LUTON BOROUGH COUNCIL

CONSTITUTION

PART 2

ARTICLES OF THE CONSTITUTION
LUTON BOROUGH COUNCIL

CONSTITUTION

PART 2: ARTICLES OF THE CONSTITUTION

CONTENTS

<table>
<thead>
<tr>
<th>Article</th>
<th>Title</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 1</td>
<td>Overview of the Constitution and Definitions</td>
<td>3</td>
</tr>
<tr>
<td>Article 2</td>
<td>Councillors (Members of the Council)</td>
<td>6</td>
</tr>
<tr>
<td>Article 3</td>
<td>Citizens and the Council</td>
<td>9</td>
</tr>
<tr>
<td>Article 4</td>
<td>The Full Council</td>
<td>11</td>
</tr>
<tr>
<td>Article 5</td>
<td>Chairing the Council</td>
<td>13</td>
</tr>
<tr>
<td>Article 6</td>
<td>Overview and Scrutiny</td>
<td>14</td>
</tr>
<tr>
<td>Article 7</td>
<td>The Executive</td>
<td>17</td>
</tr>
<tr>
<td>Article 8</td>
<td>Regulatory Committees, Judicial Panels and Other Bodies</td>
<td>20</td>
</tr>
<tr>
<td>Article 9</td>
<td>The Standards Committee</td>
<td>21</td>
</tr>
<tr>
<td>Article 10</td>
<td>Petitions and Representations Board</td>
<td>23</td>
</tr>
<tr>
<td>Article 11</td>
<td>Joint Arrangements</td>
<td>25</td>
</tr>
<tr>
<td>Article 12</td>
<td>Officers of the Council</td>
<td>27</td>
</tr>
<tr>
<td>Article 13</td>
<td>Decision Making</td>
<td>32</td>
</tr>
<tr>
<td>Article 14</td>
<td>Finance, Contracts and Legal Matters</td>
<td>34</td>
</tr>
<tr>
<td>Article 15</td>
<td>Review and Revision of the Constitution</td>
<td>35</td>
</tr>
<tr>
<td>Article 16</td>
<td>Suspension, Interpretation and Publication of the Constitution</td>
<td>38</td>
</tr>
</tbody>
</table>
LUTON BOROUGH COUNCIL

CONSTITUTION

PART 2: ARTICLES OF THE CONSTITUTION

ARTICLE 1 – OVERVIEW OF THE CONSTITUTION AND DEFINITIONS

1.1 Status of this Constitution

This Constitution is the Constitution of LUTON BOROUGH COUNCIL (“the Council”) and is the principal and over-riding document governing the way in which the Council conducts its business.

1.2 The Powers of the Council

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

1.3 Purpose of this Constitution

The purpose of this Constitution is to:-

(1) enable the Council to provide clear leadership to the community in partnership, where appropriate, with citizens, businesses and voluntary and other organisations;

(2) support the active involvement of citizens in the process of local decision-making;

(3) bring all the Rules and Codes of Practice that govern and regulate the Council's way of working into a single document;

(4) enable citizens to understand how the Council works and who is responsible for decisions;

(5) enable decisions to be taken efficiently and effectively;

(6) provide a mechanism for holding decision-makers to account;

(7) help Members to represent their constituents in the most effective way; and

(8) contribute to the improvement of the delivery of services to the public.

1.4 Definitions

In this Constitution the following expressions have the meanings assigned to them below:-
(1) "2000 Act" means the Local Government Act 2000;

(2) Budget Framework" has the meaning given to it by Article 4.1.2 below;

(3) “Co-opted Member” means a member of a Committee or Sub-Committee of the Council who is not a Member of the Council;

(4) “Councillor” has the same meaning as “Member”;

(5) "Executive Arrangements" for the purposes of Part II of the 2000 Act means:-
   (a) Article 6 below (Overview and Scrutiny) and Chapter 4 (Overview and Scrutiny Procedure Rules) of Part 4 of this Constitution (Standing Orders);
   (b) Article 7 below (the Executive) and Chapters 2 and 3 (Access to Information Procedure Rules and Executive Procedure Rules respectively) of Part 4 of this Constitution (Standing Orders);
   (c) Article 10 below (Petitions and Representations Board);
   (d) Article 11 below (Joint Arrangements);
   (e) Article 13 below (Decision Making) and the provisions of Chapters 2 to 5 inclusive (Access to Information Procedure Rules, Executive Procedure Rules, Overview and Scrutiny Procedure Rules and Regulatory Committee Procedure Rules respectively) of Part 4 of this Constitution (Standing Orders); and
   (f) Part 3 of this Constitution (Responsibility for Functions);

(6) “Member” means Member of the Council but does not include a Co-opted Member unless otherwise specified;

(7) “Officer” has the meaning given to it by Article 12.1 below;

(8) "Policy Framework" has the meaning given to it by Article 4.1.1 below;

(9) "Proper Officer" in these Articles means, unless otherwise specified, for the purposes of Article 7 below the Chief Executive and for all other purposes the Service Director, Policy and Performance; and

(10) "Standing Orders" means the Council’s Standing Orders as set out in Part 4 of this Constitution (Standing Orders).
1.5 Interpretation and Review of this Constitution

1.5.1 Where this 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.

1.5.2 The Council will monitor and review the operation of this Constitution in accordance with the provisions of Article 15 below.
ARTICLE 2 – COUNCILLORS (MEMBERS OF THE COUNCIL)

2.1 Composition and Eligibility

2.1.1 Composition

The Council consists of forty eight (48) Councillors (also known as Members of the Council or Members). The Borough of Luton has nineteen (19) Wards. Either two (2) or three (3) Members are elected from each of these Wards in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State.

2.1.2 Currently the Council’s Wards together with the number of Members of the Council elected for each Ward are as follows:-

<table>
<thead>
<tr>
<th>NAME OF WARD</th>
<th>NUMBER OF MEMBERS ELECTED FOR THAT WARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barnfield</td>
<td>2</td>
</tr>
<tr>
<td>Biscot</td>
<td>3</td>
</tr>
<tr>
<td>Bramingham</td>
<td>2</td>
</tr>
<tr>
<td>Challney</td>
<td>3</td>
</tr>
<tr>
<td>Crawley</td>
<td>2</td>
</tr>
<tr>
<td>Dallow</td>
<td>3</td>
</tr>
<tr>
<td>Farley</td>
<td>3</td>
</tr>
<tr>
<td>High Town</td>
<td>2</td>
</tr>
<tr>
<td>Icknield</td>
<td>2</td>
</tr>
<tr>
<td>Leagrave</td>
<td>3</td>
</tr>
<tr>
<td>Lewsey</td>
<td>3</td>
</tr>
<tr>
<td>Limbury</td>
<td>2</td>
</tr>
<tr>
<td>Northwell</td>
<td>2</td>
</tr>
<tr>
<td>Round Green</td>
<td>3</td>
</tr>
<tr>
<td>Saints</td>
<td>3</td>
</tr>
</tbody>
</table>
2.1.3 **Eligibility**

Only registered electors of the Borough of Luton or those entitled to stand for election by virtue of their residence or work in the Borough are eligible to be elected to the office of Councillor.

2.2 **Election and Term of Office of Councillors**

2.2.1 Elections will be held of the whole Council every four (4) years on the first Thursday in May, or on such other date as the Secretary of State may appoint. The last elections were held on 7 May 2015 and the next elections are due to be held on 2 May 2019.

2.2.2 The term of office of each Councillor is four (4) years beginning on the fourth (4th) day after the day of election and ending on the fourth (4th) day after the date of the next regular election of Councillors.

2.3 **Roles and Functions of Councillors**

2.3.1 **Key Roles**

All Councillors will:

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

2. contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;

3. effectively represent the interest of their respective Ward and of individual constituents;

4. respond to constituents’ enquiries and representations fairly and impartially;

5. participate in the governance and management of the Council; and

6. maintain the highest standards of conduct and ethics.
2.3.2 Rights and Duties

(1) 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 in accordance with the law.

(2) Councillors will not make public information which is confidential or exempt (as defined in the Access to Information Rules contained in Chapter 2 (Access to Information Procedure Rules) of Part 4 of this Constitution (Standing Orders) without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer of entitled to know it.

2.4 Conduct

Councillors will at all times observe the Council's Code of Conduct for Members and the Protocol for Member/Officer Relations set out in Parts 9 and 10 of this Constitution (Code of Conduct for Members and Protocol for Member/Officer Relations respectively).

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Scheme of Members' Allowances set out in Part 13 of this Constitution (Scheme of Members' Allowances).
ARTICLE 3 - CITIZENS AND THE COUNCIL

3.1 Citizens’ Rights

Citizens have the following rights.

(1) Voting and Petitions

Citizens whose names appear on the electoral roll for the Borough of Luton have the right to vote and to sign a petition to request a referendum for an elected Mayor.

(2) Information

Citizens have the right to:-

(a) attend meetings of the Full Council and the Council's Regulatory Committees, the Executive, the Overview and Scrutiny Committee and any Sub-Committee established by the Overview and Scrutiny Committee, the Petitions and Representations Board and other bodies except where these meet in private;

(b) find out from the Executive's Forward Plan what key decisions will be considered by the Executive and when;

(c) see Reports and background papers, and any records of decisions made by the Full Council, the Executive, the Overview and Scrutiny Committee or any Sub-Committee established by the Overview and Scrutiny Committee or any Regulatory Committee or the Petitions and Representations Board; and

(d) inspect the Council's accounts and make their views known to the Council's external auditors.

(3) Complaints

Citizens have the right to complain to:-

(1) the Council itself under the Council's Complaints Procedure set out in Part 18 of this Constitution (Complaints Procedure);

(2) the Local Government and Social Care Ombudsman or the Housing Ombudsman as appropriate, but this should only be done after using the Council’s own complaints procedure; and

(3) the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer that there has been a breach of the Council’s Code of Conduct for Members set out in Part 9.
of this Constitution (Code of Conduct for Members).

3.2 Citizen Responsibilities

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers.
ARTICLE 4 - THE FULL COUNCIL

4.1 Definitions

4.1.1 "The Policy Framework" means the following plans and strategies required by law to be included in the Policy Framework:

- Crime and Disorder Reduction Strategy maintained under Sections 5 and 6 Crime and Disorder Act 1998;
- Development plan documents maintained under Section 15 Planning and Compulsory Purchase Act 2004;
- Licensing Authority Policy Statement maintained under Section 349 Gambling Act 2005;
- Local Transport Plan maintained under Section 108(3) Transport Act 2000;
- Plans and alterations which together comprise the Development Plan maintained under Section 38 Planning and Compulsory Purchase Act 2004;
- Sustainable Community Strategy maintained under Section 4 Local Government Act 2000; and
- Youth Justice Plan maintained under Section 40 Crime and Disorder Act 1998.

4.1.2 "Budget Framework" means the Revenue and Capital budgets set by the Council, subject to Parts 4 and 5 of this Constitution (Standing Orders and Financial Regulations respectively) and the Council's Scheme of Devolved Financial Management and any variations to either the Revenue or Capital budgets which are made in accordance with provisions in any of these documents, which variations shall be deemed to have been made within the Council's Budget Framework.

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

4.2 Functions of the Full Council

The Full Council, and only the Full Council, will exercise the functions set out in Table 1 to Part 3 of this Constitution (Responsibility for Functions) where such functions are indicated as being the responsibility of the Full Council.

4.3 Council Meetings
There are three (3) types of Council meeting:-

(1) the Annual Meeting of the Council;
(2) ordinary meetings; and
(3) extraordinary meetings;

and they will be conducted in accordance with Standing Orders.

4.4 Responsibility for Functions

It is the responsibility of the Full Council to ensure that Part 3 of this Constitution (Responsibility for Functions), insofar as that Part sets out the functions of the Council which are not the responsibility of the Executive, is kept up to date.
ARTICLE 5 - CHAIRING THE COUNCIL

5.1 The Mayor, or in the absence of the Mayor, the Deputy Mayor, will have the following roles and functions:

(1) to take precedence and to be the first citizen of the Borough of Luton;

(2) to represent the Council, the Borough of Luton and its inhabitants on civic and ceremonial occasions; and

(3) to preside over meetings of the Full Council.

5.2 The Mayor, and the Deputy Mayor, will be elected annually by the Council at the Annual Meeting of the Full Council.

5.3 The Mayor, or in the absence of the Mayor, the Deputy Mayor, will have the following responsibilities:

(1) to uphold and promote the purposes of this Constitution;

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

(3) to ensure that, at meetings of the Full Council, Members conduct themselves in a dignified and proper manner, with respect for one another, and in accordance with the rules of debate set out in Part 4 of this Constitution (Standing Orders);

(4) to ensure that the Full 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) with the Executive Leader, to promote public involvement in the Council's activities;

(6) to be the conscience of the Council; and

(7) to attend such civic and ceremonial functions as the Council and the Mayor determine appropriate.
ARTICLE 6 - OVERVIEW AND SCRUTINY

6.1 General Framework

6.1.1 The Council will appoint an Overview and Scrutiny Committee with the responsibilities set out in Section 1 of Table 5 to Part 3 of this Constitution (Responsibility for Functions) for the purpose of discharging the functions conferred by Section 21 of the 2000 Act and any Regulations made under Section 32 of the 2000 Act.

6.1.2 The Overview and Scrutiny Committee may establish such Sub-Committees as it may determine for the purpose of carrying out any of its responsibilities or for the purpose of assisting or advising the Overview and Scrutiny Committee in relation to its responsibilities. The provisions of this Article 6 apply to any Sub-Committee within its remit, as they apply to the Overview and Scrutiny Committee.

6.1.3 The Council will carry out its power under the Health and Social Care Act 2001 (“the 2001 Act”) to review and scrutinise matters relating to the health service (as defined in Section 7 of the 2001 Act):-

(1) through the Overview and Scrutiny Committee and any Sub-Committee appointed by the Overview and Scrutiny Committee specifically for the purpose; or

(2) through such Joint Overview and Scrutiny Committees as the Council may from time to time establish with other local authorities as may be required by statute, by the direction of the Secretary of State or otherwise.

6.1.4 Any Joint Overview and Scrutiny Committee established as described in Article 6.1.3 (2) above shall exercise the powers and duties under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 and the provisions of this Article 6 shall as far as is possible apply to any such Joint Overview and Scrutiny Committee subject to those powers and duties.

6.2 Role of Overview and Scrutiny Committee

6.2.1 The Overview and Scrutiny Committee (and any Sub-Committee appointed by the Overview and Scrutiny Committee) will:-

(1) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;

(2) make reports and/or recommendations to the Full Council and/or the Executive and/or to any Regulatory Committee and/or any Joint Committee and/or the Petitions and Representations Board in connection with the discharge of any of their functions;
(3) consider any matters affecting the area or its inhabitants;

(4) consider any matters, in relation to decisions made but not yet implemented by the Executive or the Petitions and Representations Board, in accordance with the Call-In procedure set out in Standing Orders; and

(5) conduct Best Value Reviews in accordance with the Local Government Act 1999 and any subordinate legislation.

6.2.2 The Overview and Scrutiny Committee will have the role of co-ordinating the work of overview and scrutiny and reporting to the Full Council on the overview and scrutiny process generally.

6.2.3 Policy Development and Review

The Overview and Scrutiny Committee may:-

(1) assist the Council and the Executive in the development of the Council’s Policy Framework and the Council’s Budget Framework by in-depth analysis of policy issues;

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

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

(4) question Members of the Executive or the Members of any Regulatory Committee and/or Officers about their views on issues and proposals affecting the Borough of Luton; and

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

6.2.4 Overview and Scrutiny

The Overview and Scrutiny Committee may:-

(1) review and scrutinise the decisions made by and performance of the Executive and any Regulatory Committee, and by Officers, but shall not review or scrutinise the decisions of any of the Council's Judicial Panels or any decision of a Regulatory Committee affecting the personal circumstances of an individual;

(2) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
(3) question Members of the Executive and the Members of any Regulatory Committee, and Officers, about their decisions and performance, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions, initiatives or projects, but shall not question such Members or Officers about decisions affecting the personal circumstances of an individual;

(4) make reports or recommendations to the Executive or to the Full Council or to any Regulatory Committee arising from the outcome of the overview and scrutiny process;

(5) review and scrutinise the performance of other public bodies in the area and invite reports from them to address the Overview and Scrutiny Committee and local people about their activities and performance; and/or

(6) question and gather evidence from any person (with their consent).

6.2.5 Finance

The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.

6.2.6 Annual Report

The Overview and Scrutiny Committee will make an annual report the Full Council on the workings of the overview and scrutiny process.

6.2.7 Officers

The Overview and Scrutiny Committee shall exercise overall responsibility for the work programme of the Officers employed to support the work of the scrutiny process.

6.3 Proceedings of the Overview and Scrutiny Committee and of any Sub-Committee established by the Overview and Scrutiny Committee

The Overview and Scrutiny Committee and any Sub-Committee established by the Overview and Scrutiny Committee will conduct their proceedings in accordance with the provisions of Standing Orders.
ARTICLE 7 - THE EXECUTIVE

7.1 Role

The Executive will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

7.2 Form and Composition

The Executive will consist of the Executive Leader and at least two (2), but not more than nine (9), Members appointed to the Executive by the Executive Leader.

7.3 The Executive Leader

7.3.1 The Executive Leader will be a Member elected to the position of Executive Leader by the Full Council.

7.3.2 The Executive Leader will hold office until:-

(1) (s)he resigns from the office; or

(2) (s)he is suspended from being a Councillor under Part III of the 2000 Act (although (s)he may resume office at the end of the period of suspension); or

(3) (s)he is removed from office by resolution of the Full Council passed in accordance with Article 7.3.3 below; or

(4) the day of the first Annual Meeting of the Council to be held after the first whole-Council elections to take place following her/his election to the office of Executive Leader.

7.3.3 The Full Council may by resolution remove the Executive Leader from office provided that:-

(1) any such resolution is passed at a meeting of the Full Council specially convened for the purpose with the proposed resolution set out in the Summons for the meeting; and

(2) the Full Council by the same resolution elects another Member of the Council to be the Executive Leader.

7.4 Other Executive Members

7.4.1 Each Member of the Executive other than the Executive Leader shall hold office until:-
(1) (s)he resigns from office; or

(2) (s)he is suspended from being a Councillor under Part III of the 2000 Act (although (s)he may resume office at the end of the period of suspension); or

(3) (s)he ceases to be a Member of the Council; or

(4) (s)he is removed from office by the Executive Leader.

7.5 The Executive Leader shall, as soon as practicable after appointing a Member of the Council to the Executive, notify the Proper Officer in writing of the appointment.

7.6 The Executive Leader may at any time by notice in writing to the Proper Officer resign from the office of Executive Leader and the resignation shall take effect from the date on which the Proper Officer receives the notice of resignation.

7.7 A Member of the Executive may at any time by notice to the Executive Leader, with a copy to the Proper Officer, resign from the Executive and the resignation shall take effect from the date when the Executive Leader receives the notice.

7.8 The Executive Leader shall nominate another Member of the Executive (to be known as “the Deputy Executive Leader”) to act in place of the Executive Leader if the Executive Leader is absent of otherwise unable to carry out her/his duties.

7.9 Neither the Mayor nor the Deputy Mayor may be appointed to the Executive.

7.10 **Proceedings of the Executive**

Proceedings of the Executive shall take place in accordance with Standing Orders.

7.11 **Responsibility for Functions**

7.11.1 Subject to Articles 7.11.2 and 7.11.3 below Executive Functions shall be discharged by the Executive Leader.

7.11.2 The Executive Leader may arrange for the discharge of any of the Executive Functions among the following:

(1) the Executive; or

(2) another Member of the Executive; or

(3) a Committee of the Executive; or
(4) an Officer.

7.11.3 Where or to the extent that any of the Executive Functions are, under Article 7.11.2 above, to be discharged by the Executive, then, unless the Executive Leader otherwise directs, the Executive may arrange for the discharge of any of those functions by:-

(1) a Committee of the Executive; or

(2) an Officer.

7.11.4 Where or to the extent that any of the Executive Functions are, under Article 7.11.2 above, to be discharged by a Member of the Executive, then, unless the Executive Leader otherwise directs, that Member may arrange for the discharge of any of those functions by an Officer.

7.1.5 Where or to the extent that any of the Executive Functions are, under Article 7.11.2 or 7.11.3 above, to be discharged by a Committee of the Executive, then, unless the Executive Leader otherwise directs, that Committee may arrange for the discharge of any of those functions by an Officer.

7.11.6 Without prejudice to Articles 7.11.1 to 7.11.4 above the Executive Leader may arrange for any Member of the Executive to have special responsibility for and to advise the Executive in relation to any Executive Function without having power to discharge that function, and may vary any such arrangements at any time.

7.11.7 Any arrangements made under Articles 7.11.2 to 7.11.5 above by the Executive Leader, a Member of the Executive or a Committee of the Executive shall not prevent the person or body who made the arrangements from exercising the functions subject to the arrangements.

7.11.8 Where the Executive Leader, a Member of the Executive or a Committee of the Executive makes arrangements for the discharge of a function under any of Articles 7.11.2, 7.11.4 or 7.11.5 above, the person making such arrangements shall, as soon as practicable after the making of such arrangements, notify the Proper Officer that such arrangements have been made and provide the Proper Officer with details of the arrangements.

7.11.9 Article 7.11.8 above applies to the variation or revocation of any arrangements for the discharge of an Executive Function made under Articles 7.11.2, 7.11.4 or 7.11.5 above as it applies to the making of such arrangements.

7.11.10 Any arrangements made under Articles 7.11.2, 7.11.4 or 7.11.5 above for the discharge of an Executive Function shall not have effect until Article 7.11.8 above, or, as the case may be, Article 7.11.9 above has been complied with.
ARTICLE 8 - REGULATORY COMMITTEES, JUDICIAL PANELS AND OTHER BODIES

8.1 **Regulatory Committees**

The Full Council will appoint the Regulatory Committees set out in the left hand column of Table 1 to Part 3 of this Constitution (Responsibility for Functions) for the purposes of discharging the functions set out in the right-hand column of that Table.

8.2 **Appeal Panels**

The Full Council will appoint the Judicial Panels, set out in Table 4 to Part 3 of this Constitution (Responsibility for Functions), or will appoint pools of Members from which the Members of those Judicial Panels will be appointed by the Proper Officer.

8.3 **Additional Panels and Other Bodies**

The Full Council will appoint the Additional Panels and Bodies set out in Table 1 to Part 3 of this Constitution other than the Panels and Bodies set out in Table 7 to Part 3 of this Constitution (Responsibility for Functions) which shall be appointed by the Executive.
ARTICLE 9 - THE STANDARDS COMMITTEE

9.1 Standards Committee

The Full Council will establish and maintain a Standards Committee.

9.2 Composition

9.2.1 Membership

The Standards Committee will consist of:-

1. five (5) Members of the Council; and

2. five (5) persons (to be known as "Independent Members") who are not Members or Officers or members of any other body having a Standards Committee and who are otherwise qualified under Part III of the 2000 Act.

9.3 The Independent Members to serve on the Standards Committee shall be appointed by the Full Council following public advertisement.

9.4 The Independent Members will be appointed for a four (4) year term of office but may be re-appointed in accordance with the procedure referred to in Article 9.3 above.

9.5 The Independent Members will be entitled to vote at meetings of the Standards Committee.

9.6 No more than one Member of the Executive may be a Member of the Standards Committee and where a Member of the Executive is a Member of the Standards Committee that Member may not chair or preside over meetings of the Standards Committee.

9.7 Role and Function of Standards Committee

The Standards Committee will have the following roles and functions:-

1. promoting and maintaining high standards of conduct by Members and Co-opted Members;

2. assisting Members and Co-opted Members to observe the Code of Conduct for Members ("the Code of Conduct");

3. advising the Council on the adoption or revision of the Code of Conduct;

4. monitoring the operation of the Code of Conduct;
(5) advising, training or arranging to train Members and Co-opted Members on matters relating to the Code of Conduct;

(6) granting dispensations to Members and Co-opted Members from the requirements relating to interests set out in the Code of Conduct;

(7) holding, or appointing one or more Sub-Committees to hold hearings into allegations that a Member has breached the Code of Conduct;

(8) considering allegations that a Member has breached the Protocol for Member/Officer relations, other local protocols or relevant parts of Standing Orders; and

(9) such other functions as the Council from time to time determine as set out in Table 3 to Part 3 of this Constitution (Responsibility for Functions).
ARTICLE 10

PETITIONS AND REPRESENTATIONS BOARD

10.1 Petitions and Representations Board

The Council will appoint the Petitions and Representations Board set out in Section 1 of Table 8 to Part 3 of this Constitution (Responsibility for Functions) with the terms of reference set out in that Table.

10.2 Petitions and Representations Board Proceedings

10.2.1 The Petitions and Representations Board will be subject to the provisions of this Constitution and, in particular, to the provisions of Standing Orders.

10.2.2 Where the Petitions and Representations Board is responsible for both Executive and Non-Executive Functions then any Agenda or report relating to a meeting of the Petitions and Representations Board shall state clearly whether any item of business is an Executive Function or a Non-Executive Function.

10.3 Terms of Reference

10.3.1 The Petitions and Representations Board will:

10.3.1.1 receive and consider petitions which meet the criteria in the Council’s Petitions Scheme (other than petitions which must be referred direct to the Council or Executive under the Scheme),

10.3.1.2 refer petitions which it has considered to the Executive (in relation to Executive functions) and to the Council and its Regulatory Committees (in relation to non-Executive functions) and to make recommendations, comment or give advice to the Executive, Council or Committee as the case may be in relation to any such petition,

10.3.1.3 consider any issue within the remit of the Board that addresses matters of concern to local communities within any area or areas of the town,

10.3.1.4 receive references and recommendations from members on issues relating to that member’s ward and, if the Board considers it appropriate to do so, refer those issues to the Executive (in relation to Executive functions) and to the Council and its Regulatory Committees (in relation to non-Executive functions) and to make recommendations, comment or give advice to the Executive, Council or Committee as the case may be in relation to that issue, and

10.3.1.5 identify and invite representative(s) from other organisations to
attend the Petitions and Representations Board as and when necessary to offer information or advise/address the Board on issues of concern.
ARTICLE 11 - JOINT ARRANGEMENTS

11.1 General

11.1 The Executive, in order to promote the economic, social or environmental well-being of the Borough of Luton, may:-

(1) enter into arrangements or agreement with any person or body;
(2) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
(3) exercise on behalf of that person or body any functions of that person or body.

11.2 Detailed Provisions relating to Joint Arrangements

11.2.1 The Council may establish joint arrangements with one or more Local Authorities and/or their Executives to exercise functions which are not Executive Functions in any of the participating Authorities, or to advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other Local Authorities.

11.2.2 The Executive may establish joint arrangements with one or more Local Authorities to exercise functions which are Executive Functions. Such arrangements may involve the appointment of Joint Committees with these other Local Authorities.

11.2.3 Except as set out in Article 11.2.4 below, the Executive may only appoint Members of the Executive to a Joint Committee and those Members of the Executive need not reflect the political composition of the Council as a whole.

11.2.4 The Executive may only appoint to a Joint Committee Members of the Executive who are not members of the Executive where the Joint Committee has functions for only part of the area of the Borough of Luton, and that area is smaller than two fifths (2/5) 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 Borough.

11.2.5 Where an appointment is made by the Executive in the circumstances set out in Article 11.2.4 above, the requirements that appointments reflect the political balance on the Council as a whole do not apply.

11.2.6 Details of any joint arrangements including any delegations to any Joint Committee are set out in Part 8 of this Constitution (Joint Arrangements and Arrangements under Section 101 Local Government Act 1972).
11.3 **Access to Information**

11.3.1 The Access to Information Procedure Rules set out in Chapter 2 (Access to Information Procedure Rules) of this Constitution (Standing Orders) apply.

11.3.2 If all the members of a Joint Committee are Members of the Executive in each of the participating Authorities then its access to information regime is the same as that applied to the Executive.

11.3.3 If the Joint Committee contains members who are not on the Executive of any participating Authority then the Access to Information Rules in Part VA of the Local Government Act 1972 will apply.

11.4 **The Delegation to and from other Local Authorities**

11.4.1 The Council may delegate Non-Executive Functions to another Local Authority or, in certain circumstances, the Executive of another Local Authority.

11.4.2 The Executive may delegate Executive Functions to another Local Authority or to the Executive of another Local Authority in certain circumstances.

11.4.3 The decision whether or not to accept a delegation in respect of Executive Functions from another Local Authority shall be reserved to the Full Council.

11.5 **Contracting Out**

The Executive, in respect of Executive Functions, and the Full Council, in respect of Non-Executive Functions, may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.
ARTICLE 12 – OFFICERS OF THE COUNCIL

12.1 Definitions

In this Article 12:-

(1) “Officer” means any employee or member of staff engaged by the Council, or any part of the Council, to carry out the Council's functions and includes any person engaged for such purposes under any temporary or short term contract and any person engaged in any agency or other non-employed situation;

(2) “Head of Paid Service” means the Officer designated for the purposes of Section 4 of the Local Government and Housing Act 1989 ("the 1989 Act");

(3) “Chief Finance Officer” means the Officer designated for the purposes of Section 151 of the Local Government Act 1972 ("the 1972 Act"); and

(4) “Monitoring Officer” means the Officer designated for the purposes of Sections 5 and 5A of the 1989 Act.

12.2 Management Structure

12.2.1 The Full Council shall make arrangements to engage such Officers as are necessary to carry out the Council's functions.

12.2.2 Senior Officers of the Council

The Full Council shall be responsible for making arrangements for the appointments to the following posts ("the specified senior posts"):–

(1) Chief Executive;

(2) Director of Customer and Commercial;

(3) Director of People;

(4) Director of Place and Infrastructure;

(5) Director of Public Health, Commissioning and Procurement;

(6) any Service Director reporting to a Director or to the Chief Executive; and

(7) any other post reporting to a Director or to the Chief Executive other than in a secretarial or other similar support role.
12.2.3 The Chief Executive will be the Council’s Head of Paid Service.

12.2.4 The Service Director, Human Resources and Monitoring Officer will be the Council’s Monitoring Officer.

12.2.5 The Service Director, Finance and Audit will be the Council’s Chief Finance Officer.

12.2.6 The posts referred to in Articles 12.2.3 to 12.2.5 above will have the functions described in Articles 12.3 to 12.5 below.

12.2.7 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 19 of this Constitution (Management Structure). The appointment of individual Officers other than those listed in Article 12.2.2 above will be made by Officers who have been designated by the Head of Paid Service for this purpose. The Council's Disciplinary Procedure and Grievance Procedure are set out in Part 20 of this Constitution (Disciplinary Procedure and Grievance Resolution Procedure).

12.3 Functions of the Head of Paid Service

12.3.1 Discharge of Functions by the Council

The Head of Paid Service will report to the 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.

12.3.2 Restrictions on Functions

The Head of Paid Service may not be the Monitoring Officer but may be designated, should the Council wish to do so, as the Chief Finance Officer, provided that the Chief Executive is professionally qualified to hold that post.

12.4 Functions of the Monitoring Officer

12.4.1 Maintaining this Constitution

The Monitoring Officer will maintain an up-to-date version of this Constitution and will ensure that it is widely available for consultation by Members, Officers and the public.

12.4.2 Ensuring Lawfulness and Fairness of Decision Making

After consulting with the Head of Paid Service and the Chief Finance Officer,
the Monitoring Officer will report to the Full Council, or to the Executive in relation to Executive Functions, if (s)he 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.

12.4.3 **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.

12.4.4 **The Conduct of Investigations**

The Monitoring Officer will ensure that investigations are conducted into matters referred by her/his and that reports or recommendations in respect of such investigations are made to the Standards Committee, or to any Sub-Committee appointed by the Standards Committee for the purpose.

12.4.5 **Proper Officer for Access to Information**

The Monitoring Officer will ensure that there is in place a procedure for making decisions of the Executive, together with the reasons for those decisions and relevant reports of Officers and background papers publicly available as soon as possible.

12.4.6 **Advising whether Executive Decisions are within the Policy Framework and the Budget Framework**

The Monitoring Officer, or her/his representative, will advise whether decisions of the Executive are in accordance with the Policy Framework and the Budget Framework.

12.4.7 **Providing Advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors.

12.4.8 **Restrictions on Posts**

The Monitoring Officer may not be designated as the Chief Finance Officer or as the Head of Paid Service. The Head of Paid Service may not be designated as the Monitoring Officer.
12.5 **Functions of the Chief Finance Officer**

12.5.1 **Ensuring Lawfulness and Financial Prudence of Decision Making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council, or to the Executive in relation to Executive Functions, and the Council's external auditor if (s)he 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.

12.5.2 **Administration of Financial Affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

12.5.3 **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.

12.5.4 **Providing Advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, and probity to all Councillors and will advise and support Councillors and Officers in their respective roles.

12.5.5 **Giving Financial Information**

The Chief Finance Officer will provide financial information to the media, the public and the community.

12.6 **Duty to provide sufficient Resources to the Monitoring Officer and Chief Finance Officer**

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

12.7 **Conduct**

Officers will comply with the Protocol on Member/Officer Relations and the Council’s Code of Conduct for Employees set out in Parts 10 and 11 of this Constitution (Protocol on Member/Officer Relations and the Council’s Code of Conduct for Employees respectively).

12.8 **Employment**
The recruitment, selection and dismissal of Officers will comply with the Officer Employment Procedure Rules contained in Chapter 7 (Officer Employment Procedure Rules) of Part 4 of this Constitution (Standing Orders).
ARTICLE 13 - DECISION MAKING

13.1 Responsibility for Decision Making

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

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

(1) proportionality, in that the action must be proportionate to the desired outcome;

(2) due consultation and the taking of professional advice from Officers;

(3) respect for human rights;

(4) a presumption in favour of openness;

(5) clarity of aims and desired outcomes;

(6) the need to explain what options were considered; and

(7) the reasons for the decision should be set out.

13.3 Types of Decision

13.3.1 Decisions Reserved to the Full Council

Decisions relating to the functions referred to in Article 4.2 above will be made by the Full Council.

13.3.2 Key Decisions

(1) A "key decision" is:-

an Executive decision which, is likely:-

(a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the Borough of Luton.
and in accordance with Section 38 of the 2000 Act, in determining the meaning of "significant" for these purposes regard shall be had to any guidance for the time being issued by the Secretary of State.

(2) A decision maker may only make a key decision in accordance with the requirements of Standing Orders.

13.4 Decision Making by the Full Council

Subject to Article 13.8 below the Full Council meeting will be in accordance with Chapter 1 (Full Council Procedure Rules) of Part 4 of this Constitution (Standing Orders) when considering any matter.

13.5 Decision Making by the Executive

Subject to Article 13.8 below the Executive will follow the provisions of Standing Orders set out in Chapters 2 and 3 (Access to Information Procedure Rules and Executive Procedure Rules respectively) of Part 4 of this Constitution (Standing Orders) when considering any matter.

13.6 Decision Making by the Overview and Scrutiny Committee and Sub-Committees established by the Overview and Scrutiny Committee

The Overview and Scrutiny Committee and any Sub-Committee established by the Overview and Scrutiny Committee will follow the provisions of Chapter 4 (Overview and Scrutiny Procedure Rules) of Part 4 of this Constitution (Standing Orders) when considering any matter.

13.7 Decision Making by Other Committees

Subject to Article 13.8 below other Council Committees, together with any Sub-Committees, and the Council's Judicial Panels will follow the provisions of Chapters 5 and 6 (Regulatory Committee Procedure Rules and Standards Committee Procedure Rules respectively) of Part 4 of this Constitution (Standing Orders) as they apply to them.

13.8 Decision Making by Council Bodies Acting as Tribunals

The Council's Judicial Panels, and any other part of the Council, acting as a tribunal or in a quasi judicial manner or determining/considering the civil rights and obligations, or the criminal responsibility, of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.
ARTICLE 14 - FINANCE, CONTRACTS AND LEGAL MATTERS

14.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Council's Financial Regulations set out in Part 5 of this Constitution (Financial Regulations).

14.2 Contracts

Every Contract made by the Council will comply with the provisions of Chapter 9 (Contracts Procedure Rules) of Part 4 of this Constitution (Standing Orders).

14.3 Legal Proceedings

The Principal Solicitors are individually 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 of the Executive, or of any part of the Council, or in any case where the any of the Principal Solicitors considers that such action is necessary to protect the Council's interest.

14.4 Authentication of Documents

Where any document is necessary to any legal procedures or proceedings on behalf of the Council, it will be signed by one of the Principal Solicitors, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Service Director, Human Resources and Monitoring Officer. A decision of the Council, or of any part of the Council, 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 Service Director, Human Resources and Monitoring Officer should be sealed. The affixing of the Common Seal will be attested in accordance with the provisions of Chapter 8 (Administration, Documents and Consultation) of Part 4 of this Constitution (Standing Orders).
ARTICLE 15 - REVIEW AND REVISION OF THIS CONSTITUTION

15.1 Review of Constitution

15.1.1 The Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer will monitor and review the operation of this Constitution to ensure that the aims and principles of this Constitution are given full effect.

15.1.2 In carrying out the responsibility of Article 15.1.1 above, the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer must ensure that (s)he is aware of the strengths and weaknesses of this Constitution.

15.1.3 In carrying out the responsibility of Article 15.1.1 above, the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer shall consult with and take into account the views of Members and Officers.

15.1.4 Subject to Article 15.2 below, the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer shall report any proposal to amend this Constitution to the Constitution Committee.

15.2 Changes to this Constitution

15.2.1 Approval

Changes to this Constitution will only be approved by the Full Council, after consideration of a proposal by the Constitution Committee or by the Head of Paid Service or by the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer or by the Service Director, Finance and Audit, with the following exceptions:

(1) the Scheme of Delegation to Officers (Executive Functions), which may only be amended by the Executive or by the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer under the powers conferred under Article 15.2.1 (11) below;

(2) the Scheme of Delegation to Officers (Non-executive Functions), which may be amended in accordance with that Scheme by the relevant Regulatory Committee in respect of matters dealt with by that Regulatory Committee or generally by the Full Council or by the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer under the powers conferred under Article 15.2.1 (11) below;

(3) changes to the Portfolios of Members of the Executive (as set out in Section 2 of Table 6 to Part 3 to this Constitution (Responsibility for Functions)) which may be made by the Executive or the Executive...
Leader in accordance with Article 7.14 above;

(4) an amendment made to Part 4 of this Constitution (Standing Orders) where that amendment is made under a provision of that Part of this Constitution which authorises the amendment to be made otherwise than by the Full Council;

(5) the Other Protocols and Conventions set out in Part 16 of this Constitution (Other Protocols and Conventions) which may be amended or replaced by the body which originally approved them;

(6) the Recruitment Discipline and Grievance Procedures set out in Part 20 of this Constitution (Disciplinary Procedure and Grievance Resolution Procedure) which may be amended by the Administration and Regulation Committee;

(7) an amendment to the Register of Members in Part 15 of this Constitution (Register of Members), made to reflect a change to the details in the Register, which may be made by the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer;

(8) any change or amendment to this Constitution made by the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer pursuant to a resolution of the Full Council authorising her/him to make such changes or changes of a kind specified in the resolution;

(9) any change or amendment to this Constitution made by the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer to ensure compliance with the law or in the interests of clarity;

(10) any change or amendment made by the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer to one Part of this Constitution in consequence to a change or amendment to another Part of this Constitution;

(11) any change or amendment made by the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer as a matter of record or to reflect a factual or legislative change; and

(12) any change or amendment to Part 19 of this Constitution (Management Structure) to reflect a change in the Management Structure approved by the Council or a change in any job title(s) approved by the Full Council or a Committee acting under delegated powers, which change or amendment may in either case be made by the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer.
15.2.2 Change of Form of Executive

The Council shall not approve a proposal to change the form of Executive from a Leader and Cabinet form of Executive to any other form of Executive without taking reasonable steps to consult with local electors and other interested persons in the area and shall, in any case where such action is required by law, hold a binding referendum.
ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.1 Suspension of this Constitution

16.1.1 Limit to Suspension

The Articles of this Constitution may not be suspended. Standing Orders may be suspended in accordance with provisions contained in Standing Orders.

16.1.2 Procedure to Suspend

The Council shall, when considering any motion to suspend Standing Orders in accordance with the provisions of Standing Orders, have regard to the purposes of this Constitution set out in Article 1 above and shall ensure that the extent and any duration of any suspension is proportionate to the result to be achieved.

16.2 Interpretation

Except as otherwise provided in Standing Orders in relation to the interpretation of Standing Orders, any question or dispute as to the construction, application or interpretation of this Constitution, or of any Part of this Constitution, shall be referred to the Monitoring Officer, whose decision shall be final. In interpreting and construing this Constitution, the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer shall have regard to the purposes of this Constitution contained in Article 1 above.

16.3 Publication

16.3.1 The Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer will provide an electronic copy of this Constitution to each Member and provide a further electronic copy as soon as practicable after any amendments to this Constitution are made, or after the Member is first elected to the Council, whichever is the later. At the request of any Member the Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer will provide that Member with a printed copy of the current version of this Constitution.

16.3.2 The Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer will ensure that copies of this Constitution 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.

16.3.3 The Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer shall ensure that this Constitution is published
on the Council’s website.

16.3.4 The Service Director, Human Resources and Monitoring Officer as the Council’s Monitoring Officer will ensure that the summary of this Constitution set out in Part 1 of this Constitution (Summary and Explanation) is made widely available within the Borough of Luton and is updated as necessary.