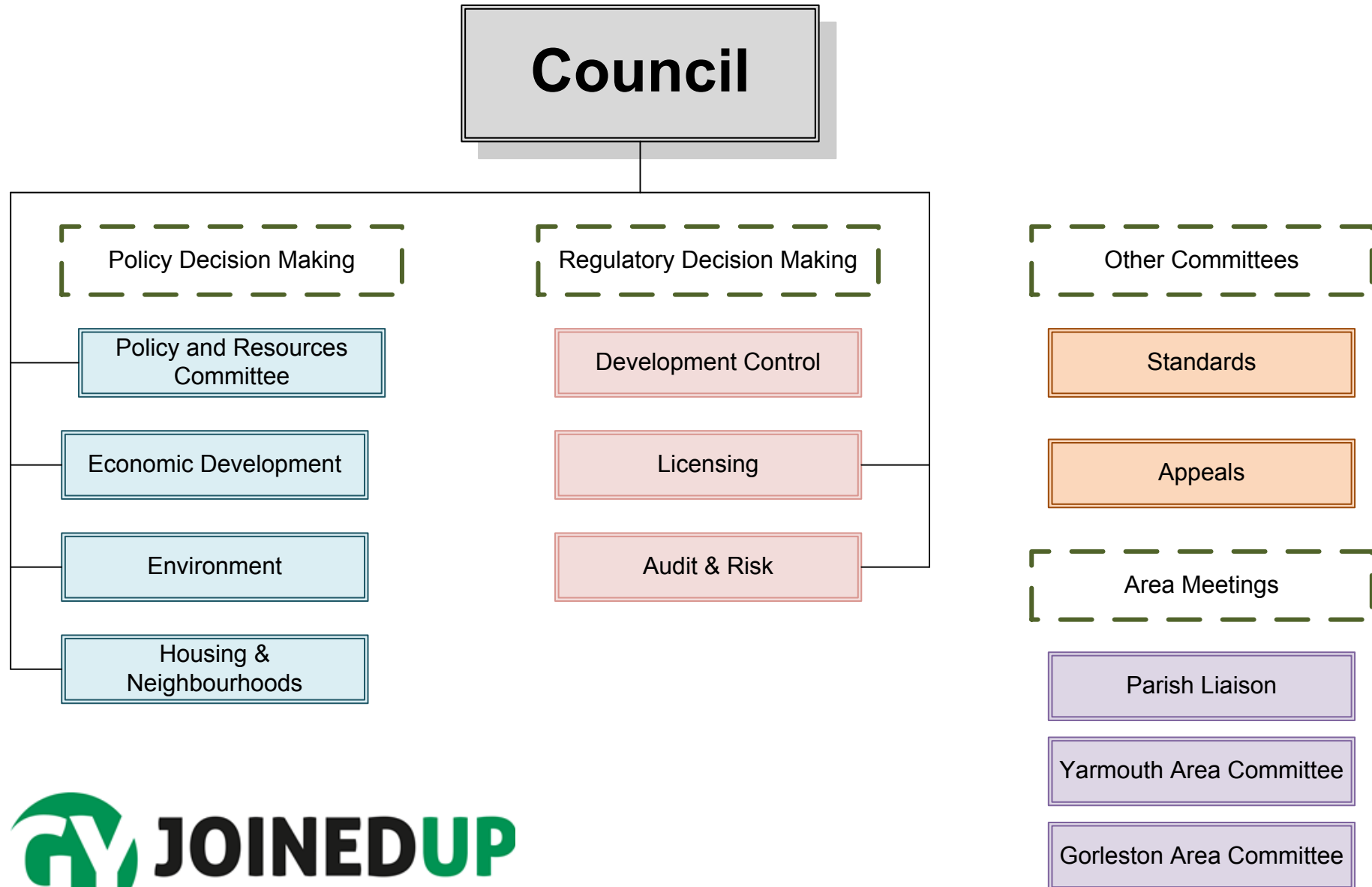


Great Yarmouth Borough Council

Committee Structure



PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 1 - THE CONSTITUTION

1.1 Powers of the Council

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

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of the Great Yarmouth Borough Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- (a) enable the Council to provide an efficient, effective and clear form of leadership to the community, with its long term aim of making the Borough a better place in which to live, work, play and to visit
- (b) (in partnership working with its citizens, businesses and other organisations) help devise and implement policies to reduce unemployment, raise household income, improve people's quality of life, improve people's skills and learning and make the Borough healthier, safer and more attractive
- (c) support the active involvement of citizens in the process of local authority decision making by encouraging them to attend and participate at meetings, to be represented on Partnership Groups and other Forums, and to generally make their views known to the Council using whatever other means are available to them or provided by the Council
- (d) help Councillors represent their constituents more effectively
- (e) enable decisions to be taken efficiently, effectively and without delay
- (f) ensure that the decision makers are clearly and publicly accountable and that their reasons for decisions are explained in full
- (g) ensure that the process for reviewing or scrutinising decisions ensures that no one involved in the making of a decision can take part
- (h) create a powerful and effective means of holding decision makers to public account
- (i) provide the right framework and mechanisms for ensuring that the services provided by the Council are those required by the community, and that the delivery of those services is regularly reviewed and improved.

1.4 Interpretation and Review of Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.1 Composition and Eligibility

- (a) **Composition** – The Council comprises 39 Members (otherwise called Councillors). One or more Councillors will be elected by the voters of each Ward in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State
- (b) **Eligibility** - Only registered voters of the Borough, or those living or working there, will be eligible to hold the office of Councillor.

2.2 Election and Terms of Councillors

The ordinary election of a third of all Councillors will be held on the first Thursday in May in each year beginning in May 2016. In 2017 and in every fourth year thereafter, there will be no regular election.

The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.3 Roles and Functions of all Councillors

- (a) **Key roles** – All Councillors will:
 - (i) collectively through the full Council meetings be the ultimate policy makers and carry out a number of strategic and corporate management functions
 - (ii) represent their communities and ensure that their communities' views are brought into the Council's decision making process (ie become the advocate of, and for, all the constituents in the Ward they represent)
 - (iii) effectively represent the interest of their Ward and of their individual constituents
 - (iv) respond to enquiries, and representations from all their constituents both fairly and impartially
 - (v) be involved in the Council's decision making process
 - (vi) be available to represent the Council on other bodies including external organisations
 - (vii) work in conjunction with the Council and partners on the various partnership bodies
 - (viii) maintain, at all times, the highest standards of conduct and ethics.
- (b) **Rights and Duties**
 - (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law

- (ii) Councillors will not make public any information which is confidential or exempt without the consent of Council, or divulge information given in confidence to anyone other than a Councillor or others entitled to know it
- (iii) for these purposes, “confidential” and “exempt” information are defined in the Access to Information rules in Part 4 of this Constitution.

2.4 Conduct

Councillors will, at all times, observe the Members’ Code of Conduct set out in Part 5 of the Constitution and take due account of the Protocol on Member/Officer relations also set out in Section B of this document.

2.5 Allowances

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

ARTICLE 3 - CITIZENS AND THE COUNCIL

3.1 Citizens' Rights

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

- (a) **Voting and Petitions** - Citizens on the electoral roll for the Borough have the right to vote in, and sign a petition to request, a referendum for an elected Mayor form of Constitution
- (b) **Information** - Citizens have the right to:
 - (i) attend meetings of the Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting or part of the meeting, whichever is appropriate, is held in private
 - (ii) see and inspect reports and background papers, and any records of decisions made by the Council and the Committee
 - (iii) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation** - Citizens have the right to ask questions at meetings of the Full Council
- (d) **Comments and Complaints** - Citizens have the right to make comments and/or complaints to:
 - (i) the Council under its Comments and Complaints Scheme
 - (ii) the Ombudsman after using the Council's own Comments and Complaints Scheme
 - (iii) the Standards Committee of the Council about a breach of the Councillors' Code of Conduct.
- (e) **Petitions** - Citizens have the right to submit petitions, or support petitions, which are then considered in accordance with the Council's Petitions Scheme (Appendix 2).

3.2 Citizens' Responsibilities

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers.

ARTICLE 4 - THE FULL COUNCIL

4.1 Policy Framework

(a) The Policy Framework means the following Plans and Strategies:

Local Development Framework
Council's Corporate Plan/Vision
Housing Investment Programme Strategy and HRA Business Plan
Financial Strategy and Policies
Asset Management Strategy
Economic Growth Strategy
Housing Strategy
Setting tax base and discounts

(b) **Budget and Financial Policy Matters (“the Budget”)**

This includes:

- the allocation of financial resources to different sources and projects
- proposed contingency funds
- setting the Council Tax
- control of the Council's borrowing requirements
- control of the Council's capital expenditure
- the setting of virement limits.

4.2 Functions of the Full Council

Only the full Council will exercise the following functions:

- (a) adopting and changing the Constitution
- (b) approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer
- (d) appointing the Mayor, Deputy Mayor and Leader
- (e) agreeing and/or amending the Terms of Reference for Committees, deciding on their composition and making appointments to them
- (f) appointing representatives to outside bodies
- (g) adopting a scheme of allowance for Councillors
- (h) changing the name of the area or granting the Freedom of the Borough
- (i) confirming the appointment of the Head of Paid Service

- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- (k) all other matters which, by law, must be reserved to Council.

4.3 Council Meetings

There are three types of Council meeting.

- (a) the Annual Meeting
- (b) Ordinary Meetings
- (c) Extraordinary meetings.

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

4.4 Responsibility for Functions

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

4.5 Standing Orders

The provisions of Part II of Schedule 2 to the Local Authorities (Standing Orders) (England) Regulations 2001 shall apply.

4.6 All functions by or exercised by and or reserved to the Council: -

- Appointing the Mayor and Deputy Mayor of the Council.
- Appointing the Leader of the Council.
- Agreeing or amending the committee structure, the terms of reference of committees and their size.
- Confirming the appointment of or dismissal of the Head of Paid Service, Monitoring Officer and Chief Financial Officer (Section 151 Officer).
- Confirming the appointment of the Independent Person(s).
- Making of a Members Allowance Scheme and amending the same.
- Making a request for single member electoral wards to the Local Government Boundary Commission.
- Resolution to change a scheme for elections.
- Making an order giving effect to the recommendations made in a Community Governance Review.
- Making, revoking or amending the following policies, plans and strategies :-
 - Licensing Authority Policy Statement.
 - Local Development Framework - Development Plan Documents, Plans and alterations which together comprise the Development Plan.

- Policies made under the Gambling Act (including any resolution relating to casinos).
- Capital Programme.
- Medium Term Financial Plan.
- Treasury Management Strategy.
- Approval of the Council's corporate plan.
- Setting the Council's Budget and Council Tax
- Fees and Charges Policy
- Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation including bylaws or personal bills.
- Appointment of the Returning Officer and Electoral Registration Officer.
- Adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules and Financial Regulations.
- All Functions relating to Elections
- The Functions relating to pensions
- Approval of the authority's statement of accounts, income and expenditure and balance sheet or record of payments and receipts (as the case maybe)
- Power to make standing orders
- Power to make standing orders as to contracts
- All matters which by law are reserved to the Council including: -
- Ombudsman reports where there has been a finding of maladministration with injustice and the report has been rejected
- Statutory officer reports of the Monitoring Officer, Chief Financial Officer and Head of Paid Service and External Auditor's public interest reports.
- Conferring the title of Honorary Freeman and Honorary Alderman.
- Approving the Annual Pay Policy Statement.
- Changing the name of the Borough.
- Significant changes to the Council's Constitution (other than variations to the scheme of Delegation which may be approved by committees within their remits and minor and consequential changes to the constitution which are delegated to the Monitoring Officer (see Scheme of Officer Delegation Post).
- Appointment of representatives to outside bodies.
- Consideration of reports from committees, sub-committees, or any other body constituted by the Council.
- To receive the minutes of committees and sub-committees acting under delegated powers for question and comment after being signed off by the Committee.
- Making compulsory purchase orders (other than under planning grounds).
- Making recommendations to the Secretary of State on district boundaries, ward boundaries, electoral divisions, ward or polling districts.
- Any other function which must, by law, be exercised by and / or reserved to the full Council.

ARTICLE 5 – POLICY AND RESOURCES COMMITTEE

5.1 Key strategic decisions (other than those which must be determined by the Council) including all decisions which have a major impact on a number of Council services or on the Council as a whole and decisions which are significant in terms of impact on the Council's revenue or capital (to be determined by The Head of Paid Service and/or Section 151 Officer).

- All local authority licensing functions and ancillary matters other than those falling within the remit of the Licensing Committee
- Health and safety functions (otherwise than as employer)
- Making recommendations to the Council on the adoption of bylaws
- Functions relating to parishes, elections and electoral registration
- Functions relating to Polling Station reviews
- Functions relating to Community Governance Reviews
- Making recommendations to Council relating to the name and status of areas and individuals
- Making recommendations to Council on the promotion or approval of a local bill.
- Making recommendations to the Council as to recommendations to the Secretary of State on district boundaries, ward boundaries, electoral divisions, wards or polling districts
- To make recommendations to Council on the budget insofar as it impacts on the role and remit of the Committee.
- Making compulsory purchase orders under planning grounds and/or recommending to Council the making of compulsory purchase orders
- Appropriation of land for planning purposes
- Receiving reports from outside bodies
- External Relationships
- Public Relations

5.2 Formulation of key strategic policies to be adopted by the Council (except those which are reserved to Council for approval) including:-

- Commissioning Framework
- Annual Budget Strategy
- Budget and Council Tax Policy
- General Fund Balances and Reserves Policy
- Asset Management Strategy.
- Corporate Asset Utilisation and Disposal strategy.
- Consultation and Communication Strategy.
- Equalities and Diversity Policy.
- Strategy relating to HRA.
- Managing and monitoring the Council's Capital Programme.
- Approving resources for the appointment of a designated independent person.

- Approving human resources policies
- Treasury Management

5.3 Decision making where decisions fall outside the scheme of delegation in respect of the following: -

- Procurement Policies
- Transformation Programmes.
- Member Development.
- Member and Civic Services.
- Strategic Risk Management.
- Audit Issues (other than matters falling within the remit of the Audit and Risk Committee).
- Major Projects.
- Strategic Commissioning including Decommissioning.
- Asset Management.
- Human Resources
- Democratic Services.
- Financial Services
- Revenues and Benefits.
- Performance Management.
- Administrative Services.
- Procurement Decisions over £100,000

5.4 Approval of payments or other benefits for maladministration under s92 of the Local Government Act 2000, except where it relates to a matter falling within the remit of the Planning Committee or is dealt with by Officers acting under delegated powers.

5.5 To approve the write-off of any individual outstanding debt above the delegated limit of £10,000.

5.6 Making recommendations to the Council on standing orders relating to contracts and financial regulations.

5.7 All cross cutting matters across the Council and any matter/issue not expressly delegated to another Committee.

5.8 Receiving reports from outside bodies.

5.9 Determining the Council's strategic approach to Strategic Partnerships.

5.10 Performance Management:-

- Overall responsibility for managing and monitoring council performance against approved estimates of revenue expenditure and income
- Overall responsibility for monitoring council performance against locally set performance indicators

5.11 Membership

- The Leader of the Council (Chair)
- Chair of Housing and Neighbourhoods Committee,
- Chair of Environment Committee
- Chair of Economic Development Committee
- 9 other members appointed by Council under the Political Balance Rules.

ARTICLE 6 – THE ECONOMIC DEVELOPMENT COMMITTEE

6.1 Developing and adopting policies in accordance with the Council's leisure and culture strategy including: -

- Arts and Cultural Strategy
- Concessionary Pricing Strategy
- Sports/Physical Activity Development Plans
- Museums and Heritage Strategy
- Economic Growth Strategy

6.2 Policy development, implementation and review in respect of all areas falling within the remit of the committee including:-

- Developing and reviewing the Local Development Framework
- Development Plan Documents and Supplementary Planning Documents.
- Developing and adopting policies and procedures to underpin the Local Development Framework Core Strategy

6.2 Decision making where decisions fall outside the scheme of delegation in respect of the following: -

- Economic Development
- Land Charges
- Business Growth
- Town Centre Regeneration
- Tourism
- Transport
- Markets and Street Trading
- Car Parks
- Operation and Management of Industrial Units
- Civil Parking Enforcement
- Acquisition and Disposal of Industrial Units
- Formulation of the Leisure and Culture strategy and to recommend to Council for adoption
- Sports Development
- Museums and Collections
- Parks and Open Spaces

6.3 Policy Review and Development

The committee may hold enquiries and investigate the available options for future direction in policy development

6.4 Performance Management

Monitoring performance against approved estimates of revenue expenditure and income for services falling within its remit.
Monitoring Service Performance against agreed targets.

6.5 Membership

13 members appointed by Council under the Political Balance Rules

ARTICLE 7 – THE ENVIRONMENT COMMITTEE

7.1 Policy development, implementation and review in respect of all areas falling within the remit of the committee including making recommendations to Policy and Resources Committee or Council as appropriate in respect of key strategic policies impacting on the role and function of the committee.

The committee may hold enquiries and investigate the available options for future direction in policy development

The committee may scrutinize and review decisions made or actions taken by Committees in so far as they have a direct impact on the role or functions of the Committee.

7.2 Developing policies, procedures and protocols in relation to the Council's emergency plan and responses to flooding (other than planning issues).

7.3 Decision making where decisions fall outside the scheme of delegation in respect of the following: -

- Emergency Planning
- Shoreline Management Plan
- Refuse Collection
- Cleansing
- Recycling
- Litter Collection
- Street Cleaning
- Grounds Maintenance
- Public Toilets and Amenities
- Trade Waste
- Environmental Health including:-
 - Food Law Enforcement Service Plan
 - Food Hygiene
- Environmental Protection and Improvement
- Health and Safety
- Dog and Pest Control
- Cemeteries
- Commons regulation and town and village greens
- Contaminated land and statutory nuisances (excluding policy issues)
- The passing of a resolution that schedule 2 to The Noise and Statutory Nuisance Act 1993 should apply in the authority's area
- The power to apply for an enforcement order against unlawful works on registered common land under Section 41 of the Commons Act 2006.
- The power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference under Section 45(2)(a) of the 2006 Act (Section 45 re- enacted, with amendments, the more

familiar Section 9 of the Commons Registration Act 1965 with effect from 1st October 2006).

- The power to institute proceedings for offences in respect of unclaimed land under Section 45(2)(b) of the 2006 Act.
- The power to make a closing order on a takeaway food shop
- Duties of the local authority under the Coastal Protection Act 1949 and other Coastal Protection Legislation.

7.4 Receiving reports from outside bodies

7.5 External Review

The committee may invite stakeholders to address the committee on issues of local concern and/or answer questions in so far as it impacts directly or indirectly on the role or functions of the committee:-

- Environment Agency and other statutory bodies (in relation to flooding and other emergencies)

7.6 Performance Management

Monitoring performance against approved estimates of revenue expenditure and income for services falling within its remit.

Monitoring service performance against agreed targets

7.7 Membership

13 members appointed by Council under the Political Balance Rules

ARTICLE 8 - HOUSING AND NEIGHBOURHOODS COMMITTEE

8.1 Policy development, implementation and review in respect of all areas falling within the remit of the committee including making recommendations to Policy and Resources Committee or Council as appropriate in respect of key strategic policies impacting on the role and function of the committee.

The committee may hold enquiries and investigate the available options for future direction in policy development

The committee may scrutinize and review decisions made or actions taken by Committees in so far as they have a direct impact on the role or functions of the Committee.

including:-

- Community safety strategy
- Health and Well Being strategies

8.2 Decision making where decisions fall outside the scheme of delegation in respect of the following: -

- Formulating the Council's housing capital programme and recommending the same to Council for approval.
- Formulating, monitoring and reviewing the Council's Housing Revenue Account and recommending the same to Council for approval.
- HRA Business Plan (including the Asset Management Strategy and Delivery Plan);
- The level and use of surpluses and reserves within the HRA
- Enforcement Strategy
- Designation of conservation areas and areas of archaeological interest
- Assets of Community Value
- Anti-Social Behaviour Strategy
- Domestic Violence Strategy
- CCTV Strategy
- Housing Needs Assessment
- Anti-Social Behaviour Policy (housing)
- Community Safety
- Community Resilience
- Troubled Families
- Voluntary Sector
- Health and Wellbeing
- Social inclusion (young people, older people, debt and rural issues)
- Community Cohesion
- Police
- Voluntary Sector

- Community Safety and Crime Reduction Partnership

8.3 Performance Management

Monitoring performance against approved estimates of revenue expenditure and income for services falling within its remit.

Monitoring service performance against agreed targets

8.4 Membership

13 members appointed by Council under the Political Balance Rules

ARTICLE 9 - DEVELOPMENT CONTROL COMMITTEE

9.1 Developing and adopting policies in accordance with the Council's strategies, the Development Control Committee shall perform all the planning and highway functions of Great Yarmouth Borough Council.

9.2 Decision making where decisions fall outside the scheme of delegation in respect of the following: -

- Building Control matters
- Planning (budget, staffing and administration)
- Removal of permitted development rights through Article 4 Direction
- Functions of the Council relating to complaints regarding high hedges contained in part 8 of the Anti-Social Behaviour Act 2003.

9.3 Delegation to Officers

The Director of Customer Services and anyone who has written authority from him to act can discharge any function allocated to the Development Control Committee except:

- (a) where the proposal is for the residential development of a site of one hectare or more unless the proposal involves the development of 25 or less dwelling units and/or
- (b) where the proposal requires the submission of an environmental statement and/or
- (c) where the proposal involves the winning or working of minerals or relates to waste disposal and/or
- (d) where the Director of Customer Services declines to exercise his/her delegated authority

9.4 Quorum

The quorum of the Committee shall be one third (if necessary rounded up to the nearest whole number) of the number of Members appointed to the Committee.

9.5 Rules of Debate

The Chair (or other person presiding at the meeting) shall determine (on the advice of Officers, if necessary) procedure and rules of debate at the meeting provided that in doing so he takes into account the Council Procedure Rules as appropriate.

9.6 Performance Management

Monitoring performance against approved estimates of revenue expenditure and income for services falling within its remit.

Monitoring service performance against agreed targets

9.7 Membership

13 members appointed by Council under the Political Balance Rules

ARTICLE 10 - LICENSING COMMITTEE

- 10.1 Developing and adopting policies in accordance with the Council's strategies, the Licensing Committee shall perform the licensing, gambling, registration and public safety functions of Great Yarmouth Borough Council.
- 10.2 Decision making where decisions fall outside the scheme of delegation, Delegation arrangements for the Council's responsibilities under the Licensing Act 2003 and the Gambling Act 2005 are set out below.

Licensing Act 2003

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If a police objection made	If no objection made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises Certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation Made	If no relevant representation made
Application to vary premises licence/club registration Certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police representation	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police representation	All other cases
Application for Interim Authorities		If a police representation	All other cases
Application to review premises licence/club premises Registration		All cases	
Decision on whether an objection or complaint is irrelevant, frivolous, vexatious, etc			All cases, initially with discretion to refer to Sub-committee
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notices		All cases	
Application of special policy relating to cumulative impact	All cases		

Gambling Act 2005

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE/ SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy to permit casino	X		
Fee Setting - when appropriate			X (with Committee approval)
Application for a premises licence – new casino, if applicable	X	X (first stage)	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE/ SUB-COMMITTEE	OFFICERS
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

10.3 Delegation to Officers

10.3.1 The Director of Customer Services and anyone who has written authority from him/her to act can discharge any function allocated to the Licensing Committee in relation to matters within his/her terms of appointment or which fall within his/her Service Performance Plan or within the service and responsibilities which are from time to time allocated to him/her except:

- (a) where he/she is minded to:
 - refuse to grant a licence or;
 - revoke a licence or;
 - refuse to renew a licence and/or
- (b) where there is an objection which cannot be resolved to his proposal to grant or renew a licence and/or
- (c) where the Director of Customer Services declines to exercise his/her delegated authority.

10.4 Quorum

The quorum of each Committee shall be one third (if necessary rounded up to the nearest whole number) of the number of Members appointed to the Committee.

10.5 Rules of Debate

The Chair (or other person presiding at the meeting) shall determine (on the advice of Officers, if necessary) procedure and rules of debate at the meeting provided that in doing so he takes into account the Council Procedure Rules as appropriate.

10.6 Regulatory Committees acting as Tribunals

Where the Regulatory Committee, or an Officer, is acting as a tribunal, or in a quasi judicial manner, or is determining/considering the civil rights or obligations or the criminal responsibility of any person, then a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human

Rights will be followed.

10.7 Access to Information

The Access to Information Rules apply to Regulatory Committees save as varied by the provisions of the Licensing Act 2003 and the Gambling Act 2005.

10.8 Performance Management

Monitoring performance against approved estimates of revenue expenditure and income for services falling within its remit.

Monitoring service performance against agreed targets

10.9 Membership

13 members appointed by Council under the Political Balance Rules

ARTICLE 11 – THE AUDIT AND RISK COMMITTEE

11.1 Developing and adopting policies in accordance with the Council's strategies including: -

- Risk Management Strategy, Policy and Guidance.
- Anti-Fraud Strategy.
- Business Continuity Plan.

11.2 The purpose of the Audit and Risk Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, review annual Governance Statement, and to oversee the financial reporting process.

Decision making where decisions fall outside the scheme of delegation in respect of the following: -

(i) **Audit Activity**

- To consider and approve the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance, risk management and control arrangements.

To consider and approve the Internal Audit Strategic and Annual Plans, and receive report on progress against the plan throughout the year

- To consider a report from internal audit on management progress made in the implementation of agreed recommendations
- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To commission ad hoc work from internal and external audit.

(ii) **Regulatory Framework**

- Jointly with Standards Committee, to maintain an overview of the Council's constitution in particular with respect to the risk management and financial control environment.
- To review any issue referred to it by the Chief Executive, a Director, or any council body.
- To monitor the effective development and operation of risk management and corporate governance in the council.
- Jointly with Standards Committee, to monitor council policies on whistle-blowing and the antifraud and anti-corruption strategy and the Council's complaints process.
- To monitor the production of the authority's Annual Governance Statement, to consider its contents and to recommend its adoption.
- To consider the council's arrangements for corporate governance and proposing necessary actions to ensure compliance with best practice.

(iii) **Accounts**

- To review 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.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

(iv) **Risk**

- To consider the Council's Risk Management Strategy.
- To consider the Risk Management Framework and the Corporate Risk Register.
- To act as a point of strategic leadership and support regarding Business Continuity and receive recommendations and assessments from the Business Continuity Workgroup.

11.3 To consider and approve the external audit fee.

11.4 To consider and approve annually the Internal Audit Strategic and Annual Plans and the audit plans of the External Auditor, and to monitor subsequent performance against these plans

11.5 To consider Internal and External Audit reports and letters, including the Annual Letters and reports.

11.6 To comment on the scope and depth of Internal and External Audit work in addressing the authority's significant risks, and reviewing the authority's programme and processes for achieving value for money.

11.7 To commission ad-hoc work from Internal and External Audit.

11.8 To satisfy itself that the system of internal control has operated effectively throughout the year.

11.9 To consider and comment upon the effectiveness of the system of internal and external audit.

11.10 To review the Council's arrangements to counter fraud and corruption.

11.11 To consider the extent of the Council's compliance with its own and other published financial standards and controls.

11.12 To review and approve the Annual Statement of Accounts.

11.13 To monitor the effective development and operation of Risk Management in the Council.

11.14 To make a formal annual report on the Committee's work and performance during the year to full Council.

11.15 To hold annual private discussions with the Head of Internal Audit and the External Audit to review working relationships with Auditees, etc.

11.16 To assess the Committee's own effectiveness on an annual basis.

11.17 To implement and monitor the Council's Treasury Management Strategy and Policies.

11.18 The promotion and maintenance of high standards of conduct within the Council.

11.19 To advise the Council on the adoption or revision of its Code of Conduct and its arrangements for dealing with complaints against Members.

11.20 To monitor and advise the Council on the operation of its Code of Conduct in the light of best practice or changes in legislation.

11.21 Functions relating to standards of conduct of members under the adopted arrangements.

11.22 Membership

13 members appointed by Council under the Political Balance Rules

ARTICLE 12 - THE STANDARDS COMMITTEE

12.1 The Council will establish a Standards Committee.

12.2 Decision making where decisions fall outside the scheme of delegation in respect of the following: -

- (a) promoting and maintaining high standards of conduct by Councillors, and co-opted members
- (b) assisting the Councillors and co-opted members 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
- (f) granting dispensations to Councillors and co-opted members from requirements relating to disclosable pecuniary interests set out in the Members' Code of Conduct
- (g) dealing with complaints of breaches of the Code of Conduct in accordance with the councils agreed arrangements set out below (including consideration of reports into breaches of the Code)
- (h) the exercise of (a) to (g) above in relation to the Parish Councils in the Borough and the members of those Parish Councils
- (i) overview of the handling of complaints and Ombudsman investigations

12.3 Membership

- five Councillors appointed by Council under the Political Balance Rules.
- two co-opted (non-voting) members of a Parish Council wholly or mainly in the Council's area (Parish members)

NB. An independent person is appointed by the full council to act as an impartial adviser on code of conduct complaints.

ARTICLE 13 – APPEAL COMMITTEE

13.1 To deal with all appeals relating to staffing matters to which there is a right of appeal to elected members (where there is no express right of appeal to members, there will be a presumption that any appeal will be to the appropriate officer).

13.2 Membership

A panel of three members. Those members may be drawn from across the whole of the membership of the Council.

ARTICLE 14 – THE YARMOUTH AREA COMMITTEE

14.1. The Council will establish a Yarmouth Area Committee.

14.2. Developing policies in accordance with the Council's strategies to provide for better and more co-ordinated local services by enabling local Elected Members, residents and their communities to get involved in the work of the Council and other services.

14.3. Decision making where decisions fall outside the scheme of delegation in respect of the following: -

- To provide a clear and effective mechanism for community involvement in Council structures.
- To support the Council to respond to the requirements of the Localism Act and to deliver the Big Society Agenda.
- To support the Council to better co-ordinate their delivery and to ensure that services are accountable, relevant and accessible to local people.
- To make recommendations to the Council with regard to Yarmouth issues.

14.4. **Schedule of Meetings**

It is suggested that meetings be scheduled twice a year with additional meetings as events require.

14.5. **Membership**

Chair

- In order to provide a strong and direct link between the Council and local areas, the Committee should be chaired by an elected GYBC Councilor

Permanent Members

- Permanent representation will be Local Elected Members from Central and Northgate, Nelson, Southtown and Cobholm, and North Yarmouth Wards.

Co-opted Members

- The Committee may co-opt County Councillors and representatives of local community organisations as appropriate to serve the needs of the Committee.

ARTICLE 15 – THE GORLESTON AREA COMMITTEE

15.1 The Council will establish a Gorleston Area Committee.

15.2. Developing policies in accordance with the Council's strategies to provide for better and more co-ordinated local services by enabling local Elected Members, residents and their communities to get involved in the work of the Council and other services.

15.3. Decision making where decisions fall outside the scheme of delegation in respect of the following: -

- To provide a clear and effective mechanism for community involvement in Council structures.
- To support the Council to respond to the requirements of the Localism Bill and to deliver the Big Society Agenda.
- To support the Council to better co-ordinate their delivery and to ensure that services are accountable, relevant and accessible to local people.
- To make recommendations to the Council with regard to Gorleston issues.

15.4. **Schedule of Meetings**

Meetings to be scheduled four times a year with additional meetings as required.

15.5. **Membership**

Chair

- In order to provide a strong and direct link between the Council and local areas, the Committee should be chaired by an elected GYBC Councilor

Permanent Members

- Permanent representation will be Local Elected Members from Magdalen, Claydon, Gorleston and St Andrews Wards.

Co-opted Members

- The Committee may co-opt County Councillors and representatives of local community organisations as appropriate to serve the needs of the Committee.

ARTICLE 16 - CHAIRING THE COUNCIL

16.1 Role and Function of the Mayor

The Mayor, and in his/her absence, the Deputy Mayor, will have the following roles and functions:

Ceremonial Role

Chairing the Council meeting.

The Mayor (and Deputy Mayor) will be elected annually and will have the following responsibilities:

- to uphold and promote the purposes of the Constitution, and to interpret the Constitution, when necessary
- to preside over meetings of the Council so that its business can be carried out efficiently, paying due regard to the rights of Councillors and the interest of the community
- to ensure that the Council meeting is a Forum for the debate of matters of concern to the local community.
- to promote public involvement in the Council's activities
- to be the conscience of the Council (moral sense of right and wrong)
- to attend such civic and ceremonial functions as the Council and he/she determines appropriate

ARTICLE 17 - LEADER OF THE COUNCIL

17.0 Introduction

As the Council operates a Committee System, no formal legal powers and duties are vested in the Leader under the Local Government Act 1972 or the Local Government Act 2000, However, in practice, all local authorities need to appoint a Leader, who will hold the most significant elected Member role within the Council.

The Leader will be the political head of the Council and the focus for policy direction and community development and also the chief advocate and ambassador for the whole of the Borough.

17.1 Appointment of Leader

17.1.1 The Council's Procedure Rules in Part 3 of this Constitution provide for the Full Council to appoint a Leader of the Council.

The appointment is made at the Council's annual general meeting and the appointment is made for the subsequent Council year.

The person appointed by Council as Leader will automatically be appointed as the Chair of the Policy and Resources Committee.

If the Council does not appoint a Leader, the Leader of the largest political group becomes the Leader. If two or more groups have equal number of members then the leader will be chosen by lot.

In the event of a vacancy arising for the position of Leader, the Chief Executive Officer will convene a meeting of the Full Council at the earliest opportunity so that a new Leader can be appointed.

17.1.2 Once appointed, the Leader will hold office until the next Annual General Meeting unless he/she:-

- (a) resigns from the office;
- (b) is no longer a member of the Council;
- (c) is removed from office by resolution of the Council

17.1.3 The Full Council will also appoint at its AGM a Deputy Leader, who is able to exercise the functions of the Leader when he or she is unavailable, or where in the opinion of the Chief Executive Officer, the Leader is incapacitated for such a period of time that the efficient operation of the Council would be significantly impaired.

The person appointed Deputy Leader will automatically be appointed Vice-Chairman of the

Policy and Resources Committee.

17.1.4 The provisions in 7.1.2 also apply to the position of Deputy Leader.

17.2 Role and Function of the Leader

17.2.1 To provide a focal point for political leadership and strategic direction for the Council.

17.2.2 To represent the interests of the Council in circumstances where that is necessary.

17.2.3 To ensure effective Corporate Governance.

17.2.4 Promote high standards of corporate governance and ethical conduct throughout the Council including working with all political groups to seek to achieve, where possible, cross party co-operation.

17.2.5 Promote and maintain professional working relationships and mutual respect between all Members and officers.

17.2.6 Work across the Council, particularly with the Chairmen and Vice-Chairmen of its Committees and Sub-Committees, and to be responsible for the development and implementation of the Council's strategic vision for the future, policy framework, budgets and other strategies.

17.2.7 Act as Chairman of the Policy and Resources Committee, fulfil the role of Leader at full Council meetings and carry out as necessary the other functions specified in the Constitution.

ARTICLE 18 - JOINT ARRANGEMENTS

18.1 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities

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

- (b) Details of any joint arrangements including any delegations to Joint Committees will be found in the Council's Scheme of Delegation

ARTICLE 19 - OFFICERS

19.1 (a) **General** - The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions

(b) **Chief Officers** – The Council will engage persons for the following posts:

Chief Executive (and Head of Paid Service)

- Overall corporate management and operational responsibility (including overall management responsibility for all others)
- Provision of professional advice to all parties in the decision making process
- Together with the Monitoring Officer, responsibility for a system of record keeping for all of the Council's decisions
- Representing the Council on partnership and external bodies (as required by Statute or the Council).

(c) The Council will engage persons to manage and be responsible for the services and functions within their own Service Plans. These persons will be designated **Directors**. Their services and responsibilities may be altered from time to time by the Council

(d) The current responsibilities of Directors are set out at pages 71 to 73.

(e) **Head of Paid Service, Monitoring Officer and Chief Financial Officer** - The Council will designate the following posts as shown:

Post	
Chief Executive	Head of Paid Service
Monitoring Officer	Monitoring Officer
Section 151 Officer	Chief Financial Officer

Such posts will have the functions described in 19.2 - 19.4 below

The Corporate Governance Manager will act as Deputy Monitoring Officer.

(f) **Structure** - The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the Management Structure and Deployment of Officers. This is set out In Part 7 of this constitution.

19.2 Functions of the Head of Paid Service

- (a) **Discharge of Functions by the Council** - The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers
- (b) **Restrictions on Functions** - The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant

19.3 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution** - The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public. The Monitoring Officer, authorised to make such changes as are necessary to reflect alterations in the Council's management structure and changes in the law insofar as such changes are consistent with Council policy. Any other change to the Constitution will only be approved by the Full Council after consideration by the Governance Committee.
- (b) **Ensuring Lawfulness and Fairness of Decision Making** - After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council, or to the Committee in relation to a Committee function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered
- (c) **Supporting the Standards Committee** - The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee
- (e) **Conducting Investigations** - The Monitoring Officer will arrange for investigations into alleged breaches of the Members' Code of Conduct to take place where appropriate and make reports or recommendations in respect of them to the Standards Committee
- (f) **Proper Officer for Access to Information** - The Monitoring Officer will ensure that council and Committee decisions, together with the reasons for those decisions and relevant Officer reports and background papers, are made publicly available as soon as possible
- (g) **Advising whether Committee Decisions are within the Budget and Policy Framework** - The Monitoring Officer will advise whether decisions of the Committee are in accordance with the budget and policy framework
- (h) **Providing Advice** - The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors
- (i) **Restrictions on Post** - The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

19.4 **Functions of the Chief Finance Officer**

- (a) **Ensuring Lawfulness and Financial Prudence of Decision Making** – After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully
- (b) **Administration of Financial Affairs** – The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council
- (c) **Contributing to Corporate Management** – The Chief Finance Officer will contribute to the Corporate Management of the Council in particular through the provision of professional financial advice
- (d) **Providing Advice** – The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles
- (e) **Giving Financial Information** – The Chief Finance Officer will provide financial information to the media, members of the public and the community.

19.5 **Duty to Provide Sufficient Resources to the Members and Officers and Chief Finance Officer**

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

19.6 **Conduct**

Officers will comply with the Officers' Code of Conduct, and will take due account of the Protocol on Officer/Member Relations, both of which are set out in Part 5 of this Constitution.

19.7 **Employment**

The recruitment, selection and dismissal of Officers will comply with the Council's standing orders and all legal requirements

19.8 **"Proper Officer" Provisions**

Local Government legislation from time to time requires local authorities to appoint "proper Officers" for specific purposes. The Chief Executive and Directors (and any persons authorised by them) are all designated by the Council as the proper Officers for functions within their service plans or terms of appointment.

19.9 **Officer Titles**

Where a particular post is referred to in this Constitution and the post is either abolished or the title changed the officer who takes over responsibility for the function in question shall be the appropriate officer to act in accordance with the Constitution.

ARTICLE 20 - DECISION MAKING

20.1 Responsibility for Decision Making

The Council will issue and keep up-to-date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions.

20.2 Principles of Decision Making

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

- to provide high quality services to meet the community's needs which are cost effective and offer best value
- proportionality, that is that the action will be proportionate to the desired outcome
- due consultation and the taking of professional advice from Officers
- respect for human rights
- a presumption in favour of openness
- clarity of aims and desired outcome
- an explanation of all the options considered and full reasons for the eventual decision.

20.3 Types of Decisions

- (a) **Decisions taken by Full Council** - Decisions relating to the functions listed in Article 4.2 will be made by full Council and not delegated
- (b) Decisions taken by Committee
- (c) Decisions taken by Officers

20.4 Decision Making by the Full Council

Subject to Article 13.6, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution.

20.5 Decision Making by Committees and Sub Committees Established by the Council

Subject to Article 13.6, other Council Committees and Sub Committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

20.6 Escalation

Any decision maker (Committee, sub-committee or officer) may, rather than taking a decision delegated to it, refer the decision upwards (escalate) to the delegating body where:-

- The decision has a particular significance of importance which makes it appropriate to be escalated
- The decision involves a point of exceptional political controversy
- The decision is the subject of particular public interest or scrutiny
- Where representations have been made to, and accepted by, the decision taker that it should so be escalated
- It appears in the public interest so to do.

20.7 **Decision Making by Council Bodies Acting as Tribunals**

The Council, Committee or Officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

ARTICLE 21 - FINANCE, CONTRACTS AND LEGAL MATTERS

21.1 Financial Management and Contracts

The management of the Council's financial affairs will be conducted in accordance with the Constitution and Financial and Contract Procedure Rules set out in Part 4 of this Constitution. If there is any conflict between these Rules and the main body of the Constitution, the provisions in the main body of the Constitution will prevail.

- 21.2 The Monitoring Officer (and any person authorised by him) 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 to protect the Council's interests. In addition, Directors (and any persons authorised by them) are authorised to institute legal proceedings in respect of matters falling within their areas of responsibility.

ARTICLE 22 - REVIEW AND REVISION OF THE CONSTITUTION

22.1 Duty to Monitor and Review the Constitution

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.

The Monitoring Officer's key role is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the Member and Officer structure
2. undertake an audit trail of a sample of decisions
3. record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders and
4. compare practices in this authority with those in other comparable authorities or national examples of best practice.

22.2 Changes to the Constitution

Approval - Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer

ARTICLE 23 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

23.1 Suspension of the Constitution

- (a) **Limit to Suspension** - The Articles of this Constitution may not be suspended. The rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law
- (b) **Procedure to suspend** - A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1
- (c) **Rules Capable of Suspension** - The following rules may be suspended in accordance with Article 23.1:

23.2 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

ARTICLE 24 – THE CIVIL CONTINGENCY CONSULTATION GROUP

24.1. The Council will establish a Civil Contingency Consultation Group.

24.2. **Aim**

To prepare a forum for consultation on issues related to emergency planning and business continuity within the Borough of Great Yarmouth.

24.3. **Objectives**

- To inform and update on preparedness and response measures for local emergencies and unplanned disruptions.
- To clarify and review hazards and threats to the normal functioning of services.
- To review procedures following a major incident and make recommendations as necessary.

24.4. **Schedule of Meetings**

It is suggested that meetings be scheduled twice a year with additional meetings as events require.

24.5. **Membership**

GYBC Elected Members:

Chairs of relevant committees

GYBC officers:

- Director of Customer Services
- Chief Executive
- Emergency Planning Manager.

Emergency Services representatives:

- Great Yarmouth Police
- GY Fire and Rescue Service: Emergency Planning Officer and GY Station Manager
- East of England Ambulance Service
- MCA Havenbridge House.

NCC Emergency Planning representative.

Representative of the Great Yarmouth Chamber Council of the Norfolk Chamber of Commerce.