

PART TWO - ARTICLES OF THE CONSTITUTION

(NB. Extract only of relevant Articles of the Constitution)

Article 7 - The Leader and the Cabinet

7.02 The Leader will hold office until:

- (a) He/she resigns from the office; or
- ~~(b) He/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or~~
- (b) He/she is disqualified from being a councillor by order of a court;
- (c) He/she is no longer a councillor; or
- (d) He/she is removed from office by resolution of the Council under Article 7.06; or
- (e) The Annual Meeting following the Council Elections after his/her election as Leader.

7.04 Form and Composition

The Cabinet will consist of the Cabinet Leader together with between 2 and 9 other councillors ("Cabinet Members") appointed to the Cabinet by the Leader but may not include the Mayor or Deputy Mayor

7.05 Other Cabinet Members

- (i) The Leader will determine the number of Cabinet Members to be appointed which will be between 2 and 9 (in addition to the Leader).
- (ii) Each Cabinet Member will be appointed by the Leader to cover one of the specific portfolio responsibilities (other than those reserved to the Leader) determined by the Leader. The Leader or a Cabinet Member must hold the specific statutory portfolio responsibility for Children's Services and a separate portfolio responsibility for Adult Services.
- (iii) One Cabinet Member will be appointed as Deputy Leader with power to exercise the Leader's functions in the event that the Leader is unable to act or the office is vacant.
- (iv) Individual Cabinet Members may exercise powers delegated by The Leader within their specific portfolio responsibilities as set out in Part 3.
- (v) Cabinet Members shall hold office until one of the events (a) to (e) ~~(d)~~ below:

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- (a) They resign from office; or
- ~~(b) They are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or~~
- (b) They are disqualified from being councillors by order of a court;
- (c) They are no longer councillors; or
- (d) They are removed from office, either individually or collectively, by the Leader; or
- (e) The Annual Meeting following the Council Elections after their appointment.

7.09 Responsibility for Functions

- (i) The Leader may discharge all the Council's "executive" functions or may arrange for the discharge of any of these functions by:
 - (a) The Cabinet;
 - (b) A Cabinet Member;
 - (c) A Committee of the Cabinet;
 - (d) An Area Committee; or
 - (e) An officer

(ii) The Leader will maintain a list in this Constitution or the appendices to it setting out which individual Cabinet Members, Committees of the Cabinet or officers are responsible for the exercise of particular Cabinet functions.

Article 9 - The Standards Committee

9.01 Standards Committee

The Council meeting will establish a Standards Committee to promote and maintain high standards of conduct by Members and Co-opted Members of the Council.

9.02 Composition

The Standards Committee will be composed of Councillors appointed on the basis of political balance. In addition, the Standards Committee may appoint up to six non-voting co-opted members. ~~who may not include the Leader or Mayor or more than one Cabinet Member and the independent members none of whom are Councillors or officers of the Council or any other body having a Standards Committee. At least one quarter of the membership of the Committee must be independent members.~~

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- ~~(a) **Membership.** The Standards Committee is composed of Councillors and independent members~~
- ~~(b) **Independent members.** Independent members will be entitled to vote at meetings;~~
- ~~(c) **Chairing the Committee.**~~
 - ~~(i) The Committee selects its own Chair from among the Independent Members.~~
 - ~~(ii) The Chair of the Standards Committee will have a casting vote in the event of a vote being tied.~~
- (d) **Quorum.** The quorum *of the Standards Committee* is three. including a Chair from among the independent members and at least one Councillor.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives;
- (b) Assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct and the ethical framework;
- (f) Granting dispensations to ~~the Elected Mayor~~, Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;
- ~~(h) Carrying out an assessment and review function for all complaints received by the Council against Councillors and co-opted members;~~
- ~~(i) Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by the Ethical Standards Officer to the Monitoring Officer;~~
- ~~(j) Hearing complaints against Councillors and co-opted members made to the Council or referred back from the Standard Board for England;~~

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- ~~(k)~~ Hearing complaints against co-opted members arising from alleged breaches of Codes and Protocols falling outside the jurisdiction of the Standards Board for England;
- ~~(h)~~ Assessing, hearing and determining allegations of failure to comply with the Members' Code of Conduct by Councillors and co-opted Members.
- ~~(i)~~ (i) Responding to national reviews and consultations on standards related issues;
- ~~(j)~~ (j) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- ~~(k)~~ (k) Advising the Council on the appointment of independent persons ~~members~~ and taking steps to select them.

9.04 Assessment Sub-Committee

The Standards Committee will establish an Assessment Sub-Committee to assess allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct, as referred by the Monitoring Officer.

9.05 Composition

The Assessment Sub-Committee will be composed of Councillors appointed on the basis of political balance.

9.06 Role and Function

The Assessment Sub-Committee will have the following roles and functions:

To consider all allegations referred to the Sub-Committee by the Monitoring Officer that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine whether the allegation:

- (a) merits no further investigation and is dismissed, or
- (b) merits further investigation.

9.07 Hearing Sub-Committee

The Standards Committee will establish a Hearing Sub-Committee to conduct hearings into allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine such allegations.

9.08 Composition

The Hearing Sub-Committee will be composed of Councillors appointed on the basis of political balance.

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9.09 Role and Function

The Hearing Sub-Committee will have the following roles and functions:

- (a) To conduct hearings into allegations referred for investigation by the Assessment Sub-Committee that a member or co-opted member has failed to comply with the Members' Code of Conduct.
- (b) To determine whether or not the member or co-opted member did/did not fail to comply with the Members' Code of Conduct.
- (c) Where the Sub-Committee has determined that a member has failed to comply with the Members' Code of Conduct to take such action as it may lawfully take.
- (d) In consequence of the hearing and determination of any allegation to make recommendations to the Council with a view to promoting high standards of conduct amongst members.