

## **Part 2 – Articles**

### **Chapter 1 - General**

#### **1. Powers of the Council**

- 1.1 The Council will exercise all its powers and duties in accordance with the law and this Constitution.
- 1.2 This Constitution, and all of its appendices, is the Constitution of the London Borough of Barking and Dagenham.

#### **2. Purpose of the Constitution**

- 2.1 The Constitution is based on the following principles:

<b>Principle</b>	<b>What it means in this Constitution</b>
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 Councillors and better corporate working on cross cutting issues

#### **3. Amendment of the Constitution**

- 3.1 Subject to any provisions contained within Part 7 (Review, Revision, Suspension, Interpretation and Publication of the Constitution), the Constitution may only be amended by a resolution of the Assembly.

#### **4. Meanings within the Constitution**

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

Assembly	means the Members of the Council meeting as a body.
Be First	means the limited company wholly owned by the Council with the primary objectives of accelerating the regeneration of the borough through bringing forward construction and delivery of housing, commercial space and infrastructure, providing more effective services and attracting external investment to the borough.
Budget	means the Council's Budget to be approved by the Assembly as defined in the Local Government Finance Act 1992, which includes the allocation of financial resources to different services and projects, proposed contingency funds, the level of Council Tax and decisions relating to the control of the Council's borrowing requirement and capital expenditure.
Cabinet	means the Leader and Cabinet Members meeting as the Council's Cabinet established under Section 11 of the Local Government Act 2000.
Cabinet Member	means the Leader or another Councillor appointed by the Leader to be a Cabinet Member.
Chief Executive	means the Officer appointed by the Assembly to that post and the Head of Paid Service. References to the Chief Executive shall also include the Acting Chief Executive.
Chief Financial Officer	means the Officer appointed by the Assembly to be responsible for the proper administration of the Authority's financial affairs in accordance with section 151 of the Local Government Act 1972 which, in Barking and Dagenham's case, is the Finance Director.
Chief Officer	means the Chief Executive, Statutory Chief Officers, Strategic Leadership Directors and any other Officer designated by the Chief Executive to be a Chief Officer.
Council / Authority	means the legal entity of the London Borough of Barking and Dagenham.
Councillor	means an elected Member of the Council.

Council owned company	means any company or organisation owned or controlled wholly or partly by the Council. The Cabinet will act as shareholder on behalf of the Council and will oversee the strategic direction and performance of the company.
Decision-Maker	means the body or person, whether a committee, councillor or an officer, who would be responsible for making 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.
Deputy Leader	means the Cabinet Member(s) appointed by the Leader to hold that office.
Director	means an Officer who reports directly to the Chief Executive or a Strategic Leadership Director and is designated by them to be a Director, Commercial Director or Operational Director.
Executive Function	means any function of the Authority which is to be discharged by the Cabinet by virtue of section 13 of the Local Government 2000, the Local Authority (Functions and Responsibilities) (England) Regulations 2000 as amended, by the Health and Wellbeing Board under section 196(2) of the Health and Social Care Act 2012 or any resolution of the Assembly.
Forward Plan	is the statement of proposed executive key decisions to be taken, prepared in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
Head of Paid Service	means the Officer appointed by the Assembly to be the Authority's Head of Paid Service in accordance with section 4 of the Local Government and Housing Act 1989 which, in Barking and Dagenham's case, is the Chief Executive.
Independent Person(s)	means a person appointed by the Council under section 28(7) of the Localism Act 2011.
Key Decision	means an executive decision which is likely:

	(a)	to involve expenditure or savings of £200,000 or above - this includes proposals phased over more than one year and match/grant aided funding or
	(b)	to have a significant impact on the local community in one or more wards.  A decision-maker may only make a key decision in accordance with the requirements of the procedure set out in Part 2, Chapter 16 of this Constitution.
Leader		means the Councillor for the time being elected by the Assembly to be the Leader of the Council.
Leader of the Opposition		means the Leader of the largest opposition political group on the Council.
Monitoring Officer		means the Officer designated by Assembly to be the Authority's Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989 which, in Barking and Dagenham's case, is the 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 Cabinet 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 the Assembly.
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.
Policy Framework		means the high-level plans and strategies which have been approved by the Assembly to comprise the Policy Framework, as set out in Part 2, Chapter 4, paragraph 2.1(ii).
Portfolio Holder		means a Member of the Cabinet with an assigned portfolio in defined areas of Council activity.

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 Head of Paid Service, the Chief Financial Officer, the Monitoring Officer, the Director of Children’s Services, the Director of Adult Social Services and the Director of Public Health.
Strategic Leadership Director	means those Officers who are designated by the Chief Executive as members of the Strategic Leadership Team, namely the Chief Operating Officer, the Director of People and Resilience, the Director of Law and Governance and the Director of Inclusive Growth. Any reference to ‘Strategic Leadership Director’ shall also include the Chief Executive.