

Part 2 – The Articles of The Constitution

Article 1 – The Constitution

1. Powers of the Authority

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

2. The Constitution

2.1 This Constitution, and all its appendices, is the Constitution of Thurrock Council.

3. Purpose of the Constitution

3.1 The Constitution is based on the following principles:

| Principle | What it means in this Constitution |
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| Enhancing service performance | Making sure that decision-making leads to improvements in the quality of services to local people |
| Accountability | Ensuring mechanisms for those responsible for decisions to be held to account for them |
| Transparency | Having streamlined and simplified clear decision-making and accountabilities |
| Community representation | Enabling Councillors to represent local communities effectively |
| Increasing community involvement and engagement | Including and involving the public in the decisions that affect their lives and enabling the development of effective partnership working with other public, private and voluntary bodies |
| Corporate working | Encouraging a partnership approach between the Cabinet and Overview and Scrutiny Committees, Officers and Members and better corporate working on cross cutting issues |

3.2 It provides a single point of reference for the operating rules of the authority.

4. Monitor and review of the Constitution

4.1 The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

5. Amendment of the Constitution

5.1 Subject to Article 15, the Constitution may only be amended by a resolution of the Council.

6. Interpretation of the Constitution

6.1 In this Constitution, the following words and phrases have the following meanings, unless the context dictates otherwise:

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| "The Authority" | means the legal entity of Thurrock Council |
| "The Budget" | means the authority's Budget set out in Chapter 3, Part 3, or set by Council. |
| "The Cabinet" | means the Leader and Cabinet Members meeting as a body |
| "Cabinet Member" | means the Leader or another Councillor appointed by the Leader to be a Cabinet Member |
| "The Chief Executive" | means the Officer appointed by Council to that post and the Head of Paid Service |
| "The Chief Finance Officer" | means the Officer appointed by the Council to be responsible for the proper administration of the authority's financial affairs in accordance with section 151 of the Local Government Act 1972 |
| "Chief Officer/Director" | means the Chief Executive / Head of the Paid Service, Statutory Chief Officer/Directors, Directors and any other Officer designated by the Chief Executive / Head of the Paid Service to be a Chief Officer/Director. |
| "Clear Days" | means a complete period of 24 hours (including weekends and Bank Holidays) excluding the day when notice is given or deemed to be given and the day for which it is to take effect. |
| "Clear Working Days" | means a complete period of 24 hours (excluding weekends and Bank Holidays) excluding the day when notice is given or deemed to be given and the day for which it is to take effect. |
| "Deputy Chief Officer" | means deputy chief officer within the meaning of section 2(8) of the Local Government and Housing Act 1989 |
| "Directors" | means those Officers who report directly to the Chief Executive / Head of Paid Service and are designated by him/her as Directors |
| "The Council" | means the Members of the Council meeting as a body |
| "Councillor" | means an elected Member of the Council |

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| "Decision-Taker" | means the body or person, whether a Member or an Officer, who would be responsible for taking the proposed decision. |
| "Departure Decision" | means a decision which is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the authority's approved Budget, and is not an Urgent Decision or a Very Urgent Decision. |
| "The Deputy Leader" | means the Cabinet Member notified by the Leader to the Chief Executive in writing to hold that office. |
| "Disciplinary Action" | means any action in relation to an Officer occasioned by misconduct which, if proved, would according to the usual practices of the authority, be recorded on the Officer's personal file, and includes any proposal for the dismissal of an Officer for any reason other than redundancy, permanent ill health or infirmity of mind or body but does not include a failure to renew a fixed term contract unless the authority has undertaken to renew such a contract. |
| "The Executive" | means any part of the authority which is discharging Executive Functions |
| "Executive Function" | means any function of the authority which is to be discharged by the Executive by virtue of section 13 of the Local Government 2000, the Local Authority (Functions and Responsibilities) (England) Regulations 2000 as amended, or any resolution of Council [From May 2011 "Executive Leader", will mean the Member of the authority who is elected by the Council under sections 44A or 44B, or as may be under section 44C(2), of the Local Government Act 2000 as amended]. |
| "The Forward Plan" | is the statement of proposed executive key decisions prepared by the Executive in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as amended. |
| "The Head of Paid Service" | means the Officer appointed by the Council to be the authority's Head of Paid Service in accordance with section 4 of the Local Government and Housing Act 1989 and in Thurrock it is the Chief Executive |
| "Assistant Director" | means an Officer who reports directly to the Chief Executive / Head of Paid Service or to a Director and is designated by them to be an assistant director |

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| "Urgent Decision" | means an executive decision the implementation of which, in the opinion of the Decision-Taker, cannot reasonably be deferred to allow for Call-In |
| "Key Decision" | means an executive decision which is likely: <ul style="list-style-type: none">(a) to result in the Council incurring expenditure which is, or the making of savings which are, significant (namely £500,000 or above per annum), 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 effect on communities living or working in an area comprising two or more electoral wards in the area of the Council <p>A decision-maker may only make a key decision in accordance with the requirements of the Executive / Cabinet Procedure Rules set out in Chapter 3 of this Constitution.</p> |
| "The Leader" | means the Councillor for the time being elected by the Council to be the Executive Leader |
| "The Leader of the Opposition" | means the Leader of the largest political group on the Council, no member of which group is a Member of the Cabinet |
| "The Monitoring Officer" | means the Officer designated by Council to be the authority's Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989 and in Thurrock it is the Assistant Director of Law and Governance |
| "Non-Executive Function" | means any function of the authority which is to be discharged by any part of the authority other than the Executive by virtue of section 13 of the Local Government Act 2000, the Local Authority (Functions and Responsibilities) (England) Regulations 2000 as amended, and any resolution of Council |
| "Officer" | means all employees engaged by the authority to carry out its functions. This covers those engaged under short term, agency, contract or other non-employed situations to carry out such functions, to the extent that the Council has included conditions to that effect in any contractual arrangements under which they are working, as well as those employed by the Council on a permanent basis. |

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| "The Opposition" | means the largest political group on the Council, no member of which is a member of the Cabinet |
| "Reporting on meetings" | is defined in The Openness of Local Government Bodies Regulations 2014 as: <ul style="list-style-type: none">(a) Filming, photographing or making an audio recording of proceedings at a meeting(b) Using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later(c) Reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present |
| "The Policy Framework" | means the high-level plans and strategies to be decided by Council, as set out in Chapter 2, Article 4 Paragraph 5. |
| "The Proper Officer" | means an Officer appointed by the Council to discharge a particular function as set out in section 270(3) of the Local Government Act 1972. |
| "Statutory Chief Officer" | means the Chief Executive / Head of the Paid Service, the Section 151 Officer and the Monitoring Officer. This definition also includes the Director of Children's Services, Director of Public Health and the Corporate Director Adults, Housing and Health. |
| "Urgent Decision" | means an executive decision, which, in the opinion of the decision-taker is so urgent that it cannot reasonably await the publication of the next Forward Plan before it is taken. |
| "Very Urgent Decision" | means an executive decision, which in the opinion of the decision-taker is so urgent that it cannot reasonably await the giving of five clear days' notice to the Chair of the relevant Overview and Scrutiny Committee before it is taken. |