Part 2 – Articles of the Constitution

Article 1 – The Constitution

1.1 Powers of the Council
1.1.1 The Council shall exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution
1.2.1 This Constitution, and all its appendices, is the Constitution of Cambridge City Council.

1.3 Purpose of the Constitution
1.3.1 The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with the citizens of Cambridge of every kind;

2. support the active involvement of citizens in the process of local authority decision-making;

3. help councillors represent their constituents effectively;

4. enable decisions to be taken efficiently and effectively;

5. create a powerful and effective means of holding decision-makers to public account;

6. ensure that no one shall review or scrutinise a decision in which they were directly involved;

7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and

8. provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution
1.4.1 Where the Constitution permits the Council to choose between different courses of action, the Council shall always choose that option which it thinks is closest to the purposes stated above.

1.4.2 The Council shall 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**

2.1.1 **Composition.** The Council shall comprise 42 members, otherwise called councillors. Each ward in the City shall be represented by three councillors elected in accordance with the City of Cambridge (Electoral Changes) Order 2002 or any replacement Electoral Changes Order.

2.1.2 **Eligibility.** Only those registered to vote in the City or those living or occupying land as owner or tenant or working here are eligible to hold the office of councillor.

**2.2 Election and terms of councillors**

2.2.1 **Election and terms.** The ordinary election of a third of all councillors will be held on the first Thursday in May in each year beginning in 2002, except that in 2005 and every fourth year after 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**

2.3.1 **Key roles.** These are some of the roles that councillors perform:

1. collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;

2. represent their constituents and bring their views into the Council’s decision-making process, i.e. become the advocate of and for their constituents;

3. deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

4. balance different interests identified within the ward and represent the ward as a whole;

5. be involved in decision-making;

6. be available to represent the Council on other bodies; and

7. maintain the highest standards of conduct and ethics.
2.3.2 Rights and duties

1. Councillors shall 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.

2. Councillors shall not make public any information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

3. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.4 Conduct

2.4.1 Councillors shall at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.5 Allowances

2.5.1 Councillors shall be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.
Article 3 – Citizens and The Council

3.1 Citizens’ rights

3.1.1 Citizens have rights including the following. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

1. Voting and petitions. Citizens on the electoral roll for the area have the right to sign a petition to request a referendum be held on whether Cambridge should have an elected mayor form of Constitution and, if a referendum is held, to vote for or against that form of Constitution.

2. 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 body concerned resolves that the meeting is therefore to be held in private;

   (ii) attend formal meetings of the executive on any occasion when key decisions which are to be made collectively are being considered;

   (iii) find out from the forward plan what key decisions will be taken by the executive and when;

   (iv) see reports and background papers, and any records of decisions made by the Council and the executive; and

   (v) inspect the Council’s accounts and make their views known to the external auditor.

3. Participation. Citizens have the right to participate in the Council’s and Committees’ question time, to submit petitions in accordance with the Council’s scheme and to contribute to investigations by overview and scrutiny committees. The Council’s schemes for petitions and Question Times are set out in Appendices B and C respectively in the Council Procedure Rules in Part 4A of this Constitution.
4. **Complaints.** Citizens have the right to complain to:

(i) the Council itself under its complaints scheme;

(ii) the Council’s Internal Ombudsman;

(iii) the Local Government Ombudsman after using the Council’s own complaints scheme;

(iv) the Monitoring Officer about a breach of the Councillor’s Code of Conduct.
Article 4 – The Full Council

4.1 Meanings

4.1.1 Policy Framework. The policy framework means the following plans and strategies:

- Annual Report and Statement of Accounts;
- Sustainable Community Strategy;
- Community Safety Strategy;
- Local Development Framework;
- Corporate Improvement Plan;
- Housing Strategy;
- Environmental Framework.

4.1.2 Budget. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council’s borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.1.3 Housing Land Transfer. Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the full Council

4.2.1 Only the Council shall exercise the following functions:

1. adopting and changing the Constitution;

2. approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;

3. subject to the urgency procedure contained in the Access to Information Procedure Rules and subject to the Financial Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
4. appointing and removing the Leader and members of the Executive, subject to the power given to the Leader in the Executive Procedure Rules in Part 4 of this Constitution to make changes to the Executive;

5. appointing annually the Mayor and Deputy Mayor of the City and filling any casual vacancy in their offices;

6. agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;

7. appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;

8. adopting an allowances scheme under Article 2.5;

9. changing the name of the area, conferring the title of honorary councillor or freedom of the City (The grant of Freedom of the City or honorary membership of the Council needs to be approved at a special Council meeting by a two-thirds majority of those voting.);

10. confirming the appointment of the head of paid service;

11. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

12. all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive;

13. adopting the Council’s Code of Conduct of Councillors; and

14. all other matters which, by law, must be reserved to Council.

4.3 Council meetings

4.3.1 There are three types of Council meeting:

1. the annual meeting;

2. ordinary meetings;

3. extraordinary meetings.

and they shall be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.
4.4 Responsibility for functions
4.4.1 The Council shall maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council’s functions which are not the responsibility of the executive.

Article 5 – Chairing The Council

5.1 Role and function of the Mayor
The Mayor and in their absence, the Deputy Mayor shall have the following roles and functions:

5.1.1 Ceremonial Role
To represent the Council at civic and ceremonial functions and to be an ambassador for the Council in the City and beyond.

5.1.2 Chairing The Council Meeting
The Mayor and Deputy Mayor shall be elected by the Council annually in accordance with the Council Procedure Rules in Part 4 of the Constitution. The Mayor shall have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;

3. 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 members who are not on the executive are able to hold the executive to account;

4. to promote public involvement in the Council’s activities;

5. to rule, upon advice from the Council’s officers, on disputes as to the meaning of this constitution.
**Article 6 – Overview and Scrutiny Committees**

6.1 **Terms of reference**

6.1.1 The Council shall appoint the overview and scrutiny committees set out in Part 3 of this Constitution to discharge the functions conferred by section 21 of the Local Government Act 2000. Overview and scrutiny committees shall be referred to as “Scrutiny Committees”.

6.1.2 The Council may appoint such further overview and scrutiny committees as it may decide from time to time.

6.2 **General role**

6.2.1 Within their terms of reference, overview and scrutiny committees may:

1. advise the executive on matters in respect of which the executive is responsible for making decisions or recommendations;

2. review and/or scrutinise decisions made or proposed to be made or actions taken or proposed to be taken in connection with the discharge of any of the Council’s functions;

3. make reports and/or recommendations to the full Council and/or the executive and/or any policy, joint or area committee in connection with the discharge of any functions;

4. consider matters affecting the area or its inhabitants; and

5. exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive and/or any policy or area committees.

6.3 **Specific functions**

6.3.1 **Advance scrutiny of executive decisions.** All key decisions, subject to the exceptions listed below, which fall to be made by the Executive shall be considered by the appropriate overview and scrutiny committee in advance and the Executive shall consider any recommendations made to it by the committee. The exceptions are:

1. Decisions which may be made by officers under the Council’s scheme of delegations;

2. Decisions of a kind exempted from advance scrutiny by an overview and scrutiny committee;

3. Decisions of a kind identified in this constitution as not requiring advance scrutiny.
Executive decisions which are not “key” may also be selected for scrutiny in advance in accordance with the mechanism set out in the Overview and Scrutiny Procedure Rules in Part 4G of this Constitution.

6.3.2 **Policy development and review.** Overview and scrutiny committees may:

1. assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;

2. conduct research, community and other consultation in the analysis of policy issues and possible options;

3. consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

4. question members of the executive and chief officers about their views on issues and proposals affecting the area; and

5. liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

6.3.2 **Scrutiny.** Overview and scrutiny committees may:

1. give advance scrutiny to decisions and recommendations which fall to be made by the executive and make recommendations to the executive;

2. review and scrutinise the decisions made by and performance of the executive and committees and council officers both in relation to individual decisions and over time;

3. review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

4. question members of the executive and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

5. make recommendations to the executive and/or Council arising from the outcome of the scrutiny process;

6. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and

7. question and gather evidence from any person (with their consent).
6.3.3 **Service Reviews.** Overview and scrutiny committees shall consider the outcome of service reviews in accordance with the programme agreed by the Council and make recommendations to the executive arising out of those reviews.

6.3.4 **Finance.** Overview and scrutiny committees may exercise overall responsibility for any resources made available to them.

6.3.5 **Annual report.** Overview and scrutiny committees may report to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.3.6 **Management letter.** Overview and scrutiny committees may comment on, and make recommendations in respect of, issues raised in the Council’s Management Letter.

6.4 **Proceedings of overview and scrutiny committees**

6.4.1 Overview and scrutiny committees shall conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.
Article 7 – The Executive

7.1 Role
7.1.1 The executive shall carry out all of the Council’s functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

7.2 Form and composition
7.2.1 The executive will consist of the Leader together with at least five, but not more than nine, councillors. The Leader shall be responsible for determining the size of the Executive.

7.3 Leader
7.3.1 The Leader will be a councillor elected to the position by the Council and will remain as Leader until the day of the Annual Meeting of the Council in the year their term of office ends or until:

1. death or disqualification; or
2. resignation from the office; or
3. removal from office by resolution of the Council.

7.4 Other Executive Councillors
7.4.1 Other executive members shall include a designated Deputy Leader and shall be appointed by the Leader. The Leader shall be responsible for appointing and removing its members, for allocating portfolios and areas of responsibility and for allocating decision making powers.
7.5 Casual vacancies, increased/decreased number on Executive

7.5.1 The Leader may fill any casual vacancy, and may appoint additional members to the executive subject to the maximum number. Such appointments shall last only until the next Council meeting unless approved by the Council at that meeting.

7.5.2 If there is a casual vacancy in the office of Leader, the Deputy Leader shall become Leader until the next meeting of the Council, at which the Council shall appoint a Leader.

7.6 Proceedings of the executive

7.6.1 Proceedings of the executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.7 Responsibility for functions

7.7.1 Responsibility for functions between members of the executive shall be allocated by the Council, in accordance with and subject to the provisions of the Executive Procedure Rules. The Leader shall maintain a list in Part 3 of this Constitution setting out which individual members of the executive, committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions.
**Article 8 – Regulatory and Area committees**

8.1 **Regulatory committees and sub-committees**

8.1.1 The Council will appoint the committees and sub-committees set out in section 12 of Part 3 of this Constitution to discharge the functions allocated to them in that section.

8.2 **Area committees**

8.2.1 The Council will appoint four area committees comprised of electoral wards of the City as follows:

<table>
<thead>
<tr>
<th>Title of Area Committee</th>
<th>Comprising Wards</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Area</td>
<td>Abbey, Coleridge, Petersfield, Romsey</td>
</tr>
<tr>
<td>North Area</td>
<td>Arbury, East Chesterton, West Chesterton, King’s Hedges</td>
</tr>
<tr>
<td>South Area</td>
<td>Cherry Hinton, Queen Edith’s, Trumpington</td>
</tr>
<tr>
<td>West/Central Area</td>
<td>Castle, Market, Newnham</td>
</tr>
</tbody>
</table>

8.2.2 Each City Councillor representing a ward within an area committee shall be a member of that area committee, including members of the Executive.

8.2.3 Each area committees shall invite county councillors for its area to be non-voting co-opted members.

8.2.4 Area committees may invite representatives from other agencies and groups to participate in the proceedings of area committees as and when appropriate, other than by way of co-option as voting members. Area committees are encouraged to involve:

- Representative(s) from tenants’ groups and residents’ associations
- Local young people’s representative(s)
- Local Police representative
- Local voluntary sector representative
- Local education representative
- Local GP or health representative
8.2.5 Area committees have these principal purposes:

- To make decisions concerning executive and regulatory functions of the Council which have been delegated to them;
- To consider issues which affect their area;
- To act as a consultative body in respect of the interests of their area;
- To provide a forum for local residents to raise issues about their area;
- To facilitate themed discussions about issues of concern locally. Examples might include issues concerning crime and anti-social behaviour, traffic management/congestion, public transport, health or education.

8.2.6 Powers and functions delegated to area committees are set out in section 12 of Part 3 of this Constitution.

8.2.7 The proceedings of area committees shall be governed by the Area Committee Procedure rules set out in Part 4 of this Constitution.

Article 9 – Standards Committee - Disbanded in July 2012.
**Article 10 – Joint Arrangements**

10.1 Arrangements to promote well being
10.1.1 The Council or the executive, in order to promote the economic, social or environmental well-being of its area, may:

1. enter into arrangements or agreements with any person or body;

2. co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

3. exercise on behalf of that person or body any functions of that person or body.

10.2 Joint arrangements
10.2.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.

10.2.2 The executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

10.2.3 Except as set out below, the executive may only appoint Executive Councillors to a joint committee and those members need not reflect the political composition of the local authority as a whole.

10.2.4 The executive may appoint members to a joint committee from outside the executive in the following circumstances:

1. the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the executive may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;

2. the joint committee advises on the discharge of executive functions but does not itself discharge executive functions.

3. the joint committee exercises both executive and non-executive functions.

10.2.5 Details of any joint arrangements including any delegations to joint committees will be found in the Council’s scheme of delegations in Part 3 of this Constitution.
10.3 Access to information
10.3.1 The Access to Information Rules in Part 4 of this Constitution apply.

10.3.2 If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.

10.3.3 If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

10.4 Delegation to and from other local authorities
10.4.1 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

10.4.2 The executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

10.4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the full Council.

10.5 Contracting out
10.5.1 The Council (for functions which are not executive functions) and the executive (for executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.
Article 11 – Officers

11.1 Management structure.
11.1.1 General. The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

11.1.2 Chief Officers. The full Council shall engage persons for the following posts, who will be designated chief officers:

<table>
<thead>
<tr>
<th>Post</th>
<th>Functions and areas of responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive (and Head of Paid Service)</td>
<td>Overall corporate management and operational responsibility (including overall management responsibility for all officers) and for the human resources function</td>
</tr>
<tr>
<td></td>
<td>Provision of professional advice to all parties in the decision making process.</td>
</tr>
<tr>
<td></td>
<td>Together with the monitoring officer, responsibility for a system of record keeping for all the Council’s decisions.</td>
</tr>
<tr>
<td></td>
<td>Acting as the Council’s Electoral Registration Officer and Returning Officer for Elections.</td>
</tr>
<tr>
<td></td>
<td>Representing the Council on partnership and external bodies (as required by statute or the Council).</td>
</tr>
<tr>
<td></td>
<td>Statutory responsibilities are listed below at 11.2.</td>
</tr>
<tr>
<td>Director of Customer and Community Services</td>
<td>Managing the Council’s housing stock and role as social housing landlord, strategic issues on homelessness and housing provision in the City, arts and entertainments, parks &amp; recreational services, community development, grants to voluntary organisations, community safety, customer services</td>
</tr>
<tr>
<td>Director of Environment</td>
<td>Planning policy and control of development, Economic Development, Tourism, Environmental Health, Waste Services, Transport Services</td>
</tr>
</tbody>
</table>
11.1.3 **Head of paid service, monitoring officer and chief financial officer.**
The Council shall designate the following posts as shown:

<table>
<thead>
<tr>
<th>Post</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>Head of Paid Service</td>
</tr>
<tr>
<td>Head of Legal Services</td>
<td>Monitoring Officer</td>
</tr>
<tr>
<td>Director of Resources</td>
<td>Chief Finance Officer</td>
</tr>
</tbody>
</table>

Such posts will have the functions described in Article 11.2–11.4 below.

11.1.4 **Structure.** The head of paid service shall 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 at Part 7 of this Constitution.

11.2 **Functions of the head of paid service**

11.2.1 **Discharge of functions by the Council.** The head of paid service may 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.

11.2.2 **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.

11.3 **Functions of the monitoring officer**

11.3.1 **Maintaining the Constitution.** The monitoring officer is responsible for the maintenance of an up-to-date version of the Constitution and shall ensure that it is widely available so that members, staff and the public may refer to it.

11.3.2 **Ensuring lawfulness and fairness of decision making.** After consulting with the head of paid service and chief finance officer, the monitoring officer shall report to the full Council, or to the executive in relation to an executive function, if he or she considers that any proposal, decision or omission is unlawful or if any decision or omission has given rise to a finding of maladministration by the Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
11.3.3 **Proper officer for access to information.** The monitoring officer shall ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

11.3.4 **Advising whether executive decisions are within the budget and policy framework.** The monitoring officer shall advise whether decisions of the executive are in accordance with the budget and policy framework.

11.3.5 **Providing advice.** The monitoring officer shall provide advice on the interpretation of the Constitution scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and officers.

11.3.6 **Whistleblowing.** The monitoring officer shall receive copies of whistleblowing allegations of misconduct in accordance with the Council’s anti-fraud and corruption strategy.

11.3.7 **Registers of interests.** The monitoring officer shall establish and maintain registers of members’ interests and gifts and hospitality.

11.3.8 **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service.

### 11.4 Functions of the chief finance officer

11.4.1 **Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the monitoring officer, the chief finance officer shall report to the full Council, or to the executive in relation to an executive function, 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.

11.4.2 **Administration of financial affairs.** The chief finance officer shall have responsibility for the administration of the financial affairs of the Council.

11.4.3 **Contributing to corporate management.** The chief finance officer shall contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

11.4.4 **Providing advice.** The chief finance officer shall 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 shall support and advise councillors and officers in their respective roles.
11.4.5 **Give financial information.** The chief finance officer shall provide financial information to the media, members of the public and the community.

11.5 **Duty to provide sufficient resources to the monitoring officer and chief finance officer**

11.5.1 The Council shall 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.

11.6 **Conduct**

11.6.1 Officers shall comply with the Officers’ Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

11.7 **Employment**

11.7.1 The recruitment, selection and dismissal of officers shall comply with the Officer Employment Rules set out in Part 4 of this Constitution.
Article 12 – Decision Making

12.1 Responsibility for decision making
12.1.1 The Council shall issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

12.2 Principles of decision making
12.2.1 All decisions of the Council shall be made in accordance with the following principles:

1. proportionality (i.e. the action must be proportionate to the desired outcome – the Council will not “use a sledgehammer to crack a nut”);

2. subsidiarity (the principle that decisions should always be taken at the lowest possible level or closest to where they will have their effect, for example locally rather than nationally)

3. due consultation and the taking of professional advice from officers;

4. respect for human rights;

5. a presumption in favour of openness;

6. clarity of aims and desired outcomes; and

7. explaining what options were considered and giving the reasons for the decision.

12.3 Types of decision
12.3.1 Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.2 shall be made by the full Council and not delegated.

12.3.2 Key decisions. A "key decision" means a decision made in the exercise of an executive function by any person (including officers) or body which meets one or more of the following conditions

1. The decision is likely to result in the City Council incurring expenditure or making savings in excess of £300,000. Excluded from this are all loans to banks or other financial institutions made in accordance with the Treasury Management Policy.

In relation to letting contracts the key decision is the proposal to let a contract for a particular type of work. The subsequent decision to award the contract to a specific contractor will not be a key decision provided the value of the contract does not vary...
above the estimated amount by more than 10% for contracts with a value of £300,000 to £1 Million or 5% for contracts of over £1 Million.

OR

2. The decision relates to the acquisition or disposal of land or interest in land with a value in excess of £600,000.

OR

3. The decision is likely to be significant in terms of its effects on communities living or working in any ward in Cambridge.

In considering whether a decision is likely to be significant, a decision-maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected.

OR

4. The decision relates to consideration by the Executive of any matters which involve proposals or decisions
   - to change any plan or strategy included in the Policy framework; or
   - to develop any major new plan or strategy; or
   - for the annual budget; or
   - which would otherwise be contrary to or not in accordance with the policy framework or budget.

OR

5. The decision relates to consideration by the Executive of any matters which involve proposals or decisions which would have a substantial impact on the operational management of the Council.

NB: In deciding whether a decision is a “key decision” the decision-maker shall also have regard to guidance published by Government.

A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

12.4 Decision making by the full Council

12.4.1 Subject to Article 12.7, the Council meeting shall follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.
12.5 Decision making by the executive
12.5.1 Subject to Article 12.7, the executive shall follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.6 Decision making by overview and scrutiny committees
12.6.1 Overview and scrutiny committees shall follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.7 Decision making by Council bodies acting as tribunals
12.7.1 The Council, councillors and officers shall act in a manner compatible with Article 6 of the European Convention on Human Rights when determining the civil rights and obligations of others.
Article 13 – Finance, Contracts and Legal Matters

13.1  Financial management
13.1.1 The management of the Council’s financial affairs shall be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

13.2  Contracts
13.2.1 Every contract made by the Council shall comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

13.3  Legal proceedings
13.3.1 The Head of Legal Services 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 the Head of Legal Services considers that such action is necessary to protect the Council’s interests.

13.4  Authentication of documents
13.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it shall be signed by the Head of Legal Services or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

13.4.2 Any contract entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must be signed or sealed in accordance with the Council’s Contract Procedure Rules on part 4 of this Constitution.

13.5  Common Seal of the Council
13.5.1 The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Legal Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal shall be affixed to those documents which in the opinion of the Head of Legal Services should be sealed. The affixing of the Common Seal shall be attested by the Chief Executive, Director of Customer & Democratic Services or Head of Legal Services or some other person authorised by him/her.
Article 14 – Review and Revision of the Constitution

14.1 Duty to monitor and review the constitution
14.1.1 The Monitoring Officer shall monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

14.2 Protocol for monitoring and review of constitution by monitoring officer
14.2.1 A key role for the monitoring officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in 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.

14.3 Changes to the Constitution
14.3.1 Approval. Changes to the constitution shall only be approved by the full Council after consideration of a report by the Chief Executive and Monitoring Officer to the Civic Affairs Committee.

14.3.2 However, the Monitoring Officer may approve drafting changes to the Constitution where these correct obvious errors or better give effect to the clear intention of the constitution.
Article 15 – Suspension, Interpretation and Publication of the Constitution

15.1 Suspension of the Constitution
15.1.1 Limit to suspension. The Articles of this Constitution may not be suspended. The Rules in Part 4 of this Constitution may be suspended to the extent permitted within those Rules and the law.

15.1.2 Procedure to suspend. A motion to suspend any rules shall not be moved without notice unless at least one half of the whole number of the body in question are present. Such a motion shall identify the rules the suspension of which it proposes and no other rules shall be affected by the suspension. The extent and duration of suspension shall be proportionate to the result intended to be achieved, taking account of the purposes of the Constitution set out in Article 1.

15.2 Interpretation
15.2.1 Councillors shall be entitled to raise points of interpretation but the ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall be final. Such interpretation shall have regard to the purposes of this Constitution contained in Article 1.

15.2.2 This rule shall apply to the ruling of a Chair in respect of any other Council body.

15.3 Publication
15.3.1 The Chief Executive shall give a copy of this Constitution to each member of the authority upon delivery to him/her of that individual’s declaration of acceptance of office on the member first being elected to the Council.

15.3.2 The Chief Executive shall ensure that copies are available for inspection at council offices, libraries and other appropriate locations, that the Constitution is published via the Internet and that copies can be obtained by members of the local press and the public.

15.3.3 The Chief Executive shall ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.
**Schedule 1: Description of Executive Arrangements**

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Overview and Scrutiny committees) and the Overview and Scrutiny Procedure Rules;

2. Article 7 (The Executive) and the Executive Procedure Rules;

3. Article 10 (Joint arrangements)

4. Article 12 (Decision making) and the Access to Information Procedure Rules;

5. Part 3 (Responsibility for Functions).