

# **Constitution of the Authority June 2023**

## **Amendment History**

V 1.0 June 2019 – Rewrite Articles, Scheme of Delegation, Financial Regulations, Contract Standing Orders, Standards Investigations Procedure

V 2.0 June 2020 – Comprehensive revision and consolidation of all sections

V 2.1 Oct 2020 – Addition of provisions re non-voting co-opted members of the Authority, updated members allowance rates

V 2.2 June 2021 – Changes in size of committees and restriction on membership of Audit Committee (now referred to as the Audit and Governance Committee)

V 2.3 June 2023 – Comprehensive revision, consolidation and restructure of all sections

## CONTENTS

Part 1 - Summary of the Constitution .....	4
Part 2 - Articles of the Constitution .....	8

# **Part 1- Summary of the Constitution**

## **June 2023**

## SUMMARY

South Yorkshire Pensions Authority (the "Authority") has agreed a constitution which sets out how the Authority operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to members of the public. Some of these processes are required by the law, while others are a matter for the Authority to determine.

The constitution itself is divided into 15 Articles, set out in Part 2, which set out the basic rules governing the Authority's business. More detailed procedures and codes of practice are provided in separate rules and procedures and protocols published alongside this constitution.

### **What's in the constitution?**

Article 1 of the constitution sets out the primary purpose of the constitution whilst Articles 2 to 15 explain how the key parts of the Authority operate, including the rights of members of the public.

These Articles are:

- 1 Purpose of the Constitution
- 2 Members of the Authority
- 3 Members of the public and the Authority
- 4 The Role of the Authority,
- 5 Chairing the Authority
- 6 The Audit and Governance Committee
- 7 The Staffing Committee
- 8 The Appointments and Appeals Committee
- 9 Joint Arrangements – Border to Coast Pensions Partnership
- 10 Urgent Decisions
- 11 Statutory Officers
- 12 Decision Making
- 13 Finance, Contracts and Legal Matters
- 14 Review and Revision of the Constitution
- 15 Publication of the Constitution

## **The Authority**

The Authority is an administering authority under the Local Government Pension Scheme (LGPS) and is responsible for administering the South Yorkshire Pension Fund. The LGPS is established by the Superannuation Act 1972 and the Public Service Pensions Act 2013 and subsequent regulations and its purpose is to provide death and retirement benefits for all eligible employees. The Authority was formally established in 1988 on the winding up of the South Yorkshire Residuary Body under the terms of the Local Government Reorganisation (Pensions etc.) (South Yorkshire) Order 1987 made under the Local Government Act 1985. The Fund covers the four district councils of South Yorkshire and numerous other smaller employers.

The Authority has a fiduciary duty to the contributors and beneficiaries of the Fund to ensure contributions are collected, that benefits are calculated correctly and paid promptly, and that any surplus monies are properly invested. The main powers and duties of the Authority include:

- The functions, property, rights and liabilities of the South Yorkshire Pension Fund.
- Management of the Pensions Fund's investments, including the appointment of professional advisers.
- Payment of pensions to former local authority employees in South Yorkshire.
- Administration of the Local Government Pension Scheme rules for its contributors.
- Establishing and resourcing the Authority's operational activities.

## **How the Authority Operates**

The Authority is composed of 12 members, all of whom must be a Councillor elected to one of the four constituent district councils within South Yorkshire, as described in Article 2.1 of the Articles of the Constitution.

All members meet together as the Pensions Authority. Meetings of the Authority are normally open to the public.

## **How Decisions are made**

The Authority has ultimate responsibility for decision making but has delegated many decisions to committees and officers as described in this constitution.

## **The Authority's Staff**

The Authority has people working for it (described as "officers") to give advice, to implement decisions and to manage the day to day delivery of its services. Some officers such as the Monitoring Officer have a specific statutory duties, which are spelt out in this Constitution.

## **Rights of members of the public**

Members of the public have a number of rights in their dealings with the Authority. These are set out in more detail in Article 3 of the Articles of the Constitution. Some of these are legal rights whereas other rights depend upon the Authority's own processes. Individuals' rights include the following:

- The right to attend meetings of the Authority and its committees except where, for example, personal or confidential matters are being discussed.
- To inspect agendas and reports, except those which contain, for example, personal and confidential matters.
- To obtain a copy of this Constitution.
- To see reports and background papers (save for exempt confidential items) and to see records of decisions made by the Authority and its committees and officers;
- To complain to the Authority under the Authority's own complaints processes.
- To inspect the Authority's accounts and to make their views known to the external auditor.

The Authority welcomes participation by members of the public in its work.

## **Part 2 - Articles of the Constitution**

### **June 2023**



# **1 PURPOSE OF THE CONSTITUTION**

## **1.1 Discharge of Functions**

These articles comprise the constitution of the South Yorkshire Pensions Authority (“the Authority”). The Authority will exercise its functions, powers, duties, and responsibilities in accordance with this constitution, within the law, fairly, equitably, openly and transparently.

## **1.2 Purpose of the Constitution**

The purpose of this constitution is to set out in a single place and in clear language, how the Authority works and how it makes decisions, thereby:

- (a) Assisting members to discharge their role as decision makers efficiently and effectively.
- (b) Ensuring that the decision-making processes are clearly identifiable to members of the public.

This constitution is supported by a number of schemes, standing orders, codes and protocols which provide further detail about how the Authority operates. These are published separately to this constitution and include the following:

- (c) Scheme of Delegation to officers
- (d) Scheme of Delegation in relation to Border to Coast Pensions Partnership
- (e) Standing Orders
  - (i) Procedural Standing Orders
  - (ii) Access to Information Procedure Rules
  - (iii) Financial Regulations
  - (iv) Contract Standing Orders
- (f) Codes and Protocols
  - (i) Member Code of Conduct
  - (ii) Code of Conduct for Officers
  - (iii) Protocol on Member – Officer Relations
  - (iv) Conflicts of Interest Policy
  - (v) Protocols for the roles of the Monitoring Officer and section 73 Officer
  - (vi) Protocol for the Investigation of Standards Complaints
  - (vii) Protocol on Participation by Non-Voting Members

- (g) Members Allowances Scheme

## **2 MEMBERS OF THE AUTHORITY**

### **2.1 Composition and Eligibility**

- (a) Composition – The Authority comprises 12 members, each of whom must be an elected councillor, elected to one of the four constituent district councils in the former Metropolitan County of South Yorkshire. The constituent councils appoint members to the Authority in accordance with the provisions of the Local Government Act 1985. These appointments are made (subject to compliance with the political balance requirements of the Local Government and Housing Act 1989) in the following proportions:

- Sheffield 5
- Doncaster 3
- Rotherham 2
- Barnsley 2

Members may be removed by their appointing council and new members appointed in their place, subject to their appointing council complying with the statutory requirements of the Local Government Act 1985 as to periods of notification, public notice etc.

Each appointing council will in accordance with the provisions of the Local Government Act 1985 designate one of their appointed members to answer questions concerning the work of the Authority at meetings of the Full Council. These members are referred to as Section 41 Members.

- (b) The Authority has resolved to co-opt three non-voting members to represent the views of scheme members within its debates.

The regional secretaries of the following trade unions represented on the National Joint Council for Local Government Services will each be asked to nominate an individual to fulfil each these roles:

- UNISON
- GMB
- Unite

Co-opted members will be subject to the same rights and obligations as other members of the Authority in terms of the provision of information to support them in their role and the need to maintain appropriate knowledge and skills.

As non-voting members co-opted members are not able to propose motions at meetings of the Authority under the terms of Standing Orders 6, 7 and 8 of the Procedural Standing Orders.

Co-opted members will be subject to the same provisions as other members of the Authority in relation to non-attendance set out in Article 2.6. Should a co-opted member be removed for persistent non-attendance then the relevant regional secretary will be requested to appoint a substitute.

Co-opted members will be subject to the provisions of the Code of Conduct, the Protocol on Member - Officer Relations and the Protocol on Participation by Non-Voting Members, which are published alongside this Constitution.

## **2.2 Roles and Functions of Members**

All members are expected:

- (a) To act corporately for the good governance of the Authority;
- (b) On a regular basis, to attend meetings of the Authority and any committees, subcommittees, working parties or external bodies to which the member has been appointed and to fully participate in policy formulation and decision making in accordance with principles of good public governance, including a requirement to act at all times in accordance with:
  - statutory and other legal requirements
  - the Code of Conduct for Members applying to them
  - Standing Orders of the Authority
  - the Protocol on Member – Officer Relations;
- (c) If appointed by the Authority to an external body, to represent the interests of the Authority on that body.
- (d) To undertake learning and development activity, including an annual needs assessment and mandatory elements in line with the requirements set out in the Members Learning and Development Strategy.

## **2.3 Roles and Responsibilities of Designated Office Holders**

### **Chair of the Authority**

- (a) To chair meetings of the Authority and to ensure their overall effectiveness.
- (b) To provide effective leadership in the development of the Authority's policy, strategy and budget proposals.
- (c) To lead on the implementation of effective service delivery and the Authority's approved policies and strategies.
- (d) To act as the Authority's principal spokesperson at local, regional and national level.

- (e) To seek to ensure that good working relationships are established with external public and private sector bodies and networks relevant to the efficient discharge of the Authority's functions.

#### **Vice-Chair of the Authority**

- (a) To support the Chair of the Authority in discharging the roles associated with the office of the Chair.
- (b) To deputise for the Chair in his/her absence.

#### **All Committee Chairs:**

- (a) To chair the Committee and ensure its overall effectiveness.
- (b) To have a working knowledge of the Authority's relevant policies and strategies and to ensure he/she is sufficiently and effectively briefed by officers on matters coming before the Committee.
- (c) To co-ordinate and manage the work of the Committee.
- (d) To support the role of the Chair of the Authority in the development of policy, strategy and budget proposals.

#### **All Committee Vice-Chairs**

- (a) To support the Committee Chair in discharging the roles of the Chair.
- (b) To deputise for the Committee Chair during any absence of the Chair.

### **2.4 Rights and Duties of Members**

- (a) Members will have such rights of access to such documents, information and premises of the Authority as are necessary for the proper discharge of their functions and in accordance with the law.
- (b) A Member of the Authority may, for the purposes of his/her duty as such member but not otherwise, on application to the Clerk inspect any document which has been considered by a Committee or a Sub-Committee or by the Authority and shall on request be supplied for the like purposes with a copy of such a document if practicable. Provided that a member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any prejudicial interest within the meaning of the Local Government Act 2000 and/or regulations made thereunder or the Member Code of Conduct. This provision shall not preclude the Clerk from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.
- (c) All reports made or minutes kept by any Committee or Sub-Committee shall be open for the inspection of any member of the Authority during office hours.

- (d) Subject to any statutory provision in that behalf, no member of the Authority shall without the consent of the Authority, be entitled to inspect any document in the custody of any officer of the Authority if, in the opinion of that officer and of the Clerk, the document is of a confidential nature.

## **2.5 Appointment of Relatives of Members**

A candidate for any appointment under the Authority who knows that he/she is related to any member of the Authority shall, when making any application in respect of such an appointment, disclose that relationship in his or her application. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice. Every member and senior officer of the Authority shall disclose to the Clerk any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for any appointment under the Authority.

## **2.6 Failure to Attend Meetings**

- (a) Subject to the provisions of section 85 Local Government Act 1972, any member failing to attend any meeting of the Authority or its Committees for a consecutive period of six months ceases to be a member of the Authority unless within that period the member's absence is approved by the Authority.
- (b) The Clerk will monitor absences from meetings and unless approval for any absence is given by the Authority will report the failure to attend to the Authority in order that it may declare a vacancy and notify the relevant constituent council.

## **2.7 Conduct**

Members will, at all times, observe the Members Code of Conduct approved by their District Council and the Protocol on Member – Officer Relations.

# **3 MEMBERS OF THE PUBLIC AND THE AUTHORITY**

## **3.1 Rights of Members of the Public**

Members of the public have the following rights:

- (a) Information – Members of the public have the right to:
  - (i) Attend meetings of the Authority, its committees, and sub-committees, except during items of business where confidential or exempt information is likely to be discussed or disclosed, in which case the meeting or that part of any meeting will be held in private to the exclusion of members of the public.
  - (ii) See reports and background papers (except for confidential or exempt reports and papers) and any record of decisions by the Authority and its committees or sub-committees.
  - (iii) Inspect the Authority's accounts and make representations to the external auditor about the contents of those accounts.

- (b) Complaints – Members of the public have the right to complain to:
  - (i) The Authority, under its complaints scheme.
  - (ii) The Local Government and Social Care Ombudsman.

## **4 THE ROLE OF THE AUTHORITY**

### **4.1 Roles and Responsibilities**

The Authority is responsible for the functions, property, rights, and liabilities of the South Yorkshire Pension Fund, including the management of the Pension Fund's investments, the payment of pensions to former local authority employees in South Yorkshire and the administration of the scheme rules for its contributors. In order to fulfil these duties, the Authority has responsibility for:

- (a) Determining the Authority's priorities through the Corporate Planning Framework which comprises:
  - (i) The Corporate Strategy
  - (ii) The Local Code of Corporate Governance
  - (iii) The Annual Budget and Medium-Term Financial Strategy
  - (iv) The Treasury Management Strategy and Policy Statement
  - (v) The Human Resources Strategy
  - (vi) The Information and Communications Technology Strategy
  - (vii) The Equality and Diversity Scheme
- (b) Issuing a levy on the District Councils in respect of the residual liabilities for pension payments of the former South Yorkshire County Council.
- (c) Reviewing the effectiveness of strategies and plans to deliver the priorities and targets set by the Authority; and maintaining a performance framework covering all aspects of the Authority's work, including provision for the holding of external suppliers to account for their performance.
- (d) Ensuring the Authority is adequately resourced to carry out its duties.
- (e) Appointing Committees with appropriate terms of reference and necessary delegated powers in order to ensure the efficient conduct of the Authority's business.
- (f) Reviewing the Work Programmes of the Committees to ensure they are up to date and moving the Authority towards delivering its Corporate Plan.
- (g) Ensuring Section 41 Members provide feedback in relation to District Council activity regarding their responsibilities as an employer in relation to the LGPS.

- (h) Establishing a Local Pension Board in line with the provisions of the LGPS Regulations in force at the time.
- (i) Approving and maintaining the pensions policy framework, comprising:
  - (i) The Funding Strategy Statement
  - (ii) The Investment Strategy Statement
  - (iii) The Responsible Investment Policy (including the Responsible Investment Policy and Voting Guidelines of the Border to Coast Pensions Partnership)
  - (iv) The Governance Compliance Statement
  - (v) The Pensions Administration Strategy Statement
  - (vi) The Communications Policy Statement
  - (vii) The Policy on Exercise of Discretions under the Local Government Pension Scheme Regulations
- (j) Exercising the Authority's responsibilities under the Health and Safety at Work Acts.
- (k) Authorising participation by the Authority in membership organisations and collaborations (for example the Local Authority Pension Fund Forum and the Pensions and Lifetime Savings Association).
- (l) Approving and monitoring compliance with the Members' Learning and Development Strategy.

## **5 CHAIRING THE AUTHORITY**

### **5.1 Electing the Chair and Vice-Chair of the Authority**

The Chair and the Vice-Chair of the Authority will be elected by the members at the Annual Meeting.

### **5.2 Roles and Responsibilities of the Chair and in his absence the Vice-Chair of the Authority**

The Chair will preside over Authority meetings and ensure that they are conducted in accordance with the Standing Orders and procedural rules of the Authority. In addition, the Chair will discharge the roles and responsibilities set out in Article 2.2.

## **6 THE AUDIT AND GOVERNANCE COMMITTEE**

### **6.1 Membership**

- (a) The Authority has appointed an Audit and Governance Committee comprising six members together with the three co-opted members identified in Article 2.1a(b) and the two independent members referred to Article 6.1(b).

- (b) In addition to the above the Authority has agreed to appoint up to two independent members with relevant expertise to the Audit and Governance Committee.
- (c) The Chair of the Authority may not be a member of the Audit and Governance Committee.

## **6.2 Terms of Reference**

The Authority has made available for inspection on its website Terms of Reference within which the Audit and Governance Committee shall operate.

## **7 THE STAFFING COMMITTEE**

### **7.1 Membership**

The Authority has appointed a Staffing Committee comprising six members.

### **7.2 Terms of Reference**

The Authority has made available for inspection on its website Terms of Reference within which the Staffing Committee shall operate.

## **8 THE APPOINTMENT AND APPEALS COMMITTEE**

### **8.1 Membership**

The Authority has appointed an Appointment and Appeals Committee comprising six members.

### **8.2 Terms of Reference**

The Authority has made available for inspection on its website Terms of Reference within which the Appointment and Appeals Committee shall operate.

## **9 JOINT ARRANGEMENTS: BORDER TO COAST PENSIONS PARTNERSHIP**

9.1 In order to fulfil the requirement under the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2015 to pool its investment assets, the Authority became a founding shareholder in Border to Coast Pensions Partnership Limited ("BCPP") in 2016. BCPP provides its shareholders with a variety of investment products and the Authority also therefore has the status of an investment customer of BCPP.

9.2 There are two levels of governance relevant to the exercise of the Authority's functions as a shareholder.

9.3 First, the Authority is a member of the Joint Committee of the eleven local authorities which oversees the work of BCPP under an Inter-Authority Agreement set up under Local Government legislation. The Chair is the representative of the Authority on the Joint Committee and has the power to vote for the Authority within the terms of



reference of the Joint Committee. In the absence of the Chair the Vice Chair will act as the Chair's substitute.

9.4 Second, as a shareholder in BCPP, the Authority has certain rights and obligations which are documented in a shareholders' agreement between BCPP and the eleven shareholders. The right to vote on certain matters and to attend meetings of shareholders is exercised through consultation between the Chair, the Director, and the Head of Governance. Where practical there is further consultation with the Section 41 Members of the Authority. This is set out in the Scheme of Delegation in relation to Border to Coast Pensions Partnership.

9.5 The Authority's relationship with BCPP as a customer is governed by separate contractual investment documentation.

## **10 URGENT DECISIONS**

### **10.1 Decisions required between meetings of the Authority and its Committees**

In the event that an urgent decision that cannot be taken by officers under delegated powers is required between meetings of the Authority and its committees it will be taken by the Chair in consultation with the Section 41 Members, which may include consultation with the Section 41 Members by means of remote communication, subject to the details of such decisions being retrospectively reported to the members of the Authority and published on the Authority's website.

### **10.2 Decisions required in the context of a civil emergency**

In the event of a civil emergency the Director is authorised to take such decisions as are required and incur such expenditure as is necessary to ensure the continuation of the Authority's operations and safeguard its assets, subject to the details of such decisions being retrospectively reported to the members of the Authority and published on the Authority's website.

## **11 STATUTORY OFFICERS**

### **11.1 Management Structure**

- (a) General – The Authority may appoint such staff (officers) as it considers necessary to carry out its functions.
- (b) Statutory Officers – The Authority has appointed the following Statutory Officers:
  - (i) Head of Paid Service (known within the Authority as the Director) appointed under section 4(1) of the Local Government and Housing Act 1989).
  - (ii) Chief Finance Officer (known within the Authority as the Assistant Director – Resources, and the officer responsible for the proper administration of the Authority's financial affairs under section 73 of the Local Government Act 1985).

- (iii) Monitoring Officer (known within the Authority as the Head of Governance and the officer appointed under section 5 of the Local Government and Housing Act 1989).
- (iv) Clerk (officer appointed under section 34(8) of the Local Government Act 1985).

#### **11.2 Functions of the Head of Paid Service (the Director)**

- (a) The Director has overall responsibility for the management and coordination of the employees appointed by the Authority. They are required to report to the Authority as appropriate with regard to the way in which the overall discharge by the Authority of its functions is coordinated, the number and grades of staff required for the discharge of these functions, the way in which these people are organised and managed, and the way in which they are appointed.
- (b) As such the Director is responsible for the production of the Authority's Corporate Strategy and any supporting strategies, and acts as the Authority's principal policy adviser.
- (c) Restriction on appointment – the Director cannot also be the Monitoring Officer but may also be the Clerk, and / or the Chief Finance Officer.

#### **11.3 Functions of the Chief Finance Officer (the Assistant Director – Resources)**

- (a) Ensuring lawfulness and financial prudence of financial decision making – after consulting with the Monitoring Officer, the Chief Finance Officer will report to the Authority and to the Authority's external auditor, if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and likely to cause a loss or deficiency, or if the Authority is about to enter an item of account unlawfully. He/she will also make a report to the Authority if it appears that the expenditure of the Authority (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure.
- (b) Administration of financial affairs – the Chief Finance Officer has responsibility for the administration of the financial affairs of the Authority.
- (c) Contributing to corporate management – the Chief Finance Officer is required to contribute to the corporate management of the Authority, in particular through the provision of professional financial advice.
- (d) Providing advice – the Chief Finance Officer will provide advice on the scope and powers of the Authority to take decisions about financial impropriety, probity and budget and policy framework issues to the Authority, its Committees and Sub-Committees, members and officers and will support and advise members and officers in their respective roles.
- (e) Restriction on Appointment – the Chief Finance Officer cannot also be the Monitoring Officer, but the role may be combined with any of the other statutory officer roles.

#### **11.4 Functions of the Monitoring Officer**

- (a) Maintaining the constitution – the Monitoring Officer will maintain an up-to-date version of the constitution, together with the codes, protocols and standing orders published alongside this Constitution, and will ensure that they are available for inspection by members, staff and the public.
- (b) Ensuring lawfulness and fairness of decision making – after consulting with the Clerk, Director, and the Chief Finance Officer, the Monitoring Officer will report to the Authority in relation to any proposal, decision or omission which in his/her view would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) Providing advice –the Monitoring Officer will provide advice on the scope of the powers of the Authority, its Committees and Sub-Committees and officers to take decisions and in connection with matters involving maladministration and probity.
- (d) Restriction on appointment – the Monitoring Officer cannot also be the Chief Finance Officer, and/or the Head of Paid Service, but may combine the role with that of Clerk.

#### **11.5 Functions of the Clerk**

- (a) The role of the Clerk is to oversee and ensure the effective functioning of the Authority's democratic processes and to ensure effective liaison and collaboration between the Authority and the constituent councils.
- (b) Restriction on Appointment – The role of Clerk may be combined with that of the Monitoring Officer in which case it may not be combined with those of the Chief Finance Officer or the Head of Paid Service. Alternatively, it may be combined with either or both of the roles of the Chief Finance Officer and the Head of Paid Service.

#### **11.6 Duty to Provide Sufficient Resources to the Monitoring Officer and the Chief Finance Officer**

The Authority will provide the Monitoring Officer and the Chief Finance Officer with such offices, accommodation and other resources as are in the opinion of those officers sufficient to allow their duties to be performed.

### **12 DECISION MAKING**

#### **12.1 Responsibility for Decision Making**

Responsibility for decision making by the Authority, its committees, and officers will be in accordance with Articles 4 to 13 of this Constitution and the Officer Delegation Scheme , which together comprise the record of responsibility for decision making.

#### **12.2 Principles of Decision Making**

All decisions by the Authority will be made in accordance with the following principles:

- (a) Within the lawful powers of the Authority.
- (b) Well informed (including the taking of relevant professional advice from officers and other independent advisers).
- (c) Respect for human rights.
- (d) Presumption in favour of openness.
- (e) Clarity of aims and desired outcomes.
- (f) Within the letter and spirit of the constitution.

### **12.3 Decision Making by the Authority and its Committees**

The Authority, and its committee meetings will comply with the Authority's procedural rules and Standing Orders when considering any matter.

### **12.4 Decisions Made by Authority Bodies Acting as Tribunals**

The Authority and its Committees, members or officers when 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.

### **12.5 Decision Making by Officers**

Officers have full authority for operational and managerial decision making and for any necessary action within their authorised remit in accordance with the terms of the Scheme of Delegation to Officers. Officers in making decisions should follow the principles set out in Article 11.2 and ensure that decisions are recorded in writing and that details of decisions are published in line with guidance issued from time to time by the Monitoring Officer.

## **13 FINANCE, CONTRACTS AND LEGAL MATTERS**

### **13.1 Financial Management**

The management of the Authority's financial affairs will be conducted in accordance with the Financial Regulations.

### **13.2 Contracts**

Contracts made by the Authority will comply with the Contract Standing Orders.

### **13.3 Legal Proceedings**

The Clerk 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 Authority (or any Committee, or officer) or in any case where the Clerk considers that such action is necessary to protect the Authority's interests.

#### **13.4 Authentication of Documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Clerk or by some person duly authorised by the Authority. The Standing Orders make further provision in relation to formal processes involving the award of contracts.

#### **13.5 Common Seal of the Authority**

The common seal of the Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Authority, a committee or any authorised officer, will be sufficient authority for sealing any document necessary to give effect to such a decision. The common seal will be affixed to such documents as are, in the opinion of the Clerk, appropriate for sealing. The Clerk, or some other person authorised by the Authority, shall attest to the affixing of the common seal.

The other persons authorised to attest to the affixing of the common seal for the purpose of this article shall be any of the Monitoring Officer, the Chief Finance Officer, the Deputy Clerk and the Head of Finance.

### **14 REVIEW AND REVISION OF THE CONSTITUTION**

#### **14.1 Duty to Monitor and Review the Constitution**

- (a) 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.
- (b) A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Authority 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 performing this duty, the Monitoring Officer may, in his/her discretion:
  - (i) Attend and observe meetings of different parts of the member and officer structure.
  - (ii) Examine the audit trail relating to decision making.
  - (iii) Record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders.
  - (iv) Compare practices in the Authority with those in other comparable Authorities or national examples of best practice.

#### **14.2 Changes to the Constitution**

Changes to the constitution will only be approved by the Authority after consideration of proposals submitted by the Monitoring Officer.

## **15 PUBLICATION OF THE CONSTITUTION**

### **15.1 Publication**

- (a) The Clerk will arrange to provide access to an electronic copy of this constitution to each member of the Authority as soon as practicable after that member has signed the Code of Conduct declaration, following appointment to the Authority.
- (b) The Clerk will arrange for copies to be made available for inspection at the Authority's offices and by publication on the Authority's website.