economic, social and environmental well-being of the Borough.
- (k) the reduction of crime and disorder.

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 8 - DECISION MAKING

8.03 Types of Decision

- (a) Decisions reserved to Full Council. Decisions relating to the functions listed in Article 3.01 will be made by the Full Council and not delegated.
- (b) Key decisions
 - (i) A key decision is any Executive decision which is:
 - (a) likely to result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Local Authority's budget for the service or function to which the decision relates; or
 - (b) likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Local Authority; or
 - (c) related to the approval or variation of the Policy and Budget Framework that is reserved to the Full Council.
 - (ii) The level of expenditure/savings which this Authority has adopted as being financially significant are:
 - (a) in the case of the revenue budget, gross full-year effect of £250,000 or more.
 - (b) in the case of the capital budget, £1,000,000 or more in respect of a single project or otherwise across one financial year.
 - (iii) A decision is not to be treated as a key decision if:-
 - (a) it is a direct consequence of implementing a previous key decision and the income, expenditure or savings were in the contemplation of the decision maker when the decision was made; or
 - (b) it relates to expenditure for the day to day provision of services that was in the contemplation of the Full Council when the Revenue Budget was approved and is inevitable expenditure (e.g. the recruitment of staff or provision of day to day supplies); or

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 8 - DECISION MAKING

- (c) it relates to expenditure that must be incurred to comply with the terms of contracts won by the Council in competitive tender; or
 - (d) it relates to expenditure on a care plan which the Council has a duty or power to provide as defined by s46 of the National Health Service and Community Care Act 1990 and s2 of the Chronically Sick and Disabled Persons Act 1970, Ss17 and 20 Children Act 1989.
- (iv) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules or the Urgency Procedure set out in Rules 15 and 16 of the Access to Information Rules as set out in Part 4 of this Constitution.

8.04 Decision making by the Full Council

Subject to Article 8.08, the Full Council meeting will follow the Council Procedure Rules and the Access to Information Rules set out in Part 4 of this Constitution when considering any matter.

8.05 Decision making by the Executive

Subject also to Article 8.08, the Executive will follow the Executive Procedure Rules and the Access to Information Rules set out in Part 4 of this Constitution when considering any matter.

8.06 Decision making by Overview and Scrutiny Committees

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

8.07 Decision making by other Committees and Sub-Committees established by the Full Council

Subject to Article 8.08, other Council Committees and Sub-Committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

8.08 Decision making by Council bodies acting as Tribunals

The Council, a Committee, Sub-Committee, 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 is lawful with regard to the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

PART 2
ARTICLES OF THE CONSTITUTION

ARTICLE 8 - DECISION MAKING

Statutory and Guidance References

Local Government Act 2000 and Regulations thereunder

Human Rights Act 1998

Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 9 - FINANCE, CONTRACTS AND LEGAL MATTERS

9.01 Financial Management

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.

9.02 Contracts

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

9.03 Legal Proceedings

The Service Director of Legal & Democratic Services is authorised to institute, defend or participate in and settle 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 Service Director of Legal & Democratic Services considers that such action is necessary to protect the Council's interests.

9.04 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Service Director of Legal & Democratic Services or other person authorised by him/her or the Chief Executive, unless any enactment otherwise authorises or requires, or the Council has given authority to some other person.

9.05 Common Seal of the Council

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

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 9 - FINANCE, CONTRACTS AND LEGAL MATTERS

9.06 Audit Arrangements

(a) External Audit

External auditors shall be appointed to the Council to conduct, and report on, the external audit of the Council in accordance with the relevant statutory code of audit practice. The external auditor will annually produce a management letter to the Full Council summarising the findings of work undertaken in accordance with the statutory code that shall be considered by the Audit Committee.

(b) Internal Audit

In accordance with the Accounts and Audit Regulations 2006, the Council will maintain an adequate and effective system of internal audit of the accounting records and control systems of the Council. The roles and responsibilities of internal audit are expanded on in the Financial Regulations.

Statutory and Guidance References

Local Government Act 1972 S135, 151, 222, 223, 234
Local Government Finance Act 1988 Part IV