

PART 1 - THE STRUCTURE OF THE COUNCIL

1. OVERVIEW

- 1.1 The work of the Council is carried out by the democratically elected Councillors and the staff employed by the Council (known as "Officers"). Under the system of Executive Arrangements introduced by the Local Government Act 2000 the Council is required to have an Executive. The Council has opted for the form of Executive known as the "Leader and Cabinet" Model.
- 1.2 By law, many of the decisions of the Council are required to be taken by or on behalf of the Executive. Other decisions of the Council are taken by or on behalf of Full Council or one of its Committees. In many instances, either in respect of Executive functions or Council/Committee functions, the power is delegated to officers to take decisions on behalf of Council.
- 1.3 The legislation which brought into place Executive Arrangements also requires the Council to have in place a process which enables decisions either of the Executive or of one of the Council's Committees to be reviewed and scrutinised. At Bracknell Forest that function is performed by the Overview and Scrutiny Commission and the sub-Committees of that Commission which are known as "Panels".

2. MEMBERS OF THE COUNCIL

2.1 Composition and Eligibility

- (a) **Composition** - The Council comprises 42 Members, otherwise called Councillors, to be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State.
- (b) **Eligibility** – Only persons aged 18 years or over who are registered voters of the Borough, or those occupying property or working there (or doing so for the 12 months preceding nomination and the day of poll) will be eligible to hold the office of Councillor, provided they are not otherwise disqualified.

2.2 Election and Terms of Office of Councillors

Election and Terms of Office - The regular election of Councillors will be held on the first Thursday in May every four years. The next elections will be held in 2011. The Terms of Office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Key Roles - All Councillors will:

- (i) collectively, be the ultimate policy-makers 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, i.e. 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 and represent the Ward as a whole;
- (v) be involved in decision-making;
- (vi) be available to represent the Council on other bodies; and
- (vii) maintain the highest standards of conduct and ethics.

2.4 Conduct

Councillors will, at all times, observe the Members' Code of Conduct and the protocols relating to councillors, as set out in Part 4 of this Constitution.

2.5 Allowances

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

2.6 Disclosure and Registration of Interests

The Code of Conduct requires all Members to register certain interests, in a register of interests. The register of interests is maintained by the Borough Solicitor and Monitoring Officer. It is available for public inspection between the hours of 9.00am to 5.00pm. Monday to Friday and is kept within the Council's Democratic Services Section at Easthampstead House, Bracknell.

3. THE COUNCIL MEETING

3.1 Functions of the Council

The functions of the Full Council are set out in Part 2 of the Constitution.

3.2 Council Meetings

There are three types of Council meeting:

- (a) the Annual Meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

These are conducted in accordance with the Council Procedure Rules set out in Part 4 of this Constitution.

3.3 Chairman of the Council Meeting

The Mayor will be elected by the Council annually and will 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, at which, Members are able to hold the Executive to account;
4. To promote involvement in the Council's activities;
5. To attend such civic and ceremonial functions as the Council and he or she determines appropriate following consultation with the Leader.

3.4 Deputy Mayor

The Deputy Mayor will be appointed by the Council annually and will exercise the functions and duties of the Mayor in his or her absence.

4. THE EXECUTIVE

4.1 Role

The role and functions of the Executive are set out in Part 2 of this Constitution.

4.2 Form and Composition

The Executive will consist of the Executive Leader together with at least two but not more than nine Councillors appointed to the Executive by the Executive Leader. The Leader may appoint Councillors to the Executive either at the Annual Meeting of the Council or, on giving written notice of appointment to the proper officer, at any time thereafter. Appointment of a Councillor to the Executive after the Annual Meeting of the Council will take effect immediately on receipt of the notice by the proper officer and shall be reported to the next meeting of the Council.

4.3 Leader

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

- (a) he or she resigns from the Office; or
- (b) he or she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension); or
- (c) he or she is no longer a Councillor; or
- (d) the commencement of the next Annual Meeting of the Council except that the Council may remove the Leader from office at an earlier date by resolution of the Council.

4.4 Other Executive Members

Other Executive Members shall hold office until:

- (a) they resign from office;
- (b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);
- (c) they are no longer Councillors; or
- (d) until the commencement of the next Annual Meeting of the Council or until they are removed from office by the Leader who must give written notice of removal to the proper officer. Removal will take effect immediately on receipt of the notice by the proper officer.

4.5 Proceedings of the Executive

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

4.6 Executive Support Members

4.6.1 The Council may appoint Executive Support Members with the following duties:

- (i) to assist, support and advise the relevant Executive Member in the exercise of his or her responsibilities,
- (ii) to carry out particular tasks and projects as agreed with the Executive Member from time to time;
- (ii) to attend public and private meetings of the Executive as an observer and in the absence of the Executive Member to propose motions and speak (but not to vote);
- (iv) in the absence of the Executive Member, to speak at meetings of the Council on matters relating to the allocated portfolio area.

4.6.2 Executive Support Members may serve on the Overview and Scrutiny Commission, Scrutiny Panels and Working Groups provided that they must withdraw from any discussion of matters within the portfolio area in which they act as Executive Support Member. It would, therefore, be inappropriate for Executive Support Members to act as Chairman or Vice-Chairman of a Scrutiny Panel.

4.6.3 Executive Support Members shall not be appointed to the role of Chairman or Vice-Chairman of the Licensing and Safety Committee or the Planning and Highways Committee.

5. REGULATORY AND OTHER COMMITTEES

5.1 Regulatory and Other Committees

The Council will appoint the Committees set out in the left-hand column of the table entitled "Responsibility for non-Executive Functions", as contained in Part 2 of this Constitution, to discharge the functions set out in the middle column of that table.

6. THE STANDARDS COMMITTEE

6.1 Standards Committee

The Council has established a Standards Committee.

6.2 Composition of the Standards Committee

The composition of the Standards Committee shall comprise:

- Four Independent Members
- Four Councillors (2:2)
- Three Parish Councillors

Substitute Members

- *Two Councillors (1:1) and three Parish Councillors*

6.3 Roles and Functions of the Standards Committee

The functions of the Standards Committee are set out in Part 2 of this Constitution.

Delegated Powers

All powers necessary to fulfil the functions referred to above, including the determination of complaints and sanctions under Paragraph (8).

7. CHAMPIONS

7.1 Appointment of Champions

At its discretion, the Council may, from time to time, designate Champions from amongst Councillors who are not Members of the Executive.

7.2 Term of Office

Councillors who are designated as Champions shall hold office until:

- (a) they resign from office;
- (b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);
- (c) they are no longer Councillors; or
- (d) until the commencement of the next Annual Meeting of the Council, except that the Council may remove them from office at its discretion.

7.3 Role and Functions

To act as a positive focus for the local community at elected member level in respect of the relevant section of the community or range of activities designated by the

Council so as to ensure that full consideration is given to the impact of Council activities and decisions upon the section of the community or range of activities.

7.4 Key Tasks

- (a) To make contact with local organisations concerned with the designated section of the community or range of activities and to establish effective and regular consultation arrangements with those organisations.
- (b) To represent the views of such organisations to Officers, the Council, the Executive, Overview and Scrutiny Panels and other Committees, on all relevant aspects of the Council's activities.
- (c) To act as an advocate on behalf of the relevant section of the community or range of activities within the Council as an organisation and to the wider community.
- (d) To become familiar with the needs and priorities of the relevant section of the community, or range of activities concerned, and to weigh up interests expressed in order to provide sound advice on the implications of alternative courses of action.
- (e) To feedback decisions of the Borough Council and to explain the Council's position on specific issues of concern to relevant organisations and to individuals involved.
- (f) To publish an annual report on work undertaken over each year for consideration by the Council.

7.5 Champions' Panel

Champions may, at their own discretion, appoint Panels to support their work where this would not overlap with other established liaison or consultative mechanisms.

7.6 Constitution and Term of Office

Champions may establish Panels and make appointments to serve on Panels within the following guidelines:

- (a) Up to four Members of the Council and reflecting the political balance of the Council so far as practicable.
- (b) A minimum of four community representatives selected by the appropriate Champion at his or her discretion.
- (c) Panel Members will remain as Panel Members at the sole discretion of the Champion until the next Annual Meeting of the Council.

7.7 Terms of Reference

The terms of reference of Champions' Panels will be:

- (a) To act as the sector local sounding board on topical or community issues, or around strategic issues affecting the client group and areas of interest.

- (b) By being 'in touch' to deal with emerging issues quickly and directly with relevant Officers or Members.
- (c) To collect information and identify issues of special attention which may be beyond the remit of the Panel.
- (d) To play an important role in consulting their client group/interest group on the development of policy which affects their areas of interest.
- (e) To contribute to policy review studies requested by the Executive.

8. JOINT ARRANGEMENTS

8.1 Arrangements to Promote Well-being

The Council, or the Executive, 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.

8.2 Joint Arrangements

- (a) 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, or to advise the Council. Such arrangements may involve the appointment of a joint committee with the other local Authorities.
- (b) 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.
- (c) Except as set out below, the Executive may only appoint Executive Members to a joint committee and those Members need not reflect the political composition of the Local Authority as a whole.
- (d) The Executive may appoint non-Executive Members to a joint committee if the Joint Committee has functions for only part of the area of the Borough, and that area is smaller than two fifths of the Borough 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. The political balance requirements do not apply to such appointments.
- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegations in Part 2 of this Constitution.

8.3 Access to Information

- (a) The Access to Information Procedure Rules set out 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 V A of the Local Government Act 1972 will apply.

8.4 Delegation to and from Other Local Authorities

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Executive 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.

8.5 Contracting Out

The Executive 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.

9. OFFICERS' ROLES AND STATUTORY OFFICER FUNCTIONS

9.1 Management Structure

The Council's Corporate Management Team comprises the following posts:-

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	<ul style="list-style-type: none">• Overall corporate management and operational responsibility (including overall management responsibility for all Officers).• Provision of professional advice to all parties in the decision-making process.• Representing the Council on partnerships and external bodies (as required by statute or the Council).
Director of Corporate Services	<ul style="list-style-type: none">• Finance, Democratic and Registration Services, Legal, IT Services, Human Resources, Property Services, Customer

<p>Director of Environment, Culture and Communities</p>	<ul style="list-style-type: none"> • Protecting well-being of local residents and those working in or visiting the Borough, by enhancing or protecting the environment. • Development of the planned and built environment. • Provision and development of leisure facilities, including sports, libraries, youth and community service and countryside service. • Provision of social housing, the Council's functions as a local housing authority and housing benefits.
<p>Director of Social Care and Libraries</p>	<ul style="list-style-type: none"> • Strategic development and resourcing of the Education Service. • Advice and support to schools. • Library Service. • Statutory children's social services functions. • Statutory adult social services functions. • Commissioning, purchase and provision of personal adult social services.

The officers listed above plus the Borough Treasurer will comprise the Council's Corporate Management Team.

9.2 Head of Paid Service, Monitoring Officer and Borough Treasurer.

By law the Council is required to designate officers to the positions of Head of Paid Service, Monitoring Officer and Chief Financial Officer. Those designations are as follows:-

Post	Designation
Chief Executive	Head of Paid Service
Borough Solicitor	Monitoring Officer
Borough Treasurer	Chief Finance Officer

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Borough Treasurer if he/she is a qualified accountant. The Monitoring Officer cannot be the Borough Treasurer or Head of Paid Service.

9.3 **Functions of the Head of Paid Service**

The Head of Paid Service will report to 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.

9.4 **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 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 the Borough Treasurer, the Monitoring Officer will report to the Council (or, in relation to an Executive Function, to the Executive) 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) **Conducting Investigations**

The Monitoring Officer will conduct investigations into matters which the Standards Committee refers to him and make reports or recommendations in respect of these to the Standards Committee.

(e) **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.

(f) **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.

(g) **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.

9.5 **Functions of the Borough Treasurer**

The Borough Treasurer is the officer responsible for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972. The functions which the Borough Treasurer has responsibility for comprise:

(a) **Ensuring Lawfulness and Financial Prudence of Decision-Making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Borough Treasurer will report to the 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 Borough Treasurer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to Corporate Management**

The Borough Treasurer will contribute to the corporate management of the Council, in particular as a member of Corporate Management Team, through the provision of professional financial advice.

(d) **Giving Financial Information**

The Borough Treasurer will provide financial information to the Media, Members of the Public and the Community.

(e) **Treasury Management**

The Borough Treasurer shall ensure that Council funds are managed in accordance with the Council's Treasury Management Strategy.

(f) **Internal Audit and Risk Management**

The Borough Treasurer has responsibility for Internal Audit and Risk Management.

9.6 **Duty to Provide Sufficient Resources to the Monitoring Officer and Borough Treasurer**

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

9.7 **Conduct**

Officers must comply with the Officers' Code of Conduct and the Protocol on Officer and Member Relations, as set out in Part 4 of this Constitution.

9.8 **Employment**

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