

# ARTICLES OF THE CONSTITUTION

## Part 1

### 1. Purpose of Constitution

- 1.1 This Constitution is made under Section 37 of the Local Government Act 2000. Its purpose is to enable Suffolk County Council to set a strategic vision for the provision of public services in Suffolk and to act as Champion for Suffolk; and to ensure that decisions are taken within the law and that local people have every opportunity to know how decisions are taken and how to influence those decisions.

### 2. Composition of Council

- 2.1 The Council will comprise 75 councillors. One or more councillors will be elected by the voters of each electoral division in accordance with the County of Suffolk (Electoral Changes) Order 2004 made by the Electoral Commission on 9 December 2004.
- 2.2 The regular election of councillors will be held on the first Thursday in May every four years beginning in 2009.
- 2.3 The term of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### 3. Key Roles of Councillors

- 3.1 All councillors will approve the strategic and budgetary framework for Suffolk County Council and be responsible for representing the interests of their electoral division and all its inhabitants.
- 3.2 Councillors will be entitled to have access to such information and documents as are necessary for the proper discharge of their functions in accordance with the law and will not make public any information which is confidential or exempt without the consent of the Council or the body considering the matter. Councillors will comply with the Members' Code of Conduct and the Member/Officer Protocols [see Part 9 and Part 6].

#### **4. Allowances**

- 4.1 Councillors will be entitled to receive allowances in accordance with the Scheme of Members' Allowances [see Part 7].

#### **5. Rights and Responsibilities of Citizens**

- 5.1 The right, if on the electoral roll, to vote in County Council elections.
- 5.2 The right to access to information in accordance with the law.
- 5.3 The right to attend meetings of the Council, the Cabinet, Committees and Subcommittees, except where confidential or exempt information is being considered.

#### **6. Discharge of Functions by Suffolk County Council**

- 6.1 Suffolk County Council will meet at least five times a year.

6.1.1 The Council will be responsible for: -

- a) adopting the strategic and budgetary framework supporting the agreed Council priorities;
- b) the functions set out in Schedule 1, Schedule 2 (except paragraphs 9, 10, 11 and 18) and Schedule 3 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("the Regulations");
- c) adopting and changing the Constitution;
- d) subject to the urgency procedure [see Part 2] making decisions about any matter in the discharge of an executive function which relates to (1) to (3) above where the decision maker is minded to make it in a manner which would be contrary to a Council decision or would be contrary to, or not wholly in accordance with, the budget;
- e) appointing the Leader of the Council;
- f) agreeing and/or amending the terms of reference for committees and subcommittees and deciding on their composition;
- g) adopting the Members' Allowances Scheme;
- h) approving the appointment of the head of paid service, before an offer of appointment is made to the person recommended by the Staff Appointments Committee
- i) approving the dismissal of the head of paid service, the chief finance officer (s151 officer), the monitoring

officer or a deputy monitoring officer, before notice of dismissal is given to that person;

- j) making, amending, revoking, re-enacting or adopting legislation or personal Bills;
- k) all other matters which, by law, must be reserved to the Council.

## **7. Chairman and Vice Chairman**

7.1 The Chairman will be elected by the Council at the annual Council meeting and will have the following responsibilities: -

7.1.1 To preside over meetings of the Council and interpret the Constitution when necessary;

7.1.2 To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which councillors who are not on the Cabinet are able to hold the Executive members to account;

7.1.3 To ensure fair representation of opposing views;

7.1.4 To carry out civic and ceremonial functions for the Council.

7.2 The Vice Chairman will be elected by the Council at the annual Council meeting and will take the chair in the Chairman's absence. The Vice Chairman will also carry out civic and ceremonial functions at the request of the Chairman.

7.3 Neither the Chairman nor the Vice Chairman may be a member of the Cabinet.

## **8. The Leader of the Council and The Cabinet**

### Leader of the Council - Responsibilities

8.1 The Leader of Council has responsibility for the discharge of the executive functions set out in Article 8.14 below.

8.2 The Leader of Council may arrange for the discharge of an executive function by the Cabinet, a committee of the Cabinet, member of the Cabinet, a joint committee or an officer.

8.3 The Leader of the Council is responsible for the development and approval of the policies, strategies and plans of the Council, except for those policies, strategies and plans within the policy framework which are subject to approval by the Council under Article 6.1.1 on the recommendation of the Leader of the Council.

### The Cabinet – Decision Making

- 8.4 The Cabinet shall take decisions in the discharge of executive functions delegated by the leader of Council pursuant to Article 9.8 and in accordance with the Council's approved budget and policy framework.

### The Cabinet - Form and Composition

- 8.5 The Cabinet shall consist of the Leader of Council together with at least two, but not more than nine, councillors as may be determined and appointed by the Leader of Council.
- 8.6 The Leader of Council may determine and allocate a portfolio of responsibilities to a member of the Cabinet and may delegate, subject to Article 9.15, the authority to discharge executive functions that fall within that portfolio.
- 8.7 The quorum for a meeting of the Cabinet shall be three voting members.

### Leader of the Council - Appointment

- 8.8 The Leader of Council shall hold office until the day of the post election annual meeting following his election as Leader unless he:
- 8.8.1 Resigns as Leader of Council.
  - 8.8.2 Ceases to be a councillor or is suspended or disqualified from being a councillor (although in the case of suspension may resume office at the conclusion of the period of suspension).
  - 8.8.3 Is removed from office by resolution of the Council following a notice of motion submitted in accordance with Rule 3 of the Council Rules of Procedure by Part 2 of this Constitution.

### Members of the Cabinet

- 8.9 A member of the Cabinet shall hold office until he:
- 8.9.1 Resigns as a member of the Cabinet.
  - 8.9.2 Ceases to be a councillor or is suspended or disqualified from being a councillor (although in the case of suspension may resume office at the conclusion of the period of suspension).
  - 8.9.3 Is removed from office by the Leader of Council following a notice served on the councillor confirming

their removal from office and the withdrawal of any delegated authority to discharge executive functions.

#### Deputy Leader of the Council

8.10 The Leader will appoint one of the members of the executive to be his deputy.

8.10.1 Subject to sub-paragraph (8.10.2), the deputy leader, unless he resigns as deputy leader or ceases to be a member of the Council, is to hold office until the end of the term of office of the Leader.

8.10.2 The Leader may, if he thinks fit, remove the deputy leader from office.

8.10.3 Where a vacancy occurs in the office of deputy leader, the Leader must appoint another person in his place.

#### If the Leader is unable to act

8.11 If for any reason the Leader is unable to act or the office of Leader is vacant, the deputy leader must act in his place.

8.12 If for any reason:

- a) the Leader is unable to act or the office is vacant;  
and
- b) the deputy leader is unable to act or the office of deputy leader is vacant,

the executive must act in the Leader's place or must arrange for a member of the executive to act in his place.

#### Proceedings of the Cabinet

8.13 Proceedings of the Cabinet shall take place in accordance with the Rules of Procedure in Part 2.

#### Executive Functions

8.14 The executive functions of the Council consist of all the functions of the Council except:

8.14.1 Functions for which the full Council is responsible under Article 6 or by legislation.

8.14.2 Functions excluded from being the responsibility of the Cabinet by legislation.

### Policy Development Panels

8.15 The Leader may establish time-limited Policy Development Panels as required. Panels will contribute to policy development by engaging, at the Panel's discretion, with relevant interested and knowledgeable parties who will be able to positively contribute to the debate. Where appropriate, Panels may consider issues that cross Cabinet responsibilities.

### Delegation to Officers

8.16 The executive and other functions set out in Part 3 are delegated to officers.

## **9. Decision Making**

### Responsibility for Decision Making

9.1 The Council will maintain a record of the body or person within the Council having responsibility for a decision or decisions relating to a function or functions of the Council and the executive.

### Principles of Decision Making

9.2 All decisions taken in the discharge of a function of the Council or the executive shall have regard to the following matters:

- 9.2.1 The presumption in favour of openness and transparency.
- 9.2.2 The need for consultation with interested parties.
- 9.2.3 The need to take account of relevant professional advice from appropriate officers.
- 9.2.4 The need for clarity of aims and desired outcomes.
- 9.2.5 The need to identify the range of options considered.
- 9.2.6 The need to give reasons and explanation for a decision.

### Written Reports and Decision Records

9.3 The Council, Cabinet, member of the Cabinet or a committee shall not take any decision without first having received a written report from the officer having responsibility for the matter.

9.4 In exceptional circumstances, and with the prior agreement of the Monitoring Officer, the need for a written report may be dispensed with. In which case all verbal advice and opinion provided shall

be noted and recorded, as the case may be, in the minutes of the meeting or in the decision record.

#### Executive decision making

- 9.5 The arrangements for the discharge of executive functions are:
- 9.5.1 Executive functions discharged by the Leader of Council pursuant to Article 8.1.
  - 9.5.2 Executive functions discharged by the Cabinet pursuant to Article 8.4.
  - 9.5.3 Executive functions discharged by a committee of the Cabinet pursuant to Article 8.2.
  - 9.5.4 Executive functions discharged by a member of the Cabinet pursuant to Article 8.6.
  - 9.5.5 Executive functions discharged under joint arrangements.
  - 9.5.6 Executive functions discharged by an officer pursuant to Part 3 of the Constitution.

#### Reporting the delegation of executive functions by the Leader of Council

- 9.6 The Leader of Council shall make a written report to the Annual Meeting of Council which sets out any arrangements for the discharge of executive functions he has made since the last Annual Meeting.
- 9.7 The report of the Leader of Council shall contain the following information:
- 9.7.1 The nature and extent of any authority delegated to an individual member of the Cabinet.
  - 9.7.2 The name, terms of reference, composition (including the name of any member of the Cabinet appointed) of any committee of the Cabinet.
  - 9.7.3 The nature and extent of any delegated authority provided under any joint arrangements, including the name of any member of the Cabinet appointed to any joint committee.
  - 9.7.4 The nature and extent of any delegated authority provided to an officer, including any conditions attached and the title of the post concerned.

### Delegation of authority to discharge executive functions

- 9.8 The Leader of Council delegates to the Cabinet the authority to discharge the executive functions contained in Article 8.14.
- 9.9 The Leader of Council may delegate to a member of the Cabinet the authority, subject to Article 9.15 below, to take decisions in the discharge of executive functions.
- 9.10 The Leader of Council delegates executive functions to officers in accordance with Part 3 of the Constitution.
- 9.11 The Cabinet may, following consultation with and unless the Leader of Council directs otherwise, delegate the discharge of an executive function to a member of the Cabinet or an officer.
- 9.12 A committee of the Cabinet may, following consultation with and unless the Leader of Council directs otherwise, delegate the discharge of an executive function to a member of the Cabinet or an officer.
- 9.13 A member of the Cabinet may, following consultation with and unless the Leader of Council directs otherwise, delegate the discharge of an executive function to an officer.
- 9.14 The fact that an executive function has been delegated shall not prevent the discharge of that function by the person or body that delegated the function.

### General provisions

- 9.15 The exercise by a member of the Cabinet of any delegated authority to take a decision in the discharge of an executive function is subject to the following:
  - 9.15.1 The member has, in accordance with Article 9.3, first considered a written report prepared by an appropriate officer.
  - 9.15.2 Where any expenditure may be incurred by the Council, the member of the Cabinet having responsibility for budget and finance shall be consulted and any decision shall be subject to the identification of sufficient approved budget to meet any expenditure.
  - 9.15.3 Any decision taken shall be in accordance with Council's budget and policy framework, and any condition imposed by the law, this Constitution and any relevant statutory guidance.
  - 9.15.4 The exercise of any delegated authority in relation to a matter for which more than one member of the Cabinet



has a responsibility shall be exercised by agreement between those members having a responsibility.

- 9.15.5 A member of the Cabinet may, as he may determine appropriate, refer any matter falling within the authority delegated to him to the Cabinet or a committee of the Cabinet.
- 9.15.6 A member of the Cabinet shall not take any decision in the discharge of a function of a statutory officer, proper officer or any matter of a professional, managerial, operational or regulatory nature delegated to an officer.
- 9.16 The Leader of Council may determine a scheme of delegation concerning the discharge of executive functions which may be subject to amendment at any time during the year.
- 9.17 The Leader of Council shall give written notice to the Monitoring Officer and to the person, body or committee concerned which sets out the extent of any amendment to the scheme and whether it involves the withdrawal of delegation from any person, body, committee or the Cabinet. The Monitoring Officer shall report to the next ordinary meeting of the Council any changes made by the Leader of Council.
- 9.18 A written notice given to a body or committee shall be deemed to be given to the body or committee when given to the chair of the body or committee.
- 9.19 The Council will publish a Forward Plan giving details of key decisions that will be taken by a body or individual within the Council, in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

## **10. Scrutiny**

- 10.1 The Council will appoint a Scrutiny Committee to have responsibility for the discharge of the Council's scrutiny functions under the Local Government Act 2000 with the exception of health matters.
  - 10.1.1 A member of the Cabinet shall not be appointed to the Committee.
  - 10.1.2 The Committee may create and delegate the discharge of any of its functions to a sub-committee, a joint committee or such other public bodies, as allowed by statute and any relevant regulations.

- 10.1.3 The Committee may establish such task and finish groups and, where appropriate, appoint the Chairman from within the membership of the Scrutiny Committee but with such other membership as it sees fit, to undertake scrutiny on a task and finish basis.

#### Role of Scrutiny Committee

- 10.2 To be responsible for the discharge of the Council's scrutiny function.
- 10.3 To consider and respond to proposals from Councillors, Cabinet members, members of the public and local community representatives, who suggest issues that should be subject to strategic scrutiny. This includes those arising from local scrutiny arrangements.
- 10.4 To propose 'place based' or local scrutiny for issues where a local investigative approach with a range of people or organisations is an appropriate way forward.
- 10.5 To manage scrutiny resources efficiently and effectively so that the outcomes of scrutiny are likely to lead to real improvements for the people of Suffolk.
- 10.6 To appoint time limited, task and finish groups to undertake detailed scrutiny work and make recommendations to the Cabinet or another decision-maker as appropriate.
- 10.7 To determine the nature of involvement of other people in scrutiny to get an appropriate range of perspectives, having regard to the associated costs and benefits.
- 10.8 To determine a six-month work programme for scrutiny, keeping flexibility to deal with urgent, or newly-emerging issues.
- 10.9 To hear a call-in which meets the requirements of the Council's Constitution.
- 10.10 To report annually to Council to ensure that Councillors and other people are informed of what scrutiny has done and what difference scrutiny has made.
- 10.11 To consider requests from a petition organiser who feels that the Council has not dealt with a petition properly under Rule 27.28.

#### Terms of Reference

- 10.12 The Scrutiny Committee, and any joint scrutiny committees, shall have the power, within their terms of reference:

- 10.12.1 to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive;
- 10.12.2 to make reports or recommendations to the Council or the executive with respect to the discharge of any functions which are the responsibility of the executive;
- 10.12.3 to scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;
- 10.12.4 to make reports or recommendations to Council or the executive with respect to the discharge of any functions which are not the responsibility of the executive;
- 10.12.5 to make reports or recommendations to Council or the executive on matters which affect Suffolk or the inhabitants of Suffolk;
- 10.12.6 to be responsible for scrutiny of the Council's strategic and budgetary framework and its implementation.
- 10.12.7 to review or scrutinise, in accordance with Section 19 of the Police and Justice Act 2006, decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- 10.12.8 to make reports or recommendations to the County Council with respect to the discharge by the responsible authorities of their crime and disorder functions.

#### Health Scrutiny Committee

10.13 The Council will appoint a Health Scrutiny Committee to review and scrutinise, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, matters relating to the health service in Suffolk and to make reports and recommendations on such matters in accordance with the regulations.

10.14 The role of the Health Scrutiny Committee will be to invite and consider comments from interested parties. Interested parties will include:

- local patient and carer organisations,
- Local Healthwatch organisations,
- the Health and Wellbeing Board,
- NHS Trusts in Suffolk,
- consultations on substantial variation

These representations will help to develop a forward work programme, and will be included in any matters to be considered.

- 10.15 The Health Scrutiny Committee has responsibility for the scrutiny of wellbeing and health services across the county and may review and scrutinise any matter relating to the planning, provision and operation of health services in the county.
- 10.16 The Health Scrutiny Committee may establish joint arrangements for the scrutiny of health matters, including the appointment of a joint committee, with one or more local authorities, to exercise the functions relevant to the Health Scrutiny Committee.
- 10.17 The Health Scrutiny Committee may make reports and recommendations to the appropriate person(s) or body, on any matter that it has reviewed or scrutinised.
- 10.18 The Health Scrutiny Committee must be consulted where any responsible person (defined in the regulations) has under consideration any proposal for a substantial development of the health service in the county, or for a substantial variation. The Committee may report to the Secretary of State if it is not satisfied that consultation on any proposal has been adequate in relation to content or time allowed, where it is not satisfied with any reasons given for not consulting, and where it considers that the proposal would not be in the best interests of the health service in the county.
- 10.19 The Health Scrutiny Committee may establish such task and finish groups and, where appropriate, appoint the Chairman from within the membership of the Health Scrutiny Committee but with such other membership as it sees fit, to undertake scrutiny on a task and finish basis.

### Education and Children's Services Scrutiny Committee

#### Purpose

- 10.20 The Committee's scope includes focusing on how the Council and other organisations with which it works, deliver education and learning, early years and childcare, services for vulnerable children and young people including early intervention and prevention, and integrated youth support services, to secure the best possible outcomes for every child.
- 10.21 To operate as part of a system of checks and balances to Cabinet and to delegated decision-making so that all members can be confident that decisions are being made in an appropriate way and implementation of those decisions contributes to delivering Council priorities for the benefit of Suffolk people.

10.22 To determine what scrutiny arrangements, if any, are necessary, to look at how decisions are made and how they are being implemented, particularly from the viewpoint of the general public, and identify where improvements should be made.

#### Remit

10.23 To scrutinise how the County Council and other organisations secure the best possible outcomes for every child in Suffolk.

10.24 To consider and respond to proposals from councillors, cabinet members, policy development panels, members of the public and local community representatives, who suggest issues that should be subject to strategic scrutiny.

10.25 To manage scrutiny arrangements to comply with current statutory obligations, including acting as the County Council's Scrutiny Committee for Education matters.

10.26 To involve young people, representative groups, and partner agencies in the work of the Committee to ensure that their voices are heard.

10.27 To ensure scrutiny resources are being used efficiently and effectively and likely to lead to real improvements for the children and young people of Suffolk.

10.28 To appoint time limited, task and finish groups to undertake detailed scrutiny work and make recommendations to the Cabinet or another decision-maker as appropriate.

10.29 To determine the nature of involvement of other people in scrutiny to get an appropriate range of perspectives, having regard to the associated costs and benefits.

10.30 To determine a six-month work programme for scrutiny, keeping flexibility to deal with urgent, or newly-emerging issues.

10.31 To ensure that councillors and other people are informed of what scrutiny has done and what difference scrutiny has made.

#### Health and Wellbeing Board

10.32 The Health and Wellbeing Board is established in accordance with the Health and Social Care Act 2012.

10.33 The membership of the Health and Wellbeing Board will include Council officers and councillors, and representatives from other public bodies and voluntary groups as relevant.

- 10.34 Members will provide a nominated substitute to ensure there is a consistency of attendance.
- 10.35 The Board may arrange for the discharge of some of its functions by a sub-committee or officer of the Council.
- 10.36 The Board shall have the following terms of reference:
- 10.36.1 to improve wellbeing outcomes for Suffolk;
  - 10.36.2 to fulfil the statutory responsibilities as set in the Health and Social Care Act 2012;
  - 10.36.3 to develop a stronger role in promoting joint commissioning and integrated provision between health, public health and social care;
  - 10.36.4 to prepare a joint health and wellbeing strategy (in preparation for the statutory duty);
  - 10.36.5 to involve service users and local people in its work including preparing its joint health and wellbeing strategy;
  - 10.36.6 to own and drive delivery of the Joint Strategic Needs Assessment;
  - 10.36.7 to promote integrated approaches particularly between health, care, police and the broader public services family;
  - 10.36.8 to influence commissioning plans to encourage integrated approaches that are consistent with the developing joint health and wellbeing strategy;
  - 10.36.9 to have responsibility for the oversight and agreement of the Better Care Fund Plan in Suffolk.

#### Police and Crime Panel

- 10.37 In accordance with the Police Reform and Social Responsibility Act 2011, the Council will host a Police and Crime Panel for Suffolk. The Panel provides checks and balances in relation to the performance of the Suffolk Police and Crime Commissioner. The Panel may challenge the Police and Crime Commissioner (PCC) but it must also exercise its functions with a view to supporting the effective exercise of the PCC's functions.
- 10.38 The membership of the Panel will be 13 members in total, comprising 4 county councillors, 1 councillor from each of the 7 district and borough councils in Suffolk, and 2 independent co-opted members. 1 of the county councillors is co-opted, with the agreement of the Secretary of State.

- 10.39 The Panel will be politically balanced, with the 11 local authority representatives appointed to reflect political proportionality across Suffolk.
- 10.40 Substitute members will be nominated to reflect the political proportionality.
- 10.41 The Panel shall have the following terms of reference:
- 10.41.1 requiring the PCC and members of the commissioner's staff to attend the Panel to answer questions at a panel meeting;
  - 10.41.2 asking Her Majesty's Inspector of Constabulary for a professional view when the PCC intends to dismiss a Chief Constable;
  - 10.41.3 reviewing the draft Police and Crime Plan, or draft variation, and making recommendations at a panel meeting which the PCC must attend;
  - 10.41.4 reviewing the PCC's Annual Report and making reports and recommendations at a panel meeting which the PCC must attend;
  - 10.41.5 requiring relevant reports and information in the PCC's possession (except those which are operationally sensitive) to enable them to fulfil their statutory obligations;
  - 10.41.6 appointing an acting PCC where the elected PCC is incapacitated, resigns or is disqualified;
  - 10.41.7 having responsibility for complaints about a PCC, although serious complaints and conduct must be passed to the Independent Police Complaints Commission;
  - 10.41.8 having powers of veto by a two thirds majority of the total Panel membership over:
    - a) the level of the PCC's proposed precept; and
    - b) the proposed appointment of a Chief Constable.
- 10.42 The Panel must hold a confirmation hearing for a proposed appointment of a Chief Constable by the PCC within three weeks of notification by the PCC of the proposed appointment.
- 10.43 The Panel must hold confirmation hearings for proposed senior appointments by the PCC within three weeks of notification by the PCC of the proposed senior appointment. Senior appointments

include the Commissioner's Chief Executive, the Commissioner's Chief Finance Officer, or the Deputy PCC (in accordance with the requirements set out in Schedule 1 of the Act).

10.44 The Panel may also establish a sub-committee, or a scrutiny task and finish group of up to five members. In commissioning a sub-committee, or a working party, the Panel will have regard to the relevant Rules of Procedure.

## **11. Regulatory Committees**

### Development and Regulation Committee

11.1 The Development and Regulation Committee will have the following functions: -

11.1.1 To decide matters concerning the County Council in its role as county planning authority, mineral planning authority and waste planning authority.

11.1.2 To decide issues arising from any function (relating to the County Council's functions) which are set out in Schedule 1 (except Sections D, E, F, G, H and Section I paragraphs 8, 9, 13, 14, 15 and 16) and Schedule 2 paragraph 2 of the Local Authorities (Functions and Responsibilities) Regulations 2000 other than functions delegated to another committee.

11.1.3 To determine action on the extinguishment/diversion of footpaths, bridleways, byways open to all traffic, restricted byways and unclassified unsurfaced roads and the creation of footpaths or bridleways and the conversion of footpaths into cycle tracks where there are objections to proposals for orders or court applications.

11.1.4 To determine proposals for the modification of the definitive map and statement which could be the subject of appeal or orders.

11.1.5 To advise the Cabinet Member for Highways, Transport and Rural Affairs with regard to objections to proposals for traffic regulation (including speed restrictions, on and off-street parking, gating orders and control of dogs) and to make recommendations as to whether or not orders should be made or other action taken.

11.1.6 To determine applications in respect of common land or town or village greens under the Commons Act 2006 except in cases of voluntary registration under Section 15(8) of the Act.



### Education Transport Appeals Committee

- 11.2 The Education Transport Appeals Committee will have the following functions:
- 11.2.1 To decide appeals on the grounds of safety of the walking route to school or college.
  - 11.2.2 To decide appeals where the appellant has indicated that they wish to make a verbal representation to the Education Transport Appeals Committee.
  - 11.2.3 To decide matters referred to it by the Education Transport Officer Panel relating to transport to and from the child's school or college.
  - 11.2.4 The Education Transport Appeals Committee shall establish Appeals Sub-Committees as required, comprised of any three councillors (including substitutes) of the Education Transport Appeals Committee, subject to political proportionality and ensuring that at least one councillor is a member of an opposition group. The Monitoring Officer, in consultation with the Chairman of the Education Transport Appeals Committee shall make arrangements for convening the sub-committee including invitation of councillors to form the Appeals Sub-Committees as and when required.

### Dismissal Appeals Committee

- 11.3 The Dismissal Appeals Committee (to meet on demand) will have the following functions: -
- 11.3.1 To consider and determine any appeal by an employee against dismissal by a Director.
  - 11.3.2 To consider and determine any appeal by an employee relating to a grievance where a Director has chaired the original hearing.
  - 11.3.3 To consider and determine any appeal by a Director against dismissal.
  - 11.3.4 To consider and determine any allegation or issue of misconduct, incapability or breakdown in trust against the Chief Executive, the Chief Finance Officer (s151 officer), Monitoring Officer or a Deputy Monitoring Officer. Any recommendation for dismissal must be reported to Council before any notice of dismissal is given to that person.

Where the Committee is determining such issues, two Independent Persons appointed under s28(7) of the Localism Act 2011 will attend the Committee. The Independent Persons will be non-voting members of the Committee, but their views must be included in any report to Council by the Committee.

#### Individual Cases Committee

11.4 The Individual Cases Committee (to meet on demand) will have the following functions: -

11.4.1 To decide appeals relating to grants to individuals.

11.4.2 To decide individual cases of a quasi-judicial nature requiring a member decision and not covered by other bodies above.

## **12. Staff Appointments Committee**

The Committee (to meet on demand) will include at least one member of the Cabinet and will have the following functions:

12.1 To appoint the following designated officers:

Chief Executive  
Deputy Chief Executive  
Executive Director of People Services  
Executive Director of Growth, Highways and Infrastructure  
Chief Fire Officer and Executive Director for Public Safety  
Corporate Director for Children and Young People's Services  
Corporate Director for Adult and Community Services  
Director of Public Health  
Deputy Chief Fire Officer  
Head of Finance (Section 151 Finance Officer)  
Assistant Director (Governance, Legal & Assurance)

and such other posts as may be determined from time to time by Group Leaders in consultation with the Chief Executive.

12.2 To comply with the requirements set out in Part 8 of the Constitution (Officer Employment Rules).

12.3 To agree reviews and amendments to salary and grading structures for posts from JNC Chief Executive to senior manager level.

12.4 To approve the initial business case for the recruitment of a designated officer, and any subsequent significant changes to the initial business case.

- 12.5 To make a recommendation to Council regarding the appointment of a Chief Executive before an offer of appointment is made to that person.

### **13. Audit Committee**

The Audit Committee will have the following functions:

- 13.1 reviewing the Council's corporate governance arrangements against the good governance framework, including the Head of Internal Audit's annual opinion, the ethical framework and considering the local code of governance;
- 13.2 considering the Council's arrangements to secure value for money and reviewing assurances and assessments on the effectiveness of these arrangements;
- 13.3 monitoring the effective development, operation and progress of risk management in the Council;
- 13.4 considering reports on the effectiveness of internal controls and monitoring the implementation of agreed actions;
- 13.5 monitoring the counter-fraud strategy, actions and resources, including reviewing the assessment of fraud risks and potential harm to the Council from fraud and corruption and issuing guidance and best practice advice regarding probity and ethics;
- 13.6 reviewing the governance and assurance arrangements for the County Council's commercial investments (i.e. any companies in which the Council has a shareholding, e.g. Suffolk Group Holdings Limited);
- 13.7 ensuring Internal Audit complies with the Public Sector Internal Audit Standards;
- 13.8 approving the internal audit charter;
- 13.9 approving the risk-based internal audit planning process, including Internal Audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources;
- 13.10 considering the annual report and update reports from the Head of Internal Audit on internal audit's work and performance during the year;
- 13.11 supporting the independence of external audit through consideration of the External Auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments Ltd (PSAA);

- 13.12 considering the External Auditor's annual audit letter and other relevant reports;
- 13.13 commenting on the scope and depth of external audit work and ensuring it gives value for money;
- 13.14 advising and recommending on the effectiveness of relationships between External and Internal Audit and other inspection agencies or relevant bodies; 76
- 13.15 undertaking the Council's responsibilities under the Accounts & Audit Regulations 2015 - reviewing the annual statement of accounts; specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council;
- 13.16 ensuring that effective treasury management control procedures are operating within the Council;
- 13.17 monitoring the Council's compliance with Financial Regulations and considering any proposals for changes to the Regulations;
- 13.18 promoting and maintaining high standards of conduct by councillors, co-opted members, church and parent governor representatives, and independent community members;
- 13.19 advising the Council on the adoption or revision of the Members' Code of Conduct, the Planning Code of Good Practice and protocols;
- 13.20 receiving summary reports of the results of any complaints made regarding potential breaches of the Members' Code of Conduct;
- 13.21 receiving the Local Government and Social Care Ombudsman's Annual Review Letter, an overview of Local Government and Social Care Ombudsman investigations relating to Suffolk County Council, and the payments or other benefits provided in cases of maladministration;
- 13.22 receiving an overview of the comments, compliments and complaints process;
- 13.23 monitoring and reviewing member training and development, including the planning and implementation of the induction of new members, in partnership with the Councillor Development Working Group;
- 13.24 receiving an overview of the Officers' Code of Conduct, whistleblowing policy and similar policies;

13.25 reporting to Council on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of governance, risk management and internal control frameworks, financial reporting arrangements, and Internal and External Audit functions.

#### **14. Pension Fund Committee**

The Pension Fund Committee will have the following functions:

- 14.1 To be responsible for the effective and prudent management of the Suffolk Pension Fund, having proper regard to the professional advice that it receives.
- 14.2 To approve and maintain the Funds' investment strategy statement.
- 14.3 To consider and approve the Fund's funding strategy statement.
- 14.4 To review and set the Pension Fund's asset allocation and investment objectives.
- 14.5 To appoint providers of professional services for the Fund and to review from time to time their terms of appointment.
- 14.6 To regularly review with the investment advisers, the performance of the Fund and its investment managers and to consider future changes in asset allocation and investment strategy.
- 14.7 To consider the results and impact of the triennial actuarial valuation and any interim valuation reports.
- 14.8 To publicise their stewardship role to all scheduled and admitted bodies of the Pension Fund and to all contributors and beneficiaries by means of an annual report and annual meeting for employers and other stakeholders.
- 14.9 To consider and approve, if appropriate the applications of organisations to be admitted bodies of the Fund.
- 14.10 To consider any other relevant matters on the administration of the Pension Fund investments.
- 14.11 To receive regular training to enable committee members to make effective decisions and be fully aware of their statutory and fiduciary responsibilities and their stewardship role.
- 14.12 To be responsible for any other matters which fall within the Council's responsibilities as the administering authority for the Pension Fund.

## **15. Suffolk Pension Board**

15.1 The role of the Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013, is to –

- a) Assist the County Council as Scheme Manager:
  - i. to secure compliance with the Local Government Pension Scheme (LGPS) Regulations and any other legislation relating to the governance and administration of the LGPS;
  - ii. to secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator;
  - iii. in such other matters as the LGPS Regulations may specify.
- b) Secure the effective and efficient governance and administration of the LGPS of the Suffolk Pension Fund

15.2 The Pension Board is to effectively and efficiently comply with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

15.3 The Pension Board will also help ensure that the Suffolk Pension Fund is managed and administered effectively and efficiently and complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

15.4 Pension Board will receive regular training to enable committee members to make effective decisions and be fully aware of their statutory and fiduciary responsibilities and their stewardship role.

15.5 The Pension Board shall have access to the County Council, Pension Fund Committee, or any other body or officer that it considers appropriate, in order to fulfil its obligations.

15.6 The Pension Board is not a s101 committee of the County Council and will agree its own Rules of Procedure.

## **16. The ACCESS Pension Pool Joint Governance Committee**

Terms of Reference:

### Part 1 - Operating the Pool and taking Advice

16.1 The Joint Committee shall consult with and consider the advice of the Section 151 Officers Group (and, where requested, the Monitoring Officers and from appropriate professional advisers) in discharging its functions, recording, if appropriate, where such

advice is not followed and the rationale for not doing so. It may decide to procure such professional advisers on such terms as it thinks fit. Accordingly, any procurement of advisers must comply with the constitution of the Council designated to undertake the procurement and that Council will enter into a contract with the appointed adviser on behalf of the Councils.

- 16.2 The Joint Committee shall decide which functions shall be performed by the ASU.
- 16.3 The Joint Committee shall at all times have regard to the principles set out in Schedule 1 of the Inter Authority Agreement.

#### Part 2 - Functions in relation to the Operator(s)

- 16.4 **Specifying Operator services:** Deciding, in consultation with the Councils, the specification of services and functions that each Operator will be required to deliver including the sub-funds and classes of investments required to enable each Council to execute its investment strategy.
- 16.5 **Procuring an Operator:** Agreeing the method and process for the procurement and selection of one or more Operators.
- 16.6 **Appointing the Operator:** Making a recommendation to the Councils as to the identity of each Operator and the terms upon which each Operator is to be appointed.
- 16.7 **Reviewing the Performance of an Operator:** Keeping the performance of each Operator under review and making arrangements to ensure that the Joint Committee is provided with regular and sufficient reports from the ASU to enable it to do so including but not limited to:
  - 16.7.1 the performance of an Operator against its contractual requirements and any other performance measures such as any Service Level Agreement (“**SLA**”) and key performance indicators (“**KPIs**”) and officer recommendations on any remedial action;
  - 16.7.2 sub-fund investment performance;
  - 16.7.3 investment and operational costs including the annual review of investment manager costs;
  - 16.7.4 performance against the strategic business plan agreed by the Councils.
- 16.8 **Managing the Operator (s):** The Joint Committee shall:

- 16.8.1 Make recommendations to the Councils about the termination or extension of the Operator Agreement(s);
- 16.8.2 Make decisions about any other action to be taken to manage an Operator Agreement including the giving of any instruction or the making of any recommendation to the relevant Operator including, but not restricted to, recommendations on investment managers (within any regulatory constraints that may apply); and
- 16.8.3 Make recommendations to the Councils about appropriate arrangements to replace an Operator Agreement on its termination

### Part 3 - Functions in relation to management of Pool Assets

- 16.9 The Joint Committee shall make recommendations to the Councils on the strategic plan for transition of assets that are to become Pool Assets.

### Part 4 - Functions Concerning Pool Aligned Assets

- 16.10 The Joint Committee shall make recommendations to the Councils about Pool Aligned Assets in accordance with this Agreement or any other delegation to the Joint Committee by the Councils.
- 16.10.1 **Specifying services of Pool Aligned Assets Provider(s):** Deciding, in consultation with the Councils, the specification of Services which any Pool Aligned Assets Provider will be required to deliver including the sub-funds and classes of investments required to enable each Council to execute its investment strategy.
- 16.10.2 **Procuring a Pool Aligned Assets Provider:** agreeing the method and process for the procurement and selection of one or more Pool Aligned Assets Providers.
- 16.10.3 **Appointing Pool Aligned Assets Providers:** Making a recommendation to the Councils as to the identity of each Pool Aligned Assets Provider and the terms upon which each Pool Aligned Assets Provider is to be appointed.
- 16.10.4 **Reviewing the Performance of a Pool Aligned Assets Provider:** Keeping the performance of each Pool Aligned Assets Provider under review and making arrangements to ensure that the Joint Committee is provided with regular and sufficient reports from the ASU to enable it to do so including but not limited to:



- a) the performance of a Pool Aligned Assets Provider against its contractual requirements and any other performance measures such as any Service Level Agreement ("**SLA**") and key performance indicators ("**KPIs**") and officer recommendations on any remedial action;
- b) investment performance of the Pool Aligned Assets Vehicle(s) or sub-funds, as appropriate;
- c) investment and operational costs including the annual review of investment manager costs;
- d) performance against the strategic business plan agreed by the Councils

#### Part 5 - Functions concerning Business Planning and Budget

16.11 Having taken account of any advice from the Section 151 Officers Group (or, where relevant, recording the rationale for not following such advice), the Joint Committee shall:

- 16.11.1 Make recommendations to the Councils about the annual strategic business plan for the Pool.
- 16.11.2 Determine the budget necessary to implement that plan and meet the expenses of undertaking the Specified Functions (insofar as they will not be met by individual transaction costs paid by Councils to the Operator) in accordance with Schedule 5 of the Inter Authority Agreement.
- 16.11.3 Keep the structures created by this Agreement under review from time to time and make recommendations to the Councils about:
  - a) the future of the Pool;
  - b) any changes to this Agreement; and
  - c) the respective merits of continuing to procure operator services by means of a third party or by creation of an operator owned by the Councils.

#### Part 6 - Functions concerning communications

16.12 The Joint Committee may agree a protocol for communications in respect of the Pool with third parties, including the LGPS Scheme Advisory Board, other LGPS administering authorities, press, and relevant Government departments.

#### Part 7 - Review of this Agreement

16.13 The Joint Committee is required to undertake a review of this Agreement:

- 16.13.1 to be completed 18 months before the expiry of each and every Operator Agreement, including as a result of the exercise of any option to terminate the Operator Agreement;
- 16.13.2 whenever a Council gives notice of withdrawal under clause 12 of this Agreement; or
- 16.13.3 at such times as a Council may request under clause 11 (*Variation of this Agreement*).

## **17. Firefighters' Pension Scheme Board**

- 17.1 The role of the Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013, is to –
- d) Assist the County Council as Scheme Manager:
    - i. to secure compliance with the Firefighters' Pension Scheme Regulations and any other legislation relating to the governance and administration of the Firefighters' Pension Scheme;
    - ii. to secure compliance with requirements imposed in relation to the Firefighters' Pension Scheme by the Pensions Regulator;
    - iii. in such other matters as the Firefighters' Pension Scheme Regulations may specify.
  - e) secure the effective and efficient governance and administration of the Firefighters' Pension Scheme.
- 17.2 The Pension Board will ensure it effectively and efficiently complies with the code of practice on the governance and administration of public service pension schemes issued by the Pensions Regulator.
- 17.3 The Pension Board will also help ensure that the Firefighters' Pension Scheme is managed and administered effectively and efficiently and complies with the code of practice on the governance and administration of public service pension schemes issued by the Pensions Regulator.
- 17.4 The Pension Board will receive regular training to enable committee members to make effective decisions and be fully aware of their statutory responsibilities and their stewardship role.
- 17.5 The Pension Board shall report to the County Council or any other body or officer that it considers appropriate, in order to fulfil its obligations.

## **18. Joint Arrangements**

- 18.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions, or to advise the Council. Such arrangements may involve the appointment of a Joint Committee with other local authorities.
- 18.2 Except as set out below, the Leader of the Council may only appoint Cabinet Members to a Joint Committee and those members need not reflect the political composition of the Council as a whole.
- 18.3 The Leader of the Council may appoint members to a Joint Committee from outside the Cabinet where the Joint Committee has functions for only part of the area of the authority. In such cases, the Leader may appoint to the Joint Committee any member who is a member for an electoral division which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

## **19. Corporate Parenting Board**

The Board has an advisory role and shall:

- 19.1 Oversee the exercise of the Council's responsibilities as Corporate Parent and ensure that the interests of Looked After Children are appropriately reflected in all Council policies and the work of the Children's Trust.
- 19.2 Act as the Council's main point of contact with, and champion for, the Children in Care Council.

## **20. Suffolk Standards Board**

Purpose:

- 20.1 The Councils (Suffolk County Council, Babergh District Council and Mid Suffolk District Council), in exercise of their powers under sections 101, 102, 103 and 111 of the Local Government Act 1972, have each determined to establish a joint standards committee, to be known as the Suffolk Joint Standards Board to exercise those functions as set out in these Terms of Reference.
- 20.2 The Joint Standards Board shall consist of
- 20.2.1 Nine members of the Councils, appointed by those Councils in accordance with paragraph 20.2.2;

- 20.2.2 Subject to paragraph 20.2.3, the Councils shall each appoint three members of their authorities to be members of the Joint Standards Board;
- 20.2.3 Membership of the Board shall exclude the Chairman of any Council, and any Cabinet, or Strategy Committee member;
- 20.2.4 A person who is disqualified under Part 5 of the Local Government Act 1972 shall be disqualified from membership of the Joint Standards Board.

### Terms of Reference

20.3 The Joint Standards Board will have the following roles and functions:

- 20.3.1 To receive reports from Monitoring Officers when complaints about the conduct of councillors have been investigated and found that a breach of the Code of Conduct has occurred, and to consider the appropriate sanction (if any) recommended by an Independent Person (as defined within the Localism Act 2011) subject to statute, regulations and Government guidance.
- 20.3.2 To promote a culture of openness, accountability and probity in order to ensure the highest standards of conduct.
- 20.3.3 To promote the values of putting people first, valuing public service and creating a norm of the highest standards of personal conduct.
- 20.3.4 To receive reports from a Monitoring Officer and any independent person appointed by the Council pursuant to the Localism Act 2011.
- 20.3.5 To determine appropriate action on matters referred to the Joint Standards Board by a Monitoring Officer, Council or Committee.
- 20.3.6 To support a Monitoring Officer in his or her statutory role and the issuing of guidance on his or her role from time to time in relation to the consideration and/or handling of complaints.
- 20.3.7 To manage any resources assigned to the Committee subject to any framework set by any Council or Committee.
- 20.3.8 To be responsible for securing equality in relation to the functions of the Joint Standards Board.

- 20.3.9 To establish and delegate to Sub-Committees, as appropriate, and manage that Sub-Committee.
- 20.3.10 To receive, consider and make decisions on reports received from any Sub-Committees and to make recommendations to any Council in relation to matters reserved to the Council by statute or Procedure Rules.
- 20.3.11 If requested by any participating Council to do so, to make representations to the Local Government Association and central Government or other organisations about any matter relating to the general principles of conduct for Councillors.
- 20.3.12 If requested by any participating Council to do so, to provide advice and guidance to Councillors and make arrangements for training in connection with any matters within the terms of reference of the Committee.
- 20.3.13 If requested by any participating Council to do so, to review and make recommendations on Councillors' training to promote the ethical framework.

## **21. Finance, Contracts and Legal Matters**

- 21.1 The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in the Scheme of Resource Management [see Part 4].
- 21.2 Every contract made by the Council will comply with the Procurement Regulations in the Scheme of Resource Management [see Part 5.1].
- 21.3 The Solicitor to the Council is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he considers that such action is necessary to protect the Council's interests.
- 21.4 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Solicitor to the Council or other person authorised by him unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- 21.5 The Common Seal of the Council will be kept in a safe place in the custody of the Solicitor to the Council. 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 Solicitor to the Council should be sealed. The

affixing of the Common Seal will be attested by the Solicitor to the Council or some other person authorised by him.

## **22. Monitoring and Review of the Constitution**

22.1 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.

22.2 Changes to the Constitution will be made by Council after consideration of any proposal by the Monitoring Officer.

## **23. Suspension of the Constitution**

### The Articles of this Constitution may not be suspended

23.1 The Rules of Procedure in Part 2 may be suspended by the Council to the extent permitted within those rules and the law if three quarters of the members of the Council present and voting so decide.

### Procedure to Suspend

23.2 A motion to suspend any rules of procedure will not be moved without notice unless at least three-quarters 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.

### Rules Capable of Suspension

23.3 All of the Rules of Procedure may be suspended except Rule 5.4 and Rule 10.5 by motion on notice or without notice in accordance with Article 23.2 above. Suspension can only be for the duration of the meeting.