

Article 1 – The Constitution - Summary and Explanation

The Council's Constitution

This is the Exeter City Council ~~has agreed a~~ constitution which sets out how the Council operates, how decisions are made ~~and~~, the procedures ~~which are followed~~ to ensure ~~that these decisions~~ are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

~~The Constitution is divided into 15 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.~~

Contents

~~Article 1 of the Constitution explains the Council's prime goal and the core values it strives to achieve and work within. Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:~~

- ~~• — Members of the Council (Article 2).~~
- ~~• — Citizens and the Council (Article 3).~~
- ~~• — The Council meeting (Article 4).~~
- ~~• — Chairing the Council (Article 5).~~
- — Scrutiny of **Powers of the Council**

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

Purpose of the Constitution

The Council, through its Corporate Plan, will pursue its stated goal which is "to enhance Exeter as the regional capital working with our partners to improve the quality of life for all people living, working and visiting the city."

The Council Corporate Plan can be found on the Council Website: **Corporate Plan**.

This constitution supports these aims and objectives and explains the mechanisms and processes that the Council operates to ensure that:

- councillors are able to play a significant role in the work of the City Council and represent their constituents;
decisions ~~(Article 6).~~
- ~~• — The Executive (Article 7)~~

- ~~Regulatory and other Committees (Article 8)~~
- ~~Audit and Governance Committee (Article 9).~~
- ~~Joint Arrangements (Article 10).~~
- ~~Officers (Article 11).~~
- ~~Decision making (Article 12).~~
- ~~Finance, contracts are taken in as open and legal matters (Article 13).~~ transparent way as possible;
- ~~Review and revision of the Constitution (Article 14).~~
- ~~Suspension, interpretation and publication of the Constitution (Article 15).~~

- the view of residents and stakeholders are recognised as important influences on the way the Council operates and decisions are taken; and
- accountability is enhanced.

How the Council operates

The Council is ~~composed~~comprised of 39 ~~councillors~~Councillors (Members) who serve for four years. One-third of these ~~Members'~~Councillors' terms of office expire in each of three years out of four ~~(in the fourth year county councillors are elected)~~.

Councillors are democratically accountable to residents of their ~~ward~~Ward. There are 13 wards in the Exeter area. Details of the political composition and Councillors can be found on the City Council Website.

The overriding duty of ~~councillors~~Councillors is to the whole community, but they have a special duty to ~~their~~the constituents in their ward, including those who did not vote for them.

Councillors ~~have~~must adhere to ~~agree to follow a code~~the Members' Code of ~~conduct~~Conduct to ensure high standards in the way they undertake their duties. The Council's Audit and Governance Committee monitors the ~~code~~Members Code of ~~conduct~~Conduct and ~~is~~are responsible for investigating complaints. Any concerns about the conduct of a Member, residents can contact the City Council's Monitoring Officer.

~~All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council also appoints the Lord Mayor and Deputy Lord Mayor, appoints the Leader and members to the Executive and other committees. Members must also register and declare certain interests, which can be viewed on the Councillor details, under Register of Interests on the Council's website.~~

Exeter City Council operates a Leader and Cabinet Governance model. The Cabinet is however referred to at the Council and throughout this constitution as the Executive. This governance model means that the Full Council will appoint a Leader of the Council, who will then appoint up to 9 other Councillors (Portfolio Holders) to the Executive, who are responsible for particular areas aligning with the Council's key priorities and Corporate Plan.

How decisions are made

Full Council

All Councillors meet together at the Full Council meeting which are open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints also the Lord Mayor who presides over the Council meetings. Council also appoints Councillors to sit on the various committees through political balance. Should the Lord Mayor not be available, the Deputy Lord Mayor chair Full Council.

The Lord Mayor

Exeter is very proud of its Mayoralty which dates back to the year 1200 and can claim to have the third oldest Mayoralty in the country. Exeter was awarded Lord Mayoralty in 2002 by Queen Elizabeth II

Each year, in May, a new Lord Mayor is elected, by fellow councillors, to serve for one year. The Lord Mayor's role is non-political. The Lord Mayor is supported during their year in office by a Deputy Lord Mayor.

The Lord Mayor presides over the Council's meetings, but the Lord Mayor also takes part in many civic ceremonies and functions such as Legal Sunday, Lammas Fair, University Graduations, Legal Sunday etc. On such occasions the Lord Mayor is in full regalia and accompanied by the Mace, Cap and Sword and an escort of Mace Bearers and processes with Honorary Aldermen, past Lord Mayors, Councillors and Freeman.

Although they elect to support one charity during the year, the Lord Mayor plays an important part in the community life of Exeter and becomes Honorary president of a variety of charitable and other organisations. The Lord Mayor and Deputy Lord Mayor attend, on average, approximately 300-400 functions a year.

The Executive Committee

The Executive ~~is the part of the Council which~~ Committee is responsible for most day-to-day decisions which are not delegated to officers. ~~The Executive is made up of the Leader of the Council and up to nine other Members, he/she shall appoint.~~

When major decisions are to be discussed or made, these are published in the Executive's ~~forward plan~~ Forward Plan in so far as they can be anticipated. ~~In Exeter it has been decided that all~~ All meetings of the Executive will be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Full Council as a ~~whole to decide~~ recommendation.

Scrutiny

~~There are~~ The work of Executive is supported by two scrutiny committees ~~which support the work of the Executive and the Council as a whole. They allow~~ allows citizens to have a greater say in Council matters by allowing members of the public to raise matters at meetings of these committees.-

These can lead to reports and recommendations which advise the Executive and the Council on its policies, budget and service delivery issues. Scrutiny committees also monitor the decisions of the Executive. They can, in exceptional circumstances, 'call-in' a decision which has been made by the Executive but not yet implemented and ask that the Executive reconsider the decision. They will usually be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

Delegated Powers

To ensure that business is conducted efficiently and that services are provided to a high standard, the Council, has delegated some powers to Officers, which are outlined in Chapter 2.

Decisions taken by officers carry the same weight as any decision taken by the decision-making body and officers will consider all implications of the decision-making principles prior to taking delegated decisions and must ensure the decision making principles contained within the Access to Information Procedure Rules are adhered to.

The Council's Staff

The Council's employees (~~called 'officers'~~) give or 'Officers' provide advice, implement decisions, manage and provide the day-to-day delivery of services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. ~~A code~~An Officer Code of ~~practice~~Conduct governs the relationships between ~~officers~~Officers and ~~members~~Members of the Council.

Citizens' Rights

~~Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.~~

~~Where members of the public use specific council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.~~

~~Citizens have the right to:~~

- ~~• vote at local elections if they are registered;~~
- ~~• contact their local councillor about any matters of concern to them;~~
- ~~• obtain a copy of the Constitution;~~
- ~~• attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;~~
- ~~• petition to request a referendum on a Lord Mayoral form of executive;~~
- ~~• ask questions at all meetings of the Council, Executive and at Scrutiny Committees, with the exception of Annual Council and special meetings subject to giving notice to the Council;~~
- ~~• speak at Planning Committee in support of or in opposition to a planning application, and Tree Preservation Order (TPO) subject to the agreed procedure;~~

- ~~find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;~~
- ~~attend meetings of the Executive where key decisions are being discussed or decided;~~
- ~~see reports and background papers, and any record of decisions made by the Council and Executive unless they deal with confidential or private matters;~~
- ~~use the Council's complaints procedure if unhappy about an aspect of the Council's service;~~
- ~~complain to the Ombudsman if they think the Council has not followed its procedures properly (however, they should only do this after using the Council's own complaints process);~~
- ~~complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and~~
- ~~inspect the Council's accounts and make their views known to the external auditor.~~

All Officers must comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations. To make certain decisions, Officers must consider finance and legal implications and they must comply with Finance, Contract and Legal Matters.

The Chief Executive

The most senior Officer is the Chief Executive (Head of Paid Service), who reports to Council on how the Council's functions are co-ordinated, number and grade of Officers required for the discharge of the functions and organisation of Officers. The Chief Executive must ensure access to information in accordance with the Access to Information Procedure Rules.

The Head of Paid Service, is one of three Statutory Roles at the Council and the Chief Executive cannot take on the role of Monitoring Officer.

Monitoring Officer

The Monitoring Officer is the second of three Statutory Roles at the Council and is responsible for maintaining an up-to-date Constitution and will ensure that it is publicly available. The Monitoring Officer provides advice on the scope of powers and has authority to take decisions and in relation to maladministration, financial, impropriety, probity and Budget and Policy framework issues to all Councillors and officers in their respective roles.

The Monitoring Officer also administers the process for determining complaints against Councillors. The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.

Chief Finance Officer

The Chief Finance Officer is the third of the three Statutory Roles at the Council and is responsible for the financial affairs of the Authority and for publishing financial information to the public, media, and the community.

The Chief Finance Officer provides advice on scope of powers and has authority to take decisions and in relation to maladministration, financial, impropriety, probity and Budget and Policy Framework issues to all Members and officers in their respective roles.

Chief Officers

The Council's Strategic Management Board (SMB) comprises of the following Chief Officers:-

- Chief Executive (Head of Paid Service);
- Strategic Director for Corporate Resources (Chief Finance Officer);
- Strategic Director for People;
- Strategic Director for Place; and
- Strategic Director for Community Services.

The functions and responsibilities which the Council as given to the Chief Officers are listed in the Officer Scheme of Delegation.

Chief Officers are supported by their respective Heads of Service who function on an operational level.

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 14.

~~The Council welcomes participation by its citizens in its work. Further information on the public's rights are available from the Council's Democratic Services Section at the Civic Centre, Exeter.~~

Article 2 – Members of The Council

This Article 2 sets out the roles and responsibilities of the Members of the Council otherwise known as Councillors.

2.001 Composition and eligibility

- (a) The Council consists of 39 elected members, known as Councillors. A Councillor is elected to represent one of the 13 wards in Exeter, with each ward electing three Councillors to serve on the Council.
- (b) To be eligible for the office of Councillor, an individual must be a registered voter in the City of Exeter or must live or work within the City of Exeter. ~~Composition. The Council comprises 39 elected members, called councillors, who are elected to represent their ward. There are 13 wards in Exeter, who elect three councillors to sit on the Council.~~
- (b) ~~Eligibility. Only registered voters of the City or those living or working here are eligible to hold the office of councillor.~~

2.002 Election and ~~Terms of~~ ~~councillor~~Councillors

The ordinary election for one-third of all Councillors will take place on the first Thursday in May each year starting from 2020. There will however be no regular election in 2021 and every fourth year thereafter. ~~Election and terms. The ordinary election of a third of all councillors will be held on the first Thursday in May in each year beginning in 2020, except that in 2021 and every fourth year after there will be no regular election.~~

- (a) _____
- (b) The terms of office of ~~councillor~~Councillors will be for four years:
 - (i) commencing ~~be four years starting~~ on the fourth day, after being elected;
 - and
 - (ii) and finishing on the fourth day after the date of the regular election four years later.

2.03 Ending a Councillor's Term

- (a) A Councillor may ~~at any time~~ resign their position at any time by giving notice in writing to the Returning Officer ~~(the Chief Executive), who is the proper officer for that purpose~~ and the resignation will be effective upon its receipt. A copy of the resignation shall also be sent to the Monitoring Officer.
- (b) If a Councillor does not attend any meeting of the Council for a continuous period of six months, they will cease to be a member of the Council unless the absence is due to a valid reason approved by the Council before the end of that period. Attendance may include meetings of any committee, sub-committee, joint committee, joint board or body where the Council's functions are carried out.
- (c) In the event of Article 2.3 (a) or (b) being engaged, the Council will arrange for a new Councillor to be elected by way of a by-election.

Commented [SC1]: Standing order 46

(Amended []February 2024)

~~Due to the Coronavirus Pandemic, the elections in May 2020, were postponed to May 2021. The terms of office of those councillors who would have been up for election have been extended accordingly. (The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, refers).~~

2.0034 Roles and functions of all ~~councillor~~Councillors

- (a) **Key roles.** All ~~councillor~~Councillors will:
- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
 - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within the ward and represent the ward as a whole;
 - (v) be involved in decision-making;
 - (vi) be available to represent the Council on other bodies;
 - (vii) maintain the highest standards of conduct and ethics; and
 - (viii) contribute to the good governance in the City of Exeter and actively encourage community participation and citizen involvement in decision making; and
 - (ix) participate, as appropriate, and attend where deemed any mandatory training in learning and development opportunities offered by the Council.
- (b) **Rights and duties**
- (i) Councillors have ~~such~~ rights of access to ~~such~~ documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
 - (ii) Councillors will not ~~make-disclose any public~~ information which is considered confidential or exempt to the public without the consent of the Council. ~~or Councillors will also not~~ divulge information given in confidence to anyone other than a ~~councillor~~Councillor or officer entitled to know it.
 - (iii) All agenda, reports and other documents and all proceedings of Committees, Sub-Committees and the Executive shall be treated as confidential unless and until they become public in the ordinary course of the Council's business
 - (iv) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in **Part 4** of this Constitution.

Commented [SC2]: Standing Order 38

2.004 Conduct

(Amended ~~[]~~February 2024)

Councillors will at all times observe the Members' Code of Conduct and the Protocol on member/officer relations set out in **Part 5** of this Constitution.

2.005 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowance Scheme set out in Part 6 of this Constitution.

(Amended **[]February 2024**)

~~1e~~ Article 3 – Citizens and the Council

~~53.01~~ Citizens' rights

The Council welcomes participation by its citizens in its work.

Citizens have ~~the a number of following rights as part of their engagement with the Council.~~
~~Their Citizens rights to information and to participation are explained in more detail in the~~
~~Access to Information Rules in Part Chapter 3-4 of this Constitution.~~

Additional rights for members of the public using specific council services e.g. a council tenant, are not covered in this Constitution.

The Council welcomes participation by its citizens in its work and have the following rights:-

- vote at local elections (if they are registered);
- contact their local wWard Councillor about any matters of concern to them. Councillor details can be found on the **Council's website**;
- attend all public meetings of the Council and committees, (except where confidential or exempt items are being discussed);
- to view and identify from the Executive's Forward Plan ~~of~~ what key decisions will be taken by the Executive and when;
- to attend meetings of the Executive where key decisions are being discussed or decided;
- to see reports and background papers, and any record of decisions made by the Council and Executive (excluding confidential or 'exempt' information);
- to inspect the Council's accounts and make their views known to the external auditor;
- request information and to view a copy of the Constitution;
- to petition a request for a referendum on moving to an Elected Mayor and ~~Executive Cabinet~~ form of ~~G~~governance;
- to ask questions at all meetings of the Council, Executive and at Scrutiny Committees, with the exception of Annual Council and Special meetings -subject to giving notice to the Council. See Details on public speaking; for more information;
- to speak at Planning Committee in support of or in opposition to a planning application, ~~and Tree Preservation Order (TPO)~~ being considered by that Committee subject to the agreed procedure. See Details on speaking at Planning Committee ;for more information;
- to use the Council's complaints procedure if they are unhappy about an aspect of the Council's service;
- to complain to the Ombudsman if they believe the Council has not followed its procedures properly ~~(however, they should only do this after using the (but only after using the Council's own complaints process); and~~
- to complain to the Council's Monitoring Officer if there is evidence that a Councillor has not followed the Council's Member Code of Conduct.

Citizens' rights to information and participation are explained in more detail in the Access to Information Rules in Chapter 3 of this Constitution

Additional rights for members of the public using specific Council services e.g. a council tenants, are not covered in this Constitution.

5.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

~~The Council welcomes participation by its citizens in its work.~~

~~(a) — **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and to sign a petition to request a referendum for an elected Mayor-form of Constitution.~~

~~(b) — **Information.** Citizens have the right to:~~

~~(i) — attend meetings of the Council and its committees, including the Executive, except for items where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;~~

~~(ii) — find out from the Forward Plan what key decisions will be taken by the Executive and when;~~

~~(iii) — see reports and background papers, and any records of decisions made by the Council and the Executive (excluding confidential or 'exempt' information); and~~

~~(iv) — inspect the Council's accounts and make their views known to the external auditor.~~

~~(c) — **Participation.** Citizens have the right to ask questions at all meetings of the Council, Executive and at Scrutiny Committees, with the exception of Annual Council and special meetings, subject to giving notice to the Council and speak at Planning Committee, on any application or Tree Preservation Order (TPO) being considered by that Committee, subject to the agreed procedure.~~

~~Details on public speaking.~~

~~(d) — **Complaints.** Citizens have the right to complain to:~~

~~(i) — the Council itself under its complaints scheme;~~

~~(ii) — the Ombudsman after using the Council's own complaints scheme;~~

~~(iii) — the Monitoring Officer about a breach of the Councillor's Code of Conduct.~~

3.02 Citizens' responsibilities

~~Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.~~

~~1f~~ Article 4—~~The~~ Full Council Meetings

6.01 Introduction~~Responsibility for functions~~

The full Council is a formal meeting of all 39 Councillors. The full Council is required by law to take certain important decisions including setting the Council's Budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). The full Council must also by law take decisions on a number of specific matters.

The full Council provides a central forum for debate for all Councillors and they are able to ask questions. Members of the public are able, to ask questions about the Council or matters affecting the Council at all full Council meetings with the exception of the Annual Meeting. Chapter 2 of this Constitution sets out the responsibilities for the Council's functions which are not the responsibility of the Executive. Chapter 2 also outlines the Council procedure rules.

6.02 Council meetings

There are three types of Council meetings:

- (a) the Annual Meeting;
- (b) Ordinary Meetings; and
- (c) Extraordinary Meetings.

6.03 Functions of the full Council Meetings

The Council will keep under review the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive. Council functions comprise of:

- reserved functions under the Local Government Act 2000 and any subsequent legislation;
- reserved functions under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and subsequent regulations under the Local Government Act 2000;
- functions set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000; and
- plans and strategies as set out in Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000; and
- other overarching corporate plans and strategies may become part of the policy framework as the need arises.

64.041 Meanings Council Policy Framework

~~The Council's Policy Framework is made up of a series of statutory plans and strategies, which can be viewed on **Council Website**.~~

Policy Framework. The policy framework is made up of a series of statutory plans and strategies as follows:

- ~~those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;~~
- ~~Those other plans and strategies which Chapter 2 of Department for Communities Local Government Guidance recommends should be adopted by the Council as part of the Policy Framework;~~
- ~~Other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice. Corporate Plan. Development Plan Documents forming the Local Development Framework.~~
- ~~Food Law Enforcement Service Plan.~~
- ~~Climate Change Strategy.~~
- ~~Contaminated Land Strategy.~~
- ~~Annual Budget Strategy.~~
- ~~Asset Management Plan.~~
- ~~Health and Safety Service Plan.~~
- ~~Housing Strategy (including Private Sector Housing Renewal Policy).~~
- ~~Anti-Social Behaviour Policy.~~
- ~~Homelessness Strategy.~~
- ~~Community Safety Strategy.~~
- ~~Recycling Plan.~~
- ~~Licensing Policy Statement.~~
- ~~Gambling Policy Statement.~~
- ~~Other overarching corporate plans and strategies may become part of the policy framework as the need arises.~~

~~The Council's Policy Framework can be viewed on **Council Website**.~~

6.05 Budget

~~Members of the Council Councillors will set the Council's budget each year at the February Council meeting held in February and contains a number of components:-~~

- ~~the allocation of financial resources to different services and projects;~~
- ~~(a) the allocation of financial resources to different services and projects;~~
- ~~(b) proposed contingency funds;~~

- (c) the Council tax base;
- (d) setting Council tax;
- (e) decisions relating to the control of the Council's borrowing requirement;
- (f) the control of the Council's capital expenditure; and
- (g) the setting of virement limits.

~~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 requirement, the control of its capital expenditure and the setting of virement limits.~~

6.06 Housing Land Transfer

Housing Land Transfer means is:

- ~~(a)~~ the approval ~~or~~ adoption of applications (whether in draft form or not) to the Secretary of State ~~for to approve approval of~~ a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993; and
- ~~(a)~~
- ~~•(b)~~ ~~or to d~~ dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02—Functions of the full Council

~~Only the Full Council will exercise the following functions:~~

- ~~(a)—adopting and changing the Constitution, other than minor administrative/typographical corrections;~~
- ~~(b)—approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;~~
- ~~(c)—subject to the urgency procedure contained in the Access to Information Procedure in Part 4 of this Constitution, 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 policy framework or contrary to/or not wholly in accordance with the budget;~~
- ~~(d)—electing the Leader;~~
- ~~(e)—electing the Lord Mayor~~
- ~~(f)—appointing the Executive members on the nomination of the Leader of the Council;~~
- ~~(g)—to agree the composition and membership of all non Executive committees and/or amending the terms of reference for committees, other than minor administrative/typographical corrections, deciding on their composition and making appointments to them;~~

- ~~(h) — appointing representatives to outside bodies unless the appointment is one the Executive wishes to make;~~
- ~~(i) — adopting an allowances scheme under Article 2.05;~~
- ~~(j) — changing the name of the area, conferring the title of Honorary Alderman or Freeman;~~
- ~~(k) — confirming the appointment of the head of paid service;~~
- ~~(l) — making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;~~
- ~~(m) — adopting Standing Orders and Financial Regulations and keeping them under review;~~
- ~~(n) — agreeing the Council's revenue and capital budgets;~~
- ~~(o) — setting the Council tax levels;~~
- ~~(p) — agreeing the Council's Budget and Policy Framework;~~
- ~~(q) — to receive any report by the Chief Finance Officer and/or the Monitoring Officer;~~
- ~~(r) — all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and~~
- ~~(s) — all other matters which, by law, must be reserved to Council.~~
- ~~(t) — agree the local scheme for council tax support.~~

4.03 — Council meetings

There are three types of Council meeting:

- ~~(a) — the annual meeting;~~
- ~~(b) — ordinary meetings;~~
- ~~(c) — extraordinary meetings.~~

~~and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.~~

Article 5 – The Lord Mayor and Chairing of the Council

5.01 — Role and function of the Lord Mayor

- 5.1 Any elected Member of the Council is eligible for election to the office of Lord Mayor or Deputy Lord Mayor, with the only exception being for members of the Executive.
- 5.2 The Lord Mayor is elected each year from the 39 Councillors at Annual Council in May. The Deputy Lord Mayor is appointed at the same meeting.
- 5.3 The Lord Mayor throughout their term of office of one year should remain impartial in all matters of policy and should not be involved in the direction of affairs or be involved in any campaigns. The Lord Mayor should also not be involved in any Council policy or activities of a controversial nature.
- 5.4 The Lord Mayor may be a member without voting powers of every standing committee appointed by the Council (with the exception of the Executive) except where otherwise provided by statute or a scheme made under statutory authority.
- 5.5 Whilst the Lord Mayor is non-political during their term of office, the Deputy Lord Mayor remains politically active and may also be a committee member (with the only exception being for a member of Executive).

Commented [SC1]: Standing Order 36(2)

Commented [SC2]: Standing Order 36(2)

Civic Role

- 5.5 The Council's Lord Mayor, supported by the Deputy Lord Mayor and their Consorts, will perform the Council's civic role. This entails representing, supporting and promoting the businesses and the people of Exeter.
- 5.6 The Lord Mayor will decide which civic and ceremonial functions during their year of office. These events:
- (a) promote the city through business and community activities;
 - (b) support local charities and community organisations; and
 - (c) raise funds for their own chosen charity
- (a) — The Lord Mayor and in his/her absence, the Deputy Lord Mayor will have the following roles and functions:
- Ceremonial Role
 - (d)
- 5.02 Exeter is very proud of its Lord Mayoralty which dates back to the year 1207 and can claim to have the most senior *Right Worshipful Lord Mayoralty* in the country.
- 5.03 Each year, in May, a new Lord Mayor is elected, by fellow councillors, to serve for one year. The Lord Mayor's role is non-political. The Lord Mayor is supported during his/her year in office by a Deputy Lord Mayor.
- 5.04 The Lord Mayor takes part in ceremonies such as Legal Sunday, Lammas Fair, University Sunday etc. On such occasions the Lord Mayor is in full regalia and accompanied by the Cap and Sword and an escort of Mace Bearers and processes with Honorary Aldermen, past Lord Mayors, Councillors and JP's.

(Amended April 2017[1])

~~5.05 — Although he/she elects to support one charity during the year, the Lord Mayor plays an important part in the community life of Exeter and becomes Honorary president of a variety of charitable and other organisations. The Lord Mayor and Deputy Lord Mayor attend, on average, approximately 500 functions a year.~~

Chairing the Council Meeting

~~5.7~~**5.06** The Lord Mayor also has the following responsibilities:

- ~~(a) 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;
- ~~(b) 2.~~—to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary; ~~and~~
- ~~(c) 3.~~—to ensure that the Council meeting is a forum for debate and the place at which members can be held to account.

Article 14 – Review and Revision of the Constitution

14.01 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 and report to the ~~Executive or~~ Audit and ~~&~~ Governance Committee ~~as appropriate~~.

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in Article 1.

In undertaking this task, the Monitoring Officer may:

- (i) Observe meetings of different parts of the Member and officer structure;
- (ii) Undertake an audit trail of a sample of decisions;
- (iii) Record and analyse issues raised with them by members, officers, the public and other relevant stakeholders as part of an annual review; and
- (iv) Compare practices in this Council with those in comparable authorities, or national examples of best practice.

The Chief Finance Officer shall be responsible for keeping under review the Financial Regulations set out in [] to the Constitution and shall make any necessary amendments and revisions as are required from time to time. They shall report any amendments made to the Financial Regulations to the Audit & Governance Committee.

14.02 Changes to the Constitution

(a) Changes to the eConstitution (~~other than minor administrative/typographical corrections~~) will only be approved by the full Council after consideration of the proposal by the ~~Executive or~~ the Audit and ~~&~~ Governance Committee ~~as appropriate~~.

(b) Minor Changes

If, in the reasonable opinion of the Monitoring Officer, a change is:

- a. A minor variation; or
- b. Required to be made to remove any inconsistency or ambiguity; or
- c. Required to be made so as to put into effect any decision of the Council or its committees or the Cabinet,

In which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect and they will notify all Councillors of the minor amendments.

All changes to the Constitution will be recorded, giving the date of the change and the reason for the amendment.