

APPENDIX 1

Article 1 - The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

The Constitution, and all its appendices, is the Constitution of the Tameside Metropolitan Borough Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:-

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision making;
3. help Councillors represent their constituents effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a Council decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decision;
8. provide a means of continually improving the delivery of services to the community and achieving best value; and
9. ensure that high standards of probity and ethics are evident in decision-making and all activities of the Council.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in [Article 20](#).

Article 2 - The Council

2.1 Composition and Eligibility

1. The Council will comprise 57 Members, otherwise called Councillors. Three Councillors will be elected by the voters of each Ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
2. Only registered voters of the Tameside Metropolitan Borough or those living or working in the Borough will be eligible to hold the office of Councillor.

2.2 Election and Terms of Office of Councillors

The ordinary Election of a third of all Councillors will be held on the first Thursday in May in each year. However, in 2025 and every fourth year after, there will be no regular election. The terms of office of Councillors will usually be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.3 Roles and Functions of All Councillors

2.3.1 Key Roles

All Councillors will:-

1. collectively be the ultimate policy-makers, and carry out a number of strategic and corporate management functions;
2. represent their communities and bring their views into the Council's decision-making process, i.e. be the advocate of, and for, their communities;
3. deal with individual casework, and act as an advocate for constituents in resolving particular concerns or grievances;
4. balance different interests identified within the Ward and represent the Ward as a whole;
5. be involved in decision making;
6. be available to represent the Council on other bodies;
7. maintain the highest standards of conduct and ethics; and
8. take part in Member development and training.

2.3.2 Rights and Duties

1. Councillors will have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
2. Councillors will not make public, information which is confidential or exempt without the consent of the Council, or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it; and
3. for these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules. ([Part 4\(e\) of this Constitution](#)).

2.4 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations and comply with any reasonable request of the Council's Standards Committee.

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members Allowances Scheme as recommended by the Independent Remuneration Panel pursuant to the Local Government Act 1989 and regulations made there under.

Article 3 - Citizens and the Council

3.1 Citizens' Rights

Citizens have the following rights:-

3.1.1 Voting and Petitions

Citizens on the electoral roll for the area have the right to:-

1. vote;
2. sign a petition to request a referendum for an elected mayor form of Constitution.

All citizens of the Borough have a right to sign a petition to request the Council to consider or take action on a matter or issue.

Citizens are also able to ask questions as part of council meetings in accordance with the agreed procedure.

3.1.2 Information

Citizens have the right to:-

1. attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
2. attend meetings of the Executive when Key Decisions are being considered;
3. find out from the Forward Plan which Key Decisions will be taken by the Executive and when;
4. see reports and background papers, and any records of decisions made by the Council and the Executive; and
5. inspect the Council's accounts and make their views known to the external auditor.

3.1.3 Participation

Subject to the provisions set out below, Citizens will have a right to participate in meetings which are governed by the Access to Information Rules.

(i) General Principle

Citizens will only be allowed to address the meeting subject to the approval of the Chair.

Scrutiny Panels and Speakers Panels shall not consider any matter relating to standards of behaviour, conduct, ethics or probity, directly or indirectly involving any Member or Officer of the Council.

Any such matter(s) shall be referred immediately, without debate, to the Monitoring Officer (and in the case of financial matters, also the Section 151 Officer). The Monitoring Officer, or his/her nominee, shall seek such information as s/he considers necessary to prepare a full report for consideration by the Standards Committee. S/he will submit, without delay, the report to the Standards Committee.

(ii) Speakers Panel (Planning)

Any person (or their representative) who submits a planning application, which is required to be considered by the Speakers Panel (Planning) will have the opportunity to address the Panel for a maximum of five minutes, subject to having given prior written notice to Planning Services.

One representative, on behalf of any objectors to a planning application being considered by the Speakers Panel, will have the facility to address the meeting, up to a maximum of five minutes, subject to having given prior written notice to Planning Services.

(iii) Scrutiny Panels


Any person called upon to give evidence to a Scrutiny Panel will be afforded the opportunity to address the Panel. They will be expected to do so in an appropriate manner and with regard to the Council's Procedural Rules.

(iv) Council Meetings

At each ordinary meeting of the Council, members of the public can submit a question in accordance with the agreed procedures laid down in the Council's Procedural Standing Orders.

3.1.4 Complaints

Citizens have the right to complain to:-

1. the Council itself under its complaints scheme;
2. the Local Government Ombudsman (www.lgo.org.uk ) after using the Council's own complaints scheme;
3. the Council's Standards Committee about a breach of the Member's Code of Conduct.

3.1.6 Other Rights

Such other rights as may be prescribed by law.

3.2 Citizen's Responsibilities

Citizens are expected to behave in a manner that contributes to the wellbeing of the Borough.

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not willfully damage things owned by the Council, Councillors or Officers.

Citizens are required to register to vote and actively encouraged to exercise their vote, as part of their commitment to citizenship and local democracy.

Article 4 - The Full Council

4.1 Meanings

4.1.1 Policy Framework

The policy framework means the following plans and strategies:-

(i) those required by law.

- Annual Library Plan;
- Children and Young People's Plan;
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Local Transport Plan;
- Plans and strategies which together comprise the Development Plan;
- Youth Justice Plan;
- Medium Term Financial Strategy;
- Statement of Licensing Policy;
- Local Authority Policy Statement under the Gambling Act 2005.
- Pay Policy
- Housing Strategy

(ii) other plans and strategies which the Council may adopt as Pension Authority in respect of the Greater Manchester Pension Fund.

4.1.2 Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing, investments or formulation of a plan or strategy for the control of its capital expenditure.

4.2 Functions of the Full Council

Only the Council will exercise the following functions:-

1. adopting and changing the Constitution;
2. approving or adopting the policy framework, the budget and setting the Council Tax;
3. subject to the urgency procedure contained in the Access to Information Procedure Rules (Part 4(e)), making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the framework or contrary to/or not wholly in accordance with the budget;
4. appointing the Civic Mayor and Deputy Mayor under [Article 5](#);
5. appointing the Executive Leader [Article 6](#);
6. agreeing and/or amending the Terms of Reference for Panels and Standards Committee, deciding on their composition and making appointments to them;
7. appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
8. adopting Members Allowances Scheme under [Article 2.5](#);
9. changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough;

10. confirming the appointment of the Head of Paid Service, the Monitoring Officer and the Section 151 Officer;
11. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;
12. all local choice functions which the Council decides should be undertaken by itself rather than the Executive;
13. to determine village green applications pursuant to the Commons Registration Act 1965; and
14. all other matters which, by law, must be reserved to Council.

4.3 Council Meetings

There are three types of Council meeting:

1. the Annual Meeting;
2. Business Meetings;
3. Extraordinary Meetings

and they will be conducted in accordance with the Council Procedure Rules.

4.4 Responsibility for Functions

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

Article 5 - Chairing the Council

5.1 Role and Function of the Civic Mayor

The Civic Mayor, and in his/her absence, the Deputy Mayor, will preside over the first and opening part of each Council meeting.

The Civic Mayor and Deputy Mayor will be appointed by the Council annually. The Civic Mayor will have the following responsibilities:-

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to promote public involvement in the Council's activities;
3. to be the conscience of the Council;
4. as the first citizen of Tameside to deal with his/her ambassadorial role both inside and outside the Borough;
5. To market Tameside in a positive manner; and
6. to attend such civic and ceremonial functions as the Council or s/he determines appropriate.

5.2 Role and Function of the Chair of Council Business

The Civic Mayor (or other person presiding over the first and opening part of each Council meeting) shall invite the Chair of Council Business to preside over the business aspects of the agenda.

The Chair of Council Business will have the following responsibilities:

1. 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;
2. to ensure that the Council meeting is a forum for the debate of matters or 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;
3. to serve as a Member of the Overview Panel; and
4. to attend meetings of the Executive Board as appropriate.

Article 6 - The Executive

6.1 Role

The Executive will carry out all those functions that are not the responsibility of any other part of the local authority, as set out in law or under this Constitution.

6.2 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 Council.

6.3 Executive Leader

The Leader will be a Councillor elected to the position by the Council. The Executive Leader will hold office until she/he:

1. resigns from the office;
2. is suspended from being a Councillor under Part III of the Local Government Act is suspended from being a Councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension);
3. is no longer a Councillor
4. is removed from office by resolution of the Council.

6.4 The Deputy Leader and Other Executive Members

The Leader will appoint one of the members of the Executive to act as a Deputy Leader. In addition to the Deputy Leader the Leader will appoint between one and eight further Executive Members to hold such Portfolios as the Leader shall determine.

They will hold office until they:-

1. resign from office;
2. 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);
3. are no longer Councillors;
4. are removed from office, either individually or collectively, by the resolution of the Council.

The Leader may appoint other councilors to act as Assistants to those Executive members with a specific portfolio. Assistants to Executive Member are not members of the Executive.

6.5 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules.

6.6 Responsibility for Functions

The Warrants of Office and Scheme of Delegation set out in this Constitution will show which person or body is responsible for exercising particular Executive functions.

Article 7 - Scrutiny Panels

7.1 Terms of Reference

The Council will appoint the Panels set out in [Section 7.7](#) below to discharge the functions conferred by Sections 21 of the Local Government Act 2000 and Regulations made under Section 32 of the Act and subsequent Acts and Regulations conferring additional or amended powers on Scrutiny Panel.

7.2 General Role

With the terms of reference, Scrutiny Panels will:-

1. review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's Executive functions;
2. make requests or recommendations to the Overview Panel in connection with the discharge of any Executive functions in accordance with the Council's Call In Procedure ([Part 4\(f\)](#));
3. consider any matter affecting the area or its inhabitants;
4. exercise the right to call in for reconsideration, executive decisions made but not yet implemented by the Executive; and
5. examine whether the Council is meeting its objectives set through the budget and policies and if this is not so suggest ways in which the Council may achieve this

Scrutiny Panels will not consider any matter relating to standards of behaviour conduct, ethics and probity, directly or indirectly involving any Member or Officer of the Council. Such matters are to be referred immediately to the Monitoring Officer, who will prepare a report for the Standards Committee where appropriate.

Scrutiny Panels cannot consider any matters that are the responsibility of the Speakers Panels, nor scrutinise any decision made by the Speakers Panels.

Any disputes about a Scrutiny Panel's right to consider a matter will be referred to the Monitoring Officer (see [Article 9.1.3](#)).

7.3 Specific Functions

These are set out in the Terms of Reference for each Panel.

7.4 Proceedings of Scrutiny Panels

Panels will conduct their proceedings in accordance with the Scrutiny Procedure Rules ([Part 4\(g\)](#)).

7.5 Whipping

The Whip will not apply from any of the political groups on their respective Members on the Panel while they are taking part in Panel business.

Each Member of the Panel will act in accord with protocols and guidance that the Council may determine.

7.6 Scrutiny Panels

The Council will appoint the following Panels;

- Health and Adult Social Care Scrutiny Panel;
- Place and External Relations Scrutiny Panel;
- Children's Services Scrutiny Panel.

The Place and External Relations Scrutiny Panel is the Council's Crime and Disorder Scrutiny Committee.

The Health and Social Care Panel is the Council's health scrutiny panel.

The Children's Services Scrutiny Panel is responsible for:

1. education matters set out in Section 499 of the Education Act 1996 (as amended by Section 9 of the Schools Standards and Framework Act 1998).
2. matters relating to the Children Act 2004 and 'Every Child Matters'

The Children's Services Scrutiny Panel will include up to six non-elected voting Members when dealing with Education Panel as follows:-

- Church of England representative
- Roman Catholic Church representative
- Two representatives appointed by The Third Coalition Interfaith Network (neither of whom shall be from the Church of England or Roman Catholic Church)
- Two parent governor representatives.

The Council will contribute to the work of the Pennine Health Joint Committee.

That pursuant to Section 8 of the Health and Social Care Act 2001, the Greater Manchester Health Joint Scrutiny Panel undertakes the scrutiny of strategic conurbation wide and cross-boundary health services in respect of the NHS North West; Greater Manchester Ambulance Service; Christies Hospital; Greater Manchester Workforce Federation; and Specialist Children's Services provided by the Greater Manchester Trust and any other Greater Manchester wide health activities which may be established in the future, and that the Council appoints one representative to serve as a Member of that Scrutiny Panel.

Article 8 - Overview Panel

8.1 Role

The Overview Panel shall act as a mechanism to allow for dialogue between Executive and Scrutiny to provide a constant rolling review (but not scrutiny) of Council activities and will have responsibility to overview the scrutiny review programme and budget. It will also provide an important role in forward business planning for the Council's agenda.

The Panel will also provide for agenda planning for future scrutiny programmes and provide important links for policy review and future policy development.

8.2 Membership

The Overview Panel shall comprise the Chairs of the Scrutiny Panels, the Executive Leader, and two other relevant Executive Members, the Chair of Council Business, two members of the Audit Panel, two front line Councillors (two of whom shall be the Chair and Deputy Chair of the Panel) and Members of the Opposition Groups, subject to the political balance rules.

The Main Opposition Group spokespersons shadowing the Executive Member Briefs will have the facility to attend and speak (but not vote) on agenda items relating to their brief.

8.3 Call In Panel

The non-Executive Members of the Overview Panel (i.e. the Chair and Deputy Chair of the Overview Panel, the Chairs of the Scrutiny Panels, the Chair of Council Business, one Front Line Member and Opposition Members, subject to the political balance rules) shall be responsible for giving consideration to 'call in' of decisions outside the budget or policy framework, in accordance with the procedures set out in [Part 4\(f\) of the Constitution](#).

The Panel will also co-ordinate the scrutiny processes including co-ordination of scrutiny reviews involving more than one Scrutiny Panel.

Article 9 - Speakers Panel (Planning)

9.1 Regulatory and Non-Executive Functions

1. The Council will appoint the Speakers Panel (Planning) to discharge its quasi-judicial and regulatory functions, as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. These include functions relating to Town and country planning and development control (strategic planning matters are within the terms of reference of the Strategic Planning and Capital Monitoring Panel).

9.2 Form, Composition and Function

1. The Council will appoint the Membership of the Speakers Panel (Planning), based on the rules of political balance and will consist of a maximum of 14 Members.
2. No Executive Member may be a Member of the Speakers Panel (Planning).
3. The Speakers Panel (Planning) will have one Chair and one Deputy Chair. The Chair and Deputy shall be from the majority group.

9.3 Whipping

1. The Whip will not apply to any of the political groups or their respective Members on the Panel while they are taking part in Panel business.

9.4 Basis of Decision Making

1. Decisions by the Panel will be taken, and seen to be taken, in a non-party political manner within the framework of the law, Council Policy and the Constitution.
2. No political meetings shall take place.
3. Each Member of the Panel will act in accord with protocols and guidance that the Council may determine.

9.5

The Speakers Panel (Planning) is not the subject of examination by Scrutiny Panels.

Article 10 - Speakers Panel (Licensing)

10.1 Regulatory and Non-Executive Functions

The Council will appoint a Speakers Panel (Licensing) to discharge its quasi-judicial and regulatory functions of Licensing pursuant to Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

10.2 Forms, Composition and Function

1. The Council will appoint the Membership of the Panel, based on the rules of political balance and there will be a maximum of 9 Members.
2. No Executive Member may be a Member of the Speakers Panel.
3. The Speakers Panel will have one Chair and one Deputy, who shall be from the Controlling Group subject to the rules of political balance.
4. Members on the Speakers Panel (Planning) made under Article 9 and 11 shall not serve on the Speakers Panel (Licensing) in the same Municipal Year.

10.3 Whipping

The Whip will not apply to any of the political groups or their respective Members on the Panel while they are taking part in Panel business.

10.4 Basis of Decision Making

1. Decisions by the Panel will be taken, and seen to be taken, in a non-party political manner within the framework of the law, Council policy and the Constitution.
2. No political meetings shall take place.
3. Each Member of the Panel will act in accord with protocols and guidance that the Council may determine.

Article 11 - Speakers Panel (Liquor Licensing)

11.1 Regulatory and Non-Executive Functions

The Speakers Panel (Liquor Licensing), appointed by Council, shall have delegated powers within the Framework of Council Policy and pursuant to Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as set out in the Licensing Act 2003 (as amended) and the Gambling Act 2005 to deal with the following:-

1. to determine, vary, review and transfer Premises Licences;
2. to review a Premises Licence following a Closure Order issued by the police and the exercise of powers by a Magistrates' Court;
3. to vary the details of an individual specified in a Premises Licence as the designated premises supervisor;
4. to determine applications for and renewal of Personal Licences;
5. to determine, vary and review Club Premises Certificates;
6. to determine a provisional statement;
7. the conversion of existing licences and Club Registration Certificates during the period of transition;
8. the grant of Personal Licences to the holder of an existing Justices' Licence during the period of transition;
9. the cancellation of an Interim Authority Notice following a police objection;
10. to review individual Personal Licences when convictions come to light after the grant or renewal of a Personal Licence;
11. to issue Counter Notices following a police objection to a Temporary Event Notice;
12. to determine Licences relating to the provision of pavement cafes within the Borough;
13. to determine applications for premises licences for the following activities: bingo; betting; adult gaming centres; family entertainment centres; casinos; horse racing and dog tracks;
14. to determine permits for: gaming machines in alcohol licensed premises; game machines for members clubs; other gaming activities in members clubs; category D machines in unlicensed family entertainment centres; and prize gaming; and
15. to register and issue: small society lotteries; occasional and temporary use notices; and provisional statements.

11.2 Forms, Composition and Function

1. The Council will appoint the Membership of the Panel, consisting of at least 10 and no more than 15 Members, based on the rules of political balance.
2. No Executive Members may be a Member of the Speakers Panel (Liquor Licensing).
3. The Speakers Panel (Liquor Licensing) will have one Chair and one Deputy.
4. Members on the Speakers Panel (Planning) made under Article 9 and 10 shall not serve on the Speakers Panel (Liquor Licensing) in the same Municipal Year

11.3 Whipping

The Whip will not apply to any of the political groups or their respective Members on the Panel while they are taking part in Panel business.

11.4 Basis of Decision Making

1. Decisions by the Panel will be taken, and seen to be taken, in a non-party political manner within the framework of the law, Council policy and the Constitution.

2. No political meetings shall take place.
3. Each Member of the Panel will act in accord with protocols and guidance that the Council may determine.

Article 12 - Standards Committee

12.1 Standards Committee

The Council will appoint a Standards Committee.

12.2 Composition

1. **Membership:** The Standards Committee will be appointed by the Council and comprise of up to eight Councillors based on political balance, up to three Independent Members and one elected Member of Mossley Town Parish Council and nominated substitute.
2. **Independent Members:** Independent Members will not be entitled to vote at meetings.
3. **Parish Members:** Parish Members must be present when matters relating to those Parish Councils or their Members are being considered.

12.3 Role and Function

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

1. promoting and maintaining high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives;
2. assisting Councillors and Co-opted Members and Church and Parent Governor Representatives to observe the Members' Code of Conduct;
3. advising the Council on the adoption or revision of the Members' Code of Conduct;
4. monitoring the operation of the Members' Code of Conduct;
5. advising, training or arranging to train Councillors and Co-opted Members and Church and Parent Governor Representatives on matters relating to the Members' Code of Conduct;
6. To determine in accordance with the Council's arrangements whether a Council Member has failed to comply with the Council's Code of Conduct for Members and, if so, to determine what action (if any) to take in respect of the Council member.
7. To delegate such of the Council's powers as can be delegated to take decisions in respect of a Council Member who is found on a hearing in accordance with the Council's arrangement's to have failed to comply with the Council's Code of Conduct.

For Members, such action to include -

- publication of the findings of the Standards (Hearing) Sub-Committee in respect of the Subject Member's Conduct;
- Reporting the findings of the Standards (Hearing) Sub-Committee to Council (or in the case of a complaint against a member of Mossley Town Parish Council, to the Parish Council), for information;
- Recommendation to Council (or in the case of a complaint against a member of Mossley Town Parish Council) that the Subject Member should be censured;
- Recommendation to the Subject Member's Group Leader (or in the case of ungrouped members of the Council) that the Subject Member should be removed from any or all committees or sub-committees of the Council;
- Recommendation to the Leader of the Council that the Subject Member should be removed from the Executive, or removed from their portfolio responsibilities;
- Instructing the Monitoring Offer to (or in the case of a complaint against a member of Mossley Town Council, recommending that Mossley Town Parish Council should) arrange training for the Subject member;

- Withdrawal (or in the case of a complaint against a member of Mossley Town Parish Council, recommendation to Mossley Town Parish Council, that it withdraws) facilities provided to the Subject member by the Council, such as a computer, website and/or email or internet access; or
 - placing such restrictions (or in the case of a complaint against a Member of Mossley Town Parish Council, recommending to Mossley Town Parish Council that it places such restrictions) on the Subject Members access to Council staff, buildings or parts of buildings as may be reasonable in the circumstances.
8. Dispensations: To grant dispensations from Section 31(4) of the Localism Act 2011 (after consultation with the Independent Person); if having regard to all relevant circumstances, the Standards Committee:
- (a) Considers that Granting the dispensation is in the interests of persons living in the Council's area;
 - (b) Considers that it is otherwise appropriate to grant a dispensation;
9. To determine appeals against the Monitoring Officer's decision on the grant of dispensation.

The Standards Committee will scrutinise Parish Council functions.

Article 13 - Audit Panel

13.1

To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment and to oversee the financial reporting process.

13.2

The Panel shall comprise a membership of eight councilors and two independent members, and is subject to the rules of political balance.

13.3 Terms of Reference

1. To overview the arrangements for internal control (both financial and non financial);
2. Appointment of external auditors.
3. Consider the Annual Audit Letter from our External Auditors.
4. Approve (but not direct) both external and internal audit's strategy, annual plans and monitor performance.
5. Consider accounting policies and review of the statement of accounts (but not agreement).
6. Review summary internal audit reports and the main issues arising and seek assurance that management action has been taken where necessary.
7. Consider the reports of other regulators and inspectors.
8. Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and ant- corruption arrangements. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
9. Be satisfied that the authority's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it.
10. To review existing and proposed arrangements, recommend changes and receive assurance that the systems of corporate governance are operating effectively and in accordance with best practice.

Article 14 - Health

14.1 General Duties

The Authority must in exercising any functions, have regard to its:

- joint strategic needs assessment; and
- joint health and wellbeing strategy.

14.2 Health and Wellbeing Board

The Council will appoint a Health and Wellbeing Board as set out in Part 3 A (14) of this Constitution to discharge the functions described.

By law, the **minimum membership** of the Health and Wellbeing Board must include:

- At least one Councillor nominated by the leader;
- A representative of the Greater Manchester Integrated Care Board
- The Director of Population Health;
- The Director of Children's Services;
- The Director of Adult Social Services; and
- A representative of the local healthwatch organisation.

Membership may also include such other persons or representatives of such other persons as the local authority or the Health and Wellbeing Board thinks appropriate.

The current membership of the Tameside Health and Wellbeing Board is set out in Part 3 Section 2B of the constitution.

All members on the Health and Wellbeing Board shall be able to vote, unless full Council direct otherwise.

14.3 Director of Public Health

The authority acting jointly with the Secretary of State will appoint a Director of Public Health.

14.4 Health Scrutiny Functions

The authority has arranged for its health scrutiny functions to be discharged by the Health and Adult Social Care Scrutiny Panel.

Article 15 – Neighborhood Forums

15.1 Role and Functions

The Council has established and appointed Neighborhood Forums that focus on local input into the decision making process, with the Forums being the primary consultees on amongst other things:

1. **Highways Matters:** to identify and propose traffic calming schemes; to monitor road safety issues ; to make proposals within the area of the Forum relating to non-strategic highways matters;
2. **Highways Maintenance:** to be consulted on and receive updates relating to the maintenance of principal roads, to propose additions and amendments to the approved programme for the maintenance of local roads, footpaths and street lights and the provision of street furniture;
3. **Grounds Maintenance:** to be consulted on, receive update relating to and to make proposals relating to grounds maintenance activities;
4. **Parks, Gardens and Open Space:** to be consulted on, receive updates on and to make proposals regarding the maintenance and management of parks, gardens and open space;
5. **Street Cleansing:** to be consulted on, receive updates and to make proposals concerning the operation of street cleansing activities, including mechanical sweeping routes;
6. **Young People:** to make proposals and receive updates on the provision of facilities and services for young people other than education and Social Services;
7. **Community Safety:** To make proposals concerning community safety initiatives;
8. **Ward Scheme:** To allocate monies through ward budgets in accordance with ward monies scheme,
9. **Complaints:** to monitor and refer complaints regarding services in the local area;
10. **Environmental Improvements:** to be consulted on environmental improvement schemes
11. **Street Naming:** to be consulted on and have the facilities to make alternative suggestions in respect of the naming of streets.
12. **Entertainment and Events:** to be consulted on activities in the local area and the provision of entertainment and support of the arts.
13. **Regeneration Initiatives:** to be consulted with regard to regeneration initiatives as appropriate; and
14. **Markets:** to be consulted on the operation, management, development and other markets issues;
15. **Land Use –** to be consulted on, to receive updates on and to make proposals about the use of Council land and buildings in the area.

15.2 Membership and Areas

The Neighborhood Forums and the geographical areas covered by each Area are detailed in the table below.

Area Forum	Wards
North	Ashton Hurst, Ashton St Michael's, Ashton Waterloo and St Peters
South	Hyde Godley, Hyde Newton, Hyde Werneth and Longdendale
East	Mossley, Stalybridge North and Stalybridge South
West	Audenshaw, Denton North East, Denton South, Denton West, Droylsden East

Membership of each Forum consists of Councillors of the Wards in that area.

Article 16 - Joint Arrangements

16.1 Arrangements to Promote Well Being

In order to promote the economic, social or environmental well-being of its area, the Council or the Executive may:-

1. enter into arrangements or agreements with any person or body; and/or
2. exercise on behalf of that person or body any functions or activities of that person or body.

16.2 Joint Arrangements

The Council will make arrangements, as necessary, with one or more local authorities to carry out such functions as it considers appropriate. These arrangements may involve the appointment of a joint committee.

The Executive, as defined in **Article 6**, will make joint arrangements, as necessary, to carry out functions for which it is responsible. These arrangements may involve the appointment of a joint committee.

16.3 Appointments to a Joint Committee

The Executive may appoint non-Executive Members to a joint committee provided:-

1. the joint committee has functions for only part of the area of authority; and
2. that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint any Councillor who is a Member for a Ward that is wholly or partly contained within the area.

In all other cases, the Executive must appoint an Executive Member to a joint committee.

16.4 Information on Joint Arrangements

Details of any joint arrangements including any delegations to joint committees are set out in the Council's Scheme of Delegation. ([Part 3\(a\)](#)).

16.5 Delegation To and From Other Local Authorities

The decision whether or not to accept a delegation pursuant to Section 101 of the Local Government Act 1972, from another authority, shall be reserved to Council.

16.6 Contracting Out

Provided there is no delegation of the Council's discretionary decision making, 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 Delegation and Contracting Out Act 1994; or
- or under contracting arrangements where the contactor acts as the Council's agent under usual contracting principles.

Article 17 - Officers

17.1 Management Structure

General: The full Council may engage such staff as it considers necessary to carry out its functions.

Head of Paid Service, Monitoring Officer and Chief Finance Officer: The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Assistant Director (Legal Services)	Monitoring Officer
Director of Resources	Chief Finance Officer

Such posts will have the function described in Articles 17.2 to 17.4 below.

Structure: The Head of Paid Service will determine and publicise a description of the overall staff structure of the Council as set out in [Part 7](#) of this Constitution and amend it as necessary.

17.2 Functions of the Head of Paid Service

Discharge of Functions by the Council: The Head of Paid Service will report to full Council on how the Council's functions are co-ordinated, and the organisation of staff required for these functions.

Restrictions on Functions: The Head of Paid Service may not be Monitoring Officer but may hold the post of Chief Finance Officer, if a qualified accountant.

The core role of Chief Executive is;

1. to have overall corporate management and operational responsibility (including overall management responsibility for all staff);
2. to provide professional advice to all parties in the decision making process (Executive, Overview and Scrutiny, Full Council and other committees);
3. together with the Monitoring Officer, to be responsible for a system of record keeping for all the local authority's decisions (Executive or otherwise); and
4. to represent the local authority on partnership and external bodies (as required by statute or the local authority).

17.3 Functions of the Monitoring Officer

The Monitoring Officer will:-

1. maintain an up-to-date version of the Constitution and ensure that it is widely available for consultation by Members, staff and the public;
2. after consulting with the Head of Paid Service and Chief Finance Officer, report to the Full Council or to the Executive in relation to an Executive function 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;
3. contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee;
 4. 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;
 5. advise whether decisions of the Executive are in accordance with the budget and policy framework; and
 6. 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.

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

17.4 Functions of the Chief Finance Officer

The Chief Finance Officer will:-

1. after consulting with the Head of Paid Service and the Monitoring Officer, report to the Full Council or to the Executive in relation to an Executive function – 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 of deficiency or if the Council is about to enter an item of account unlawfully;
2. have responsibility for the administration of the financial affairs of the Council;
3. contribute to the corporate management of the Council, in particular through the provision of professional financial advice;
4. provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and staff in their respective roles; and
5. provide financial information to the media, Members of the public and the community.

17.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

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

17.6 Conduct

All staff will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations.

17.7 Employment

The recruitment, selection and dismissal of staff will comply with the Officer Employment Rules ([Part 4\(d\)](#)).

17.8 Conflicts of Interest

1. If, having regard to the particular circumstances it appears that the Monitoring Officer has a clear and substantial conflict of interest, any reference to the Monitoring Officer in any guidance, protocol or procedure approved by the Council dealing with standards, conduct and the new ethical framework shall be substituted by reference to the Chief Finance Officer.
2. If, having regard to the particular circumstances it appears that the Chief Finance Officer has a clear and substantial conflict of interest, any reference to the Chief Finance Officer in any guidance, protocol or procedure approved by the Council dealing with standards, conduct and the new ethical framework shall be substituted by reference to the Monitoring Officer.
3. If, having regard to the particular circumstances it appears that the Chief Executive has a clear and substantial conflict of interest, any reference to the Chief Executive in any guidance, protocol or procedure approved by the Council dealing with standards, conduct and the new ethical framework shall be substituted by reference to the Monitoring Officer.

Article 18 - Decision Making

18.1 Principles of Decision Making

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

1. proportionally (i.e. the action must be proportionate to the desired outcome);
2. due consultation and the taking of appropriate advice from Officers;
3. respect for human rights (see below for further details);
4. a presumption in favour of openness;
5. clarity of aims and desired outcomes;
6. Wednesbury reasonableness, i.e. taking account of all relevant considerations and discounting all irrelevant considerations; and
7. explaining what options were considered and giving reasons for the decision.

18.2 Types of Decision

18.2.1 Decisions reserved to Full Council

Decisions relating to the functions listed in Article 4.2 will be made by the Full Council and not delegated.

18.2.2 Key Decisions

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 state that a Key Decision means an Executive decision which, is likely:-

1. to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
2. 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 area of the local authority

subject to any guidance issued by the Secretary of State in relation to the meaning of 'significant'.

By way of defining 'significant' for the Council's purposes a Key Decision is:-

- Any Executive decision which requires a budget expenditure of £30,000 or more that is not in the budget presented to Council;
- Any Executive decision to vire £500,000 or more in the budget presented to Council;

A decision taker may only make a Key Decision in accordance with the requirements of the Executive Procedure Rules.

18.3 Decision Making by the Full Council

Subject to [Article 17.7](#), the Council meeting will follow the Council Procedural Rules when considering any matter.

18.4 Decision Making by the Executive

Subject to [Article 17.7](#), the Executive will follow the Executive Procedural Rules when considering any matter.

18.5 Decision Making by Scrutiny Panel

Scrutiny Panels will follow the Scrutiny Procedural Rules when considering any matter.

18.6 Decision Making by other Panels and Committees Established by the Council

Subject to [Article 18.7](#), other Council Panels and Committees will follow those parts of the Council Procedural Rules as apply to them.

18.7 Decision Making by Council Bodies Acting as Tribunals

The Council, a Councillor or an Officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights and the Human Rights Act.

Article 19 - Finance, Contracts and Legal Matters

19.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the financial rules.

19.2 Contracts

Every contract made by the Council will comply with the Procurement Standing Orders (Part 4(c)).

19.3 Legal Proceedings

The Assistant Director (Legal Services) is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or any case where the Assistant Director (Legal Services) considers that such action is necessary to protect the Council's interests.

19.4 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Assistant Director (Legal Services) or other person authorised by her/him, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value as specified in Procurement Standing Orders entered into on behalf of the local authority in the course of the discharge of an Executive function shall be made in writing. Such contracts must either be signed by our authorised signatory of the authority or made under the common seal of the Council attested by at least one Officer.

19.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Assistant Director (Legal Services). A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Assistant Director (Legal Services) should be sealed. The affixing of the Common Seal will be attested by the Assistant Director (Legal Services) or an authorised signatory of the authority.

Article 20 - Review and Revision of the Constitution

20.1 Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for Monitoring and Review of Constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in [Article 1](#). In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the Member and Officer structure;
2. undertake an audit trial of a sample of decisions;
3. record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders;
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice; and
5. take such other action as s/he considers appropriate;

20.2 Changes to the Constitution

1. **Approval:** Changes to the Constitution will only be approved by the Full Council after consideration of the proposal by the Monitoring Officer. Amendments will be submitted and considered by the Annual Meeting of the Council, unless otherwise required by Monitoring Officer.
2. **Change from a Leader and Cabinet form of Executive to alternative arrangements:** The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

Article 21 - Interpretation and Publication of the Constitution

21.1 Suspension of the Constitution

The Articles of the Constitution may not be suspended unless in accordance with the Council's Procedural Rules.

21.2 Interpretation

The ruling of the Civic Mayor/Chair of Council Business as to the proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in [Article 1](#).

22.3 Publication

The Constitution will be available on the Council website. Copies of all or part of the Constitution will be provided in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.