

PART 2

ARTICLES OF THE CONSTITUTION

Article 1 - The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Knowsley Metropolitan Borough Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:-

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help Councillors represent their constituents more 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 will review or scrutinise a decision in which they are 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.

In developing the Constitution the Council has chosen options to ensure that it will be able to provide leadership to the Knowsley community in order to promote the social, economic and environmental well being of the Borough to the full. It will be underpinned by a strong emphasis on working in partnership with the community and will include the provision of best value, customer focussed services. The Council will also promote the following objectives which support the delivery of the primary purpose of "improving people's lives":-

- Every Child Matters
- A Prosperous Knowsley

- A Healthy Independent Knowsley
- A Safer and Stronger Knowsley

1.04 Interpretation and Review of the 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

2.01 Composition of the Council and eligibility to stand for election as Councillor.

- (a) **Composition.** The Council comprises 63 Members, known as Councillors. Three Councillors will be elected by the voters of each ward in accordance with Section 6 of the Local Government Act 1972 and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of Knowsley Borough or those who have been resident in the Borough for 12 months or working in the Borough are eligible to hold the office of Councillor.

2.02 Election and term of office of Councillors.

The ordinary election of a third of all Councillors will be held on the first Thursday in May in each year except that from 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.

2.03 Roles and functions of all Councillors

- (a) **Key Roles.** All Councillors will:-
 - (i) collectively decide Council policy and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and bring their views into the Council's decision making process, ie, become the advocate of, and for their, communities;
 - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within the ward or electoral division and represent the ward as a whole;
 - (v) be available to represent the Council on other bodies.
 - (vi) effectively represent the interests of their ward and of individual constituents;
 - (vii) respond to constituents' enquiries and representations, fairly and impartially;

- (viii) participate in the governance and management of the Council; and
- (ix) maintain 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 the Council or divulge information given in confidence to anyone other than a Councillor or officer 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.

2.04 Conduct

Councillors will at all times observe the Members' Code of Conduct and any protocols approved by the Council as set out in Part 5 of this Constitution.

2.05 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

3.01 Citizens' rights

Citizens have the following rights (The right to information and to participate in meetings are explained in more detail in the Access to Information Rules in Part 4 of this Constitution):

(a) Voting and petitions.

Citizens on the electoral register for the area have the right to vote at local government elections and to 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 is therefore held in private;
- (ii) attend meetings of the Cabinet ;
- (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 access recorded information held by the Council, subject to certain exceptions relating to confidentiality; and
- (v) inspect the Council's accounts and make their views known to the external auditor.

(c) Participation.

Citizens have the right to participate in the public question time at Council meetings. Other rights of participation in meetings are set out in detail in the Access to Information Rules in Part 4 of this Constitution.

(d) Complaints.

Citizens have the right to complain to:

- (i) the Council itself, including complaints regarding alleged breaches of the Councillors' Code of Conduct; and

- (ii) the Ombudsman after using the Council's own complaints scheme;

3.02 Citizens' responsibilities

Citizens are expected to behave in a manner that contributes to the wellbeing of the Borough and to respect other people's views. 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

4.01 Definitions

(a) **Policy Framework.**

The policy framework means the following plans and strategies:-

(i) those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and regulations proposed under Section 32 of the Local Government Act 2000 to be adopted by the Council:

- Annual Library Plan;
- Best Value Performance Plan;
- Children and Young People’s Plan;
- Sustainable Community Strategy;
- Crime and Disorder Reduction Strategy;
- Licensing Authority Policy Statement;
- Local Transport Plan;
- Plans and strategies which together comprise the Development Plan;
- Youth Justice Plan.

(ii) those other plans and strategies which the Council has resolved should be adopted by the Council as part of the Policy Framework:

- The plan and strategy which comprise the Housing Investment Programme;
- Statement of Gambling Policy;
- The Council’s Corporate Plan;
- Economic Regeneration Strategy

(b) **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.

(c) **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.

4.02 Functions of the full Council

Only the 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;
- (c) subject to the urgency procedure contained in the Access to Information 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;
- (d) appointing the Mayor and Deputy Mayor;
- (e) appointing the Leader and Members of the Cabinet;
- (f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (g) appointing representatives to outside bodies (unless the appointment is a cabinet function or has been delegated by the Council);
- (h) adopting a scheme of Members' allowances;
- (i) changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough;
- (j) confirming the appointment of the Head of Paid Service;
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) 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; and
- (m) all other matters which, by law, must be reserved to Council, including those matters listed in Part 3 of this Constitution which have not been delegated to another Committee or officer.

4.03 **Council meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

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

4.04 **Responsibility for functions**

The Council will maintain a record setting out the responsibilities for the Council's functions which are not the responsibility of the executive.

Article 5 – Chairing The Council

5.01 Role and function of the Mayor

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

1. To promote the Borough of Knowsley as its first citizen and Ambassador;
2. To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
3. 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;
4. 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;
5. To promote public involvement in the Council's activities;
6. To represent the Council at such civic and ceremonial functions as the Council, the Leader and he/she determines appropriate.

Article 6 – Scrutiny Committees

6.01 Terms of reference

The Council will appoint the following Scrutiny Committees to discharge the functions conferred by Section 21 of the Local Government Act 2000 or Regulations under Section 32 of the Local Government Act 2000:

- Economic Development and Environment;
- Children, Young People and Families;
- Safer, Stronger Communities;
- Health and Wellbeing;
- Scrutiny Co-ordinating Committee.

The Children, Young People and Families Scrutiny Committee will include co-opted members representing the Church of England and Roman Catholic Church, and two parent governor representatives in accordance with the provisions of the School Standards and Framework Act 1998.

The scope of each Scrutiny Committee is set out in Part 3 of this Constitution. The membership of each Committee will be politically balanced and will be determined at the Annual Meeting of the Council. Neither the Leader nor any member of the Cabinet may be appointed to serve on a Scrutiny Committee.

The Co-ordinating Committee, comprising the Chairmen and Vice-Chairmen of the Scrutiny Committees and such other Members to ensure political balance, will ensure that the workplans of the individual committees are managed to best effect.

6.02 General role

Within their terms of reference, scrutiny committees will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions, excluding individual decisions made by Regulatory Committees;
- (ii) 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;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive and key decisions made but not yet implemented by an Executive Director in consultation with a Cabinet Member

6.03 **Specific functions**

(a) **Policy development and review.**

Scrutiny Committees may:-

- (i) assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the executive and/or committees and executive directors about their views on issues and proposals affecting the area; and
- (v) 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.

(b) **Scrutiny.**

Scrutiny Committees may:

- (i) review and scrutinise the decisions made by and performance of the executive and/or committees and council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the executive and/or committees and executive directors 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;
- (iv) make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;

- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance; and
 - (vi) question and gather evidence from any person (with their consent).
- (c) **Finance.** Scrutiny Committees may exercise overall responsibility for the finances made available to them.
 - (d) **Annual report.** Scrutiny Committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
 - (e) **Officers.** Scrutiny Committees may exercise overall responsibility for the work programme of the officers employed to support their work.
 - (f) The Health and Social Care Scrutiny Committee will be responsible for the review and scrutiny of matters relating to the planning, provision and operation of health services as provided for by The Local Authority (Overview & Scrutiny Committees Health Scrutiny Functions) Regulations 2002.
 - (g) The “Safer, Stronger Communities” Scrutiny Committee will be designated as the “Crime and Disorder Committee” as defined under the terms of Section 19 of the Police and Justice Act 2006 with responsibility for the review and scrutiny of crime and disorder matters

6.04 **Proceedings of Scrutiny Committees**

- (a) Scrutiny committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.
- (b) Scrutiny Committees will not consider any matter relating to the standards of behaviour, conduct or probity directly or indirectly affecting any member or officer of the Council. Such matters must be referred to the Monitoring Officer (in respect of a Member), the Chief Executive (in respect of an officer) or the Mayor (in respect of the Chief Executive) who will take action in accordance with the Council's agreed procedures.
- (c) Any dispute regarding the right of a scrutiny committee to consider a matter shall be referred to the Monitoring Officer.

Article 7 - The Executive (Cabinet)

7.01 Role

The Cabinet carries out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Form and composition

The Cabinet consists of the Leader together with at least two, but no more than nine Councillors appointed to the Cabinet by the Council. Neither the Mayor nor the Deputy Mayor may be appointed as the Leader or as a Cabinet Member.

7.03 Leader

The Leader will be a Councillor elected to the position of Leader by the Council. The leader will hold office:

- (a) Until he/she resigns from the office; or
- (b) Until he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) until he/she is no longer a Councillor;
- (d) for a period of one year concluding on the day of the Annual Meeting of the Council in the following year save that the Council may remove the Leader from office at an earlier date by a resolution passed at a meeting of the full Council. The Leader may be re-appointed to that position at the Annual Meeting of the Council. In the event that a Member is appointed as Leader during the course of the Municipal Year the term of office will expire on the day of the next following Annual Meeting.

7.04 Other Cabinet Members

Other Cabinet Members shall hold office

- (a) until they resign from office; or
- (b) until they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) until they are no longer Councillors; or

- (d) for a period of one year concluding on the day of the Annual Meeting of the Council in the following year save that the Council may remove them from office, either individually or collectively, by a resolution passed at a meeting of the full Council. In the event that an executive Member is appointed during the course of the Municipal Year the term of office will expire on the day of the next following Annual Meeting of the Council.

7.05 Proceedings of the Cabinet

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

7.06 Responsibility for functions

The Leader will maintain a list in Part 3 of this Constitution setting out the areas of responsibility of individual members of the Cabinet, Committees of the Cabinet, officers or joint arrangements.

7.07 Interim Arrangements

If a Cabinet Member is absent or otherwise indisposed and unable to fulfil his/her responsibilities for a prolonged period (for example due to sickness), the Leader (or his Deputy in the Leader's absence) is authorised to act in the absence of the Cabinet Member. Alternatively, the Leader (or his Deputy in the Leader's absence) may appoint an existing Cabinet Member to deputise for the absent Member – this 'deputy' is thereby authorised to deal with any items of business which arise during the Cabinet Member's absence.

In the event of a vacancy arising on the Cabinet, the Leader (or his Deputy in the Leader's absence) is authorised to make arrangements for an existing Cabinet Member to cover the relevant portfolio's responsibilities on an interim basis.

Article 8 – Regulatory and Other Committees

8.01 Regulatory and other committees

The Council will appoint the Committees set out in Part 3 of this Constitution to discharge the functions set out therein.

8.02 Decision making

Regulatory Committees will conduct their business in accordance with the relevant Council Procedure Rules and within the framework of the law and the Council's agreed policies.

8.03 Scrutiny of Regulatory Committees

The individual decisions taken by Regulatory Committees are not subject to review or call-in by a Scrutiny Committee.

Article 9 – The Standards Committee

9.01 Standards Committee

The Council has established a Standards Committee.

9.02 Composition

- (a) **Membership.** The Standards Committee is composed of:
- Eight Councillors other than the Mayor and Leader.
 - Four people who are not a member, other than an independent member on a standards committee, or an officer of the Council or any other body having a standards committee (independent members);
 - Three members of Parish/Town Councils in the Council's area who are not also Borough Councillors (Parish Members).
- (b) **Independent Member(s).** Independent members will be entitled to vote at meetings;
- (c) **Parish Member.** The Parish Member may not also be an Elected Member of Knowsley Borough Council;
- (d) **Sub-Committees.** Sub-Committees of the Standards Committee will be established to assist it in carrying out its role and functions as detailed in 9.03 below
- (e) **Chairing the Committee/ Sub-Committees.** An independent member of the Cabinet will chair meetings of the Standards Committee or its Sub-Committees.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;
- (b) assisting Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;

- (e) advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with all aspects of the local framework for standards matters, including:
 - the local initial assessment of complaints;
 - the review of decisions not to investigate;
 - the conduct of hearings following a report by the investigating officer.
- ;
- (h) the exercise of (a) to (g) above in relation to the Parish/Town Councils wholly or mainly in its area and the Members of Parish/Town Councils in the area;
- (i) such other responsibilities as prescribed by law or directed by the Council or Cabinet; and
- (j) to advise and comment upon the adoption of protocols which promote high standards of conduct within the Authority.

Article 10 – Area Partnership Boards and Area Public Forums

10.01 Area Governance

As a member of the Knowsley Partnership, the Council recognises that partnership working, involving public, private and community / voluntary sector organisations and underpinned by effective community engagement, has a vital role to play in regenerating Knowsley's neighbourhoods and communities by shaping and delivering services to the people of Knowsley. It also recognises that partnership working will prove most effective when it is brought closer to the neighbourhoods and communities which it aims to benefit.

In this respect the Council leads work with the Knowsley Partnership to establish area partnership governance structures which meet these aims.

10.02 Area Partnership Boards - Form, Composition and Function

(a) Form

The Council has established Partnership Boards each of which is responsible for an area comprising a number of complete electoral wards as follows:-

Partnership Board	Wards
North Kirkby	Northwood, Park and Shevington
North Huyton	Longview, Page Moss, St Michael's and Stockbridge
South Kirkby	Cherryfield, Kirkby Central and Whitefield
South Huyton	Roby, St Bartholomew's, St. Gabriel's and Swanside
Halewood	Halewood North, Halewood South and Halewood West
Prescot, Whiston, Cronton and Knowsley Village	Prescot East, Prescot West, Whiston North and Whiston South

(b) **Membership**

The Council at its Annual Meeting appoints its elected member representation to the Area Partnership Boards, including appointment to the office of Chairman and Vice Chairman. The membership will comprise of one elected member per ward in each area. The Knowsley Partnership Executive, at its annual meeting, is responsible for agreeing the framework for partner representation on each of the boards. This framework will include representation from partner agencies / groups active in each area, which may vary between areas as the case may be.

(c) **Functions**

The Council agrees the terms of reference of Area Partnership Boards at its Annual Meeting which are detailed in Section 3 of this Constitution.

10.03 **Public Participation**

The Council and the Knowsley Partnership are committed to ensuring that their area governance structures are supported by effective and meaningful community engagement. The Area Partnership Boards are responsible for overseeing a co-ordinated, cohesive partnership approach to deliver strong community engagement in their respective areas. Amongst the mechanisms available to be used within this approach will be **Area Public Forums**. A Forum may be commissioned on an ad hoc basis by each respective Partnership Board and be conducted as an open public meeting which will allow the detailed discussion of a key issue that matters to local people.

10.04 **Area Partnership Boards – Access to Information**

The conduct of Area Partnership Boards is guided by the Access to Information Rules in Part 4 of this Constitution.

10.05 **Area Committees**

The Council has not, at this stage, opted to appoint Area Committees. However the Council will reserve the right to appoint such Committees, as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision-making. This may include the delegation of powers to the established Area Partnership Boards.

When considering whether and how to establish Area Committees or delegating powers in this manner, the Council will consult with its partners including relevant parish and town councils in the borough.

Article 11 – Joint Arrangements

11.01 Arrangements to promote well being

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

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

11.02 Joint arrangements

- (a) The Council or the Cabinet may establish joint arrangements with one or more local authorities and/or their executives to exercise functions of the Council or Cabinet. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) Except as set out below, the Cabinet may only appoint Cabinet Members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (c) The Cabinet may appoint Members to a joint committee from outside the executive in the following circumstances:
 - 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;

In the above circumstances the political balance requirements do not apply to such appointments.

- (d) 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.

11.03 Access to Information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.

- (b) 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.
- (c) 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.

11.04 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting for non executive functions and to the Cabinet for executive functions.

11.05 Contracting out

The Council in respect of functions which are not executive functions, and the Cabinet in respect of 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.

11.06 Section 31 Health Act Partnership Agreement

The Council has entered into a partnership with the Primary Care Trust to provide strategic direction to the tackling of health inequalities in Knowsley. These arrangements are covered by a Partnership Agreement under Section 31 of the Health Act 1999 (now Section 75 of the National Health Service Act 2006).

11.07 The Knowsley Partnership

The Council, in pursuit of its duty to promote the economic, social and environmental well-being of the borough, has entered into local strategic partnership arrangements with key stakeholders in the borough. These arrangements are known collectively as the "Knowsley

Partnership". The Borough's Sustainable Community Strategy and its Local Area Agreement are delivered through the Knowsley Partnership.

Article 12 – Officers

12.01 General.

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

12.02 Executive Directors

The Council has designated the following as Executive Directors:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Leads and directs the authority's corporate management team in the identification and formulation of the Council's key objectives. Responsible for ensuring that those objectives are met and that the Council is organised in such a way that the citizens of Knowsley receive high quality, efficient and effective local services and strategies to achieve equality of access and opportunity. To provide the lead strategic role in the development of the Annual Strategic Assessment and Delivery Plan for the Council within the context of the Crime and Disorder Reduction Partnership.
Executive Director Change and Transformation	Responsible for driving the change and transformation agenda across the organisation. Leads on policy, communications, strategic management and public affairs. Acts as the Council's champion for Equality and Diversity. Responsible for the development and delivery of the Council's Corporate Plan; the corporate strategic planning process; the Council's arrangements for corporate performance and continuous improvement and strategies to achieve equality of access and opportunity. Also responsible for Neighbourhood Management, which includes the management of the Borough's Neighbourhood Warden Service, Community Planning and the continuing development of the Local Strategic Partnership including the development of the Sustainable Community Strategy and the Local Area Agreement.
Executive Director of Regeneration	Responsible for the Council's contribution to community and business based regeneration

and Economic Development	and for the delivery of the economic development, planning transportation, physical infrastructure management, housing strategy, estates and design services to support it. Responsible for all aspects of community planning.
Executive Director of Neighbourhood Delivery	Responsible for the delivery element of the Council's work in neighbourhoods including grounds maintenance, refuse and recycling collection, street cleansing, building cleaning, security, street lighting, drainage and highways maintenance services and the Environmental Helpline. Also schools meals, civic catering, hire and maintenance of transport fleet parks and open spaces and strategic environmental issues.
Executive Director of Corporate Resources	Responsible for customer contact strategy and management, democratic services, legal services, licensing, health & safety, human resources, employee development, environmental health & consumer protection, data protection and Freedom of Information overall responsibility for financial matters including administration of Council Tax, Housing/Council Tax benefit schemes, receipt and payment of all the Council's accounts. Also responsible for the delivery of Information Technology (IT) support to the Council.
Executive Director of Children and Family Services	<p>Responsible for the duties of the statutory post of Director of Children's Services as outlined in the Children Act 2004. This role will include:</p> <ul style="list-style-type: none"> <li data-bbox="671 1480 1334 1843">• Providing strategic leadership and professional accountability for the effectiveness, availability and value for money of local authority children's services to secure and sustain the necessary changes to culture and practice and beyond it so that services improve outcomes for all and are organised around children and young people's needs; <li data-bbox="671 1883 1334 2027">• Building and sustaining effective partnerships with and between those local and out-of-area bodies, including the private, voluntary and community sectors,

who also provide children's services to focus resources jointly on improving outcomes for children and young people, particularly in safeguarding and promoting the welfare of children.

In fulfilling this role, the Executive Director of Children and Family Service will commission children and young people's health and social care services from the Chief Executive of the Primary Care Trust and Executive Director of Wellbeing Services through an agreed framework of accountabilities.

Chief Executive of the PCT and Executive Director of Wellbeing Services

Responsible for commissioning a comprehensive range of high quality, responsive, efficient and outcome focussed health services for the registered population and social care services for children and families in need, vulnerable adults and older people. Responsible for the provision of sports and leisure centres, sports development, arts, galleries, museums and culture services.

Responsible for ensuring all of these services engage with their local population to improve health and well-being. Responsible for providing high quality, responsive, efficient and outcome focussed health, social care, leisure and culture services where this represents value for money and the best outcomes for service users.

12.03 Head of Paid Service, Monitoring Officer, Chief Financial Officer, Director of Adult Social Services and Director of Children's Services.

The Council will designate the following posts as shown:-

Designation	Post
Head of Paid Service	Chief Executive
Monitoring Officer	Borough Solicitor and Secretary
Chief Finance Officer	Borough Treasurer
Director of Adult Social Services	Director of Health and Social Care
Director of Children's Services	Executive Director of Children and Family Services

The posts of Head of Paid Service, Monitoring Officer and Chief Finance Officer have the functions described in Article 12.05 – 12.07 below.

12.04 **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 at Part 7 of this Constitution.

12.05 **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.

12.06 **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.
- (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 Executive in relation to an executive function if he or 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.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.

- (e) **Conducting investigations.** The Monitoring Officer will undertake or arrange for investigations into matters as directed by the Standards Committee 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 executive 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 executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the executive 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 functions.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.
- (h) **Contribution to Corporate Management.** The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional governance advice.

12.07 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 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.
- (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) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.
- (f) **Restriction on functions.** The Chief Financial Officer cannot be the Monitoring Officer.

12.08 **Functions of the Director of Adult Social Services**

The Director of Health and Social Care has statutory duties in relation to the local authority social services functions in respect of adults. The statutory duties are outlined in guidance issued under section 7 (1) of the Local Authority Social Services Act 1970 as amended by the Children Act 2004. The responsibilities of the post will include:

- Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services
- Professional leadership, including workforce planning
- Leading the implementation of standards
- Managing cultural change
- Promoting local access and ownership and driving partnership working
- Delivering an integrated whole systems approach to supporting communities
- Promoting social inclusion and wellbeing

12.09 **Functions of the Director of Children's Services**

The functions of the statutory role of the Director of Children's Services are detailed in the Executive Director of Children and Family Services' entry in the table in section 12.02 above.

12.10 **Duty to provide sufficient resources to the Monitoring Officer 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.

12.11 Conduct

Officers will comply with the Officers' Code of Conduct and any protocols approved by the Council and set out in Part 5 of this Constitution.

12.12 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Article 13 – Decision Making

13.01 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. This record is set out in Part 3 of this Constitution.

13.02 Principles of decision making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights (see below for further details);
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;
- (f) explaining what options were considered and giving the reasons for the decision; and
- (g) taking account of all relevant considerations and discounting all irrelevant considerations.

13.03 Types of decision

(a) Decisions reserved to full Council.

Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

(b) Key decisions.

A key decision is an executive decision (whether taken collectively or individually by Member(s) or by an officer) which is likely:-

- i. to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- ii. to be significant in terms of its effects on communities living or

working in an area comprising two or more wards. (Note: The Secretary of State may issue guidance as to the meaning of the term 'significant'.)

A decision will be considered financially significant if:-

- i) in the case of revenue expenditure, it results in incurring expenditure or making savings of £250,000 or greater;
- ii) in the case of capital expenditure, the capital expenditure/savings are in excess of £1 million.

unless the specific expenditure or savings have previously been agreed by full Council or it is a decision taken in accordance with the Council's Treasury Management Policy.

In determining whether a decision is significant in terms of its effect on communities consideration should be given to:-

- a) the number of residents/service users that will be affected in the wards concerned;
- b) whether the impact is short term, long term or permanent;
- c) the impact on the community in terms of the economic, social and environmental well-being.

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.

13.04 Decision making by the full Council

Subject to Article 13.08, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by the Cabinet

Subject to Article 13.08, the executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by Scrutiny Committees

Scrutiny Committees will follow the Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision making by other committees and sub-committees established by the Council

Subject to Article 13.08, 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.

13.08 Decision making by Council bodies acting as Tribunals

The Council, a Councillor or an 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.

13.09 Advisory Groups

The Cabinet may appoint Advisory Groups comprising Elected Members (whether members of the Cabinet or otherwise) and co-opted members to advise Cabinet Members individually on particular policy issues and matters of current interest. These groups will have no decision making powers but may make recommendations to the Cabinet/Cabinet member as appropriate.

Article 14 – Finance, Contracts and Legal Matters

14.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

14.03 Legal proceedings

The Borough Solicitor and Secretary is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Executive Director of Corporate Resources 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.

Any contract with a value specified in the Contract Procedure Rules 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 either be signed by an authorised signatory or made under the common seal of the council attested by at least one authorised officer.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Executive Director of Corporate Resources. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Executive Director of Corporate Resources should be sealed. The affixing of the Common Seal will be attested by the Executive Director of Corporate Resources or some other person authorised by him/her.

Article 15 – Review and Revision of the Constitution

15.01 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.

15.02 Protocol for monitoring and review of constitution by Monitoring Officer

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;
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice;
5. take other such action as he/she considers appropriate

15.03 Approval of changes to the constitution

Changes to the constitution will only be approved by the full Council after consideration of the proposal by executive following consideration of a report prepared and submitted by the Monitoring Officer.

Article 16 - Suspension, Interpretation and Publication of the Constitution

16.01 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.**

Any Rule may be suspended so far as regards any business at a meeting where its suspension is moved except for those Rules governed by statutory requirements.

Any motion for a suspension shall state the specific Rule(s) which it is intended to suspend.

16.02 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.

16.03 Publication

(a) The Executive Director of Corporate Resources will give a printed 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.

(b) The Executive Director of Corporate Resources will ensure that copies are available for inspection at council offices, libraries, and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee. A copy is also available on the Knowsley MBC website

http://www.knowsley.gov.uk/your_council/councils/constitution.html

- (c) The Executive Director of Corporate Resources will 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 - Scrutiny Committees;
2. Article 7 - The Executive (Cabinet);
3. Article 11 - Joint Arrangements;
4. Article 13 - Decision Making;
5. Part 3 - Responsibility for Functions.
6. The Scrutiny Procedure Rules
7. The Cabinet Procedure Rules; and
8. The Access to Information Procedure Rules;