

CONSTITUTION

Adopted by the Council on 11 April 2012

LIST OF REVISIONS

As the constitution is a living document, it is reviewed and updated periodically to reflect decisions of the Council and its Committees. The updates are listed below together with details of changes made.

Update Date	Changes Made
March 2013	<p>Part 3 – Assignment of Responsibilities. Committee Responsibilities amended to correct omissions and unclear responsibilities. Consequential amendments to “How decisions are made” in Summary.</p> <p>Part 2, Article 8. Standards Committee. Role of Standards Committee defined more clearly.</p> <p>Part 4, Rules of Procedure, Standing Orders: Interpretation expanded to include Chief Executive.</p> <p>Standing Order 10 – Start time of meetings adjusted.</p> <p>Standing Order 26 – Notices of Motion now includes electronic submission.</p> <p>Standing Order 30 – Reference of Motions to Advisory Committee where appropriate, rather than just Executive Committee.</p> <p>Standing Order 38 – Private business – adjusted to provide opportunity for Chairman of Committee to answer debate on motion from private to public.</p> <p>Standing Order 39 – Written questions. Amended to allow electronic submission and to exclude Bank Holiday Fridays.</p> <p>Standing Order 56A – Use of Electronic Equipment. New controls on use of equipment in meetings.</p> <p>Standing Order 76 – Mayor excluded from Standards Committee.</p> <p>Standing Order 77 – Changed to include appointment of Independent Members.</p> <p>Standing Order 80 – Portfolios. Inclusion of Chair of Standards Committee on Executive Committee.</p> <p>Standing Order 93 – Notice of Meetings. Changed to create flexibility in sending out agendas.</p> <p>Standing Order 103 – Privilege. Clarification.</p> <p>Standing Order 104 – Procedure of Privilege. Clarification.</p>

	<p>Part 4 (3) - Budget and Policy Framework. Reference to Sub-Committees deleted.</p> <p>Part 4 (5) - Officer Employment Procedure Rules. Reference to Sub-Committees removed and grammatical correction.</p> <p>Part 5 (C) - Member Support Protocol. Members' queries and electronic communications inserted.</p>
March 2013	Part 2, Article 9 – Inclusion of section 9.7, Policy on Working with Third Sector Organisations.
May 2013	Part 5 (K) – Attendances at Conferences, etc. Revised expense levels 2013/2014.
August 2013	<p>Part 5 (A) – Inclusion of Guidance for Members on use of Council Resources.</p> <p>Part 5 (G) – Inclusion of flowchart on acceptance of gifts and hospitality.</p> <p>Part 5 (J) – Clarification amendment to section 2.2. Inclusion of section 2.4.</p>
November 2013	<p>Standing Order 161 – Insertion of maximum value allowed for the disposal of any materials, equipment, property or vehicle.</p> <p>Part 4 (4) Financial Regulations – To bring Financial Regulations in to line with Standing Orders, clause F.22A has been inserted and the wording has been amended in the following clauses: F.1, F.27, F.50, F.61, F.68. The Schedule of Amounts has also been updated.</p>
April 2014	<p>Part 1 – Summary and Explanation: How the Council Operates - "Douglas Community Safety Plan" has been substituted for "Douglas Community Partnership". Clerical amendment. How Decisions are Made – Deletion of "Advisory" in reference to Committees. The table of responsibilities has been deleted, instead referring to the table in Part 3 (Responsibility for Functions and Scheme of Delegation). The Council's Employees – Clerical amendment.</p> <p>Part 2 – Articles of the Constitution:</p> <ul style="list-style-type: none"> Article 2 - Members of the Council – Section 2.1 (a) - Clerical amendment and reference to Independent Members. Section 2.3 (a) - Distinguish between Elected and Independent Members and insertion of "and constituents" in sub paragraph (ii). Section 2.2 – Insertion of appointment of Independent Members with duration of term added. Section 2.3 - New subsection (c) inserted to explain Independent Members' role. Section 2.4 - Grammatical improvement. Section 2.5 - Widened to clarify that Independent Committee Members are entitled to

	<p>Members' Allowances. New section 2.6 added to include provision for the appointment of Independent Members.</p> <ul style="list-style-type: none">• Article 3 - The Public and the Council – Clarification in section 3.1 (a).• Article 4 - The Full Council – Section 4.1 (a) – “Safety” deleted from Douglas Community Safety Partnership. Deletion of documents that are not available and sources cited for those that are.• Article 5 – Chairing the Council – Section 5.4 - Deletion of reference to the Deputy Mayor chairing the Council in the absence of the Mayor. That is not automatic and is subject to election by the Council on every occasion. Section 5.5 (c) – Inclusion of provision for Mayor to relinquish the Chair but remain in the meeting during the election of Mayor in which the current Mayor is nominated.• Article 6 – The Executive – Section 6.2 – Member to be elected by Council to the Executive Committee instead of automatic place for the Chair of Standards Committee. Restrictions on membership apply. Deletion of references to “Advisory” Committees and “Portfolio Holders”. Substitution at meetings of the Executive to be allowed. Section 6.3 - Deletion of “second” in relation to date of Council meeting as redundant. Change of numbering of Standing Orders referred to, as consequence of changes in numbering of Standing Orders.• Article 8 – Section 8.2 - Clarification that Chair and Members are appointed by Council. Independent Member to count towards quorum.• Article 9 – Joint Arrangements – Section 9.6 – Deletion of “Safety” from Douglas Community Safety Partnership and subsequent change to abbreviation. Government titles updated.• Article 10 – Officers – Section 10.1 (c) – Deletion of table of Assistant Chief Officers' responsibilities instead refer to Part 3 of the Constitution.• Article 14 – Suspension, Interpretation and Publication of the Constitution – Section 14.3 (b) - Deletion of “Libraries” and “other appropriate locations” as unnecessary, refer instead to Town Hall and publication via Website. <p>Part 3 – Responsibility for Functions and Scheme of Delegation: Structure Chart – Composition of Executive Committee changed and the word “Advisory” deleted from Committee titles. Table of Assignment of Responsibilities – Deletion of “Appointment of Portfolio Holders”. Notes inserted in “Appointment of Committee Chairmen” to the effect that Chair of Regeneration and Community Committee is also Chair of the Allotments Committee. Notes inserted in “Appointment of Representatives to Joint Committees and Outside Bodies” that representatives on the Eastern Civic Amenity Site Joint Committee and the Richmond Hill Consultative Committee will be Members of the Environmental Services Committee.</p> <p>Part 4 – Rules of Procedure:</p> <ul style="list-style-type: none">• Section 1 – Council Procedure Rules (Standing Orders): Part 1 - Interpretation – Insertion of clarification that terms are not gender specific. Reference to Sub-Committees deleted. Part 2 - Council:
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	<p>Standing Order no. 7 – Grammatical amendment. Standing Order no. 8 – “Lead Member” changed to “Chair” wherever it appears. Standing Order no. 22 – Changed to make the person chairing a Committee meeting responsible for presenting the proceedings of the meeting to Council, rather than specifically the Chair or Vice-Chair. Standing Order no. 23 – Deleted as it is a repetition of Standing Order no. 22. Number left vacant. Standing Order no. 30 – Removal of facility for any action to be taken relating to the subject of a Motion under delegated authority before report to Council. “Advisory” deleted in reference to Committees. Standing Order no. 35 – Reference to Deputy Mayor removed as unnecessary. Provision for Mayor to vote if a candidate for selection as Mayor for the ensuing year. Standing Order no. 37 – Majority required for transfer of business from private to public changed to two-thirds to reflect Standing Order no. 38 relating to business being moved in the other direction. Standing Order no. 39 – The number of words permitted in a supplementary question has been changed from 25 to 50. “Chairman” changed to “Chair” and all references to “Lead Members” have been deleted. Standing Order no. 40 – The number of supplementary questions that can be asked orally by Members has been increased to two. Standing Order no. 41 – Correction of typographical error. Standing Order no. 45 – Clarification and grammatical corrections. Standing Order no. 46 – Requirement for Council’s consent to extending speech to be indicated by vote. Reference to “Lead Member” deleted. Standing Order no. 51 – Correction of typographical error and correction of reference to numbered Standing Orders. Standing Order no. 54/55 – Merged to consolidate disorderly conduct provisions within one Standing Order. Standing Order no. 55 left vacant. Standing Order no. 67/68 – Merged to consolidate provision for Petitions and memorials within one Standing Order. Standing Order no. 68 left vacant. Standing Order no. 70/71 – Merged to consolidate provisions for deputations within one Standing Order. Standing Order no. 71 left vacant. Standing Order no. 73 – Introduction of requirement for plans to be deposited in the Council Chamber prior to a Council meeting. Standing Order no. 76 – Removal of redundant provision for Mayor presiding over Committees in the appointment of Chairs. “Lead Member” changed to “Chair”. Standing Order no. 77 – “Lead Member” changed to “Chair”. Clarification that Independent Members vote only in Committees. Standing Order no. 78 – “Lead Member” changed to “Chair”. Standing Order no. 79 – Insertion of Chair of a Committee as an exclusion from outgoing Mayor assuming incoming Mayor’s memberships. Standing Order no. 80 – Deletion of Chair of Standards Committee from membership of Executive Committee. To be replaced with one Member elected by the Council. Clarification to wording and reference to portfolio deleted. Standing Order no. 81 – “Lead Member” changed to “Chair”. Inclusion of reference to Allotments Committee, Richmond Hill Consultative Committee and Eastern District Civic Amenity Site Joint Committee. Standing Order no. 82 – Heading line changed to clarify application. “Lead Member” changed to “Chair”. Standing Order no. 83 – Deletion of “Lead Member”. Rewording to provide additional clarity. Standing Order no. 86 – First paragraph deleted as unnecessary. “Lead Members” replaced with “Chairs”. Standing Order no. 87 – Deletion of “Lead Member”. “Chairman” changed to “Chair”. Standing Order no. 101 –</p>
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	<p>Deletion of Sub-Committees as no longer relevant. "Statutory Declaration of Acceptance of Office" changed to specific reference to Statute. Standing Order no. 105 – Deletion of provision for suspension of Standing Orders requiring lower majority on recommendation of a Committee.</p> <ul style="list-style-type: none"> • Section 2 – Access to Information Procedure Rules: Clause 7 (c) – Clarification that Officers' reports considered will normally be public. Note on Public Interest – Typographical correction. • Section 5 – Officer Employment Procedure Rules: Clause 4 – Clarification that Officers have an advisory role but decision is for Members. • Section 6 – Standards Committee Determinations Rules: Interpretation – Second paragraph deleted as obsolete. <p>Part 5 – Codes and Protocols: Section C – Clause 5.1 – Officers' names in table replaced with job titles. Section C – Appendix A – Deletion of report section 6 dealing with Member Champion. Section K – Lunch and evening meal allowances increased to £12.75 for lunch and £24.50 for evening meal.</p> <p>Part 6 – Members' Allowances Scheme: Inclusion of revisions effective from 1st April 2014. New Appendix A1 inserted – Local Government (Members' Attendance Allowances) Order 2013. Appendix B changed to revised Schedule of Approved Duties. Appendix C changed to revised Members' Allowances Claim Form.</p>
<p>June 2014</p>	<p>Part 4 – Rules of Procedure</p> <p>Section (1) Council Procedure Rules (Standing Orders), Part 2:</p> <p>Standing Order no. 129 (1) – Value for capital schemes changed to £80,000. Value for revenue schemes changed to £45,000.</p> <p>Standing Order no. 129 (2) – Range of values for capital schemes changed to £17,000 - £80,000. Range of values for revenue schemes changed to £17,000 - £45,000.</p> <p>Standing Order no. 129 (3) – Range of values changed to £4,000 - £17,000.</p> <p>Standing Order no. 136 (a) – Value changed to £17,000.</p> <p>Standing Order no. 136 (b) – Value changed to £17,000.</p> <p>Standing Order no. 139 – Value changed to £17,000.</p> <p>Standing Order no. 142 – Value changed to £17,000.</p> <p>Standing Order no. 146 (b) – Value changed to £34,000.</p> <p>Standing Order no. 146 (d) – Value changed to £4,000. Range of values changed to £4,000 - £17,000.</p> <p>Standing Order no. 147 (a) – Value changed to £56,000.</p>

	<p>Standing Order no. 147 (b) – Value changed to £17,000. Standing Order no. 148 (d) – Value changed to £17,000. Standing Order no. 149 (a) – Value changed to £17,000. Standing Order no. 151 (a) – Value changed to £280,000.</p>
<p>December 2014</p>	<p>Standing Order no. 129 – Changed to invoke the use of electronic methods. Standing Order no. 135 – Changed to invoke the use of electronic methods.</p>
<p>August 2015</p>	<p>Part 2 – Articles of the Constitution:</p> <ul style="list-style-type: none"> • Article 2 – Members of the Council – Section 2.1 (a) – Update to reflect change in Housing Committee. Section 2.6 – Update to reflect change in Housing Committee. • Article 6 – The Executive – Section 6.2 – Deletion of “and Property” from Housing Committee title. Section 6.7 – Deletion of “Advisory” in Committee title and “Portfolio Holder”. • Article 9 – Joint Arrangements – Section 9.6 – Deletion of “Safety” from Partnership title. • Article 13 – Review and Revision of the Constitution - Section 13.2 (a) – Deletion of provision for Standards Committee to recommend Constitution changes to the Council. Any such change proposed by Standards Committee should be referred to Executive Committee in the first instance. <p>Part 3 – Responsibility for Functions and Scheme of Delegation: Structure Chart – Amended to show Housing Committee reporting directly to Council on policy matters and through Executive Committee on budgetary matters. Assignment of Responsibilities table title line – Simplification and deletion of reference to Portfolio. Executive Committee Responsibilities table – Separation of Housing. Deletion of “Advisory” in Committee titles and specifying the Committees to which the Executive appoints. Regeneration and Community Responsibilities table – Changed to show transfer of properties to the Regeneration and Community Committee from Housing Committee. Housing Committee Responsibilities table – Changed to show transfer of properties to Regeneration and Community Committee.</p> <p>Part 4 – Rules of Procedure:</p> <p>Section (1) Council Procedure Rules (Standing Orders), Part 2:</p> <p>Standing Order No. 16 – Housing Committee to report directly to Council and deletion of provision for Portfolio holders to report separately to the Committee minutes.</p> <p>Standing Order No. 25 – Simplification.</p> <p>Standing Order No. 26 – Updated following change in standing order number.</p> <p>Standing Order No. 32 – Deletion of reference to Lead Members.</p>

	<p>Standing Order No. 35 – “Chairman” in title replaced with “Chair”.</p> <p>Standing Order No. 48 – Deletion of “or Lead Member”.</p> <p>Standing Order No. 56A – Prohibition to apply to Council meeting only; clarification that Standing order does not apply to Committee meetings being conducted electronically.</p> <p>Standing Order No. 60 – Update to provide for electronic voting on every question before the Council to accord with current practice.</p> <p>Standing Order No. 61 – Provision for electronic voting; removal of need for calling division.</p> <p>Standing Order No. 65 – Clarification that whoever is in the chair for the election of Mayor shall have a casting vote.</p> <p>Standing Order No. 77 – Updated to include appointment of Independent Member to Housing Committee.</p> <p>Standing Order No. 78 – Updated to clarify the order of business at the Special Council meeting.</p> <p>Standing Order No. 80 – Rename “Committee memberships”; Deletion of “and Property” from Housing Committee title.</p> <p>Standing Order No. 81 – “Lead Members” changed to “Chairs”; deletion of “and Property” from Housing Committee title. Provision for the appointment of an Independent Member to the Housing Committee.</p> <p>Standing Order No. 82 – Deletion of “and Property” from Housing Committee title.</p> <p>Standing Order No. 90 – Deletion of “Advisory” in Committee titles; deletion of “and Property” from Housing Committee title. Rescheduling of Pensions Committee.</p> <p>Standing Order No. 92 – Deletion of “Lead Member”.</p> <p>Standing Order No. 95 – Removal of repetition of equality of votes.</p> <p>Standing Order No. 97 – Deletion of “sub-Committees” and “Lead Member”.</p> <p>Standing Order No. 98 – Deletion of “Lead Member”.</p> <p>Standing Order No. 114 – “Town Clerk” changed to “Chief Executive”.</p> <p>Standing Order No. 125 – Replacement of “Lead Member” with “Committee Chair”.</p> <p>Standing Order No. 134 – Amended to facilitate the list being held in electronic form and to remove the references to Executive Committee and Council.</p> <p>Standing Order No. 136 – Amended to provide for tenders to be in electronic form and the inclusion that this has been in practice from 1st April 2015 and a transitional period of twelve months is proposed during which it will be acceptable for paper submissions as an alternative, in the exception that by 2016 the process will become wholly electronic.</p> <p>Standing Order No. 139 – Update to provide for electronic tenders.</p>
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	<p>Standing Order No. 142 – Amendment to reflect autonomy of the Pensions and Housing Committees.</p> <p>Standing Order No. 143 – Amendment to reflect change to Standing Order No. 142.</p> <p>Section (4) Financial Regulations:</p> <p>F.21 – Change that the Chief Executive rather than Borough Treasurer shall have authority to approve expenditure.</p> <p>F.22B – New regulation to provide a mechanism for creation of a budget to meet the small expenses of a Bye-election as and when the need arises.</p> <p>F.69 – New regulation to clarify that the Executive Committee is responsible for approval of the Council’s Financial Statements and that the Leader of the Council is authorised to sign the Accounts and letter of representation to the auditors therein.</p> <p>F.70 – New regulation to clarify that the Pensions Committee responsible for approving the Pension Fund Annual Report and that the Chair of the Pensions Committee is authorised to sign the report and letter of representation to the auditors therein.</p> <p>Part 5 – Codes and Protocols:</p> <p>Section (C) Members Support Protocol: Clause 5.1 - “and Property” deleted from Housing Committee title in the table of Committee Administrators.</p> <p>Section (J) Protocol for Members and Officers involved in Partnerships: Clause 1.3 – “Safety” deleted from Douglas Community Partnership.</p> <p>Section (L) Procedure for dealing with Government Consultation Documents: New section included to reflect procedure approved in January 2012.</p>
<p>October 2015</p>	<p>Part 5 (K) – Attendances at Conferences, etc. Changed to state that Members and Officers must circulate a “Briefing Note” after the event. A recommendation as to whether or not the Committee should consider representation at the following year’s event to be reported, together with details of the Conference content, well in advance of the Conference to obtain best prices for flights and accommodation.</p>
<p>April 2016</p>	<p>In line with the changes to the Chief Officers Management Structure the following titles have been changed throughout the whole of the document: “Borough Treasurer” changed to “Director of Finance”. “Borough Treasurer’s Department” changed to “Finance Department”. “Borough Engineer and Surveyor” changed to “Director of Housing and Property” or “Director of Environment and Regeneration” where applicable. Any references to the number of Chief Officers have been updated throughout the whole document. “Assistant Borough Engineer” changed to “Assistant Chief Officer (Environment)”. “Assistant Chief Officer (Corporate and Development)” changed to “Assistant Chief Officer (Regeneration)”. “Head of ICT” changed to “Assistant Chief Officer (Digital & Information)”. Due to the vacant Assistant Chief Executive post not being re-filled, any references to the “Assistant Chief Executive” have been deleted throughout the whole document. Following the dissolution of the Douglas Development Partnership any reference to the “Douglas Development Partnership” has been deleted throughout the whole of the document.</p>

	<p>Part 1 – Summary and Explanation: “and Property” removed from Housing Committee title. Reference to “Chief Finance Officer” changed to “Responsible Financial Officer”.</p> <p>Part 2 – Articles of the Constitution: Article 10 – Reference to “Chief Finance Officer” changed to “Responsible Financial Officer”. Article 11 – Deletion of references to Sub-Committees.</p> <p>Part 3 – Responsibility of Functions and Scheme of Delegation: The tables of Assignment of Responsibility have been changed to reflect the changes in the Chief Officers Management Structure and the Key to Officers has been changed accordingly. “Portfolio” has been deleted from the table titles and has been replaced with “Committee”.</p> <p>Part 4 – Rules of Procedure:</p> <p>Section (1) Council Procedure Rules (Standing Orders): SO 72 – In relation to who a Member may address a question to through the Mayor, “Borough Treasurer, Borough Engineer and Surveyor” has been deleted as the order already states “or other officer in attendance”. SO 73 – Changed to say that plans will be available at the office of the “relevant Chief Officer”. SO 113 – Changed so that only the Chief Executive has authority to approve emergency expenditure.</p> <p>Section (5) Officer Employment Procedure Rules: Title “Head of Human Resources” changed to “Assistant Chief Officer (Human Resources)”.</p> <p>Part 5 – Codes and Protocols:</p> <p>Section (C) Member Support Protocol – The table of committee administration and attendance of officers has been changed in line with the new Chief Officers Management Structure. Title “Human Resources Manager” changed to “Assistant Chief Officer (Human Resources)”. Appendix A – New report template inserted. Appendix B – Updated guidance notes inserted.</p> <p>Section (F) Complaints Procedure – The officer who deals with official complaints has been changed from the Assistant Chief Executive to the Assistant Town Clerk.</p> <p>Section (I) Internet, Intranet and E-mail Code of Practice – 8. Downloading Software - Authorising officer changed from “Borough Engineer” to Assistant Chief Officer (Digital & Information). 9. Inspection and Audit – Deletion of “Borough Engineer”. If misuse is suspected it should be reported to Assistant Chief Officer (Digital & Information).</p> <p>Part 6 – Members’ Allowance Scheme: 1.1 – “(four hour)” has been deleted in reference to length of session.</p> <p>Part 7 – Management Structure: New flow charts in line with the changes to the Chief Officers Management Structure.</p>
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October 2016	Part 4 – (4) Financial Regulations: Changes were made due to - the Housing Committee's increased responsibility; some regulations did not reflect the Pensions Committee's position properly; a project being underway to improve the efficiency of processing purchase invoices by use of electronic document management, has led to changes like the replacement of the requirement for invoice "signing" with a requirement for "approving" in F.65.
June 2017	Part 4 – Rules of Procedure: Section (1) Council Procedure Rules (Standing Orders): Standing Order No. 83, Vice Chair of Committee – Amended to increase the term of office of Vice Chairs to Committees to two years, in line with Chairmanships.
July 2017	Part 5 – Codes and Protocols: Section (K) Attendance at Conferences, etc. – Lunch, evening meal and incidental expenses allowances increased in line with inflation.

CONSTITUTION OF THE COUNCIL

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