

# **Herefordshire Council**

## **Constitution**

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# PART 1

## INTRODUCTION AND SUMMARY

### Introduction and summary

#### 1.1 Our constitution

- 1.1.1 Herefordshire Council, which is a unitary authority operating executive arrangements through a leader and cabinet, has agreed this constitution which sets out how the council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the council to choose.

The constitution is divided into different parts which set out the basic rules governing the council's business as well as some of the detailed rules.

- 1.1.2 Article 1 of the constitution commits the council to providing clear community leadership and operating in a way which is transparent, efficient and accountable and upholds the values of the council. The remaining articles and parts of the constitution explain the rights of the public and how the key parts of the council operate:

- a Part 2 explains how key parts of the council work;
- b Part 3 says who does what;
- c Part 4 contains detailed rules about how particular things operate;
- d Part 5 provides more details and guidance about how councillors and council staff work together and how the public can participate;
- e Part 6 sets out the allowances that councillors are paid;
- f Part 7 explains the cabinet and scrutiny committee roles and the council's management structure; and
- g Part 8 is a glossary explaining meanings of particular words and phrases used in the constitution.

#### 1.2 How the council operates

- 1.2.1 The council comprises 53 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community of Herefordshire, but they have a special duty to their constituents, including those who did not vote for them.
- 1.2.2 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The monitoring officer trains and advises on the code of conduct, including in relation to parish councils.

1.2.3 All councillors meet together as full Council. Meetings of full Council are normally open to the public and the councillors decide the council's overall policies and set the revenue budget and capital programme each year. At its annual meeting, full Council appoints one councillor to be the leader of the council.

### **1.3 How decisions are made**

1.3.1 Most day to day service decisions are taken by the staff of the council and in particular by their managers. Elected councillors sitting as the full Council will decide an overall framework of policies governing how services are to be provided.

1.3.2 The leader of the council approves the scheme of delegation of executive functions. The council's cabinet of councillors will make recommendations to the council about the policy framework and will itself take decisions that ensure services are provided within that framework.

1.3.3 For most "key" decisions to be made by the cabinet or by cabinet members the council is required to publish in advance information about the matter to be decided; who will be making the decision, the date or timescale for the decision, and the place where the decision will be made.

1.3.4 The cabinet can only make decisions which are in line with the council's overall budget and policy framework. If it wishes to make a decision which is contrary to the budget and policy framework, this must be referred to full Council to decide.

1.3.5 Full Council will appoint committees with power to carry out its non-executive and other functions (e.g. planning and licensing). Non-executive functions are those which the cabinet does not have the power to carry out.

1.3.6 The cabinet is held to account by the overview and scrutiny committees appointed by full Council.

### **1.4 The council's staff**

1.4.1 The council has people working for it (called 'officers') to give professional advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the council acts within the law and uses its resources wisely. A protocol governs the relationships between officers and members of the council. This protocol is included within the constitution.

### **1.5 Citizens' rights**

1.5.1 Citizens have a number of rights in their dealings with the council. These are set out in more detail in Article 3. Some of these are legal rights, while others are given at the discretion of the council, depending on the council's own processes.

1.5.2 Where members of the public use specific council services, for example as a parent of a school pupil or as a social care user, they may have additional rights. These are not

covered in this constitution. Details of such rights may be obtained directly from the service concerned or from the council's customer services.

- 1.5.3 The council welcomes participation by its citizens in its work. A guide to public participation is included in part 5.

## Part 2 – The articles

# Article 1 - The council and the constitution

This article explains the council's priorities and values, and the constitution which is published on the council's website. The council has decided to operate a leader and cabinet model of governance.

### Strategic priorities and values of the council

#### 2.1.1 Priorities

2.1.1.1 The council has a [corporate plan](#) that sets out its priorities in order to improve the quality of life of the people in the county and the measures used to show how far those priorities have been met. The corporate plan is reviewed every four years. A delivery plan that sets out what actions the council will take to achieve the priorities of the corporate plan is agreed each year by the cabinet and progress is reported on a quarterly basis. .

#### 2.1.2 Values

2.1.2.1 The council is committed to maintaining high standards of conduct by its staff and councillors and has adopted the following values that underpin its work:

**People:** treating people fairly, with compassion, respect and dignity

**Excellence:** striving for excellence, and the appropriate quality of service, care and life in Herefordshire

**Openness:** being open, transparent and accountable

**Partnership:** working in partnership, and with all our diverse communities

**Listening:** actively listening to, understanding and taking into account people's views and needs

**Environment:** protecting and promoting our outstanding natural environment and heritage for the benefit of all

2.1.2.2 Everyone who is elected or appointed to public office, works for the council, or provides services on the council's behalf is required to follow general principles of ethical conduct. These principles are described in more detail in [part 5 section 1](#) of the constitution.

#### 2.1.3 Powers of the council

- 2.1.3.1 The council's duties and powers are set out in the law of England. A duty requires the council to act in a particular way. A power gives the council discretion to act. The arrangements are complex and detailed.
- 2.1.3.3 The council must meet high ethical and other standards in everything it does; it must comply with legal requirements; and it must use public money and other resources economically, efficiently and effectively, accounting fully for its actions. In order to discharge these responsibilities, members and senior officers must ensure the proper governance of the council's affairs and the stewardship of its resources. The council has therefore adopted a code of corporate governance (Part 5 section xx) which sets out how this will be done.
- 2.1.3.4 Powers are exercised by the council and its functions carried out in accordance with the [functions scheme](#) (part 3). The council operates the "leader and cabinet" model of executive arrangements. A description of these executive arrangements is set out [in a schedule to this part 2](#).

## **2.1.4 The constitution**

- 2.1.4.1 This constitution and all its appendices form the constitution of the County of Herefordshire District Council (known as Herefordshire Council).

## **2.1.5 Purpose of the constitution**

- 2.1.5.1 The purpose of the constitution is to set out in a single place and clear language how the council works and how it makes decisions to
- a) enable the council to provide clear leadership to the community in partnership with citizens, businesses and other organisations
  - b) support the active involvement of citizens in the process of council decision-making
  - c) help councillors represent their constituents more effectively
  - d) enable decisions to be taken efficiently and effectively
  - e) create a powerful and effective means of holding decision-makers to public account
  - f) ensure that no one will review or scrutinise a decision in which they were directly involved
  - g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions
  - h) provide a means of improving the delivery of services to the local community

## **2.1.6 Meaning of the constitution**

- 2.1.6.1 If the constitution gives the council a choice about what to do, the council must choose the option that it thinks is closest to the purpose of the constitution [in paragraph 2.1.5](#).

## **2.1.8 Review and changes to the constitution**

2.1.8.1 Reviews and changes to the constitution will be in accordance with the functions scheme.

**2.1.9 Suspension of the constitution**

2.1.9.1 The only power to suspend the constitution is in accordance with the council procedure rules.

## Article 2 - Councillors

This article explains who councillors are, what they must do and how long they serve.

You can find out who your councillor is and how to stand for election as a councillor on our website and at council contact centres.

### **2.2.1 Number of councillors and areas they represent**

2.2.1.1 The council has 53 elected members called councillors. Each councillor represents an area of the county known as a ward. The voters of each ward elect a councillor to represent them.

### **2.2.2 Who can be a councillor**

2.2.2.1 Anybody may stand for election as a councillor provided they are

- a registered to vote in local government elections in the county, or have lived or worked there for the 12 months preceding the day of election, and are
- b not stopped by law from holding office as a councillor

### **2.2.3 Elections**

2.2.3.1 Anyone over 18 residing in the county is entitled to vote and be included on the electoral register.

2.2.3.2 The running of the elections is the responsibility of the returning officer. Electoral registration is the responsibility of the electoral registration officer.

2.2.3.3 The chief executive of the council is the electoral registration officer and returning officer. The council has an elections office that helps the chief executive discharge these functions.

2.2.3.4 Electoral registration and elections are subject to strict rules and further information can be obtained from the council's elections office or the Electoral Commission.

### **2.2.4 When elections happen and how long councillors are elected for**

2.2.4.1 Elections for all wards will usually take place on the first Thursday in May every four years with effect from 2003. People elected as councillors start being councillors on the fourth day after being elected and finish on the fourth day after the next election.

### **2.2.5 Roles and functions of all councillors**

2.2.5.1 All councillors must:

- a together be the makers of overall policy for the county in relation to its functions
- b contribute to plans and policies jointly with partners in matters that require co-operation and collaboration between those partners
- c represent, and speak up for their communities
- d deal with individual casework and speak up for citizens
- e balance different interests within their ward and represent it as a whole
- f be involved in council decision making
- g be available to represent the council on other bodies; and
- h maintain the highest standards of conduct and ethics
- i together be the corporate parents for children looked after by the council.

### **2.2.6 Rights to information**

- 2.2.6.1 Councillors have rights of access to council information in accordance with the [article 13](#) and the [access to information rules \(part 4 section 2\)](#).

### **2.2.7 Responsibilities**

- 2.2.7.1 Councillors must follow the [councillor code of conduct \(part 5 section 1\)](#) and must follow this constitution and the rules, principles and codes within it whilst conducting council business.

### **2.2.8 Allowances**

- 2.2.8.1 Councillors will be entitled to receive allowances in accordance with the [councillors' allowance scheme \(part 6\)](#).

### **2.2.9 Ceasing being a councillor**

- 2.2.9.1 A councillor will cease being a councillor if:-
- a they resign by giving written notice, or
  - b they fail to attend meetings of the council for a period of six months without prior approval of the council meeting, or
  - c if they are stopped by law from holding office, or
  - d the period for which they were elected has come to an end and they have not been re-elected.

### **2.2.10 Political or other groups**

- 2.2.10.1 Councillors may join a political group of two or more councillors who belong to the same political party or have some other common interest. Political groups are recognised by law and in the constitutional arrangements within the council.

2.2.10.2 The number of places that each political group has on the council determines how many places are allocated to members of that political group on council committees and other bodies.

2.2.10.3 There is no constitutional or legal requirement that a member of a group must vote on any matter in the same way as their political group. Usually on policy matters a political group will have a collective view and will vote together on the issue.

2.2.10.5 There are certain functions of the council that are regulatory or quasi-judicial e.g. planning. A political group may not direct its members how to decide such matters.

## Article 3 – Citizens and the council

Herefordshire Council is keen to engage with citizens living or working in the county and involve them in council activities. This article describes how Herefordshire citizens' can take part.

### **Citizens' rights**

#### 2.3.3.1 Citizens have the right:

- a to take part in question time at any meeting of the council where the agenda includes public question time;
- b to speak during public speaking time at meetings of the planning and regulatory committee;
- c to contribute to investigations by overview and scrutiny committees;
- d to be consulted or in some other way participate in council decision making in accordance with the arrangements the council has for such consultation and participation; and
- e to information in accordance with the access to information rules
- f to attend any public meeting

### **2.3.5 Citizens' responsibilities**

2.3.5.1 A healthy democracy depends upon active citizenship. Citizens are encouraged to make conscientious use of their roles as both voters and members of a wider community. In particular, citizens are encouraged to:

- (a) vote at every opportunity;
- (b) respect the expression of differing opinions in public debate;
- (c) promote tolerance and respect between their fellow citizens; and
- (d) seek information about the decision-making role of councillors and respecting the council procedures which give effect to a representative democracy.

The rights and responsibilities of citizens is set out in more detail in the public participation guide (part 5).

## Article 4 - The Council meeting

This article explains the role of the Council meeting (which is when all councillors attend a formal meeting) and the role of the chairman.

### 2.4.1 Council meetings

#### Types of Council meetings

2.4.1.1 There are three types of Council meeting:-

- a The annual meeting
- b Ordinary meetings
- c Extraordinary meetings

### 2.4.2 Rules applying to Council meetings

2.4.2.1 The [council rules \(in Part 4 section 1\)](#) will apply to Council meetings.

### 2.4.3 Functions of the council meeting and functions scheme

2.4.3.1 The functions of the Council meeting are set out in the [functions scheme \(part 3\)](#)

### 2.4.4 Chairman of Council Election

2.4.4.1 The chairman of the council and the vice-chairman are elected by Council annually.

#### Functions

2.4.4.2 The chairman of the council and, in their absence, the vice-chairman will have the following roles and functions:

- a to uphold and promote the purpose of the constitution;
- b to decide what the constitution means if there is a dispute, on advice from the monitoring officer;
- c to chair Council meetings so that decisions can be taken efficiently and with regard to the rights of councillors and the interests of the community;
- d to make sure that Council meetings are a place for debating matters of concern to the local community and the place at which members who are not on the cabinet are able to hold the cabinet to account;

- e to promote public involvement in the council's activities and in the democratic process;
- f to be the conscience of the council;
- g to attend those civic and ceremonial functions which they or the council consider appropriate; and
- h to approve, as urgent, decisions which will not be subject to call in, when no chair of a scrutiny committee is available.

### **Roles**

The chairman of the council fulfils several roles:

- 2.4.4.3
- a **Ceremonial role** - The chairman is the ceremonial head of the whole council and its countywide representative at civic and social occasions. The chairman has considerable discretion in exercising the ceremonial aspects of the office.
  - b **Apolitical role** - It is important that the chairman maintains an apolitical stance especially when chairing Council meetings. The chairman must act entirely neutrally allowing different opinions to be fully and fairly presented and debated subject to any relevant procedure rules.
  - c **Chairman's announcements** - Any group leader or committee chairman may approach the chairman before a Council meeting to suggest items for the chairman to use in making announcements to Council. The chairman has complete discretion as to which items they may think appropriate to announce.
  - d **Rules of debate** - The chairman's role in conducting meetings is to enforce the council rules at the Council meeting as set out in [part 4](#).
  - e **Casting vote** - If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.

## Article 5 - The Leader and the cabinet

The leader of the council is the councillor who is the political head of the council. This article explains how the leader is elected and what they do. It also explains how the cabinet works and what it does. The leader and cabinet model are part of the council's executive arrangements.

### 2.5.1 Leader of the council

#### Election

2.5.1.1 At the annual meeting Council will elect a councillor to be the leader of the council ("the leader")

#### Role

2.5.1.2 The leader is the political leader of the council who, together with the chief executive, provides overall leadership of the council and its staff.

2.5.1.3 The leader will normally chair meetings of the cabinet, will lead in the formulation, co-ordination and presentation of the cabinet's policies and will work closely with the chief executive on the carrying out of policies by the council.

#### Ceasing being leader of the council

2.5.1.4 The leader will stay as the leader of the council until:

- a the date of the council's next annual meeting; or
- b they resign from office; or
- c they are suspended from being a councillor, although they may resume office at the end of the period of suspension; or
- d they are no longer a councillor; or
- e they are removed from office by resolution on notice at a Council meeting; or
- f by simple resolution of a motion without notice at a meeting of Council following a change in political control of the council, as signalled to the monitoring officer, a change in political control being a change in the composition of the various political groups such that a different group or combination of groups now comprise a majority of the membership of the council.

If Council passes a resolution to remove the leader as outlined in (e) or (f) above, it will elect a new leader at that or a subsequent meeting.

### 2.5.2 The cabinet

#### Role

2.5.2.1 The cabinet has responsibility for all functions of the council which are not by law, or under the [functions scheme set out in part 3 section 3](#), the responsibility of another part of the council.

### **Membership**

2.5.2.2 The cabinet must consist of a minimum of the leader and two other councillors up to a maximum of 10 councillors including the leader. The leader appoints the cabinet members and shall designate one of the cabinet members as deputy leader.

### **Functions of individual members of the cabinet**

2.5.2.3 The leader will decide what functions will be carried out by individual cabinet members. The leader will notify the chief executive and the monitoring officer of these functions in writing. The monitoring officer will make sure that they are set out in [part 7](#) of the constitution and Council be informed at its next meeting. Changes to the functions of individual cabinet members will only take effect when the leader has notified the monitoring officer.

### **Meetings of the cabinet**

2.5.2.4 Meetings and other activities of the cabinet must comply with the [cabinet rules \(part 4 section 4\)](#).

## **2.5.3 Cabinet support members**

2.5.3.1 The leader may appoint cabinet support members to provide informal support to one or more portfolio areas, subject to the total special responsibility allowance budget allocated for cabinet members not being exceeded. Cabinet support members are not members of the executive, have no delegated executive authority, and may not take executive decisions.

## **2.5.4 Description of executive arrangements**

2.5.4.1 The following parts of the constitution comprise the executive arrangements:-

- [Article 5 in part 2 of the constitution – the leader of the council and the cabinet, the cabinet rules \(part 4 section 4\)](#)
- [Article 6 in part 2 of the constitution – scrutiny, and the scrutiny rules \(part 4 section 5\)](#)
- [Article 9 in part 2 of the constitution – joint arrangements](#)
- [Article 11 in part 2 of the constitution – decision making](#)
- [The functions scheme in part 3](#)
- [Cabinet portfolios scheme in part 7](#)
- [Budget and policy framework rules in part 4 section 3](#)  
[Access to information rules in part 4 section 2](#)

## Article 6 – Overview and scrutiny

Scrutiny is a statutory role fulfilled by councillors who are not members of the cabinet.

The role of the overview and scrutiny committees is to help develop policy, to carry out reviews of council and other local services, and to hold decision makers to account for their actions and decisions.

### 2.6.1 The overview and scrutiny committees

2.6.1.1 Council has decided that there will be three overview and scrutiny committees. The remit of those overview and scrutiny committees is set out in part 6 of the constitution, and how they operate is in accordance with the functions scheme and scrutiny rules

#### Composition

2.7.2.4 Each committee will comprise **seven/nine** members of the council. The committee with responsibility for education will have additional educational appointees in accordance with the scrutiny rules.

#### Role

2.6.1.2 Between them the scrutiny committees oversee and scrutinise the work of the leader and cabinet and the council as a whole. This allows members outside the cabinet and citizens to have a greater say in council matters by investigating issues of local concern. This can include questioning cabinet members, committee chairmen, or senior officers of the council, and inviting people from outside the council to give opinions and expert advice.

2.6.1.3 The scrutiny committees also have the power to scrutinise the services provided by organisations outside the council e.g. NHS services and the work of the community safety partnership.

2.6.1.4. The scrutiny committees can make reports and recommendations to the leader, Council and some partner organisations. The decision takers are not required to implement the recommendations but do have to consider any recommendations made.

2.6.1.5. The scrutiny committees can 'call-in' an executive decision which has been made but not yet implemented. This enables them to consider whether the decision has been taken in accordance with the principles of good decision making. They may recommend that the decision taker reconsiders the decision. They may also be consulted by the leader, other cabinet members or Council on forthcoming decisions and the development of the budget and policy framework.

2.6.1.6. The council appoints a statutory scrutiny officer with statutory responsibilities to promote the role of the council's scrutiny committees within the council, support the work of the scrutiny committees by providing help and advice to scrutiny members and also those being scrutinised. (This role cannot be held by the head of paid services, the chief finance officer or the monitoring officer.)

2.6.1.8 The public can be involved in the scrutiny process and help shape and inform decision making and policy by:

- a. asking questions on a matter that is the function of the committee or is on a committee agenda;
- b. submitting evidence for consideration by a scrutiny committee or one of its task and finish groups
- c. suggesting items for inclusion in the work programme of the committee.

## Article 7 - The audit and governance committee

This article explains the audit and governance committee which has been established by council

### **Role**

- 2.7.2.3 The audit and governance committee is responsible for proving assurance on the council's audit, governance (including risk management and information governance) and financial processes in accordance with the functions scheme

### **Composition**

- 2.7.2.4 The audit and governance committee comprises seven members of the council and may also include an independent person who is not a councillor but is appointed by council and has the same voting rights as other members of the committee.

## Article 8 - Planning, licensing and other functions

This article describes the following committees which council has established:

- a The planning and regulatory committee
- b Health and wellbeing board
- c Employment panel
- d Standards panel

### 2.8.1 Planning and regulatory committee

#### Composition

2.8.1.1 The committee comprises 15 councillors, one of whom will be appointed by Council to be the standing chairman of the licensing sub-committee.

#### Role

2.8.1.2 The committee determines:

applications for planning and listed building consents which are not decided by an officer; and

as a licensing sub-committee it fulfils the council's licensing duties not undertaken by an officer.

2.8.1.3 The committee may establish one or more sub-committees consisting of three members of the planning and regulatory committee to fulfil functions delegated to the licensing sub-committee as set out in the [functions scheme at part 3 section 6](#).

### 2.8.2 Health and wellbeing board

#### Composition

2.8.2.2 The following shall be members of the health and wellbeing board:

- Cabinet member health and wellbeing,
- Cabinet member young people and children's wellbeing,
- Director for adults and wellbeing,

- Director for children's wellbeing,
- Director of public health
- Three representatives of Herefordshire clinical commissioning group (one to be a lay member)
- Two representatives of Herefordshire Healthwatch
- One representative of the NHS local area team (to be non-voting member of the board)

2.8.x.x Council will appoint the chairman of the board annually who will be one of the cabinet members; a board member representing Herefordshire clinical commissioning group will be appointed vice chairman annually by the board.

### **Role**

2.8.x.x The board will carry out the statutory functions as required by the Health and Social Care Act 2012, and any other functions delegated to it, as set out in [part 3 section x of the constitution](#).

### **Standards panel**

#### **Composition**

The standards panel will consist of an independent person (who will chair the panel); a Herefordshire councillor appointed by the audit and governance committee and a parish councillor nominated by Herefordshire Association of Local Councils

#### **Role**

To consider complaints under the code of conduct that cannot be resolved informally.

## Article 9 - Joint arrangements

This articles explains how the council works with other bodies.

### 2.9.2 Joint arrangements generally

#### Joint arrangements for Council functions

2.9.2.1 The council may establish joint arrangements with one or more local authorities to exercise Council , or a mixture of Council and executive functions, or to advise the council on any matter. These arrangements may involve the appointment of a joint committee with these other local authorities, including the determination of terms of reference.

#### Joint arrangements for cabinet functions

2.9.2.3 The cabinet may establish joint arrangements with one or more councils to exercise executive functions. These arrangements may involve the appointment of joint committees, including the determination of terms of reference.

2.9.2.4 Joint executive arrangements have been made in respect of:

- West Mercia Energy (with Shropshire Council, Telford & Wrekin Council, and Worcestershire County Council), and the
- the Marches Local Enterprise Partnership (with Shropshire Council and Telford & Wrekin Council)

2.9.2.5 A discharge of functions agreement is in place with Shropshire Council for the provision of director of public health services.

### 2.9.3 Appointments to joint committees

- 2.9.3.1 a Except as in (b) below, the cabinet may appoint only members of the cabinet to a joint committee dealing solely with cabinet functions, and those members need not reflect the political composition of the council as a whole.
- b Councillors who are not members of the cabinet may only be appointed to a joint committee where the relevant functions do not extend to more than two-fifths of the county by area or population. In such cases, the cabinet may appoint a councillor who represents a ward wholly or partly in the area covered by the joint committee.

### 2.9.4 Access to information

2.9.4.1 The rules on access to information and confidentiality as set out in article 13 will apply to members of joint committees in the same way as they do to members of the council.

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

2.9.5.1 Full Council or the cabinet may delegate their respective powers and functions to another local authority or the executive of another local authority.

2.9.5.2 The decision whether or not to accept such delegation from another local authority will be taken by full Council or the cabinet as appropriate.

2.9.5.3 The council has made no such delegations to date.

## **2.9.6 Contracting out**

2.9.6.1 Full Council, for functions it is responsible for, and the leader or cabinet members, for executive functions, may contract out to another body or organisation functions which may be carried out by an officer subject to the relevant legislative requirements.

## **2.9.7 Consultative committees**

### **Standing advisory council on religious education (SACRE)**

2.9.7.1 In accordance with the Education Act 1996 (as amended) the council has established a Herefordshire SACRE to provide advice on matters concerned with the provision of religious education and collective worship as set out in the.

2.9.7.2 The council appoints the membership in accordance with the legislation, in four groups, as follows:

- Group (A)
- One Roman Catholic representative (nominated by the Roman Catholic hierarchy);
  - One Free Church representative (nominated by Churches together in Herefordshire);
  - One representative of other faiths as a whole;
  - One representative of the Bahá'í faith;
  - One representative of the Muslim faith;
  - One representative of the Sikh faith.
  - One representative of the Jewish faith.
  - One representative of the Buddhist religion.

Other than for the Roman Catholic and Free Church representatives the representatives should, as far as possible, be nominated by the appropriate local faith group.

Group (B) Three Church of England representatives (nominated in consultation with the Diocesan Education Authority).

Group (C) Three teachers' representatives, with one drawn from each of the primary, secondary and special education sectors (nominated through recommendation of recognised teacher associations) and one co-opted member.

Group (D) Three Herefordshire Council members as local education authority representatives

## **2.10 Other bodies**

### **Safeguarding boards**

2.10.7.3 In accordance with legislative requirements the council has established both an adults and a children's safeguarding board. Each is chaired by an independent person accountable to the chief executive of the council for the effective operation of their respective boards; and working closely with the director for children's services and the director for adults and wellbeing.

### **Community safety partnership board**

2.10.7.4 In accordance with legislative requirements the council has established a community safety partnership, chaired by the cabinet member with responsibility for community safety.

### **Other partnerships**

2.10.7.5 The council may, from time to time, work in partnership with one or more organisations in order to achieve a shared objective or aim, or in accordance with statutory requirement. The council has an agreed framework for partnerships' governance and maintains a register available for public inspection of such partnerships which are considered strategic.

## Article 10 - The chief executive and other staff

This article sets out that the council will have a chief executive, who is in charge of the council's staff and works with councillors to carry out the aims and objectives of the council.

The article also sets out other senior staff posts and indicates which senior staff posts also have additional roles as the head of paid service, the monitoring officer and the chief finance officer.

### **2.10.1 Chief executive**

2.10.1.1 The council employs a chief executive who carries out the functions in the [functions scheme at part 3](#) on behalf of the council and the cabinet.

### **2.10.3 Senior officers**

2.10.3.1 The council will employ people in senior posts (directors and assistant directors) who will assist the chief executive. The functions of the chief executive can be exercised by senior officers are set out in the functions scheme.

### **2.10.4 Designation of statutory officers**

2.10.4.1 Council is required by law to designate senior officers as the head of paid service, the monitoring officer, the chief finance officer (herein referred to as S151 officer) and the statutory scrutiny officer. The head of paid service, statutory scrutiny officer and chief finance officer cannot also be the monitoring officer; the head of paid service, chief finance officer and monitoring officer cannot also be the statutory scrutiny officer.

2.10.4.2 The chief executive is designated as the head of paid service and is responsible for the way in which the discharge of the council's functions by officers is co-ordinated, the number and grade of officers needed and how they are organised and deployed in the council, and reporting to Council as necessary.

2.10.4.3 The solicitor to the council is designated as the monitoring officer and is responsible for maintaining the constitution, ensuring decision-making is fair and lawful and reporting any actual or potential breach of a legal requirement to the Council meeting or cabinet, and for dealing with complaints that councillors have breached the councillor code of conduct and reporting as necessary to the audit and governance committee. The solicitor to the council is authorised to issue, defend, settle or take part in any legal proceedings on the council's behalf where such action is necessary to give effect to decisions of the council or where they considers that such action is necessary to protect the council's interests.

2.10.4.4 The chief finance officer is designated as the section 151 officer appointed to fulfil the role set out in that section of the Local Government Act 1972 and is responsible for the

proper administration of the council's financial affairs including reporting the actual spending or potential misspending of money to the Council meeting or cabinet.

2.10.4.5 The governance services manager is designated as the statutory scrutiny officer and is responsible for promoting the role of the council's overview and scrutiny committees, providing support to the council's overview and scrutiny committees and their members, and for providing support and guidance to all members and officers of the authority in relation to functions of the authority's overview and scrutiny committees.

2.10.4.6 The council will provide the statutory officers with such officers, accommodation and other resources as are in the opinion of each of those officers sufficient to allow their individual duties, as specified in law, to be performed.

### **2.10.6 Conduct**

2.10.6.1 Officers will comply with the [code of conduct for employees \(part 5 section 12\)](#) and will follow the [protocol on member/officer relations \(part 5 section 4\)](#).

### **2.10.7 Employment**

2.10.7.1 The recruitment, selection and dismissal of officers will comply with the [employment rules \(part 4 section 9\)](#).

## Article 11 - Decision-making

This article sets out how the council takes decisions.

### 2.11.1 Principles of decision making

2.11.1.1 When the council takes a decision it will:

- a be clear about what the council wants to happen, how it will be achieved, who is accountable for the decision and who is accountable for implementing it and monitoring implementation;
- b consult properly and have regard to the professional advice from its officers;
- c have regard to the public sector equality duty and respect for natural justice and human rights;
- d make the decision public unless there are good reasons for it not to be;
- e give due weight to all material considerations, only take relevant matters into account, and make sure the action is proportionate to what the council wants to happen;
- f explain what options were considered and give the reasons for the decision;  
and
- g follow proper procedures

### 2.11.2 Responsibility for decision making

2.11.2.1 The council's activities are described in law as functions. The council as a whole cannot make every decision. The council has adopted the leader and cabinet executive arrangements and therefore unless stated all functions are exercised by the cabinet.

How the council and cabinet discharge those functions are set out in the functions scheme.

### 2.11.5 Decision rules

2.11.5.1 The decision making procedures for all council, cabinet and committee meeting decision making is set out in part 4. **2.11.10**

#### Codes

2.11.10.1 In making decisions and conducting its business the council and the bodies and person(s) exercising functions on its behalf will have regard to the codes and guidance set out in [part 5](#) of this constitution.