

**Public Document Pack
SOUTHEND-ON-SEA CITY COUNCIL**

Standards Committee

Date: Tuesday, 12th November, 2024

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row (Principal Democratic Services Officer)

Email: committeesection@southend.gov.uk

A G E N D A

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes of the Meeting held on Tuesday 15th October 2024 (Pages 3 - 4)**
- 4 Minutes of the Meeting held on Tuesday, 22nd October 2024 (Pages 5 - 6)**
- 5 Review of Committee Sizes (Pages 7 - 12)**
- 6 Constitution Review Stage 4 Review of amended drafts of Parts 5 and 6 of the Work Programme and Consideration of Part 7 (Pages 13 - 340)**

TO: The Chair & Members of Standards Committee:

Councillor K Robinson (Chair),

Councillors P Collins (Vice-Chair), K Buck, J Courtenay, J Moyies, K Murphy, S Nadeem,
M O'Connor and M Terry

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Standards Committee

Date: Tuesday, 15th October, 2024
Place: Committee Room 6 - Civic Suite

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Present: Councillor K Robinson (Chair)
Councillors J Courtenay, J Moyies, K Murphy, S Nadeem,
M O'Connor and S Wakefield*
(*Substitute in accordance with Council Procedure Rule 30.)

In Attendance: Councillors D Cowan and T Cox
S Zeiss and T Row

Start/End Time: 2.00 pm - 4.25 pm

17 **Apologies for Absence**

Apologies for absence were received from Councillors P Collins (no substitute) and M Terry (sustitute: Councillor S Wakefireld).

18 **Declarations of Interest**

No interests were declared at the meeting.

19 **Constitution Review Stage 2 Review of initial drafts of Parts 5 and 6 of the Work Programme**

The Committee received a report of the Executive Director (Strategy & Change) that presented the first drafts of Part 5 (Overview and Scrutiny) and Part 6 (Councillors) of the proposed new constitution for Southend-on-Sea City Council. These were attached at Appendices B & C to the submitted report.

The Committee debated and reviewed the provisions presented by Officers and suggested a number of amendments which were duly noted. The amended draft of these parts would be submitted for the Committee's approval at its meeting on 12 November 2024, together with the initial draft of Part 7 (Officers). The amended drafts of Parts 3 and 4 would be submitted for further consideration and agreement by the Committee at its next meeting to be held on 22 October 2024.

Resolved:-

1. That the amended timeline for the Work Programme, as agreed by the Chair and attached as Appendix A to the submitted report be noted.

2. That it be noted that the summary of suggested drafting amendments made by Committee (with annotations from our external advisors, Anthony Collins) its meeting on 7 October was not ready in time for publication of this report and will be circulated to Members of the Committee and published with the repot for its meeting on 22 October.

3. That, subject to the comments made at the meeting, the first draft of Part 5 (Overview and Scrutiny) of a new proposed Constitution for Southend-on-Sea City Council as set out in Appendix B to the submitted report be noted and that officers make the appropriate amendments and/or additions based on those comments for approval at the meeting of the Committee taking place on 12 November 2024.

4. That, subject to the comments made at the meeting, the first draft of Part 6 (Councillors) of a new proposed constitution for Southend-on-Sea City Council as set out in Appendix C to this report to the submitted report be noted and that officers make the appropriate amendments and/or additions based on those comments for approval at the meeting of the Committee taking place on 12 November 2024.

5. That officers bring the amended drafts of Parts 3 and 4 of the Work Programme for further consideration and agreement by Committee to its next meeting to be held on 22 October 2024.

Chair: _____

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Standards Committee

Date: Tuesday, 22nd October, 2024
Place: Committee Room 2 - Civic Suite

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Present: Councillor K Robinson (Chair)
Councillors P Collins (Vice-Chair), M Borton*, J Moyies, K Murphy,
M O'Connor and S Wakefield*

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillor D Cowan
S Zeiss and S Cox

Start/End Time: 2.00 pm - 4.15 pm

20 Apologies for Absence

Apologies for absence were received from Councillor J Courtenay (no substitute), Councillor S Nadeem (substitute: Councillor M Borton) and Councillor M Terry (substitute: Councillor S Wakefield).

21 Declarations of Interest

No interests were declared at the meeting.

22 Minutes of the Meeting held on Tuesday 7th October 2024

Resolved:-

That the Minutes of the Meeting held on Tuesday, 7th October 2024 be confirmed as a correct record and signed.

23 Constitution Review Stage 4 - Review of amended drafts of Parts 3 and 4 of the Work Programme

The Committee received a report of the Executive Director (Strategy & Change) that presented the amended drafting for Part 3 (Committees) and Part 4 (The Executive and Joint Arrangements) of the proposed new constitution for Southend-on-Sea City Council. These were attached at Appendices B & C to the submitted report.

The Committee noted the comments from the meeting held on 7 October and reviewed and debated the latest draft. A number of amendments and adjustments were requested to the final draft of Part 3 (Committees) and Part 4 (The Executive and Joint Arrangements).

It was noted that a comparative exercise was being undertaken with statistical neighbours, comparing the Committee sizes of Southend-on-Sea with local authorities of a similar size and demographic. The results of this exercise were expected to be presented at the next meeting on 12 November 2024 for consideration.

Resolved:

1. That the summary of suggested drafting amendments made by Committee (with annotations from our external advisors, Anthony Collins) at its meeting on 7 October and attached as Appendix A, be noted.
2. That, subject to the further comments made at the meeting, the revised and final drafting of Part 3 (Committees) of the proposed constitution as set out in Appendix B of the submitted report be approved.
3. That, subject to the further comments made at the meeting, the revised and final drafting of Part 4 (The Executive and Joint Arrangements) as set out in Appendix C of the submitted report be approved.
4. That officers bring the amended drafts of Parts 5 (Overview and Scrutiny) and 6 (Councillors) of the Work Programme for further consideration and agreement by Committee to its next meeting to be held on 12 November 2024.
5. That officers bring the initial draft of Part 7 (Officers) of the new proposed Constitution for consideration by Committee at its next meeting to be held on 12 November 2024.

Chair: _____

Meeting: Standards Committee
Date: 12th November 2024
Classification: Part 1
Title of Report: Review of Committee Sizes

Executive Director: Claire Shuter, Executive Director, Strategy & Change
Report Author: Susan Zeiss, Director of Legal Services
Colin Gamble, Head of Democratic and Electoral Services

1. Executive Summary

- 1.1 To consider the options for a reduction in the number of members on the committees of 17 in size having regard to benchmarking data and the political balance requirements.

2. Recommendations

That Committee:

- 2.1 **Considers the options for a reduction in size of the Committees of the Council, in particular the 3 scrutiny committees and the Development Control Committee as set out in paragraph 3.4 of the report; and**
- 2.2 **Recommends a preferred option to Council as part of the review of the Council's Constitution; and**
- 2.3 **That any changes to the size of the committees be implemented at the beginning of the Municipal Year 2025/2026.**

3. Background

- 3.1 At the meeting of the Standards Committee held on 15th October 2024, councillors requested that a review of the size of the committees with 17 members be undertaken having regard to comparative data relating to our statistical neighbour authorities and the political balance requirements. This work forms part of the review of the Constitution.
- 3.2 The results of the benchmarking exercise are set out in Appendix 1 to this report and indicate that the size of the Council's scrutiny committees and the Development Control Committee are well above the average (scrutiny committees 10 development control committee 12). For completeness the review also includes comparisons with the other committees which are included in the normal political balance calculations.

3.3 The size of committees does affect political representation/proportionality and the implications of political balance is a factor that should be taken into account in reviewing committee size.

Options

3.4 There are 3 options put forward for consideration by the committee which would result in a reduction of members on the committees of 17 in size (scrutiny committees and Development Control Committee):

- (i) committees comprising 9 members
- (ii) committees comprising 11 members
- (iii) committees comprising 13 members

(Alternatively, the committee could consider a further option within the above range which would result in the Development Control Committee being smaller or larger than the three scrutiny committees).

3.5 Committees with an odd number of places have been put forward as these reduce the possibility of tied votes, which aids effective decision-making.

Entitlement to Seats on Committees

3.6 At present the total number of places across all the committee is 131. The seat entitlement is as follows:

Labour - 49 Seats	(19 / 51 x 131 = 48.80)
Conservative – 41 Seats	(16 / 51 x 131 = 41.10)
Independent – 13 Seats	(5 / 51 x 131 = 12.84)
Liberal Democrats - 10 Seats	(4 / 51 x 131 = 10.27)
Reform UK – 5 Seats	(2 / 51 x 131 = 5.14)
Green – 5 - Seats	(2 / 51 x 131 = 5.14)
Non-Aligned – 8 Seats	(3 / 51 x 131 = 7.71%)

3.7 The following table shows the entitlement to places on committees of 9,11 and 13 and the effect on political proportionality. The current position (17 members) is shown for comparative purposes.

	Labour	Cons	Ind	Lib Dem	Reform	Green	Non-Aligned
Committees of 9	3 (3.35)	3 (2.82)	1 (0.88)	1 (0.71)	0 (0.35)	0 (0.35)	1 (0.53)
Committees of 11	4 (4.10)	3 (3.45)	1 (1.07)	1 (0.86)	0 (0.43)	0 (0.43)	1 (0.65)
Committees of 13	5 (4.84)	4 (4.08)	1 (1.27)	1 (1.02)	1 (0.51)	1 (0.51)	1 (0.76)
Committees of 17	6 (6.33)	5 (5.33)	2 (1.67)	1 (1.33)	1 (0.67)	1(0.67)	1 (1)

(Adjustments would need to be made to committees of 11 and 13 in size to ensure that the number of members equates to the committee size total)

- 3.8 The principles for the allocation of places on committees between political groups are set out in Section 15(5) of the Local Government and Housing Act 1989. Under the Act, places on committees must be distributed amongst the groups according to their respective size. The table above gives an indication as to how the seats would be allocated, however, the Act further provides that the distribution of places on individual committees must be adjusted so that proportionality is observed across all committees taken as a whole, even if this means departing from proportionality across a particular committee.
- 3.9 There are advantages with having smaller and larger committees. A smaller committee is more likely to reach a decision more speedily and would allow for a more streamlined committee that would be able to operate in a more efficient manner. Conversely, larger committees may make decision-making more cumbersome but do allow for greater cross-party representation. Whilst there is an argument that a smaller committee is less representative, the suggested reductions in committee size make little difference to the overall entitlement of the smaller groups, e.g the two groups comprising 2 members would only lose 1 place (5 to 4) overall if the committees are reduced to 9 in size.
- 3.10 The benchmarking data would suggest that there is a compelling case for reducing the size of the committees of 17 in number. Although the committees have operated for a number of years at the current size, a reduction in size is unlikely to have an impact on the ability of the committees to operate efficiently and effectively.
- 3.11 Should the committee be minded to recommend any of the suggested options, then it is suggested that the reductions in the size of the committees be implemented at the beginning of the new Municipal Year 2025/26 as part of the annual appointments process.

4. Financial Implications

- 4.1 There are no financial implications associated with the suggested options.

5. Legal Implications

- 5.1 The legal implications are set out in the body of the report

6. Appendices

- 6.1 Appendix 1 – Constitution Review Benchmarking exercise – Size of Committees.

7. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
Executive Director(s)	Claire Shuter	04/11/24
S151 Officer	Joe Chesterton	01/11/24
Monitoring Officer	Susan Zeiss	01/11/24

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Constitution Review Benchmarking Exercise - Size of Committees

	People Scrutiny	Place Scrutiny	Policy & Resources Scrutiny	Health Scrutiny Committee	Development Control	Appeals A	Appeals B	Appointment's and Disciplinary	Audit Committee	General Purposes Committee	Licensing Committee	Standards Committee
Southend *Current* (51)	17 +9	17	17	-	17	7	7	7	9 +1	9	15	9 +4
Bury (51)	11	11	11	11 +1	11	-	-	9	9 +1	-	11	9 +1
Tameside (57)	8	10	-	10	10	-	-	4	9	-	9	5 +2
Stockport (63)	9	9	9	9	12	6	-	9	5 +1	-	10	5
Derby (51)	7	7	7	7	10	-	-	6	9	-	10	5 +4
Dudley (72)	11	11	11	11	9	-	-	5	9	-	12	5
St. Helens (48)	10	10	10	10	14	-	-	10	10	-	14	9
Bolton (60)	19	19	19	19	19	-	-	-	7	19	11	19
Wigan (75)	15	15	15	15	15	-	-	6	8 +1	-	14	8 +1
Stockton-on-Tees (56)	9	9	9	8	14	-	-	7	8	-	13	10
Calderdale (51)	9	9	9	9	7	-	-	4	8	7	10	10
Darlington (50)	10	10	10	-	14	-	-	-	6	-	14	-
Plymouth (57)	11	11	11	11	13	-	-	7	6	-	13	5
Walsall (60)	10	10	10	10	10	7	7	7	6	-	14	10
Middlesbrough (47)	13	13	13	-	10	-	-	7	7	-	12	9
Kirklees (69)	6	6	6	5	7	-	-	15	6	-	15	7
Average	10	10	10	10	12	-	-	7	7	-	12	8

(The number of Councillors on each Council are shown in brackets)

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Meeting: Standards Committee
Date: 12 November 2024
Classification: Unrestricted
Key Decision: No
Title of Report: **Constitution Review Stage 4 Review of amended drafts of Parts 5 and 6 of the Work Programme and Consideration of Part 7**

Executive Director: Claire Shuter
Report Author: Susan Zeiss
Executive Councillor: Cllr Daniel Cowan, Leader of the Council

1. Executive Summary

- 1.1. At the meeting of Standards Committee on 22 October 2024, Committee considered and agreed for recommendation to Council on 12 December the revised drafts of Part 3 (Committees) and Part 4 (The Executive and Joint Arrangements) of the proposed new constitution for Southend-on-Sea City Council.
- 1.2. Committee also agreed to review the amended drafting for Part 5 (Overview and Scrutiny) and Part 6 (Councillors) at this meeting.
- 1.3. Committee further agreed that officers bring the initial draft of Part 7 (Officers) to this meeting.
- 1.4. This work constitutes the ongoing Stage 4 (Drafting) of the agreed Work Programme.

2 Recommendations

It is recommended that Committee:

- 2.1. Notes the summary of suggested drafting amendments made by Committee (with annotations from our external advisors, Anthony Collins) at its meeting on 15 October and attached as Appendix A;
- 2.2. Reviews and agrees the revised and final drafting of Part 5 (Overview and Scrutiny) of the proposed constitution as set out in Appendix B to this report;
- 2.3. Reviews and agrees the revised and final drafting of Part 6 (Councillors) as set out in Appendix C to this report;

2.4 Considers the initial draft of Part 7(Officers) of the new proposed Constitution for Southend-on-Sea City Council as set out in Appendix D to this report and directs officers as to any amendments and/or additions it wishes to be drafted for further review at the meeting of Committee on 18 November 2024.

3. Background

3.1. Standards Committee agreed at its meeting on 16 July 2024 to recommend to Council that the constitution follow the style and format of the modern style constitution, where the sections are grouped into themes which follow the functions of the council.

3.2. Officers have therefore divided all the required component parts of a constitution including both those required by law and those over which the Council has a discretion into parts as described in the work programme. First drafts of suggested new provisions will be brought before Committee in sequence, first for direction as to the requested drafting of provisions and thereafter at a following meeting, for that drafting to be approved by Committee for onward recommendation to Council.

3.3. As part of the ongoing work of the Committee to review the constitution, this report brings before Committee for consideration:

3.3.1 The summary of suggested drafting amendments made by Committee (with annotations from our external advisors, Anthony Collins) at its meeting on 15 October and attached as Appendix A;

3.3.2 Revised drafting for Part 5 (Overview and Scrutiny) of the proposed constitution as set out in Appendix B to this report:

3.3.3 Revised and final drafting of Part 6 (Councillors) as set out in Appendix C to this report.

3.3.4 An Initial draft of Part 7 (Officers) of the proposed new constitution which is made up of the following components at Appendix D:

- Officers
- Management Structure
- Scheme of Delegation to Officers
- List of Proper Officers (and Designated Posts)
- Employee Code of Conduct
- Staff Employment Procedure Rules

4. Reasons for Decisions

4.1. Council agreed on 13 June 2024 to undertake a complete review and rewrite of its constitution.

5. Other Options Considered

- 5.1. The Council must have a constitution by law. Not having a compliant constitution is not an option that can be followed.
- 5.2. The option to amend the existing constitution in part only was discounted as it presented to great a risk of inconsistencies and inaccuracies remaining in the document. In addition, the style and format of the existing constitution required complete revision and modernisation, which would be difficult to achieve if only some parts were amended.

6. Financial Implications

- 6.1. At this stage there are no additional financial implications from the proposals contained within this report.

7. Legal Implications

- 7.1. It is a requirement of the Local Government Act 2000 that the Council has a constitution, there is a risk that the constitution in its current form may give rise to legal challenges about the Council's governance framework and decision-making procedures.

8. Equalities

- 8.1. There are no known Equalities impacts at this stage.

9. Consultation

- 9.1. Consultation with Members will be undertaken through the Standards Committee, which is a cross-party committee of Council, as well as engagement and training sessions with all councillors. The Committee will also invite suggestions and contributions from all councillors in advance of the Committee considering draft provisions.
- 9.2. There will be consultation with officers through engagement with all services through the drafting, decision-making and training processes.

10. Appendices

- 10.1 **Appendix A:** Notes of Members' comments on drafting annotated by Anthony Collins
- 10.2 **Appendix B:** Revised drafts of Part 5 (Overview and Scrutiny)
- 10.2. **Appendix C:** Revised draft of Part 6 (Councillors)
- 10.3. **Appendix D:** Initial Draft of Part 7 (Officers)

11. Report Authorisation

11.1

This report has been approved for publication by:		
	Name:	Date:
S151 Officer	Joe Chesterton	04/11/2024
Monitoring Officer	Susan Zeiss	24/10/2024
Executive Director(s)	Claire Shuter	20/10/2024
Relevant Cabinet Member(s)	CLlr Daniel Cowan	20/10/2024

Comments from Standards Committee

Highlighting how the comments have been taken into account in the draft

15 October 2024

The Committee noted that no comments had been received from any Councillors not appointed to the Committee.

The Committee was informed that a revised draft of Part 5 (Overview & Scrutiny) had been circulated on 14th October. This was the version discussed by the Committee.

It was pointed out that there were some typographical errors in the draft e.g. in paragraph 1.2 the word should be “three” not “thee”. ✓ These would be picked up for the “wash up” session in November, together with any necessary amendments for the purposes of gender-neutral language

PART 5 – OVERVIEW & SCRUTINY (Revised document circulated by email on 14th October)

Paragraph 1.4, Page 1

The reference to “member-led” scrutiny was discussed. The use of a “Minority Report” as an addendum to the decision should be considered when the Scrutiny Committee’s views on a particular issue is not conclusive. **No change**

Paragraphs 1.2 and 1.6, Pages 1 and 2

The Committee had a lengthy discussion regarding the number of Councillors appointed to Overview & Scrutiny Committees, the number of Scrutiny Committees, the balance of responsibilities with the remit of each Scrutiny Committee and duration of the meetings.

It was agreed that an options report come back to Standards on 12 November and which sets out what the numbers on committees are at our statistical neighbour authorities (there is info on these held by the LGA of CiPFA) and what the political proportionality and member-workloads would look like for a selection of options. The range proposed by members was very wide (7-15), but the main consensus from the meeting was that it could be built around a number between 9 and 13.

It also suggested that the report cover the options for a separate Overview & Scrutiny Committee specifically for Health with options for two and three Overview & Scrutiny Committees dealing with the Council’s functions. **Carry forward**

Paragraphs 1.19 & 1.20, Page 6 - Scrutiny of Flood Risk Management

The Committee noted that this was not a legal requirement and felt this could be deleted. This could be included within the list of areas covered by each Scrutiny Committee's remit **There is provision for this in s9FH LGA 2000 can be included in list of functions scrutinised by the relevant committee.**

Overview & Scrutiny Procedure Rules

Paragraphs 2.5 – 2.7, Page 13

The Committee discussed the provisions for the Chair and Vice-Chair of Overview and Scrutiny Committees being elected or appointed from any political group (including the from the administration) rather than only from opposition groups. It was noted that the current provisions were consistent with other local authorities and allows more flexibility. This could be changed by any administration at a later date should they wish to do so. Clarification of the definitions being elected or appointed would be sought.

Changed language in 2.6

Paragraph 2.23, Page 16

Further clarity /definition is needed in respect of the Leader's ability to withhold a document or part of it from a Councillor should they consider it appropriate to do so. Although this is set out in legislation, perhaps a reference to this could be included in the procedure rules. **√ 2012 SI included**

Paragraph 2.32 - Questions, Page 18

The Committee discussed the provisions enabling questions from Councillors. Councillors living within the City can ask a question as a resident. If, however, an elected Councillor lives outside of the City, this is not possible. It therefore suggested that a period of up to 15 minutes be included for questions from Councillors and responses. **√ see 2.36** The questions should be no longer than 150 words in length and the response shall be no longer than 250 words **√ see 2.34 and 2.40**

Paragraph 2.48 and 2.49, Page 20

The Committee discussed the duration of Overview & Scrutiny Committee meetings. The duration and possible extension of time specified in these paragraphs were inconsistent with the duration of Committees set out in Part 3 where 3 hours is specified as the duration with the opportunity to extend the meeting for a further 30 minutes. The duration of Overview & Scrutiny Committee meetings should be the same, 3 hours with an opportunity to extend for a further 30 minutes. **√**

Call-in Procedure

Paragraph 4.7, Page 21

The Committee recommended that the current procedures for call-in should be retained. ✓ x2 Call-in Procedures from the existing Constitution have been included.

PART 6 – COUNCILLORS

Paragraph 2.4(c), Page 45

It was noted that Unitary Authorities were not listed. The Order when Southend on Sea Borough Council became a Unitary Authority would be checked . ✓ xref to description in the localism Act 2011

Paragraph 4.12, Page 65 – 1st Bullet Point

The words “eg Councillors will generally know their Wards better than Officers.” should be deleted. ✓

Paragraph 4.17, Page 66

Delete first sentence “A key part of a Councillors role is to act as a political representative.” as this is not needed. ✓

Paragraph 4.22, Page 67

It was felt that the wording of this paragraph needs reviewing. ✓

Paragraph 4.25, Page 68 – 1st Bullet Point

The wording is quite restrictive. Although this was understood, it should also reflect the individual wishes of the relevant Councillor how they would like to be addressed. ✓ less restrictive changed means to involves

Arrangements for Dealing with Complaints Against Councillors

Paragraph 15.31, Page 92

Concern was expressed at there being no right of appeal to a Hearing Sub-Committee’s decision. Advice from Antony Collins Solicitors would be sought. There is no legal right of appeal because the livelihood of the member is not at risk. This is the approach supported by the LGA in the latest guidance on the arrangements councils should operate - “Given that the framework and sanctions are meant to be light-touch and proportionate, there should be no right of appeal against a decision on a Code of Conduct complaint” <https://www.local.gov.uk/publications/guidance-member-model->

[code-conduct-complaints-handling#appeals](#). Previous [The Local Authorities \(Code of Conduct\) \(Local Determination\) Regulations 2003](#), repealed in 2011.

Appendix – Sanctions for a Breach of the Code of Conduct for Councillors

10th Bullet Point, Page 93

This sanction needs further clarification as to whether this is consistent with the legislation. [Access to equipment is permissible – arguments that it interferes with ability for councillor to act – Devon CC unsuccessful JR – where Cllr banned from certain parts of premises but to limit access to emails or intranet would go to far therefore amended.](#)

[Note Part 5 Members Allowance – corrections made to reflect scheme approved by full council](#)

[V3 following comments from committee 15.10.24](#)

Part 5 OVERVIEW AND SCRUTINY

Section

- 1 Overview and Scrutiny Arrangements
- 2 Overview and Scrutiny Committee Procedure Rules

DRAFT

[V3 following comments from committee 15.10.24](#)

1. OVERVIEW AND SCRUTINY ARRANGEMENTS

Purpose

- 1.1 Every council operating an executive model has to have an overview and scrutiny function (Scrutiny) At the annual meeting of the full Council, the number of Committees, their Terms of Reference and the number of seats required to perform the scrutiny function for the forthcoming year will be approved.
- 1.2 The Council currently has appointed three Overview and Scrutiny Committees: People, Place, and Policy and Resources.
- 1.3 Developing a constructive relationship between the Cabinet and Scrutiny is fundamental to effective scrutiny and will occur by;
 - Facilitating the identification, prioritisation and delivery of key strategic issues Scrutiny Annual forward plans;
 - Promoting early involvement in the decision-making process and avoiding the need for “Call-in”;
 - Adopt a “cards on the table” approach with regular communication and sharing of information but balanced with a respect for confidentiality when required; and
 - Acceptance of the need for Scrutiny to have an independent mindset and responsibility for the role.
- 1.4 The success of this model lies in Scrutiny being “member led”. This means that the Scrutiny agenda will be set by Scrutiny members but also means that Councillors are accountable for its success. This will require the proactive engagement and commitment of both the Cabinet and Scrutiny as well as the Officers that support them.
- 1.5 This section gives more details about the Council’s Overview and Scrutiny Committees and the rules which govern how they work. These rules are at times written in formal language because of the statutory basis for the Overview and Scrutiny Committees. If you have specific questions our Democratic Services Team will be happy to help you.
- 1.6 The membership, chair and quorum requirements for the Overview and Scrutiny Committees are as set out in the below table.

Membership, Chair and Quorum

Number of Members	17
Substitute Members Permitted	Yes
Political Proportionality Rules Apply	Yes
Appointment / Removal of Members	Group Leader or Independent councillor

V3 following comments from committee 15.10.24

Restrictions on Membership	The Mayor and Cabinet Members may not be members
Restrictions on Chair and Vice Chair	These may where possible be sought from Councillors not in the majority groups. <u>Deputy Cabinet Members cannot be appointed.</u>
Quorum for Meetings	¼ of membership subject to a minimum of three members
Number of Ordinary Meetings Per Council Year	[]
Sub committees and working groups	permissible

Scrutiny Principles

1.7 The Overview and Scrutiny Committees are committed to the developing of a respectful relationship between themselves, the Cabinet and external partners. The work of the Overview and Scrutiny Committees is underpinned by the following seven principles:

- (a) To contribute to sound decision making in a timely way by holding Councillors and key partners to account as a ‘critical friend’.
- (b) Contribute to and reflect the vision and priorities of the Council.
- (c) Enable the voice and concerns of the public to be heard and reflected in the Council’s decision making process.
- (d) Engage in policy development at an appropriate time to be able to influence the development of policy.
- (e) To be agile and able to respond to changing and emerging priorities at the right time with flexible working methods.
- (f) For Scrutiny to be a Councillor led and owned function which seeks to continuously improve through self-reflection and development.
- (g) Drive improvement in public services and strategic decision-making

1.8 In addition to the principles set out at paragraph 1.6 above, in conducting its proceedings a Scrutiny Committee will have regard to the following:

V3 following comments from committee 15.10.24

- (a) At all times, while conducting its business in a tenacious matter, to do so with respect, equity, fairness, dignity and with regard to the principles of natural justice.
- (b) To ensure that all Scrutiny Committee members are given the opportunity to contribute to and speak at Scrutiny Committee meetings and to ask questions of those attending.
- (c) To conduct its business in a consensual, open, responsible and transparent manner across political divides and to avoid expressing views based purely on political considerations.
- (d) To conduct its business so as to maximise its efficiency.
- (e) Not to seek to hold Officers and non-Cabinet members to account for decisions taken by Cabinet members.
- (f) To recognise that any question of officer discipline which may arise is to be dealt with through the appropriate employment procedures.

Overview and Scrutiny Functions

Scrutiny

1.9 Within their agreed remit each Overview and Scrutiny Committee can:

- (a) Review or scrutinise decisions made or actions taken in connection with the discharge of any of the functions which are the responsibility of the Cabinet;
- (b) Make reports and/or recommendations to the Council or Cabinet with respect to the discharge of any functions which are the responsibility of the Cabinet;
- (c) Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet;
- (d) Make reports and / or recommendations to the Council or Cabinet with respect to the discharge of any functions which are not the responsibility of the Cabinet;
- (e) Make reports or recommendations to the Council or the Cabinet on matters which affect the Council's area or the inhabitants of that area.
- (f) Exercise the right to call-in, for reconsideration of executive decisions made but not yet implemented by the Cabinet / Leader/ Cabinet member or relevant senior Officer;
- (g) Work to ensure that communities are engaged in the Scrutiny process; and consider and implement mechanisms to encourage and enhance community participation in the development of policy options.

V3 following comments from committee 15.10.24

- (h) Promote equality and diversity across all of its work and the work of the Council.

1.10 The Overview and Scrutiny Committees will also each carry out these specific roles in relation to their work area:

- (a) Review and scrutinise the decisions made by and performance of the Leader / Cabinet / Cabinet member or Officers in relation to individual decisions;
- (b) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and / or particular service areas;
- (c) Question the Leader and all Cabinet members and senior Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (d) Scrutinise the work of partnerships and partnership bodies in the local area;
- (e) Make recommendations to the Cabinet / Leader / Cabinet member, Council or partners, arising out of the Scrutiny process;
- (f) Question and gather evidence from any person (with their consent where appropriate).

Overview - Policy Review and Development

1.11 An important part of the Scrutiny function is also to;

- (a) Review current policies and strategies and make recommendations to the Leader / Cabinet and Council;
- (b) Undertake in depth analysis of policy issues and options to assist the Council and the Leader / Cabinet in the development of its budget and policy framework;
- (c) Consider matters referred to them by the Leader / Cabinet and report to the Leader / Cabinet with proposals and/or options;
- (d) Question members of the Cabinet and /or Committees and senior Officers from the Council about their views on issues and proposals affecting the area; and
- (e) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- (f) Consider the impact of policies to assess if they have made a difference
- (g) In performing the overview function above, a Scrutiny Committee will review Council and Cabinet policies and recommend to the Council and Cabinet:

V3 following comments from committee 15.10.24

- (i) Whether new policies are required.
- (ii) Whether existing policies are no longer required.
- (iii) Whether existing policies require amending, updating or developing.
- (iv) Whether existing policies may be made more effective.

Review of External Organisation Performance

1.12 A Overview and Scrutiny Committee will establish arrangements for its review of the performance of relevant external organisations, known as Partner Authorities, which affect the Council's functions and services. The Overview and Scrutiny Committees will consider providing the report to Council or Cabinet before notifying in writing to the relevant partner the report or recommendations.

Scrutiny of Education Matters

1.13 The People Committee carries out the functions of the designated Education Scrutiny Committee. When sitting as an Education Scrutiny Committee it shall include in its membership the following representatives:-

- (a) 1 (one) representative from the Church of England Diocese;
- (b) 1 (one) representative from the Roman Catholic Diocese;
- (c) 3 (three) Parent Governor Representatives.

1.14 These co-optees will receive agendas and reports relating to all items being considered by the People Committee, but may vote only on matters pertaining to education matters and not on any other matters considered by the People Committee at the same meeting, though they may speak on these items.

Scrutiny of Health and / or Adult Social Care

1.15 The People Committee with responsibility for health and / or adult social care will have the following additional functions:

- (a) To review and scrutinise any matter relating to the planning, provision and operation of health and / or adult social care services.
- (b) To review and scrutinise the impact of the Council's service and key partnerships on the health and / or adult social care of residents.
- (c) To respond to consultations on any proposal for a substantial development or variation of health and / or adult social care services.
- (d) To positively and proactively scrutinises NHS functions in the Council area.

1.16 The People Committee includes in its membership a representative from Healthwatch and any other co-opted members required by law

[V3 following comments from committee 15.10.24](#)

Scrutiny of Crime and Disorder

1.17 In accordance with s19 of the Police and Justice Act 2006 the Place Committee will carry out the statutory responsibilities to scrutinise crime and disorder issues by:

- (a) Reviewing or scrutinising decisions made, or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions;
- (b) Making reports or recommendations to the local authority with respect to the discharge of those functions.

1.18 Crime and Disorder functions are (i) the strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); (ii) the strategy for combatting the misuse of drugs, alcohol and other substances in the area; (iii) the strategy for the reduction of re-offending in the area and; the strategy for preventing people from becoming involved in serious violence in the area, and reducing instances of serious violence in the area.

[Scrutiny of Flood Risk Management

1.19 The Place Committee shall review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area. [\[Move to description of committee](#)

Cabinet Functions

1.20 The Overview and Scrutiny Committees may review the Cabinet's performance of its executive functions and where necessary recommend to the Cabinet or the Council:

- (a) Whether any action should be taken to improve the economy, efficiency and effectiveness of these functions;
- (b) Whether any action should be taken to improve the co-ordination of the functions within the Council or the functions of other persons or bodies;
- (c) Whether any functions should be performed in another way or by another person or body;
- (d) Whether the performance of the function should cease.

Budget Framework

1.21 The Leader / Cabinet and Overview and Scrutiny Committees will agree a process for the scrutiny of the annual budget and Council Tax setting.

Referrals from the Council or the Cabinet

1.22 The Overview and Scrutiny Committees will consider where possible any matter referred to them by the Council or the Cabinet and recommend any appropriate action. The Cabinet may request a Scrutiny Committee to look at topics to assist and inform Cabinet decision-making.

V3 following comments from committee 15.10.24

- 1.23 The following matters will automatically be referred for inclusion in the workplan if agreed by the Scrutiny Committee of:
- (a) Draft policies, plans and strategies which are to be recommended to the Council or the Cabinet for approval;
 - (b) The draft budget which is recommended to the Council by the Cabinet.
- 1.24 In reviewing draft policies, plans strategies and the draft budget, a Scrutiny Committee will in particular consider:
- (a) Whether any appropriate criteria has been used;
 - (b) Whether consultation (if any) responses and engagement conclusions have been taken into account;
 - (c) Whether the decision is in accordance with the Council's policy framework;
 - (d) Whether the decision is within the powers of the Council;
 - (e) Whether the decision is lawful;
 - (f) Whether the decision contributes to the efficient, effective and economic performance of the function in question.

Members Right of Reference to a Scrutiny Committee

- 1.25 A member of a Overview and Scrutiny Committee, or a Sub-committee of that Committee or another Councillor may refer a matter to the Overview and Scrutiny Committee that is relevant to its functions and not an excluded matter.
- 1.26 The member must give notice in writing of the referral to the Scrutiny Officer stating the reasons for the request and proposed outcome.
- 1.27 The Scrutiny Officer will consider if the referral is relevant to the functions of the Overview and Scrutiny Committee and if so, decide which Overview and Scrutiny Committee should receive the referral and will include the referral on the agenda for the next scheduled meeting of the relevant Overview and Scrutiny Committee for debate. If the Overview and Scrutiny Committee decides not to take any action the Overview and Scrutiny Committee must notify the Councillor of its decision, and the reasons for it. If however, the Overview and Scrutiny Committee include the matter in their work programme and makes a report or recommendation to the Council or the Cabinet then a copy of that must be provided to the Councillor who originally referred the matter.

Scrutiny Ways of Working

Scrutiny Committee Business

- 1.28 An Overview and Scrutiny Committee will consider any business in accordance with its Terms of Reference and included in an agenda for its meeting.
- 1.29 In conducting its business, an Overview and Scrutiny Committee may:
- (a) Undertake in depth analysis of a policy issue;

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- (b) Receive briefings and presentations on issues under consideration;
- (c) Undertake research, community and other public engagement, particularly in the analysis of policy issues and possible options;
- (d) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (e) Hold inquiries, workshops, public meetings and conduct public surveys;
- (f) Invite advisors and assessors to assist them;
- (g) Question Cabinet members, Deputy Cabinet members and seek their views on issues and proposals affecting the Council's area;
- (h) Question senior Officers, and where appropriate suppliers and seek their professional views on issues, and / or their decisions and performance either in relation to service plans or in relation to particular decisions, initiatives or project;
- (i) Liaise with national, regional or local external organisations operating in the Council's area so as to ensure that the interests of local people are enhanced by collaborative working;
- (j) As part of any investigation, review and scrutinise the decisions made by, and performance of, the Cabinet, Cabinet members and senior Officers as regards both individual decisions and over time;
- (k) Question and collect evidence from any other person (with their consent) and invite witnesses to attend Scrutiny Committee meetings, proceedings or events.

1.30 The People Committee with responsibility for health and / or adult social care may call for information and explanations, questions and proposed plans from health and / or adult social care providers, and invite the senior managers of such service providers to attend meetings and give evidence.

Annual Scrutiny Work Plan

1.31 Each Overview and Scrutiny Committee must agree at its first meeting of a municipal year an annual work plan that takes into account:

- (a) The Council's corporate plans and priorities for the year;
- (b) Consultation with the relevant Cabinet member or members;
- (c) Consultation with the Chief Executive and relevant Executive Directors;
- (d) The desirability of making provision for the consideration of items of business within the remit of the Scrutiny Committee but not in the work plan arising during the year (an "unplanned scrutiny item"); and
- (e) Advice from the Scrutiny Officer on any matter.

V3 following comments from committee 15.10.24

1.32 Each scrutiny work plan will include a delivery plan and timetable. The plan must have regard to the Council's resources to deliver the plan and have flexibility to account for unforeseen events.

Agenda Setting Meetings

1.33 Agenda setting meetings will be held 6 (six) weeks in advance of each Overview and Scrutiny Committee meeting. These meetings will be attended by the relevant Overview and Scrutiny Committee Chair and Deputy Chair, relevant Executive Directors, Democratic Services support officer and Scrutiny Officer. Invitation may be extended to relevant Cabinet members as required.

1.34 The agenda for meetings will be agreed in accordance with the order set out in the Overview and Scrutiny Procedure Rules set out below.

Overview and Scrutiny Committee Pre-meetings

1.35 Pre-meetings of all Overview and Scrutiny Committee members may be held to ensure formal meetings are an effective use of available time by ensuring there is a shared understanding of the business of the meeting, including time allocations for items. The Chair may be able to give an indication of how they may be minded to address any procedural issues.

1.36 It is essential that pre-meetings do not involve any debate of the scrutiny topics at the meeting to ensure compliance with the Access to Information Rules set out under Part 1 of this Constitution. .

Sub-committees and Working Groups

1.37 The appointing Overview and Scrutiny Committee ("Parent Committee") will agree the terms of reference for any sub-committee or working group including but not limited to:

- (a) The terms of reference and intended outcome;
- (b) Its membership and support arrangements;
- (c) Arrangements for its meetings; and
- (d) A time limit for its recommendations to be submitted to the Parent Committee.

Monitoring and Tracking

1.38 Findings and recommendations of Overview and Scrutiny Committees, panels or similar will be circulated to all Scrutiny Committee members and the Leader and Cabinet.

The Scrutiny Officer

1.39 The Scrutiny Officer supports members and has the following statutory duties:

- (a) To promote the role of the Council's Overview and Scrutiny Committees;
- (b) To provide support to the Council's Overview and Scrutiny Committees and their members; and

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- (c) To provide support and guidance in relation to overview and scrutiny functions to Councillors, the Cabinet and Officers.

Annual Report

- 1.40 Each scrutiny work plan must be submitted to the next available full Council meeting for endorsement.
- 1.41 Each Overview and Scrutiny Committee Chair will report on progress of the scrutiny work plan of their Overview and Scrutiny Committee to full Council every six months and will submit an Annual Report on progress and outcomes to the Annual General Meeting.

Reports from Overview and Scrutiny Committees to Cabinet

- 1.42 All Overview and Scrutiny Committee reports will be notified to the Cabinet for consideration. This affords the Cabinet an opportunity to discuss the report and its recommendations with the Overview and Scrutiny Committee (if necessary) before the report and the Cabinet's views are submitted to the Council as necessary for its consideration. Every effort will be made to avoid undue delay. As the reports / recommendation must be responded to within two months.
- 1.43 Where a Overview and Scrutiny Committee cannot agree on a single, final report to the Cabinet then one minority report may be submitted to the Cabinet with one majority report.
- 1.44 All representations from an Overview and Scrutiny Committee to a Cabinet member regarding their responsibility, whether made verbally or in the form of a report, letter, email or other written format, must be formally reported to the Cabinet by the Cabinet member concerned, either verbally or in writing, when the relevant item is being considered. Overview and Scrutiny Committees must clearly identify that such a representation is a formal representation.

Ensuring Cabinet Considers Scrutiny Committee Reports

- 1.45 Where appropriate, before submitting a report to the Cabinet, an Overview and Scrutiny Committee may prepare a draft report to allow the relevant Cabinet member and the Chief Executive to comment on emerging themes and recommendations. The relevant Cabinet member and relevant Officers are able to attend the meeting of the Overview and Scrutiny Committee where the draft report is considered.
- 1.46 Once an Overview and Scrutiny Committee report on a matter which is a responsibility of the Cabinet has been finalised it will be included on the agenda of the next available Cabinet meeting unless the subject of the report is due to be considered by the Cabinet within two weeks of the report being finalised. In such a case the report will be considered when the Cabinet considers the subject of the report.
- 1.47 Where for any reason the Cabinet does not consider an Overview and Scrutiny Committee report at its next scheduled meeting or within four weeks of the report being submitted for the Cabinet's consideration, the Monitoring Officer may call a meeting of the Council to review the matter and make a recommendation to the Cabinet.

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1.48 The Cabinet will respond to the report and recommendations within four weeks and then provide updates to the relevant Overview and Scrutiny Committee on the implementation of the recommendations if required. Upon receipt of the Cabinet updates the relevant Overview and Scrutiny Committee will review the progress towards the implementations of the recommendations.

Reference to full Council

1.49 Each Overview and Scrutiny Committee should decide when it would be appropriate to submit reports for wider debate, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such reports would supplement the annual report to full Council on the Overview and Scrutiny Committee's activities and raise awareness of ongoing work

1.50 An Overview and Scrutiny Committee may refer a matter to Council if, in their opinion:

- (a) It is contrary to the Policy Framework; or
- (b) It is contrary / not wholly consistent with the Budget Framework; or
- (c) The Overview and Scrutiny Committee disagrees with the Monitoring Officer / Chief Finance Officer's view that the decision is legally and / or financially compliant.

Power to Require Attendance of Councillors and Officers to Answer Questions

1.51 An Overview and Scrutiny Committee or a sub-committee may require the Leader and Cabinet and Officers to attend before it to answer questions. It is the duty of the Leader and Cabinet or Officer to comply with a request to attend the meeting.

1.52 All Councillors and Officers will comply with the Council's Scrutiny Protocol in the discharge of and response to this power and will comply with the following principles:

- (a) The relevant Cabinet member and Executive Director will attend all Overview and Scrutiny Committee meetings relevant to their responsibilities and answer all questions where possible;
- (b) All requests will be made through the Scrutiny Officer or their nominee and will provide the reasons for the request and the matters on which the Cabinet member or Officer will be questioned;
- (c) The Chief Executive will seek to ensure the most appropriate Officers attend meetings to answer questions but may propose alternative attendees to ensure compliance with the order in paragraph (d) below;
- (d) Requests will be made in the following order:
 - The relevant Cabinet member or members;
 - The Chief Executive or relevant Chief Officer or Officers;
 - To relevant professional specialist or Head of Service; and

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- (e) Requests will be proportionate and respect Officers' and members' other work commitments and right to a private life.

1.53 A Councillor or Officer may not be asked or obliged to answer any question which

- (a) Falls outside the Overview and Scrutiny Committee's remit or falls within the remit of another Committee or body;
- (b) May be relevant to any disciplinary or other action that may be taken against them by the Council; or
- (c) They would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

Attendance by Others

1.54 An Overview and Scrutiny Committee or sub-committee may invite people other than the Councillors and Officers referred to above to address them, to discuss issues of local concern and / or answer questions including members of the public and expert witnesses.

Matters within the Remit of More than One Overview and Scrutiny Committee

1.55 Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Overview and Scrutiny Committees, the decision as to which Overview and Scrutiny Committee(s) will consider it will be determined by the Monitoring Officer in consultation with the Chairs of the relevant Overview and Scrutiny Committees.

Scrutiny Co-ordinating Group

1.56 The Chairs and Deputy Chairs of the Overview and Scrutiny Committees may meet with the Scrutiny Officer (and other Officers as they see fit) to ensure the effective administration of overview and scrutiny and its work programme. The meetings are not formal and have no decision making powers.

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2. OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES

Overview and Scrutiny Committee Proceedings

Who may sit on an Overview Scrutiny Committee?

- 2.1 An Overview and Scrutiny Committee will comprise no more than seventeen members, but the number of seats on a given Overview and Scrutiny Committee may vary depending on its remit and workload. The composition of the Overview and Scrutiny Committees will be politically proportionate.
- 2.2 All Councillors except Cabinet members and Deputy Cabinet members may be members of an Overview and Scrutiny Committee. Substitutes on Overview and Scrutiny Committees are permitted. However, no Councillor may be involved in scrutinising a decision in which they have been personally involved or made by close friends or relatives.
- 2.3 All Overview and Scrutiny Committee members must maintain an awareness of potential conflicts of interest to ensure such conflicts are managed and familial links between Cabinet and Scrutiny responsibilities including where members stand down from the Cabinet and move to a Scrutiny role, and vice-versa are considered. No Scrutiny Overview and Scrutiny Committee member may be a member of or appointed to a Cabinet working group falling within the scope of the Overview and Scrutiny Committee to which they have been appointed.

Co-optees

- 2.4 Any Overview and Scrutiny Committee may co-opt any person who is not a Councillor to be a member of the Overview and Scrutiny Committee either as standing member of the Overview and Scrutiny Committee or on a time limited basis. A co-opted member cannot vote but is able to contribute to the debate and provide their insights. The Committee should seek advice from the Scrutiny Officer before appointing any co-opted members.

Who Chairs the Scrutiny Committee Meetings?

~~[2.5 At each Annual General meeting of Full Council the Overview and Scrutiny Committee Chairs and Vice Chairs shall be appointed, both of whom shall hold office for a year or until their successors are elected or appointed.](#)~~

~~Each Overview and Scrutiny Committee shall, at its first meeting after appointment and at its first meeting after the annual meeting of the Council or as soon as practicable thereafter, elect a Chair who, once elected will appoint a Vice-Chair, both of whom shall hold office for a year or until their successors are elected or appointed.~~

~~2.5.2.6~~ If both Chair and Vice-Chair are absent from a meeting, a Chair for the meeting will ~~need to be sought~~[be elected](#). The person presiding at the meeting may exercise any power or duty of the Chair.

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2-62.7 No person shall hold the office of Chairman or Vice-Chair unless they are a member of the Overview and Scrutiny Committee in question and are also a Councillor of the Council.

Scrutiny Committee Meetings

2-72.8 An Overview and Scrutiny Committee should normally meet at least four times each year although additional meetings may be called as and when required.

2-82.9 A meeting may be called by the Chair of the relevant Overview and Scrutiny Committee or by any three members of the Overview and Scrutiny Committee or by the Scrutiny Officer if they consider it necessary.

2-92.10 Wherever possible an Overview and Scrutiny Committee meeting will be webcast.

2-102.11 The Overview and Scrutiny Committee will consider the following business:

- (a) Minutes of the last meeting;
- (b) Declarations of interest;
- (c) The consideration of any matter referred to the Committee for a decision relating to the Call-in of a decision;
- (d) Responses of the Cabinet to any reports of the Committee;
- (e) Any item proposed under paragraphs 1.24 to 1.27 of the Scrutiny Committee Arrangements above as a 'Councillor Call for Action';
- (f) The business otherwise set out in the agenda for the meeting.

2-112.12 In the event of disagreement as to the inclusion of the agenda item, the Committee shall decide on the inclusion at its next available meeting.

Scrutiny Committee Meeting Procedure

2-122.13 Where the Overview and Scrutiny Committee is considering the review or development of a policy in accordance with paragraph 1.11 of the Overview and Scrutiny Committee Arrangements above it may request the attendance at the meeting of;

- (a) Any Councillor;
- (b) Any other elected or co-opted member;
- (c) The Head of Paid Service (Chief Executive), any Chief Officer and / Executive Director to explain any matters within their remit;
- (d) With their consent, those others it considers appropriate including but not limited to residents, relevant stakeholders and the members or officers of other public bodies.

2-132.14 In such a case the meeting will be conducted in accordance with the following principles:

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- (a) That the matter is conducted fairly with all Overview and Scrutiny Committee members afforded the opportunity to ask questions and all attendees afforded the opportunity to speak and contribute.
- (b) That those assisting the Overview and Scrutiny Committee by giving evidence be treated with respect and courtesy.
- (c) That the matter be conducted in such a manner as to maximise the efficiency of the investigation or review.

2.142.15 Where a Councillor or Officer is required to attend a meeting of an Overview and Scrutiny Committee under this provision, the Chair of that Overview and Scrutiny Committee will inform the Scrutiny Officer.

2.152.16 The Scrutiny Officer will notify the person whose attendance is sought in writing giving not less than ten working days' notice of the meeting in question.

2.162.17 The Scrutiny Officer's notice will inform the Councillor or Officer of the nature of the agenda item on which they are required to attend and give an account and whether any papers are required to be produced for the Overview and Scrutiny Committee. Where the Overview and Scrutiny Committee will require a report, sufficient notice will be given for the preparation of the report.

2.172.18 Where, in exceptional circumstances, the Councillor or Officer is unable to attend the meeting on the required date, then in consultation with the Councillor or Officer the Overview and Scrutiny Committee will arrange an alternative date for their attendance, or where the Councillor or Officer is unable to attend, they may nominate another person who is able to speak on the topic in question.

Rights of Overview and Scrutiny Committee Members to Documents

2.182.19 In general, a member of an Overview and Scrutiny Committee will have access to information in accordance with the [Access to Information Procedure Rules](#) set out under Part 1 of this Constitution.

2.192.20 Additionally, for the purpose of fulfilling the scrutiny function, a member of an Overview and Scrutiny Committee is entitled to a copy of any document which:

- (a) Is in the possession or under the control of the Cabinet; and;
- (b) Contains material relating to:
 - (i) Any business that has been transacted at a meeting of a decision making body of the Council;
 - (ii) Any decision that has been made by an individual member of Cabinet in accordance with the Executive Arrangements set out under Part 4 of this Constitution; or
 - (iii) Any decision that has been made by an Officer in accordance with the Executive Arrangements.

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2-202.21 Where a member of an Overview and Scrutiny Committee requests a document which falls within paragraph 2.20 the Cabinet must provide that document as soon as reasonably practicable and in any case no later than ten clear days after the Cabinet receives the request.

2-242.22 No member of an Overview and Scrutiny Committee is entitled to a copy:

- (a) Of any such document or part of a document detailed under paragraph 2.20 which contains exempt or confidential information unless that information is relevant to:
 - (i) An action or decision that that member is reviewing or scrutinising; or
 - (ii) Any review contained in any programme of work of such a committee or sub-committee of such a committee; or
- (b) Of a document or part of a document detailed under paragraph 2.20 containing advice provided by a political adviser or assistant.

2-222.23 Where the Leader determines that a member of an Overview and Scrutiny Committee is not entitled to a copy of a document or part of any such document detailed under paragraph 2.20, for a reason set out in paragraph 2.22, the Leader must provide the Overview and Scrutiny Committee with a written statement setting out their reasons for that decision as required in Regulation 17 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. For the avoidance of doubt "document" means any report or background papers, other than that only in a draft form, taken into consideration in relation to an executive decision.

2-232.24 Members of an Overview and Scrutiny Committee may within the limits of its budget (if any), commission research or advice (including from external organisations) to assist in any deliberations and may request that a budget for such work is provided.

2-242.25 Overview and Scrutiny Committees will also have access to background information from a range of sources including but not limited to:

- (a) Council plans, strategies and policies;
- (b) The four month Forward Plan of work for the Cabinet;
- (c) All documents listed on the Council's Policy Register;
- (d) Business Unit plans;
- (e) External Audit Management Letters;
- (f) Internal and External Audit Plans and Reports;
- (g) Legislation and Government guidance;
- (h) Government Reports and National Studies;
- (i) National performance and comparative information e.g. CIPFA statistics;
- (j) Complaints;

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- (k) Community plans and processes;
- (l) Cabinet or Cabinet Member papers;
- (m) Representations from the Community (Individuals, Community Groups, Councillors, Community Boards, Residents, Surveys, etc.);
- (n) Research published by other organisations or commissioned by any of the Overview and Scrutiny Committees;
- (o) Evidence from expert witnesses at the Overview and Scrutiny Committees' request;
- (p) Copies of minutes and papers received by any internal Council advisory board or group.

Right of Speakers

2-262.26 Any person required to attend and give evidence at an Overview and Scrutiny Committee meeting is entitled to see the public and background papers made available to the Overview and Scrutiny Committee and any other relevant papers or information which are not public at the same time if the Monitoring Officer decides it is appropriate. Such papers or information may include but are not limited to:

- (a) External Audit Management Letters;
- (b) Internal and External Audit Plans and Reports;
- (c) National performance and comparative information (i.e. CIPFA statistics);
- (d) Research published by other organisations or commissioned by other Committees of the Council.

2-262.27 Wherever possible anyone asked to speak at the meeting will be given access to the statements of those who have already spoken to the Overview and Scrutiny Committee, but not those who have yet to do so.

2-272.28 Those in receipt of the papers will respect confidentiality of all confidential and / or exempt information included in them.

2-282.29 Except insofar as the papers include confidential and / or exempt information and as considered appropriate where the public and press have been excluded, those papers submitted to the Overview and Scrutiny Committee by anyone speaking at a meeting of the Overview and Scrutiny Committee will become public documents once the speaker has concluded their evidence.

2-292.30 Those speaking at a meeting are entitled to request for their comment a copy of any draft minutes or other record taken of their contribution to the meeting. If the speaker considers that the draft minutes or record of their contribution is not accurate, they are able to make a written request asking that a correction be submitted at the next meeting of the Overview and Scrutiny Committee.

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Rights of Councillors to Attend an Overview and Scrutiny Committee Meeting and Speak

~~2.302.31~~ Any Councillor who is not a member of an Overview and Scrutiny Committee may attend a meeting of that Committee and speak if permitted to do so by the Chair.

Questions

Questions on Notice

~~2.342.32~~ Subject to Rules 2.33 and 2.34, a Councillor may ask the Chair of an Overview and Scrutiny Committee a question on any matter relevant to their terms of reference and responsibilities.

Notice of Questions

~~2.322.33~~ A Councillor may ask a question under Rule 2.32 if either:

- (a) They have given notice of the question in writing or by electronic mail no later than midday five working days before the day of the meeting to the Monitoring Officer; or
- (b) The question relates to urgent matters, they have the consent of the Chair or councillor to whom the question is to be put and the content of the question is received by the Monitoring Officer in writing or by electronic mail by **9.00 a.m. on the day of the meeting.**

Content of Questions

~~2.332.34~~ Questions under Rules 2.32 (insofar as is relevant) must [be no longer than 150 words and](#), in the opinion of the Chair:

- (a) Not be unreasonable;
- (b) Contain no expressions of opinion;
- (c) Relate to matters on which the Council has or may determine a policy;
- (d) Not relate to questions of fact;
- (e) Not require the disclosure of confidential or exempt information;
- (f) Not relate to a matter which is purely of personal concern to an individual or family members.

~~2.342.35~~ Rejected questions will be returned to the questioner with the reasons for rejection.

Time Allowed for Councillor Questions at Overview and Scrutiny Committees

~~2.352.36~~ The ~~number of questions and the~~ total time allowed for consideration of such questions submitted under Rule 2.32 shall be ~~determined by the Chair~~[fifteen minutes](#);

Record of Questions

~~2.362.37~~ The Monitoring Officer will send a copy of any question received to the Chair of the Overview and Scrutiny Committee to whom it is to be put. Copies of all questions

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will be available to all Councillors and the public attending the meeting. After the meeting, copies of the questions asked at the meeting and the responses will also be available on the Council's website with the minutes for the relevant meeting.

Number of Questions

2-372.38 At any one meeting no Councillor may submit more than one question and no more than one question may be asked on behalf of one organisation.

Order of questions

2-382.39 Questions from Councillors received in accordance with Rule 2.32 will be asked in the order determined by the Chair.

Response

2-392.40 An answer to a question submitted under Rule 2.32 shall be no more than 250 words and may take the form of:

- (a) A direct verbal answer;
- (b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) Where the reply cannot conveniently be given verbally, a written response will be provided no later than five working days after the meeting.

Referral of Question

2-402.41 Unless the Chair decides otherwise, no discussion will take place on any question, but any member of the Overview and Scrutiny Committee may move that a matter raised by a question be referred to Council, Cabinet or the appropriate Committee or sub-Committee as necessary. Once seconded, such a motion will be voted on without discussion.

Rights of the Public to Attend a Overview and Scrutiny Committee Meeting and ask Questions

2-412.42 The public may ask questions at Overview and Scrutiny Committee meetings on items set out in the agenda for that meeting.

Time Allowed for questions

2-422.43 The total time allowed for asking questions under Rule 2.42 shall not, without the consent of the Chair, exceed ten minutes with each question limited to three minutes per question.

Notice of Public Questions

2-432.44 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday five working days before the day of the meeting. Each question must give the name and address of the questioner.

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Number of Public Questions

2.442.45 At any one meeting no member of the public may submit more than one question and no more than one question may be asked on behalf of one organisation.

Scope of Public Questions

2.452.46 The Monitoring Officer may reject a public question if in their view it:

- (a) Is not about a matter for which the Council has a direct responsibility or which affects the Council's area;
- (b) Is defamatory, frivolous or offensive;
- (c) Is vexatious or abusive;
- (d) Is substantially the same or similar to a question which has been put at a meeting of the Council or Committee in the past six months;
- (e) Requires the disclosure of confidential or exempt information;
- (f) Is lengthy, or is not a question;
- (g) Relates to a matter which is of purely personal concern to an individual or family members;
- (h) Relates to court action or threatened court action between the Council and the questioner or group with which they are connected;
- (i) Is a request for compensation;
- (j) Contains a statement which is untrue;
- (k) Is an unintelligible question;
- (l) Relates to a matter on which the Council has, or may, determine a policy.

2.462.47 If not rejected by the Monitoring Officer the Overview and Scrutiny Committee Chair will decide how a public question will be dealt with.

Duration of Meeting (Overview and Scrutiny Committees Only)

2.472.48 After ~~three~~ hours from the commencement of the meeting, including any period that the meeting may have been adjourned, an Overview and Scrutiny Committee may pass a resolution to continue the meeting for up to ~~thirty~~~~five~~ minutes.

2.482.49 At the end of this ~~thirty~~~~five~~ minute period, or if such a resolution is not passed, the Chair of an Overview and Scrutiny Committee shall dispose of the remaining business by conducting a vote on any item(s) immediately without further debate or by deferring consideration to a future meeting.

3. THE CALL-IN PROCEDURE

3.1 Only key decisions can be called-in, urgent key decisions cannot be called in.

3.2 Call-in should only be used in exceptional circumstances. Exceptional circumstances are where a decision has been made which is either outside the policy framework or

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contrary to, or not wholly consistent with the budget, or the decision was not taken in accordance with the principles set out in Article 13.02. The right to call-in should not be abused.

3.3 Where a decision is made by the Cabinet, the decision shall be published in a Digest, including where possible by electronic means, and shall be available at the main offices of the Council as soon as possible after the Cabinet meeting. The Digest will be sent to all Councillors.

3.4 The published decision will bear the date on which it is published and will specify that the decision will come into force and may be implemented at 4.00pm on the fifth working day after the publication of the decision (not including the date of publication), unless called-in under these provisions.

3.5 During this period, the Chief Executive shall call-in a decision for scrutiny by the relevant scrutiny committee if so requested by at least 3 members of the Council (not including Cabinet Members) or voting co-opted members and providing the request complies with the requirements set out in the reasons for Call-in below. For the purposes of this provision the education co-opted members referred to in paragraph 3 of these Rules shall only be entitled to request the call-in of a decision relating to education matters.

3.6 Councillors requesting that a decision be called-in for scrutiny shall complete a call-in form (attached at Appendix 1) either electronically or on paper and indicate one councillor as the lead councillor for the call-in and send it to the Chief Executive.

3.7 The councillors requesting the call-in must include reason(s) why the decision should be scrutinised.

3.8 A reason for call-in shall not be valid if:-

- (i) the reason for call-in does not relate directly to the decision;
- (ii) the reason for call-in is answered by information already to be found in the report relating to the decision;
- (iii) the reason for call-in is to obtain information which does not directly relate to the reasons for taking the decision which is being called in;
- (iv) the reason for call-in relates to a decision which is yet to go to statutory consultation. However, the reason for call-in may be valid if it relates to the basis of or criteria for the consultation;
- (v) the reason for call-in relates to a previous policy or strategy decision which has been subject to the call-in process within the previous six months;
- (vi) there was sufficient time for pre-decision scrutiny.

3.9 On receipt of a call-in form the Chief Executive will arrange for:

- (a) the call-in form to be acknowledged in writing;
- (b) consideration that the call-in is valid within these Rules;

3.10 If the call-in is valid:

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(c) Cabinet to be formally notified in writing of the receipt of a call-in; and

(d) the Chair of the scrutiny committee to be informed (if the Chair is not a party to the call-in).

3.11 If the call-in form states that the decision is outside of the budget and policy framework of the Council, the Chief Financial Officer or Monitoring Officer (as appropriate) will prepare a report for the scrutiny committee upon the matter.

3.12 Prior to the meeting of the scrutiny committee arranged to consider the call-in item, the Chair shall arrange an informal meeting with the lead councillor calling in the decision and the lead Cabinet Member to discuss the issue. All members who have signed the call-in request will be invited to the informal meeting, providing the number of signatories does not exceed three.

3.13 Where at the informal meeting stage assurances are given by, or agreements reached with the lead Cabinet Member, then those assurances or agreements must subsequently be confirmed in writing.

3.14 A report of any call-ins that are withdrawn as a result of an informal meeting will be included on the Agenda for the next meeting of the scrutiny committee.

3.15 If the call-in is not withdrawn as a result of the informal meeting or an informal meeting is not held it will go to the scrutiny committee.

3.16 The committee should normally meet within 10 clear working days of the notice of call-in. Wherever possible scheduled meetings of the committee will be used. Where this is not possible the Chief Executive will liaise with the parties concerned to arrange a special meeting.

3.17 A decision may not be called-in where the scrutiny committee scrutinised the decision before it was taken and made recommendations to Cabinet and those recommendations have been accepted by Cabinet either in whole or without significant addition or modification.

3.18 To facilitate the proper scrutiny of the decision being called-in, the lead councillor shall provide the scrutiny committee members with an outline of the case to be presented and any supporting evidence not less than three working days prior to the date of the scrutiny committee meeting.

3.19 Where a decision has been called-in and none of the councillors who have called-in the decision attends, the scrutiny committee will have the option of confirming the decision without any further discussion.

3.20 The Chair of the scrutiny committee shall primarily confine the debate at the meeting to the reasons stated on the call-in form.

3.21 The options available to the scrutiny committee in respect of a called in matter are as follows:

(a) To note the Cabinet's decision – in which case the decision takes effect immediately

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(b) To refer the matter back to the Cabinet for reconsideration – in which case the Cabinet shall reconsider the matter within 28 days, normally at its next planned meeting. The Cabinet may then determine the matter as it thinks fit and the decision takes effect on publication of the fresh decision, there being no further call-in.

(c) Refer Cabinet's decision to the Council where the Chief Financial Officer/ Monitoring Officer's report confirms that the decision is outside of the budgetary and policy framework.

3.22 If a matter is referred to the full council in accordance with paragraph (c) above, the Chief Executive, in consultation with the Mayor, shall call an extraordinary meeting of the council within seven working days.

3.23 Essentially the same procedures also apply to the call-in of key decisions by the Cabinet Committee and officers. However, in the latter case if the scrutiny committee refers the matter back, it will be considered again by the officer who will refer the matter to Cabinet.

4. CALL-IN AND URGENCY

4.1 The call-in procedure set out above shall not apply or shall cease to apply where the decision being taken by the Cabinet is urgent or becomes urgent during the call-in process. A decision is urgent if any delay likely to be caused by the call-in process is likely to seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the Cabinet, the decision is or has become an urgent one, and therefore not, or no longer subject to call-in.

4.2 The operation of the provisions relating to call-in and urgency shall be

2.494.3 monitored annually, and a report submitted to Council with proposals for review if necessary.

5. PRE-DECISION SCRUTINY

What is pre-decision scrutiny?

5.1 Pre-decision scrutiny applies to scheduled Cabinet business and provides the opportunity for consultation with non-Executive Members on fully developed proposals, where a clear recommendation exists, before decisions are taken by the Cabinet. This provides scrutiny Councillors with the ability to make comments on a proposed decision before it is made, thereby giving scrutiny a valuable opportunity to influence decision-making through debate and challenge.

5.2 Pre-decision scrutiny is usually undertaken two or three weeks before a key decision is made at Cabinet. This provides councillors on scrutiny committee to consider and make recommendations on decisions in their final form.

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5.3 The range of possible outcomes may include support for a decision, a different view on the way forward, the flagging up of concerns, or a view that the decision should be deferred pending further work, etc.

5.4 It does not mean that decisions will necessarily be changed or withdrawn, however it gives an opportunity for those decisions to be more informed. Pre-decision scrutiny can be viewed as non-Executive Members performing a 'critical friend' role in relation to the Executive.

What pre-decision scrutiny is not

5.5 Pre-decision scrutiny does not replace decision-making. It is not intended to blur the lines of accountability, which will always rest with the Executive.

5.6 Pre-decision scrutiny is not the same as general service or policy development / formulation. Separate to pre-decision scrutiny there will be occasions where scrutiny is already involved at an earlier point in the development of policy or service proposals.

5.7 Pre-decision scrutiny is not a call to carry out an in-depth inquiry into a matter. It refers to a one-off consultation on a specific report.

Who undertakes pre-decision scrutiny?

5.8 Pre-decision scrutiny is about accountability for decision-making. The scrutiny of decisions and holding the Council's Executive to account is a role that is carried out by the Council's three Scrutiny Committees.

5.9 The selection of matters for pre-decision scrutiny should have regard to whether the matter has already featured in scrutiny work plans.

Impact on work plans

5.10 Pre-decision scrutiny is only one of a variety of roles and possible activities that scrutiny may be involved in, and any desire to undertake pre-decision scrutiny will need to be balanced with other activities.

5.11 Pre-decision scrutiny does not automatically require scrutiny to carry out any in-depth work. The presumption is that a single meeting is sufficient to formulate views. Should the committee feel that more work is necessary then it will need to recommend that to Cabinet. If the committee wishes to carry out any aspect of work in relation to the proposed decision, it will need to state this in its response to the Cabinet.

5.12 An item for pre-decision scrutiny need not automatically pose a significant impact on the existing work programme, the committee will however have to manage its work to take into account referrals or requests for pre-decision scrutiny.

Impact on the Executive

5.13 The committee will depend on the cooperation of the Executive in facilitating the involvement of scrutiny. Pre-decision scrutiny will have an impact on existing decision-making procedures, and the time of both councillors and officers involved in the

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production of Cabinet reports. Pre-decision scrutiny would be facilitated by forward planning and a degree of flexibility on decision-making timetables.

The process

5.14 The process for pre-decision scrutiny is summarised in the attached flow-chart (Appendix 4). The process is based on a selective approach through identification of items from the City Council's Forward Plan.

5.15 Only one scrutiny committee may undertake pre-decision scrutiny. Identification / Selection

5.16 The City Council publishes its Forward Plan on the Council's website and it will be included with each scrutiny agenda. Scrutiny councillors should use this information as the source from which selections for pre-decision scrutiny are made. Where the chair of a scrutiny committee or a group leader expresses a desire to pre-scrutinise a matter it will be added to the work programme. The relevant Cabinet Member will be made aware of any requests for pre-scrutiny.

5.17 In some circumstances pre decision scrutiny will not be appropriate. The Chief Executive will be entitled to decline a request for pre-decision scrutiny provided one of the following criteria is met:

- The matter is not the subject of a Cabinet decision-making report
- The matter has already been subject to extensive consideration by scrutiny
- Where pre-decision scrutiny would require that an urgent matter is delayed and that this delay would be detrimental to the interests of the Council
- Whether there is any constitutional or legal reason why pre-decision scrutiny should not take place

Notification

5.18 The relevant Cabinet Member and relevant Director will be notified of those matters identified for pre-decision scrutiny at the earliest opportunity and advice sought on timing / implications.

5.19 The relevant Director will advise on the decision-making timetable.

Inclusion in Work Plan

5.20 Where possible those matters that have been considered appropriate for pre-decision scrutiny will be included in the work plan.

5.21 At the same time the committee will have to consider the implication on its own time to undertake meaningful pre-decision scrutiny and will need to manage and modify its work programme accordingly.

Consideration

5.22 Pre-decision scrutiny will normally be based on the report which is to be submitted to Cabinet. The relevant Cabinet Member would be expected to attend the committee to

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answer questions / provide clarification on the report. The committee can request relevant officers to attend to provide advice and assist the committee in their consideration.

5.23 Best practice evidence strongly emphasises the need for a constructive and non-party political approach. There would be an expectation of responsible, evidence-based scrutiny. In general, the committee would be expected to focus on:

- The reasons for the proposed decision and robustness of the process
- Whether the report outlines all the known or potential implications (including policy/budget issues) and risks
- Whether the report adequately examines all the available options
- Whether there has been adequate consultation on the proposals

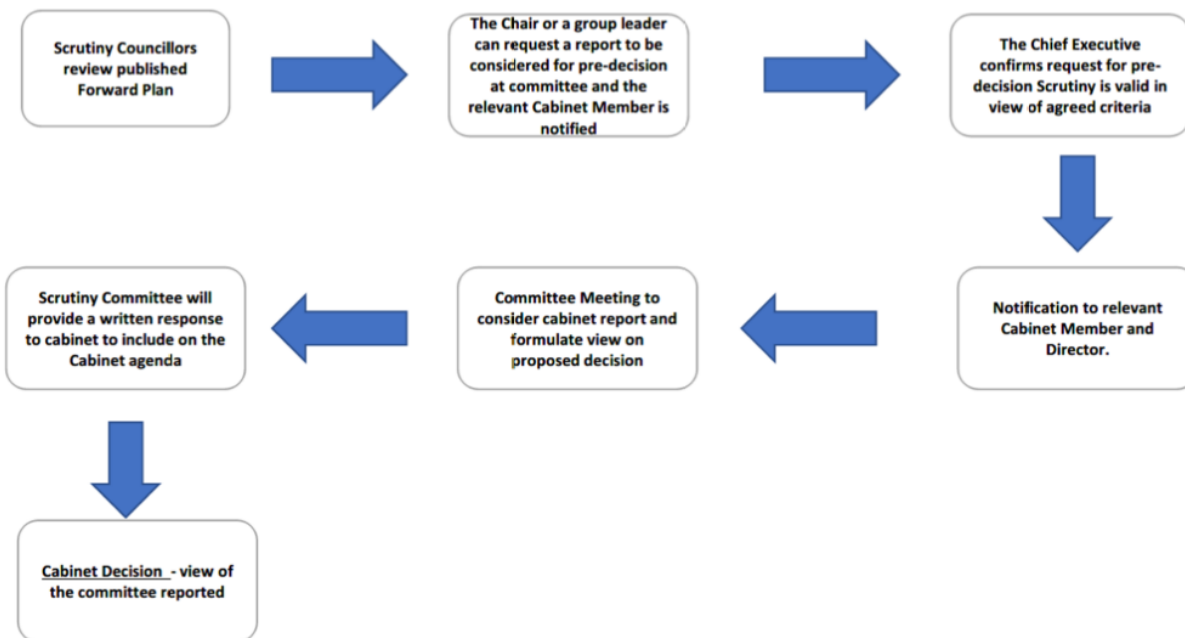
5.24 Meetings will be open to the public (unless an exemption applies).

Decision

5.25 The Committee will inform cabinet in writing of their considerations, this will be included on the Cabinet agenda. Otherwise, the chair of the committee will be invited to address the Cabinet during consideration of the report to outline the views of the committee prior to decision.

5.26 Where possible the Cabinet report should include a section on the outcome from the committee meeting and if necessary, demonstrate how the views expressed by the committee have been addressed.

Pre-decision scrutiny



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~~2.50 "Call-in" is the process by which an Overview and Scrutiny Committee exercises its statutory right to scrutinise executive decisions that have been made but not yet implemented. The relevant decision maker must consider any recommendations made by the Overview and Scrutiny Committee before the decision can be implemented.~~

~~2.51 When a key decision is made by the Cabinet or an individual Cabinet member, or an Officer with delegated authority, or any Committee under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two working days of being made. The Chair of the relevant Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale.~~

~~2.52 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of three working days after the publication of the decision, unless either the decision has been certified as urgent and requires implementation urgently or a Call-in request has been received by, at the latest, 5.00pm on the third working day after the decision has been made in accordance with Rule 2.67. If a Call-in request is received the decision will not be implemented until the Call-in process is complete.~~

~~2.53 A decision may only be Called-in once and a decision may not be Called-in where the substance of the decision has already been subjected to scrutiny by an Overview and Scrutiny Committee unless there have been substantial changes to the decision or where the Chief Finance Officer has certified that a delay in the implementation of a decision will result in significant additional cost to the Council.~~

~~2.54 The grounds for a Call-In Request are:~~

- ~~(a) The decision has not been made in accordance with this Constitution, Council policies or Council procedures and processes;~~
- ~~(b) The decision is outside of the Council's policy framework or the budget approved by the Council;~~
- ~~(c) The decision is outside of the powers of the Council;~~
- ~~(d) The decision is unlawful.~~

~~2.55 Once a recommendation for a decision is published, any member of the relevant Overview and Scrutiny Committee may ask to see the papers to be considered (except insofar as they contain confidential or exempt information) and take preliminary advice from Officers supporting the Overview and Scrutiny Committee about the implications of the decision.~~

~~2.56 At least 15% (fifteen per cent) (rounded up) of Councillors representing the number of councillor seats on the Council must notify the Monitoring Officer within three working days of the publication of the decision of an intention to request the Overview and~~

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~~Scrutiny Committee to examine the decision and of any requirement for the attendance by a Cabinet member or any Officer by way of a Call-in Request. Within two working days of the notification of the Call-in request the same number of Councillors must confirm whether they wish to proceed with the Call-in Request and if so, provide the required details via the Call-in request form.~~

~~2.57 The Monitoring Officer will decide whether the Call-in Request is valid in accordance with paragraph 4.9 below within two working days. Once validated a Call-in Request will be treated as a Call-in Notice.~~

~~2.58 The Monitoring Officer will determine the Call-in Request to be invalid if:~~

- ~~(a) It relates to a matter which is to be determined by the Council or a Committee of the Council;~~
- ~~(b) It relates to a decision of the Cabinet / Cabinet member taken as a matter of urgency and the Chair of the appropriate Overview and Scrutiny Committee or such other person as detailed in the urgency rules had been consulted or an Overview and Scrutiny Committee had previously agreed the need for urgency;~~
- ~~(c) It relates to a matter where the associated report has already been considered by an Overview and Scrutiny Committee;~~
- ~~(d) It has not been made in accordance with this procedure;~~
- ~~(e) It is not completed correctly;~~
- ~~(f) It does not identify the decision;~~
- ~~(g) It does not detail a valid ground for Call-in;~~
- ~~(h) It does not provide clear written reasons why one of the valid grounds for Call-in applies;~~
- ~~(i) It is not signed by the required number of Councillors;~~
- ~~(j) The Call-in form is received after the specified deadline;~~
- ~~(k) The reason for the Call-in is unclear or does not relate directly to the decision specified on the Call-in Request form;~~
- ~~(l) The reason for the Call-in is a question, the answer to which can be found in the report relating to the decision which is being Called-in;~~
- ~~(m) The Call-in is being used as a party political tool.~~

~~2.59 A Call-in may only be withdrawn by notification in writing or electronically submitted to the Monitoring Officer from all the Councillors who requested the Call-in.~~

~~2.60 Once the deadline for requesting and determining the validity of Call-in has passed, the Monitoring Officer will inform all Councillors of the Call-in and will arrange for it to be considered at the next meeting of the appropriate Overview and Scrutiny Committee.~~

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~~The agenda for that meeting will show the written reasons given for the Call-in, the Councillors who signed the Call-in, and enclose the relevant documents.~~

~~2.61 The relevant Overview and Scrutiny Committee shall discuss the Call-in Notice at its next regular meeting or at a special meeting whichever is sooner provided that the required five clear days' notice of the meeting can be given.~~

~~2.62 At least two of the Councillors who Called-in a decision must be present at the meeting of the Overview and Scrutiny Committee considering the Call-in and at least one of whom will present their reasons for Call-in at the meeting. If at least two Councillors do not attend, the Call-in will fail.~~

Call-In Notice

~~2.63 At the meeting where the Overview and Scrutiny Committee is considering the Call-in Notice it should first take advice as to whether the request to Call-in the decision is valid, consider whether there is a case for the decision to be Called-In and whether any further information is required by hearing from one of the Councillors who signed the Call-in Request form (and witnesses) and the decision maker who will explain the reasons for the decision. Once the Overview and Scrutiny Committee has considered the evidence provided during the meeting they will decide whether to uphold or reject the Call-in Notice.~~

~~2.64 If, following discussion, the Overview and Scrutiny Committee agrees that the matter should be Called-in they may proceed either to examine the decision at that meeting or adjourn to investigate the decision at another meeting. Upon Calling-in a decision, a Overview and Scrutiny Committee may recommend to the Cabinet, Cabinet member or Officer as appropriate:~~

- ~~(a) Whether the decision should be reconsidered and if so, they can also recommend an alternative decision, actions or options or what matters or issues should be considered;~~
- ~~(b) That they are satisfied with the original decision;~~
- ~~(c) Whether any future action should be taken in light of a decision so as to ensure the better implementation of that decision;~~
- ~~(d) Whether any further action should be taken in light of that decision so as to improve the manner or quality of future decision making; or,~~
- ~~(e) The Overview and Scrutiny Committee may refer the matter to full Council.~~

Consideration of Decision on Acceptance Call-In Notice

~~2.65 The Overview and Scrutiny Committee will have at its disposal the information which has been submitted to the Cabinet, Cabinet Member or Officer who made the decision. They can require the relevant Cabinet Member(s) or Officer, and appropriate other Officers to attend the meeting to answer questions about the decision. If the Overview~~

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and Scrutiny Committee accepts the original decision by the Cabinet, Cabinet Member or Officer, it becomes immediately effective.

~~2.66 If the Overview and Scrutiny Committee makes a recommendation to the Cabinet, Cabinet Member or Officer to amend a decision, this will be considered by the Cabinet at its next meeting or by the Cabinet Member, or Officer as soon as reasonably practicable. If the decision taker requires more time to consider, the Overview and Scrutiny Committee's recommendations the time may be extended by the Chair of the Overview and Scrutiny Committee after agreement by one other member of the Committee.~~

~~2.67 If the Cabinet, Cabinet Member or Officer disagree with the recommendation of the Overview and Scrutiny Committee to amend a decision they will inform the Overview and Scrutiny Committee. (In such circumstances, the Overview and Scrutiny Committee may refer the matter to the next meeting of the Council for decision. In these circumstances the Council will have before them the views of both the Overview and Scrutiny Committee and the decision maker. If the Cabinet, Cabinet Member or Officer decides further work needs to be done, they may defer the item for this to be carried out.)~~

~~2.68 If the decision taker is, after reconsideration, not able to make changes to the decision in accordance with the Overview and Scrutiny Committee's concerns the decision taker shall write to the Committee setting out the reason why they are unable to accede to the Overview and Scrutiny Committee's concerns.~~

~~2.69 If Scrutiny makes a recommendation to full Council it has no power to make decisions in respect of a Cabinet decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet, a meeting will be convened to reconsider the decision within five working days of the Council's referral. Where the decision was made by an individual Cabinet member or Officer, they will reconsider the decision within five working days of the Council's referral.~~

The Call-In of Urgent Decisions

~~2.70 Any executive decisions which are urgent in accordance with the provisions of [] set out under Part [] of this Constitution are not subject to Call-in.~~

~~2.71 The records of such decisions will reflect the reasons for urgency and state that therefore they are not subject to Call-in.~~

~~2.72 The Chair or Vice-chair of the appropriate Overview and Scrutiny Committee must agree the need for urgency unless the Overview and Scrutiny Committee has already given its approval to a decision being taken urgently so that Call-in does not apply. In the absence of the Chair or Vice-chair of the appropriate Overview and Scrutiny Committee, the agreement of the Mayor or Deputy Mayor must be obtained.~~

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2.735.27 ~~Any reports on which urgent decisions have been made are to be reported to Overview and Scrutiny Committee for it to understand the need for urgency, but this will not delay implementation of the urgent decision itself.~~

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Part 5 OVERVIEW AND SCRUTINY

Section

- 1 Overview and Scrutiny Arrangements
- 2 Overview and Scrutiny Committee Procedure Rules

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1. OVERVIEW AND SCRUTINY ARRANGEMENTS

Purpose

- 1.1 Every council operating an executive model has to have an overview and scrutiny function (Scrutiny) At the annual meeting of the full Council, the number of Committees, their Terms of Reference and the number of seats required to perform the scrutiny function for the forthcoming year will be approved.
- 1.2 The Council currently has appointed three Overview and Scrutiny Committees: People, Place, and Policy and Resources.
- 1.3 Developing a constructive relationship between the Cabinet and Scrutiny is fundamental to effective scrutiny and will occur by;
 - Facilitating the identification, prioritisation and delivery of key strategic issues Scrutiny Annual forward plans;
 - Promoting early involvement in the decision-making process and avoiding the need for “Call-in”;
 - Adopt a “cards on the table” approach with regular communication and sharing of information but balanced with a respect for confidentiality when required; and
 - Acceptance of the need for Scrutiny to have an independent mindset and responsibility for the role.
- 1.4 The success of this model lies in Scrutiny being “member led”. This means that the Scrutiny agenda will be set by Scrutiny members but also means that Councillors are accountable for its success. This will require the proactive engagement and commitment of both the Cabinet and Scrutiny as well as the Officers that support them.
- 1.5 This section gives more details about the Council’s Overview and Scrutiny Committees and the rules which govern how they work. These rules are at times written in formal language because of the statutory basis for the Overview and Scrutiny Committees. If you have specific questions our Democratic Services Team will be happy to help you.
- 1.6 The membership, chair and quorum requirements for the Overview and Scrutiny Committees are as set out in the below table.

Membership, Chair and Quorum

Number of Members	17
Substitute Members Permitted	Yes
Political Proportionality Rules Apply	Yes
Appointment / Removal of Members	Group Leader or Independent councillor

Restrictions on Membership	The Mayor and Cabinet Members may not be members
Restrictions on Chair and Vice Chair	Deputy Cabinet Members cannot be appointed.
Quorum for Meetings	¼ of membership subject to a minimum of three members
Number of Ordinary Meetings Per Council Year	[]
Sub committees and working groups	permissible

Scrutiny Principles

1.7 The Overview and Scrutiny Committees are committed to the developing of a respectful relationship between themselves, the Cabinet and external partners. The work of the Overview and Scrutiny Committees is underpinned by the following seven principles:

- (a) To contribute to sound decision making in a timely way by holding Councillors and key partners to account as a 'critical friend'.
- (b) Contribute to and reflect the vision and priorities of the Council.
- (c) Enable the voice and concerns of the public to be heard and reflected in the Council's decision making process.
- (d) Engage in policy development at an appropriate time to be able to influence the development of policy.
- (e) To be agile and able to respond to changing and emerging priorities at the right time with flexible working methods.
- (f) For Scrutiny to be a Councillor led and owned function which seeks to continuously improve through self-reflection and development.
- (g) Drive improvement in public services and strategic decision-making

1.8 In addition to the principles set out at paragraph 1.6 above, in conducting its proceedings a Scrutiny Committee will have regard to the following:

- (a) At all times, while conducting its business in a tenacious matter, to do so with respect, equity, fairness, dignity and with regard to the principles of natural justice.

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- (b) To ensure that all Scrutiny Committee members are given the opportunity to contribute to and speak at Scrutiny Committee meetings and to ask questions of those attending.
- (c) To conduct its business in a consensual, open, responsible and transparent manner across political divides and to avoid expressing views based purely on political considerations.
- (d) To conduct its business so as to maximise its efficiency.
- (e) Not to seek to hold Officers and non-Cabinet members to account for decisions taken by Cabinet members.
- (f) To recognise that any question of officer discipline which may arise is to be dealt with through the appropriate employment procedures.

Overview and Scrutiny Functions

Scrutiny

1.9 Within their agreed remit each Overview and Scrutiny Committee can:

- (a) Review or scrutinise decisions made or actions taken in connection with the discharge of any of the functions which are the responsibility of the Cabinet;
- (b) Make reports and/or recommendations to the Council or Cabinet with respect to the discharge of any functions which are the responsibility of the Cabinet;
- (c) Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet;
- (d) Make reports and / or recommendations to the Council or Cabinet with respect to the discharge of any functions which are not the responsibility of the Cabinet;
- (e) Make reports or recommendations to the Council or the Cabinet on matters which affect the Council's area or the inhabitants of that area.
- (f) Exercise the right to call-in, for reconsideration of executive decisions made but not yet implemented by the Cabinet / Leader/ Cabinet member or relevant senior Officer;
- (g) Work to ensure that communities are engaged in the Scrutiny process; and consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- (h) Promote equality and diversity across all of its work and the work of the Council.

1.10 The Overview and Scrutiny Committees will also each carry out these specific roles in relation to their work area:

- (a) Review and scrutinise the decisions made by and performance of the Leader / Cabinet / Cabinet member or Officers in relation to individual decisions;
- (b) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and / or particular service areas;
- (c) Question the Leader and all Cabinet members and senior Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (d) Scrutinise the work of partnerships and partnership bodies in the local area;
- (e) Make recommendations to the Cabinet / Leader / Cabinet member, Council or partners, arising out of the Scrutiny process;
- (f) Question and gather evidence from any person (with their consent where appropriate).

Overview - Policy Review and Development

1.11 An important part of the Scrutiny function is also to;

- (a) Review current policies and strategies and make recommendations to the Leader / Cabinet and Council;
- (b) Undertake in depth analysis of policy issues and options to assist the Council and the Leader / Cabinet in the development of its budget and policy framework;
- (c) Consider matters referred to them by the Leader / Cabinet and report to the Leader / Cabinet with proposals and/or options;
- (d) Question members of the Cabinet and /or Committees and senior Officers from the Council about their views on issues and proposals affecting the area; and
- (e) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- (f) Consider the impact of policies to assess if they have made a difference
- (g) In performing the overview function above, a Scrutiny Committee will review Council and Cabinet policies and recommend to the Council and Cabinet:
 - (i) Whether new policies are required.
 - (ii) Whether existing policies are no longer required.

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- (iii) Whether existing policies require amending, updating or developing.
- (iv) Whether existing policies may be made more effective.

Review of External Organisation Performance

1.12 A Overview and Scrutiny Committee will establish arrangements for its review of the performance of relevant external organisations, known as Partner Authorities, which affect the Council's functions and services. The Overview and Scrutiny Committees will consider providing the report to Council or Cabinet before notifying in writing to the relevant partner the report or recommendations.

Scrutiny of Education Matters

1.13 The People Committee carries out the functions of the designated Education Scrutiny Committee. When sitting as an Education Scrutiny Committee it shall include in its membership the following representatives:-

- (a) 1 (one) representative from the Church of England Diocese;
- (b) 1 (one) representative from the Roman Catholic Diocese;
- (c) 3 (three) Parent Governor Representatives.

1.14 These co-optees will receive agendas and reports relating to all items being considered by the People Committee, but may vote only on matters pertaining to education matters and not on any other matters considered by the People Committee at the same meeting, though they may speak on these items.

Scrutiny of Health and / or Adult Social Care

1.15 The People Committee with responsibility for health and / or adult social care will have the following additional functions:

- (a) To review and scrutinise any matter relating to the planning, provision and operation of health and / or adult social care services.
- (b) To review and scrutinise the impact of the Council's service and key partnerships on the health and / or adult social care of residents.
- (c) To respond to consultations on any proposal for a substantial development or variation of health and / or adult social care services.
- (d) To positively and proactively scrutinises NHS functions in the Council area.

1.16 The People Committee includes in its membership a representative from Healthwatch and any other co-opted members required by law

Scrutiny of Crime and Disorder

1.17 In accordance with s19 of the Police and Justice Act 2006 the Place Committee will carry out the statutory responsibilities to scrutinise crime and disorder issues by:

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- (a) Reviewing or scrutinising decisions made, or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions;
- (b) Making reports or recommendations to the local authority with respect to the discharge of those functions.

1.18 Crime and Disorder functions are (i) the strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); (ii) the strategy for combatting the misuse of drugs, alcohol and other substances in the area; (iii) the strategy for the reduction of re-offending in the area and; the strategy for preventing people from becoming involved in serious violence in the area, and reducing instances of serious violence in the area.

[Scrutiny of Flood Risk Management

1.19 The Place Committee shall review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.] Move to description of committee

Cabinet Functions

1.20 The Overview and Scrutiny Committees may review the Cabinet's performance of its executive functions and where necessary recommend to the Cabinet or the Council:

- (a) Whether any action should be taken to improve the economy, efficiency and effectiveness of these functions;
- (b) Whether any action should be taken to improve the co-ordination of the functions within the Council or the functions of other persons or bodies;
- (c) Whether any functions should be performed in another way or by another person or body;
- (d) Whether the performance of the function should cease.

Budget Framework

1.21 The Leader / Cabinet and Overview and Scrutiny Committees will agree a process for the scrutiny of the annual budget and Council Tax setting.

Referrals from the Council or the Cabinet

1.22 The Overview and Scrutiny Committees will consider where possible any matter referred to them by the Council or the Cabinet and recommend any appropriate action. The Cabinet may request a Scrutiny Committee to look at topics to assist and inform Cabinet decision-making.

1.23 The following matters will automatically be referred for inclusion in the workplan if agreed by the Scrutiny Committee of:

- (a) Draft policies, plans and strategies which are to be recommended to the Council or the Cabinet for approval;

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(b) The draft budget which is recommended to the Council by the Cabinet.

1.24 In reviewing draft policies, plans strategies and the draft budget, a Scrutiny Committee will in particular consider:

- (a) Whether any appropriate criteria has been used;
- (b) Whether consultation (if any) responses and engagement conclusions have been taken into account;
- (c) Whether the decision is in accordance with the Council's policy framework;
- (d) Whether the decision is within the powers of the Council;
- (e) Whether the decision is lawful;
- (f) Whether the decision contributes to the efficient, effective and economic performance of the function in question.

Members Right of Reference to a Scrutiny Committee

1.25 A member of a Overview and Scrutiny Committee, or a Sub-committee of that Committee or another Councillor may refer a matter to the Overview and Scrutiny Committee that is relevant to its functions and not an excluded matter.

1.26 The member must give notice in writing of the referral to the Scrutiny Officer stating the reasons for the request and proposed outcome.

1.27 The Scrutiny Officer will consider if the referral is relevant to the functions of the Overview and Scrutiny Committee and if so, decide which Overview and Scrutiny Committee should receive the referral and will include the referral on the agenda for the next scheduled meeting of the relevant Overview and Scrutiny Committee for debate. If the Overview and Scrutiny Committee decides not to take any action the Overview and Scrutiny Committee must notify the Councillor of its decision, and the reasons for it. If however, the Overview and Scrutiny Committee include the matter in their work programme and makes a report or recommendation to the Council or the Cabinet then a copy of that must be provided to the Councillor who originally referred the matter.

Scrutiny Ways of Working

Scrutiny Committee Business

1.28 An Overview and Scrutiny Committee will consider any business in accordance with its Terms of Reference and included in an agenda for its meeting.

1.29 In conducting its business, an Overview and Scrutiny Committee may:

- (a) Undertake in depth analysis of a policy issue;
- (b) Receive briefings and presentations on issues under consideration;
- (c) Undertake research, community and other public engagement, particularly in the analysis of policy issues and possible options;

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- (d) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (e) Hold inquiries, workshops, public meetings and conduct public surveys;
- (f) Invite advisors and assessors to assist them;
- (g) Question Cabinet members, Deputy Cabinet members and seek their views on issues and proposals affecting the Council's area;
- (h) Question senior Officers, and where appropriate suppliers and seek their professional views on issues, and / or their decisions and performance either in relation to service plans or in relation to particular decisions, initiatives or project;
- (i) Liaise with national, regional or local external organisations operating in the Council's area so as to ensure that the interests of local people are enhanced by collaborative working;
- (j) As part of any investigation, review and scrutinise the decisions made by, and performance of, the Cabinet, Cabinet members and senior Officers as regards both individual decisions and over time;
- (k) Question and collect evidence from any other person (with their consent) and invite witnesses to attend Scrutiny Committee meetings, proceedings or events.

1.30 The People Committee with responsibility for health and / or adult social care may call for information and explanations, questions and proposed plans from health and / or adult social care providers, and invite the senior managers of such service providers to attend meetings and give evidence.

Annual Scrutiny Work Plan

1.31 Each Overview and Scrutiny Committee must agree at its first meeting of a municipal year an annual work plan that takes into account:

- (a) The Council's corporate plans and priorities for the year;
- (b) Consultation with the relevant Cabinet member or members;
- (c) Consultation with the Chief Executive and relevant Executive Directors;
- (d) The desirability of making provision for the consideration of items of business within the remit of the Scrutiny Committee but not in the work plan arising during the year (an "unplanned scrutiny item"); and
- (e) Advice from the Scrutiny Officer on any matter.

1.32 Each scrutiny work plan will include a delivery plan and timetable. The plan must have regard to the Council's resources to deliver the plan and have flexibility to account for unforeseen events.

Agenda Setting Meetings

- 1.33 Agenda setting meetings will be held 6 (six) weeks in advance of each Overview and Scrutiny Committee meeting. These meetings will be attended by the relevant Overview and Scrutiny Committee Chair and Deputy Chair, relevant Executive Directors, Democratic Services support officer and Scrutiny Officer. Invitation may be extended to relevant Cabinet members as required.
- 1.34 The agenda for meetings will be agreed in accordance with the order set out in the Overview and Scrutiny Procedure Rules set out below.

Overview and Scrutiny Committee Pre-meetings

- 1.35 Pre-meetings of all Overview and Scrutiny Committee members may be held to ensure formal meetings are an effective use of available time by ensuring there is a shared understanding of the business of the meeting, including time allocations for items. The Chair may be able to give an indication of how they may be minded to address any procedural issues.
- 1.36 It is essential that pre-meetings do not involve any debate of the scrutiny topics at the meeting to ensure compliance with the Access to Information Rules set out under Part 1 of this Constitution. .

Sub-committees and Working Groups

- 1.37 The appointing Overview and Scrutiny Committee (“Parent Committee”) will agree the terms of reference for any sub-committee or working group including but not limited to:
- (a) The terms of reference and intended outcome;
 - (b) Its membership and support arrangements;
 - (c) Arrangements for its meetings; and
 - (d) A time limit for its recommendations to be submitted to the Parent Committee.

Monitoring and Tracking

- 1.38 Findings and recommendations of Overview and Scrutiny Committees, panels or similar will be circulated to all Scrutiny Committee members and the Leader and Cabinet.

The Scrutiny Officer

- 1.39 The Scrutiny Officer supports members and has the following statutory duties:
- (a) To promote the role of the Council’s Overview and Scrutiny Committees;
 - (b) To provide support to the Council’s Overview and Scrutiny Committees and their members; and
 - (c) To provide support and guidance in relation to overview and scrutiny functions to Councillors, the Cabinet and Officers.

Annual Report

- 1.40 Each scrutiny work plan must be submitted to the next available full Council meeting for endorsement.
- 1.41 Each Overview and Scrutiny Committee Chair will report on progress of the scrutiny work plan of their Overview and Scrutiny Committee to full Council every six months and will submit an Annual Report on progress and outcomes to the Annual General Meeting.

Reports from Overview and Scrutiny Committees to Cabinet

- 1.42 All Overview and Scrutiny Committee reports will be notified to the Cabinet for consideration. This affords the Cabinet an opportunity to discuss the report and its recommendations with the Overview and Scrutiny Committee (if necessary) before the report and the Cabinet's views are submitted to the Council as necessary for its consideration. Every effort will be made to avoid undue delay. As the reports / recommendation must be responded to within two months.
- 1.43 Where a Overview and Scrutiny Committee cannot agree on a single, final report to the Cabinet then one minority report may be submitted to the Cabinet with one majority report.
- 1.44 All representations from an Overview and Scrutiny Committee to a Cabinet member regarding their responsibility, whether made verbally or in the form of a report, letter, email or other written format, must be formally reported to the Cabinet by the Cabinet member concerned, either verbally or in writing, when the relevant item is being considered. Overview and Scrutiny Committees must clearly identify that such a representation is a formal representation.

Ensuring Cabinet Considers Scrutiny Committee Reports

- 1.45 Where appropriate, before submitting a report to the Cabinet, an Overview and Scrutiny Committee may prepare a draft report to allow the relevant Cabinet member and the Chief Executive to comment on emerging themes and recommendations. The relevant Cabinet member and relevant Officers are able to attend the meeting of the Overview and Scrutiny Committee where the draft report is considered.
- 1.46 Once an Overview and Scrutiny Committee report on a matter which is a responsibility of the Cabinet has been finalised it will be included on the agenda of the next available Cabinet meeting unless the subject of the report is due to be considered by the Cabinet within two weeks of the report being finalised. In such a case the report will be considered when the Cabinet considers the subject of the report.
- 1.47 Where for any reason the Cabinet does not consider an Overview and Scrutiny Committee report at its next scheduled meeting or within four weeks of the report being submitted for the Cabinet's consideration, the Monitoring Officer may call a meeting of the Council to review the matter and make a recommendation to the Cabinet.
- 1.48 The Cabinet will respond to the report and recommendations within four weeks and then provide updates to the relevant Overview and Scrutiny Committee on the implementation of the recommendations if required. Upon receipt of the Cabinet updates

the relevant Overview and Scrutiny Committee will review the progress towards the implementations of the recommendations.

Reference to full Council

- 1.49 Each Overview and Scrutiny Committee should decide when it would be appropriate to submit reports for wider debate, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such reports would supplement the annual report to full Council on the Overview and Scrutiny Committee's activities and raise awareness of ongoing work
- 1.50 An Overview and Scrutiny Committee may refer a matter to Council if, in their opinion:
- (a) It is contrary to the Policy Framework; or
 - (b) It is contrary / not wholly consistent with the Budget Framework; or
 - (c) The Overview and Scrutiny Committee disagrees with the Monitoring Officer / Chief Finance Officer's view that the decision is legally and / or financially compliant.

Power to Require Attendance of Councillors and Officers to Answer Questions

- 1.51 An Overview and Scrutiny Committee or a sub-committee may require the Leader and Cabinet and Officers to attend before it to answer questions. It is the duty of the Leader and Cabinet or Officer to comply with a request to attend the meeting.
- 1.52 All Councillors and Officers will comply with the Council's Scrutiny Protocol in the discharge of and response to this power and will comply with the following principles:
- (a) The relevant Cabinet member and Executive Director will attend all Overview and Scrutiny Committee meetings relevant to their responsibilities and answer all questions where possible;
 - (b) All requests will be made through the Scrutiny Officer or their nominee and will provide the reasons for the request and the matters on which the Cabinet member or Officer will be questioned;
 - (c) The Chief Executive will seek to ensure the most appropriate Officers attend meetings to answer questions but may propose alternative attendees to ensure compliance with the order in paragraph (d) below;
 - (d) Requests will be made in the following order:
 - The relevant Cabinet member or members;
 - The Chief Executive or relevant Chief Officer or Officers;
 - To relevant professional specialist or Head of Service; and
 - (e) Requests will be proportionate and respect Officers' and members' other work commitments and right to a private life.

- 1.53 A Councillor or Officer may not be asked or obliged to answer any question which

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- (a) Falls outside the Overview and Scrutiny Committee's remit or falls within the remit of another Committee or body;
- (b) May be relevant to any disciplinary or other action that may be taken against them by the Council; or
- (c) They would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

Attendance by Others

1.54 An Overview and Scrutiny Committee or sub-committee may invite people other than the Councillors and Officers referred to above to address them, to discuss issues of local concern and / or answer questions including members of the public and expert witnesses.

Matters within the Remit of More than One Overview and Scrutiny Committee

1.55 Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Overview and Scrutiny Committees, the decision as to which Overview and Scrutiny Committee(s) will consider it will be determined by the Monitoring Officer in consultation with the Chairs of the relevant Overview and Scrutiny Committees.

Scrutiny Co-ordinating Group

1.56 The Chairs and Deputy Chairs of the Overview and Scrutiny Committees may meet with the Scrutiny Officer (and other Officers as they see fit) to ensure the effective administration of overview and scrutiny and its work programme. The meetings are not formal and have no decision making powers.

2. OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES

Overview and Scrutiny Committee Proceedings

Who may sit on an Overview Scrutiny Committee?

2.1 An Overview and Scrutiny Committee will comprise no more than seventeen members, but the number of seats on a given Overview and Scrutiny Committee may vary depending on its remit and workload. The composition of the Overview and Scrutiny Committees will be politically proportionate.

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- 2.2 All Councillors except Cabinet members and Deputy Cabinet members may be members of an Overview and Scrutiny Committee. Substitutes on Overview and Scrutiny Committees are permitted. However, no Councillor may be involved in scrutinising a decision in which they have been personally involved or made by close friends or relatives.
- 2.3 All Overview and Scrutiny Committee members must maintain an awareness of potential conflicts of interest to ensure such conflicts are managed and familial links between Cabinet and Scrutiny responsibilities including where members stand down from the Cabinet and move to a Scrutiny role, and vice-versa are considered. No Scrutiny Overview and Scrutiny Committee member may be a member of or appointed to a Cabinet working group falling within the scope of the Overview and Scrutiny Committee to which they have been appointed.

Co-optees

- 2.4 Any Overview and Scrutiny Committee may co-opt any person who is not a Councillor to be a member of the Overview and Scrutiny Committee either as standing member of the Overview and Scrutiny Committee or on a time limited basis. A co-opted member cannot vote but is able to contribute to the debate and provide their insights. The Committee should seek advice from the Scrutiny Officer before appointing any co-opted members.

Who Chairs the Scrutiny Committee Meetings?

- 2.5 At each Annual General meeting of Full Council the Overview and Scrutiny Committee Chairs and Vice Chairs shall be appointed, both of whom shall hold office for a year or until their successors are elected or appointed.
- 2.6 If both Chair and Vice-Chair are absent from a meeting, a Chair for the meeting will need to be sought. The person presiding at the meeting may exercise any power or duty of the Chair.
- 2.7 No person shall hold the office of Chairman or Vice-Chair unless they are a member of the Overview and Scrutiny Committee in question and are also a Councillor of the Council.

Scrutiny Committee Meetings

- 2.8 An Overview and Scrutiny Committee should normally meet at least four) times each year although additional meetings may be called as and when required.
- 2.9 A meeting may be called by the Chair of the relevant Overview and Scrutiny Committee or by any three members of the Overview and Scrutiny Committee or by the Scrutiny Officer if they consider it necessary.
- 2.10 Wherever possible an Overview and Scrutiny Committee meeting will be webcast.
- 2.11 The Overview and Scrutiny Committee will consider the following business:

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- (a) Minutes of the last meeting;
- (b) Declarations of interest;
- (c) The consideration of any matter referred to the Committee for a decision relating to the Call-in of a decision;
- (d) Responses of the Cabinet to any reports of the Committee;
- (e) Any item proposed under paragraphs 1.24 to 1.27 of the Scrutiny Committee Arrangements above as a 'Councillor Call for Action';
- (f) The business otherwise set out in the agenda for the meeting.

2.12 In the event of disagreement as to the inclusion of the agenda item, the Committee shall decide on the inclusion at its next available meeting.

Scrutiny Committee Meeting Procedure

2.13 Where the Overview and Scrutiny Committee is considering the review or development of a policy in accordance with paragraph 1.11 of the Overview and Scrutiny Committee Arrangements above it may request the attendance at the meeting of;

- (a) Any Councillor;
- (b) Any other elected or co-opted member;
- (c) The Head of Paid Service (Chief Executive), any Chief Officer and / Executive Director to explain any matters within their remit;
- (d) With their consent, those others it considers appropriate including but not limited to residents, relevant stakeholders and the members or officers of other public bodies.

2.14 In such a case the meeting will be conducted in accordance with the following principles:

- (a) That the matter is conducted fairly with all Overview and Scrutiny Committee members afforded the opportunity to ask questions and all attendees afforded the opportunity to speak and contribute.
- (b) That those assisting the Overview and Scrutiny Committee by giving evidence be treated with respect and courtesy.
- (c) That the matter be conducted in such a manner as to maximise the efficiency of the investigation or review.

2.15 Where a Councillor or Officer is required to attend a meeting of an Overview and Scrutiny Committee under this provision, the Chair of that Overview and Scrutiny Committee will inform the Scrutiny Officer.

2.16 The Scrutiny Officer will notify the person whose attendance is sought in writing giving not less than ten working days' notice of the meeting in question.

2.17 The Scrutiny Officer's notice will inform the Councillor or Officer of the nature of the agenda item on which they are required to attend and give an account and whether any papers are required to be produced for the Overview and Scrutiny Committee. Where

the Overview and Scrutiny Committee will require a report, sufficient notice will be given for the preparation of the report.

- 2.18 Where, in exceptional circumstances, the Councillor or Officer is unable to attend the meeting on the required date, then in consultation with the Councillor or Officer the Overview and Scrutiny Committee will arrange an alternative date for their attendance, or where the Councillor or Officer is unable to attend, they may nominate another person who is able to speak on the topic in question.

Rights of Overview and Scrutiny Committee Members to Documents

- 2.19 In general, a member of an Overview and Scrutiny Committee will have access to information in accordance with the [Access to Information Procedure Rules](#) set out under Part 1 of this Constitution.

- 2.20 Additionally, for the purpose of fulfilling the scrutiny function, a member of an Overview and Scrutiny Committee is entitled to a copy of any document which:

- (a) Is in the possession or under the control of the Cabinet; and;
- (b) Contains material relating to:
 - (i) Any business that has been transacted at a meeting of a decision making body of the Council;
 - (ii) Any decision that has been made by an individual member of Cabinet in accordance with the Executive Arrangements set out under Part 4 of this Constitution; or
 - (iii) Any decision that has been made by an Officer in accordance with the Executive Arrangements.

- 2.21 Where a member of an Overview and Scrutiny Committee requests a document which falls within paragraph 2.20 the Cabinet must provide that document as soon as reasonably practicable and in any case no later than ten clear days after the Cabinet receives the request.

- 2.22 No member of an Overview and Scrutiny Committee is entitled to a copy:

- (a) Of any such document or part of a document detailed under paragraph 2.20 which contains exempt or confidential information unless that information is relevant to:
 - (i) An action or decision that that member is reviewing or scrutinising; or
 - (ii) Any review contained in any programme of work of such a committee or sub-committee of such a committee; or
- (b) Of a document or part of a document detailed under paragraph 2.20 containing advice provided by a political adviser or assistant.

- 2.23 Where the Leader determines that a member of an Overview and Scrutiny Committee is not entitled to a copy of a document or part of any such document detailed under

paragraph 2.20, for a reason set out in paragraph 2.22, the Leader must provide the Overview and Scrutiny Committee with a written statement setting out their reasons for that decision as required in Regulation 17 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. For the avoidance of doubt “*document*” means any report or background papers, other than that only in a draft form, taken into consideration in relation to an executive decision.

2.24 Members of an Overview and Scrutiny Committee may within the limits of its budget (if any), commission research or advice (including from external organisations) to assist in any deliberations and may request that a budget for such work is provided.

2.25 Overview and Scrutiny Committees will also have access to background information from a range of sources including but not limited to:

- (a) Council plans, strategies and policies;
- (b) The four month Forward Plan of work for the Cabinet;
- (c) All documents listed on the Council’s Policy Register;
- (d) Business Unit plans;
- (e) External Audit Management Letters;
- (f) Internal and External Audit Plans and Reports;
- (g) Legislation and Government guidance;
- (h) Government Reports and National Studies;
- (i) National performance and comparative information e.g. CIPFA statistics;
- (j) Complaints;
- (k) Community plans and processes;
- (l) Cabinet or Cabinet Member papers;
- (m) Representations from the Community (Individuals, Community Groups, Councillors, Community Boards, Residents, Surveys, etc.);
- (n) Research published by other organisations or commissioned by any of the Overview and Scrutiny Committees;
- (o) Evidence from expert witnesses at the Overview and Scrutiny Committees’ request;
- (p) Copies of minutes and papers received by any internal Council advisory board or group.

Right of Speakers

2.26 Any person required to attend and give evidence at an Overview and Scrutiny Committee meeting is entitled to see the public and background papers made available to the Overview and Scrutiny Committee and any other relevant papers or information

which are not public at the same time if the Monitoring Officer decides it is appropriate. Such papers or information may include but are not limited to:

- (a) External Audit Management Letters;
- (b) Internal and External Audit Plans and Reports;
- (c) National performance and comparative information (i.e. CIPFA statistics);
- (d) Research published by other organisations or commissioned by other Committees of the Council.

2.27 Wherever possible anyone asked to speak at the meeting will be given access to the statements of those who have already spoken to the Overview and Scrutiny Committee, but not those who have yet to do so.

2.28 Those in receipt of the papers will respect confidentiality of all confidential and / or exempt information included in them.

2.29 Except insofar as the papers include confidential and / or exempt information and as considered appropriate where the public and press have been excluded, those papers submitted to the Overview and Scrutiny Committee by anyone speaking at a meeting of the Overview and Scrutiny Committee will become public documents once the speaker has concluded their evidence.

2.30 Those speaking at a meeting are entitled to request for their comment a copy of any draft minutes or other record taken of their contribution to the meeting. If the speaker considers that the draft minutes or record of their contribution is not accurate, they are able to make a written request asking that a correction be submitted at the next meeting of the Overview and Scrutiny Committee.

Rights of Councillors to Attend an Overview and Scrutiny Committee Meeting and Speak

2.31 Any Councillor who is not a member of an Overview and Scrutiny Committee may attend a meeting of that Committee and speak if permitted to do so by the Chair.

Questions

Questions on Notice

2.32 Subject to Rules 2.33 and 2.34, a Councillor may ask the Chair of an Overview and Scrutiny Committee a question on any matter relevant to their terms of reference and responsibilities.

Notice of Questions

2.33 A Councillor may ask a question under Rule 2.32 if either:

- (a) They have given notice of the question in writing or by electronic mail no later than midday five working days before the day of the meeting to the Monitoring Officer; or

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- (b) The question relates to urgent matters, they have the consent of the Chair or councillor to whom the question is to be put and the content of the question is received by the Monitoring Officer in writing or by electronic mail by **9.00 a.m. on the day of the meeting.**

Content of Questions

2.34 Questions under Rules 2.32 (insofar as is relevant) must be no longer than 150 words and, in the opinion of the Chair:

- (a) Not be unreasonable;
- (b) Contain no expressions of opinion;
- (c) Relate to matters on which the Council has or may determine a policy;
- (d) Not relate to questions of fact;
- (e) Not require the disclosure of confidential or exempt information;
- (f) Not relate to a matter which is purely of personal concern to an individual or family members.

2.35 Rejected questions will be returned to the questioner with the reasons for rejection.

Time Allowed for Councillor Questions at Overview and Scrutiny Committees

2.36 The total time allowed for consideration of such questions submitted under Rule 2.32 shall be fifteen minutes.

Record of Questions

2.37 The Monitoring Officer will send a copy of any question received to the Chair of the Overview and Scrutiny Committee to whom it is to be put. Copies of all questions will be available to all Councillors and the public attending the meeting. After the meeting, copies of the questions asked at the meeting and the responses will also be available on the Council's website with the minutes for the relevant meeting.

Number of Questions

2.38 At any one meeting no Councillor may submit more than one question and no more than one question may be asked on behalf of one organisation.

Order of questions

2.39 Questions from Councillors received in accordance with Rule 2.32 will be asked in the order determined by the Chair.

Response

2.40 An answer to a question submitted under Rule 2.32 shall be no more than 250 words and may take the form of:

- (a) A direct verbal answer;
- (b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or

- (c) Where the reply cannot conveniently be given verbally, a written response will be provided no later than five working days after the meeting.

Referral of Question

2.41 Unless the Chair decides otherwise, no discussion will take place on any question, but any member of the Overview and Scrutiny Committee may move that a matter raised by a question be referred to Council, Cabinet or the appropriate Committee or sub-Committee as necessary. Once seconded, such a motion will be voted on without discussion.

Rights of the Public to Attend a Overview and Scrutiny Committee Meeting and ask Questions

2.42 The public may ask questions at Overview and Scrutiny Committee meetings on items set out in the agenda for that meeting.

Time Allowed for questions

2.43 The total time allowed for asking questions under Rule 2.42 shall not, without the consent of the Chair , exceed ten minutes with each question limited to three minutes per question.

Notice of Public Questions

2.44 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday five working days before the day of the meeting. Each question must give the name and address of the questioner.

Number of Public Questions

2.45 At any one meeting no member of the public may submit more than one question and no more than one question may be asked on behalf of one organisation.

Scope of Public Questions

2.46 The Monitoring Officer may reject a public question if in their view it:

- (a) Is not about a matter for which the Council has a direct responsibility or which affects the Council's area;
- (b) Is defamatory, frivolous or offensive;
- (c) Is vexatious or abusive;
- (d) Is substantially the same or similar to a question which has been put at a meeting of the Council or Committee in the past six months;
- (e) Requires the disclosure of confidential or exempt information;
- (f) Is lengthy, or is not a question;
- (g) Relates to a matter which is of purely personal concern to an individual or family members;

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- (h) Relates to court action or threatened court action between the Council and the questioner or group with which they are connected;
- (i) Is a request for compensation;
- (j) Contains a statement which is untrue;
- (k) Is an unintelligible question;
- (l) Relates to a matter on which the Council has, or may, determine a policy.

2.47 If not rejected by the Monitoring Officer the Overview and Scrutiny Committee Chair will decide how a public question will be dealt with.

Duration of Meeting (Overview and Scrutiny Committees Only)

2.48 After three hours from the commencement of the meeting, including any period that the meeting may have been adjourned, an Overview and Scrutiny Committee may pass a resolution to continue the meeting for up to thirty minutes.

2.49 At the end of this thirty minute period, or if such a resolution is not passed, the Chair of an Overview and Scrutiny Committee shall dispose of the remaining business by conducting a vote on any item(s) immediately without further debate or by deferring consideration to a future meeting.

3. THE CALL-IN PROCEDURE

- 3.1 Only key decisions can be called-in, urgent key decisions cannot be called in.
- 3.2 Call-in should only be used in exceptional circumstances. Exceptional circumstances are where a decision has been made which is either outside the policy framework or contrary to, or not wholly consistent with the budget, or the decision was not taken in accordance with the principles set out in Article 13.02. The right to call-in should not be abused.
- 3.3 Where a decision is made by the Cabinet, the decision shall be published in a Digest, including where possible by electronic means, and shall be available at the main offices of the Council as soon as possible after the Cabinet meeting. The Digest will be sent to all Councillors.
- 3.4 The published decision will bear the date on which it is published and will specify that the decision will come into force and may be implemented at 4.00pm on the fifth working day after the publication of the decision (not including the date of publication), unless called-in under these provisions.
- 3.5 During this period, the Chief Executive shall call-in a decision for scrutiny by the relevant scrutiny committee if so requested by at least 3 members of the Council (not including Cabinet Members) or voting co-opted members and providing the request complies with the requirements set out in the reasons for call-in below. For the purposes of this provision the education co-opted members referred to in paragraph 3 of these Rules shall only be entitled to request the call-in of a decision relating to education matters.

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- 3.6 Councillors requesting that a decision be called-in for scrutiny shall complete a call-in form (attached at Appendix 1) either electronically or on paper and indicate one councillor as the lead councillor for the call-in and send it to the Chief Executive.
- 3.7 The councillors requesting the call-in must include reason(s) why the decision should be scrutinised.
- 3.8 A reason for call-in shall not be valid if:-
- (i) the reason for call-in does not relate directly to the decision;
 - (ii) the reason for call-in is answered by information already to be found in the report relating to the decision;
 - (iii) the reason for call-in is to obtain information which does not directly relate to the reasons for taking the decision which is being called in;
 - (iv) the reason for call-in relates to a decision which is yet to go to statutory consultation. However, the reason for call-in may be valid if it relates to the basis of or criteria for the consultation;
 - (v) the reason for call-in relates to a previous policy or strategy decision which has been subject to the call-in process within the previous six months;
 - (vi) there was sufficient time for pre-decision scrutiny.
- 3.9 On receipt of a call-in form the Chief Executive will arrange for:
- (a) the call-in form to be acknowledged in writing;
 - (b) consideration that the call-in is valid within these Rules;
- 3.10 If the call-in is valid:
- (c) Cabinet to be formally notified in writing of the receipt of a call-in; and
 - (d) the Chair of the scrutiny committee to be informed (if the Chair is not a party to the call-in).
- 3.11 If the call-in form states that the decision is outside of the budget and policy framework of the Council, the Chief Financial Officer or Monitoring Officer (as appropriate) will prepare a report for the scrutiny committee upon the matter.
- 3.12 Prior to the meeting of the scrutiny committee arranged to consider the call-in item, the Chair shall arrange an informal meeting with the lead councillor calling in the decision and the lead Cabinet Member to discuss the issue. All members who have signed the call-in request will be invited to the informal meeting, providing the number of signatories does not exceed three.
- 3.13 Where at the informal meeting stage assurances are given by, or agreements reached with the lead Cabinet Member, then those assurances or agreements must subsequently be confirmed in writing.
- 3.14 A report of any call-ins that are withdrawn as a result of an informal meeting will be included on the Agenda for the next meeting of the scrutiny committee.

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- 3.15 If the call-in is not withdrawn as a result of the informal meeting or an informal meeting is not held it will go to the scrutiny committee.
- 3.16 The committee should normally meet within 10 clear working days of the notice of call-in. Wherever possible scheduled meetings of the committee will be used. Where this is not possible the Chief Executive will liaise with the parties concerned to arrange a special meeting.
- 3.17 A decision may not be called-in where the scrutiny committee scrutinised the decision before it was taken and made recommendations to Cabinet and those recommendations have been accepted by Cabinet either in whole or without significant addition or modification.
- 3.18 To facilitate the proper scrutiny of the decision being called-in, the lead councillor shall provide the scrutiny committee members with an outline of the case to be presented and any supporting evidence not less than three working days prior to the date of the scrutiny committee meeting.
- 3.19 Where a decision has been called-in and none of the councillors who have called-in the decision attends, the scrutiny committee will have the option of confirming the decision without any further discussion.
- 3.20 The Chair of the scrutiny committee shall primarily confine the debate at the meeting to the reasons stated on the call-in form.
- 3.21 The options available to the scrutiny committee in respect of a called in matter are as follows:
 - (a) To note the Cabinet's decision – in which case the decision takes effect immediately
 - (b) To refer the matter back to the Cabinet for reconsideration – in which case the Cabinet shall reconsider the matter within 28 days, normally at its next planned meeting. The Cabinet may then determine the matter as it thinks fit and the decision takes effect on publication of the fresh decision, there being no further call-in.
 - (c) Refer Cabinet's decision to the Council where the Chief Financial Officer/ Monitoring Officer's report confirms that the decision is outside of the budgetary and policy framework.
- 3.22 If a matter is referred to the full council in accordance with paragraph (c) above, the Chief Executive, in consultation with the Mayor, shall call an extraordinary meeting of the council within seven working days.
- 3.23 Essentially the same procedures also apply to the call-in of key decisions by the Cabinet Committee and officers. However, in the latter case if the scrutiny committee refers the matter back, it will be considered again by the officer who will refer the matter to Cabinet.

4. CALL-IN AND URGENCY

- 4.1 The call-in procedure set out above shall not apply or shall cease to apply where the decision being taken by the Cabinet is urgent or becomes urgent during the call-in process. A decision is urgent if any delay likely to be caused by the call-in process is likely to seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the Cabinet, the decision is or has become an urgent one, and therefore not, or no longer subject to call-in.
- 4.2 The operation of the provisions relating to call-in and urgency shall be
- 4.3 monitored annually, and a report submitted to Council with proposals for review if necessary.

5. PRE-DECISION SCRUTINY

What is pre-decision scrutiny?

- 5.1 Pre-decision scrutiny applies to scheduled Cabinet business and provides the opportunity for consultation with non-Executive Members on fully developed proposals, where a clear recommendation exists, before decisions are taken by the Cabinet. This provides scrutiny Councillors with the ability to make comments on a proposed decision before it is made, thereby giving scrutiny a valuable opportunity to influence decision-making through debate and challenge.
- 5.2 Pre-decision scrutiny is usually undertaken two or three weeks before a key decision is made at Cabinet. This provides councillors on scrutiny committee to consider and make recommendations on decisions in their final form.
- 5.3 The range of possible outcomes may include support for a decision, a different view on the way forward, the flagging up of concerns, or a view that the decision should be deferred pending further work, etc.
- 5.4 It does not mean that decisions will necessarily be changed or withdrawn, however it gives an opportunity for those decisions to be more informed. Pre-decision scrutiny can be viewed as non-Executive Members performing a 'critical friend' role in relation to the Executive.

What pre-decision scrutiny is not

- 5.5 Pre-decision scrutiny does not replace decision-making. It is not intended to blur the lines of accountability, which will always rest with the Executive.
- 5.6 Pre-decision scrutiny is not the same as general service or policy development / formulation. Separate to pre-decision scrutiny there will be occasions where scrutiny is already involved at an earlier point in the development of policy or service proposals.
- 5.7 Pre-decision scrutiny is not a call to carry out an in-depth inquiry into a matter. It refers to a one-off consultation on a specific report.

Who undertakes pre-decision scrutiny?

- 5.8 Pre-decision scrutiny is about accountability for decision-making. The scrutiny of decisions and holding the Council's Executive to account is a role that is carried out by the Council's three Scrutiny Committees.
- 5.9 The selection of matters for pre-decision scrutiny should have regard to whether the matter has already featured in scrutiny work plans.

Impact on work plans

- 5.10 Pre-decision scrutiny is only one of a variety of roles and possible activities that scrutiny may be involved in, and any desire to undertake pre-decision scrutiny will need to be balanced with other activities.
- 5.11 Pre-decision scrutiny does not automatically require scrutiny to carry out any in-depth work. The presumption is that a single meeting is sufficient to formulate views. Should the committee feel that more work is necessary then it will need to recommend that to Cabinet. If the committee wishes to carry out any aspect of work in relation to the proposed decision, it will need to state this in its response to the Cabinet.
- 5.12 An item for pre-decision scrutiny need not automatically pose a significant impact on the existing work programme, the committee will however have to manage its work to take into account referrals or requests for pre-decision scrutiny.

Impact on the Executive

- 5.13 The committee will depend on the cooperation of the Executive in facilitating the involvement of scrutiny. Pre-decision scrutiny will have an impact on existing decision-making procedures, and the time of both councillors and officers involved in the production of Cabinet reports. Pre-decision scrutiny would be facilitated by forward planning and a degree of flexibility on decision-making timetables.

The process

- 5.14 The process for pre-decision scrutiny is summarised in the attached flow-chart (Appendix 4). The process is based on a selective approach through identification of items from the City Council's Forward Plan.
- 5.15 Only one scrutiny committee may undertake pre-decision scrutiny. Identification / Selection
- 5.16 The City Council publishes its Forward Plan on the Council's website and it will be included with each scrutiny agenda. Scrutiny councillors should use this information as the source from which selections for pre-decision scrutiny are made. Where the chair of a scrutiny committee or a group leader expresses a desire to pre-scrutinise a matter it will be added to the work programme. The relevant Cabinet Member will be made aware of any requests for pre-scrutiny.
- 5.17 In some circumstances pre decision scrutiny will not be appropriate. The Chief Executive will be entitled to decline a request for pre-decision scrutiny provided one of the following criteria is met:

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- The matter is not the subject of a Cabinet decision-making report
- The matter has already been subject to extensive consideration by scrutiny
- Where pre-decision scrutiny would require that an urgent matter is delayed and that this delay would be detrimental to the interests of the Council
- Whether there is any constitutional or legal reason why pre-decision scrutiny should not take place

Notification

5.18 The relevant Cabinet Member and relevant Director will be notified of those matters identified for pre-decision scrutiny at the earliest opportunity and advice sought on timing / implications.

5.19 The relevant Director will advise on the decision-making timetable.

Inclusion in Work Plan

5.20 Where possible those matters that have been considered appropriate for pre-decision scrutiny will be included in the work plan.

5.21 At the same time the committee will have to consider the implication on its own time to undertake meaningful pre-decision scrutiny and will need to manage and modify its work programme accordingly.

Consideration

5.22 Pre-decision scrutiny will normally be based on the report which is to be submitted to Cabinet. The relevant Cabinet Member would be expected to attend the committee to answer questions / provide clarification on the report. The committee can request relevant officers to attend to provide advice and assist the committee in their consideration.

5.23 Best practice evidence strongly emphasises the need for a constructive and non-party political approach. There would be an expectation of responsible, evidence-based scrutiny. In general, the committee would be expected to focus on:

- The reasons for the proposed decision and robustness of the process
- Whether the report outlines all the known or potential implications (including policy/budget issues) and risks
- Whether the report adequately examines all the available options
- Whether there has been adequate consultation on the proposals

5.24 Meetings will be open to the public (unless an exemption applies).

Decision

5.25 The Committee will inform cabinet in writing of their considerations, this will be included on the Cabinet agenda. Otherwise, the chair of the committee will be invited to address

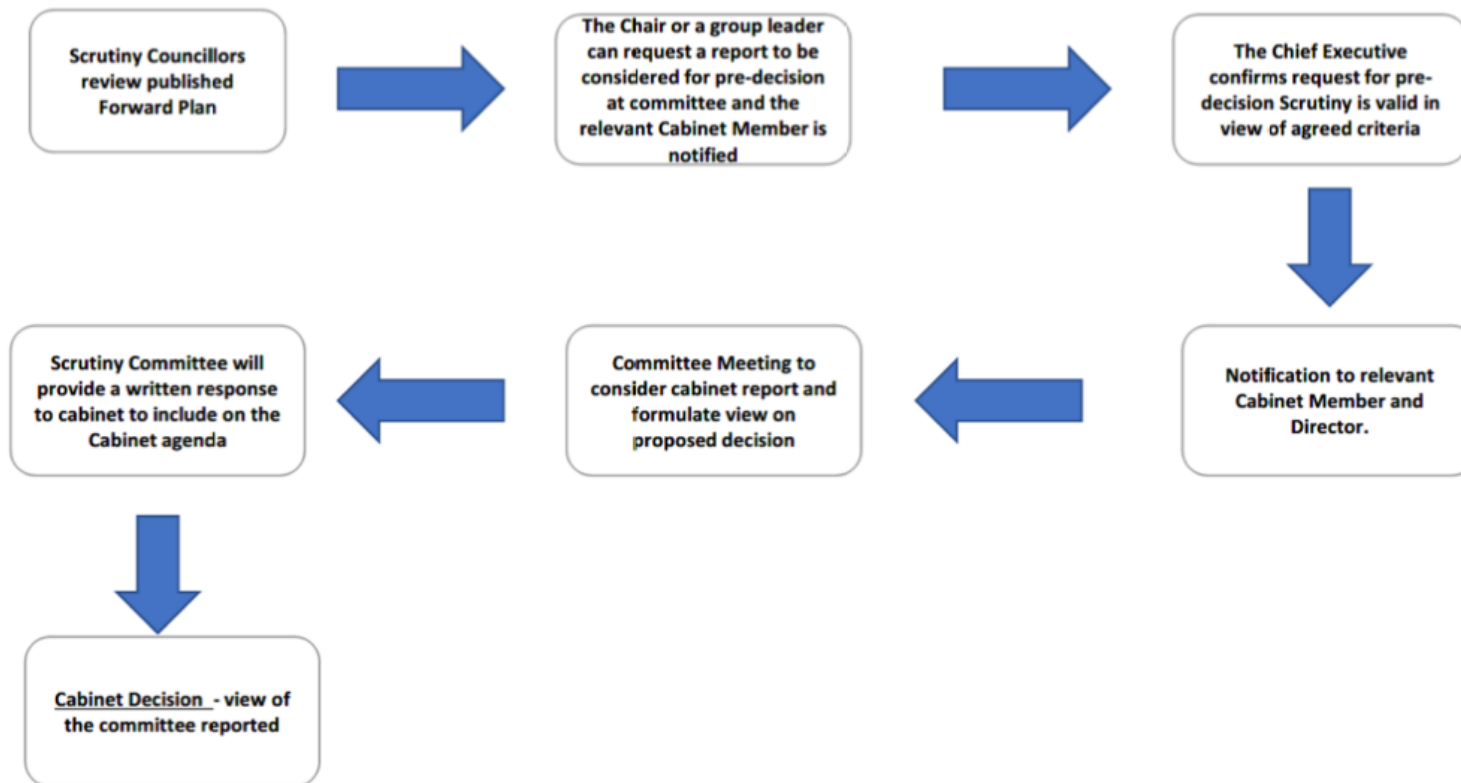
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the Cabinet during consideration of the report to outline the views of the committee prior to decision.

- 5.26 Where possible the Cabinet report should include a section on the outcome from the committee meeting and if necessary, demonstrate how the views expressed by the committee have been addressed.

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Pre-decision scrutiny



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Part 6 COUNCILLORS

Section

- 1 The Role of Councillors and Office Holders
- 2 The Code of Conduct for Councillors
- 3 Arrangements for Dealing with Complaints against Councillors
- 4 Protocol on Councillor / Officer Relations
- 5 The Scheme of Councillors' Allowances

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1. THE ROLE OF COUNCILLORS AND OFFICE HOLDERS

Role Profile and Responsibilities for all Councillors

(see also Part 2, section 2 of this Constitution)

Responsibilities

Councillors are expected to:

- 1.1 To be at the centre of community life:
 - (a) To spend time out and about learning about the communities that they represent, supporting their residents, working with local organisations (such as GPs, schools, police, local businesses and voluntary organisations) to develop a shared understanding of local issues and ensuring that communities make the most of all the opportunities available to them;
 - (b) To build good working relationships and earn the trust and respect of local partners, other Councillors and Officers;
 - (c) To be an active member of local networks and partnerships, for example by acting as a school governor;
 - (d) To communicate regularly with their community including communicating Council policy and decisions.
- 1.2 Contribute actively to the formation and scrutiny of the Council's policies, budgets, strategies and services.
- 1.3 Act as a 'corporate parent' to the Council's looked-after children and care leavers.
- 1.4 Represent effectively the whole community with a special duty to their constituents, including those who did not vote for him or her.
- 1.5 Represent the Council on outside bodies as required.
- 1.6 Participate constructively in the good governance of the Council area.
- 1.7 Fulfil the statutory and locally determined requirements of an elected councillor of a local authority. To comply with all relevant codes of conduct, regulations, protocols and procedures, and participate in those decisions and activities reserved for the full Council.

Key Tasks

- 1.8 Attend and participate effectively as a member of any Committee to which the Councillor is appointed.
- 1.9 Participate in the activities of any outside body to which the Councillor is appointed, providing two-way communication between the organisations, and reporting as required to the Council. To develop and maintain a working knowledge of the Council's policies and practices in relation to that body and of the community's needs and aspirations.
- 1.10 Participate in the scrutiny or performance review of the services of the Council, including where the Council so decides, the scrutiny of policies and budgets, and their effectiveness in achieving the strategic objectives of the Council.

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- 1.11 Participate in any advisory group to which the Councillor is appointed.
- 1.12 Participate, as appropriate, in consultation with the community and with other organisations
- 1.13 Develop and maintain a working knowledge of the Council's services, management arrangements, organisation and activities, powers, duties, and constraints.
- 1.14 Contribute constructively to open government and democratic renewal through active encouragement to the community to participate in the governance of the Council's area.
- 1.15 Maintain professional working relationships with all Councillors and Officers.
- 1.16 Undertake training as required.
- 1.17 Identify and participate in opportunities for further development and training as a Councillor and keep abreast of developments in national and local government.

Additional Responsibilities

The Leader

Responsibilities

- 1.18 Ensure efficient and effective services, where they are relevant to the needs of the community and the responsibility of the Council, in the short, medium and long term.
- 1.19 Provide visible political leadership in relation to residents, stakeholders and partners in the overall co-ordination of policies, strategies and service delivery affecting the locality.
- 1.20 Lead the Cabinet in its work to develop the Budget and Policy Framework.
- 1.21 Lead the development of local and regional strategic partnerships.
- 1.22 Ensure the appropriate representation of the Council on key outside bodies where these relate to executive functions and are not reserved to full Council.

Key Tasks

- 1.23 Provide leadership to the Council and its political administration, and lead the presentation of the recommendations, plans, policies and decisions of the Cabinet and the Council;
- 1.24 Represent the Council's political and strategic decision making in the community and in discussions with regional, national and international organisations and others in order to pursue matters of interest to the Council and its communities and to keep the Council and the Cabinet informed accordingly.
- 1.25 Appoint members of the Cabinet and allocate Cabinet portfolios.
- 1.26 Develop and maintain good working relations and effective channels of communication with the Chair of each Overview and Scrutiny Committee;
- 1.27 Direct, manage and chair meetings of the Cabinet and to take responsibility, individually and / or collectively for any specific Portfolio, including providing a political lead in

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proposing new policy, strategy, budget and service standards and reviews, as well as acting as spokesman for the Council.

- 1.28 Meet regularly and provide policy direction to the Chief Executive, Executive Directors and other senior Officers (with or without the Cabinet) to consider and recommend action within approved policies and strategies.
- 1.29 Consider the development and training needs of the Cabinet and Councillors generally and arrange for training sessions or suitable briefings as appropriate.
- 1.30 Receive and act as appropriate upon representations from Councillors, the public, organisations and senior Officers;
- 1.31 Promote good working relationships across the Political Groups that make up the Council.

Cabinet Members / Portfolio Holders

Responsibilities

- 1.32 Take responsibility within the Cabinet on the basis of collective decision making and such individual delegation that may apply, for a Portfolio of services or functions of the Council.
- 1.33 Input into the Cabinet any information, intelligence or factors considered relevant to the issues under consideration by the Cabinet.
- 1.34 Contribute actively through the Portfolio and membership of the Cabinet to the formation, implementation, monitoring and scrutiny of the Council's policies, budgets, strategies and services.

Key Tasks

- 1.35 Participate in the Cabinet and to implement agreed policies by taking responsibility individually and / or collectively for any Portfolio allocated by the Leader, including proposing new policy, strategy, programming, budget and service standards, and leading performance review.
- 1.36 Develop a clear understanding and in depth knowledge of the respective Portfolio, the scope and range of the relevant services for which he/she is responsible and an awareness of current agreed policies and budgetary implications in respect of those services.
- 1.37 Consult and communicate with all Councillors, Officers, key partners and the community as appropriate to ensure policies, strategies, budgets and decisions are well informed and that Council policies are widely understood and positively promoted.
- 1.38 Ensure that the Council is briefed at the appropriate time on significant issues within the respective Portfolio – i.e. those which have financial or other major resource implications or which will result in a change to established policy.
- 1.39 Act as spokesman for the Council and answer and account to the Council and the community on matters within the Portfolio.

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- 1.40 Work closely with the Chief Executive, Executive Directors and other senior Officers responsible for the services within the Portfolio and the relevant Overview and Scrutiny Committee Chair.
- 1.41 Work with Officers on the implementation of agreed plans, policies and programmes within the Portfolio and inform the Cabinet of progress and performance.
- 1.42 Participate in scrutiny or performance reviews of services as requested by an Overview and Scrutiny Committee.
- 1.43 Represent the Council and the Cabinet in the community and elsewhere as required by the Leader.

Deputy Cabinet Members

- 1.44 To support the Cabinet Member in their roles and responsibilities as detailed above.
- 1.45 To deputise and attend meetings and briefings in place of the Cabinet Member.

The Mayor

Responsibilities

- 1.46 Uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary.
- 1.47 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.
- 1.48 Ensure that a meeting of the Council is a forum for the debate of matters of concern to the local community and the place at which Councillors are able to hold the Cabinet to account.
- 1.49 Promote public involvement in the Council's activities.
- 1.50 Be the conscience of the Council and act impartially.
- 1.51 Attend such civic and ceremonial functions as the Council and / or the Mayor deems appropriate and take precedence at formal occasions.
- 1.52 Ensure that the dignity of the office of Mayor and the Council is maintained at all times.

Key Tasks

- 1.53 Chair all meetings of the full Council.
- 1.54 Chair major consultation meetings organised by the Council, as appropriate.
- 1.55 Set the standard of conduct to be expected from all Councillors.
- 1.56 Help represent the Council in the community and in discussions with regional, national and international organisations and others.
- 1.57 Attend functions appropriate to the position of Mayor of the Council.
- 1.58 Act as host to visiting Royalty, civic dignitaries and other important visitors.

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1.59 Meet with relevant Officers to ensure the receipt of appropriate advice to enable effective decisions.

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2. THE CODE OF CONDUCT FOR COUNCILLORS

Introduction

- 2.1 The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that, as councillors, we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors. As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.
- 2.2 Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.
- 2.3 This Code for Conduct for Councillors (Code) has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Definitions

- 2.4 For the purposes of this Code:
- (a) A "councillor" means a member or co-opted member of a local authority or a directly elected mayor.
 - (b) A "co-opted member" is defined in section 27(4) of the Localism Act 2011 "a person who is not a member of the authority but who is:
 - (i) A member of any committee or sub-committee of the authority, or;
 - (ii) A member of, and represents the authority on, any joint committee or joint subcommittee of the authority;and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.
 - (c) "local authority" ~~includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities~~ [as defined in Section 27\(6\) of the Localism Act 2011.](#)

Purpose of the Code

- 2.5 The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set

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out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General Principles of Councillor Conduct

- 2.6 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.
- 2.7 Building on these principles, the following general principles have been developed specifically for the role of councillor. In accordance with the public trust placed in me, on all occasions:
- I act with integrity and honesty
 - I act lawfully
 - I treat all persons fairly and with respect; and
 - I lead by example and act in a way that secures public confidence in the role of councillor.
- 2.8 In undertaking my role:
- I impartially exercise my responsibilities in the interests of the local community
 - I do not improperly seek to confer an advantage, or disadvantage, on any person
 - I avoid conflicts of interest
 - I exercise reasonable care and diligence; and
 - I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code

- 2.9 This Code applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.
- 2.10 This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:
- You misuse your position as a councillor;
 - Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.
- 2.11 The Code applies to all forms of communication and interaction, including:

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- At face-to-face meetings
- At online or telephone meetings
- In written communication
- In verbal communication
- In non-verbal communication
- In electronic and social media communication, posts, statements and comments.

2.12 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

2.13 Your Monitoring Officer has statutory responsibility for the implementation of the Code and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code. Town and parish councillors are encouraged to seek advice from their clerk, who may refer matters to the Monitoring Officer.

Standards of Councillor Conduct

2.14 This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

2.15 Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. RESPECT

As a councillor:

1.1 **I treat all other councillors and members of the public with respect.**

1.2 **I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any

conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Code and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

2. BULLYING, HARASSMENT AND DISCRIMINATION

As a councillor:

- 2.1 **I do not bully any person.**
- 2.2 **I do not harass any person.**
- 2.3 **I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. IMPARTIALITY OF OFFICERS OF THE COUNCIL

As a councillor:

- 3.1 **I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a

report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. CONFIDENTIALITY AND ACCESS TO INFORMATION

As a councillor:

4.1 I do not disclose information:

- (a) Given to me in confidence by anyone**
- (b) Acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:**
 - (i) I have received the consent of a person authorised to give it;**
 - (ii) I am required by law to do so;**
 - (iii) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - (iv) The disclosure is:**
 - 1. Reasonable and in the public interest; and**
 - 2. Made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. DISREPUTE

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on

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you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct

6. USE OF POSITION

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. USE OF LOCAL AUTHORITY RESOURCES AND FACILITIES

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- (a) Act in accordance with the local authority's requirements; and
- (b) Ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance

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with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. COMPLYING WITH THE CODE OF CONDUCT

As a councillor:

- 8.1 I undertake Code of Conduct training provided by my local authority.
- 8.2 I co-operate with any Code of Conduct investigation and/or determination.
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

9. PROTECTING YOUR REPUTATION AND THE REPUTATION OF THE LOCAL AUTHORITY.

9.1 Interests

As a councillor:

I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. GIFTS AND HOSPITALITY

As a councillor:

- 10.1 **I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 **I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 **I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

The Seven Principles of Public Life are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

REGISTERING INTERESTS

Within twenty-eight days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"**Disclosable Pecuniary Interest**" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in **Table 1** below.

"**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A '**sensitive interest**' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non-participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. **Table 3 (Standard Dispensations)** details the disclosable pecuniary interests in respect of which dispensations ordinarily apply as standard.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion

or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects**:
 - (a) Your own financial interest or well-being;
 - (b) A financial interest or well-being of a relative or close associate; or,
 - (c) A financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:
9. Where a matter (referred to in paragraph 8 above) affects the financial interest or well-being:
 - (a) To a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - (b) A reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.]

The table below sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Table 1. Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.

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Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge):</p> <ul style="list-style-type: none"> (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	<p>Any beneficial interest in securities* of a body where:</p> <ul style="list-style-type: none"> (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either — <ul style="list-style-type: none"> (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or, (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

*‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2. Other Registerable Interests

You must register as an Other Registerable Interest:

- (a) Any unpaid directorships;
- (b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority;
- (c) Any body:
 - (i) Exercising functions of a public nature; or,
 - (ii) Directed to charitable purposes; or
 - (iii) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Table 3. Prejudicial Interests in Other Registerable Interests Subject to a Standard Dispensation

You will not be regarded as having a prejudicial interest in any business of your authority in respect of any Other Registerable Interest:

- (a) where that business relates to:
 - (i) another local authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (iii) a body to which you have been elected, appointed or nominated by your authority, but only in the circumstance where the sole purpose of participating is to make representations, answer questions or give evidence relating to the business at the request of the Leader, Cabinet, Cabinet Member or Committee Meeting;
 - (iv) your role as a school governor, unless it relates particularly to the school of which you are a governor; or
 - (v) your role as a member of a National Health Service Board or governing body;
- (b) except that no dispensation described in sub-paragraph (a) above will apply where the business to be transacted at the meeting is the determination of any regulatory approval, consent, licence, permission or registration (for example, determination of an application for planning permission or consent or licence under the Licensing Act 2003).

3. ARRANGEMENTS FOR DEALING WITH COMPLAINTS AGAINST COUNCILLORS

Introduction

- 3.1 The Localism Act 2011 requires the Council to adopt arrangements for dealing with complaints against Councillors submitted under the Code of Conduct for Councillors (Code) set out above at section 2, and complaints submitted against town councillors in the Council's area under the code of conduct applicable to them.
- 3.2 In these Arrangements the term "Councillor" means an elected councillor or co-opted member of the Council or any town council in the Council's area. The term "Code" means the code of conduct applicable to that Councillor.
- 3.3 These Arrangements apply to all complaints submitted against Councillors under the Code.
- 3.4 The Localism Act 2011 also requires the Council to appoint at least one Independent Person, whose views must be sought before decision is taken to investigate a complaint, and whose views can be sought by the Council at any other stage of dealing with a complaint under these Arrangements. A Councillor against whom an allegation has been made can also consult an Independent Person. The same Independent Person would not usually assist the Council and the Councillor against whom the complaint has been submitted.
- 3.5 The appointment of Independent Persons takes place at a meeting of full Council following an open recruitment process. The Council has appointed [two] Independent Persons.
- 3.6 The Council's Monitoring Officer is responsible for dealing with complaints submitted under the Code. The Monitoring Officer may nominate another Officer of suitable experience and seniority to carry out any of the functions detailed in these Arrangements, or may appoint an external specialist to do so.
- 3.7 The Code applies to all elected Councillors and co-opted members of the Council when they are acting in that capacity. Complaints must be submitted to the Council's Monitoring Officer. The Monitoring Officer can only consider complaints where the Councillor is acting in in their capacity as a Councillor in the circumstances of the complaint. The Code does not apply to the acts or omissions of Councillors in the course of their private lives.
- 3.8 If a complaint alleges a failure to comply with the rules about 'Disclosable Pecuniary Interests' or other potential criminal offences the Monitoring Officer will consider whether the matter should be directed to the police, if s/he considers there are reasonable grounds to believe that a criminal offence may have occurred.

4. Stage 1: The Submission of a Complaint and The Initial Assessment

Submitting a Complaint

- 4.1 The complaint must be:
 - 4.1.1 Submitted in writing;
 - 4.1.2 Include the identity of the person submitting the complaint (the Complainant) unless there are substantial reasons not to do so;
 - 4.1.3 Clearly identify those elements of the Code alleged to have been breached;
 - 4.1.4 Provide information and evidence that substantiates the allegations made; and,
 - 4.1.5 Outline the form of resolution the Complainant is seeking.
- 4.2 The Complainant should use the correct Complaint Form which is available from the Council's website or the Monitoring Officer.
- 4.3 If the Monitoring Officer considers that the complaint does not include sufficient information, the Complainant will be asked to provide the additional information required, and the complaint may not be accepted until that information is received, and may be rejected if the information is not provided as requested.
- 4.4 The Monitoring Officer will consider a request by a Complainant or witness to keep their identity confidential (from the member against whom the complaint has been made and / or others). As a principle of natural justice it is expected that the identity of the Complainant will be made known to the Subject Councillor, and as such the Monitoring Officer will only grant a request for anonymity in exceptional circumstances where:
 - 4.4.1 The Complainant has good reason to believe that they are at risk of physical harm if their identify is disclosed;
 - 4.4.2 The Complainant is an Officer who works closely with the Subject Member and they are afraid of the consequences to the employment or of losing their job if their identity is disclosed.

In such circumstance the matter may be dealt with in accordance with the Council's whistle-blowing policy and / or under the Protocol on Councillor / Officer Relations;
 - 4.4.3 The Complainant has a serious health condition and there are medical risks associated with the disclosure of their identify;the Monitoring Officer will notify the Complainant of their decision.
- 4.5 The Monitoring Officer may decline to progress the complaint if the Complainant does not agree to the disclosure of their identity.

5. Initial Assessment

5.1 In consultation with the Independent Person the Monitoring Officer will consider the complaint and make a decision as to whether it warrants further action, having regard to the following criteria:

- (a) Whether the complaint has been submitted within three months of the alleged misconduct unless there exceptional circumstance as to why it has been submitted later (e.g. the complaint concerns allegations of bullying, harassment etc);
- (b) Whether the complaint is against one or more named serving Councillors or co-opted members of the Council;
- (c) Whether the Subject Councillor was in office at the time of the alleged conduct;
- (d) Whether the Subject Councillor was acting in their capacity as an elected councillor in the circumstances of the complaint;
- (e) Whether the alleged misconduct was not a matter of the Subject Councillor's private life;
- (f) Whether the complaint is trivial or about the Complainant's dissatisfaction with a Council service or a decision of the Council, Cabinet, Committee or Officer;
- (g) Whether the complaint is malicious, vexatious or politically motivated to 'tit-for-tat';
- (h) Whether the complaint is the same or similar to a complaint that has already been investigated, and there is nothing further to be gained by progressing it;
- (i) Whether the complaint clearly identifies the elements of the Code the Subject Councillor is alleged to have breached;
- (j) Whether the information / evidence submitted in support of the complaint is sufficient;
- (k) Whether, if proven, the complaint would constitute a breach of the Code;
- (l) Whether the Subject Councillor has already accepted making an error and apologised;
- (m) Whether, in all the circumstances and in consideration of the resource and cost implications of progressing the complaint, it is in the public interest to progress the complaint.

5.2 The Monitoring Officer will notify the Subject Councillor of the complaint and may provide them with a copy of the complaint and seek their initial response as part of the initial assessment.

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- 5.3 If the Monitoring Officer determines that the complaint is about an Officer or the provision of a Council service, it will be referred to the relevant service do be dealt with in accordance with corporate complaints procedure, and will not be considered under the Arrangements.
- 5.4 The Monitoring Officer will dismiss complaints where there on the face of it there is insufficient evidence of a breach of the Code, or considers that no further action is warranted
- 5.5 The Complainant will be notified in writing providing reasons for the decision. There is no appeal process for decisions taken by the Monitoring Officer on the initial assessment of complaints.

6. Stage 2: Informal Resolution

- 6.1 [In consultation with the Independent Person] if the Monitoring Officer decides that the complaint warrants investigation s/he will seek to resolve the complaint informally without undertaking an investigation by way of a Local Resolution. This may involve:
 - 6.1.1 The Subject Councillor accepting that their conduct was unacceptable, and providing an explanation and written apology;
 - 6.1.2 The Subject Councillor agreeing to undergoing relevant training;
 - 6.1.3 Mediation between the Subject Councillor and the Complainant facilitated by the Independent Person; or,
 - 6.1.4 Any other form of remedial action considered appropriate.
- 6.2 If the Complainant and the Subject Councillor accept Local Resolution, informs no further action will be taken except that the Monitoring Officer:
 - 6.2.1 Will ensure any actions arising from the Local Resolution are completed; and,
 - 6.2.2 If so, will inform both the Complainant and Subject Member that no further action will be taken on the complaint, and record the outcome and report it to the next meeting of the Standards Committee.
- 6.3 Where a Local Resolution has been rejected or has not been successfully achieved or where the Monitoring Officer considers that it is not appropriate, the Monitoring Officer, in consultation with the Independent Person, will determine whether to proceed to a formal investigation, or whether no further action is warranted having regard to the circumstances of the complaint.

7. Stage 3: Investigation

The Public Interest

- 7.1 If the Monitoring Officer determines that an Informal Resolution is not appropriate or it is not accepted by the Complainant or the Subject Councillor, or having been accepted it is not successfully achieved, the Monitoring Officer will consider whether or not it is in

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the public interest to investigate the complaint taking into account and balancing the following factors:

- 7.1.1 The seriousness of the alleged breach;
- 7.1.2 The level of culpability alleged against the Subject Member, including if it is alleged the Subject Member, or their partner (as defined in the Code), or a relative or close associated benefitted directly or indirectly from the alleged breach;
- 7.1.3 What harm if any is alleged to have been caused to the Complainant or others;
- 7.1.4 What is the impact on the wider community of the alleged breach;
- 7.1.5 Is an investigation and a potential hearing before the Standards Committee a proportionate response to the complaint, taking into consideration the time, resource and cost implication.

The Appointment of an Investigating Officer

- 7.2 Where the Monitoring Officer determines that an investigation should proceed, s/he will appoint an Investigating Officer to undertake the investigation. The Investigating Officer may be an appropriately senior and experienced Officer or officer of another local authority, or an external investigator.

Notification

- 7.3 The Monitoring Officer will notify the Complainant and the Subject Councillor that the complaint has been referred for formal investigation, detailing:
 - 7.3.1 The identify of the Investigating Officer;
 - 7.3.2 The investigation procedure;
 - 7.3.3 That the Complainant and the Subject Councillor should have no contact with each other, and should not seek to improperly influence or interfere with the investigation, or the determination of the complaint by any means.

8. The Conduct of the Investigation

- 8.1 The Investigating Officer will:

Collate sufficient information to determine whether there is sufficient evidence upon which a finding may be made that:

 - 8.1.1 The Code applies in the circumstances of the complaint, and if so,
 - 8.1.2 The Subject Councillor breached the Code as alleged.
- 8.2 On the completion of the investigation the Investigating Officer will prepare a draft report of their findings for the consideration and comment of the Monitoring Officer, Complainant and the Subject Councillor.

9. Production of Documents, Information And Explanations

- 9.1 The Investigating Officer will decide whether or not it is necessary and proportionate to interview the Complainant and / or the Subject Councillor, and any witnesses they may have put forward to support their account. The Investigating Officer may also seek to interview or obtain information from any third parties they consider as being of potential assistance to the investigation.
- 9.2 The Investigating Officer (and any person authorised on their behalf) is authorised to:
- 9.2.1 Make such enquiries of any person or organisation and request any person or organisation to provide any document or information which is in their possession or control, or provide any explanation, as the Investigating Officer considers necessary for the purposes of carrying out the investigation;
 - 9.2.2 Require the Council to provide any document which is in its possession or control which the Investigating Officer thinks necessary for the purposes of carrying out the investigation;
 - 9.2.3 Request any person to meet with them or otherwise provide any information, document or explanation as the Investigating Officer considers necessary for the purposes of carrying out the investigation.

10. Representation

- 10.1 The Complainant, Subject Councillor or any other person interviewed by the Investigating Officer may arrange to be accompanied at their own expense by a solicitor, trade union representative or friend.

11. Interviews and Interview Transcripts

- 11.1 It is expected that interviews will be conducted remotely via MS Teams, Zoom or a similar remote conferencing platform. The interviews will be recorded. A 'platform generated' transcription of the interview will be produced and a copy provided to the interviewee. A copy of any notes taken by the Investigating Officer during an interview will not be provided to the interviewee or any third party.

12. Additional Breaches of the Code

- 12.1 If, in the course of the investigation, the Investigating Officer becomes aware of any other matter which appears to her/him to be evidence of a different or additional breach of the Code by the Subject Councillor, the Investigating Officer shall inform the Monitoring Officer and provide them with any supporting information.
- 12.2 In consultation with Independent Person, the Monitoring Officer will decide:
- 12.2.1 Whether or not the additional matter should be investigated in accordance with these Arrangements;

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12.2.2 Whether or not an investigation of the additional matter should be undertaken by the same Investigating Officer, or if a different Investigating Officer should be appointed for the purpose;

12.2.3 If the additional matter is to be investigated, notify the Subject Member accordingly in accordance with these Arrangements.

13. Termination of the Investigation

13.1 The Investigating Officer may terminate their investigation at any time where they are satisfied that they have sufficient information on which to make their findings and report to the Monitoring Officer.

14. Draft Report

14.1 On completion of the investigation the Investigating Officer will prepare a draft report setting out:

14.1.1 Details of the allegation;

14.1.2 The relevant provisions of the Code;

14.1.3 The relevant provisions of any statute or case law (if appropriate);

14.1.4 The Subject Member's initial response to notification of the allegation (if any);

14.1.5 The relevant evidence obtained during the investigation;

14.1.6 A list of any documents relevant to the matter;

14.1.7 Details of any persons interviewed and their account, and any persons who otherwise provided information and details of any such information;

14.1.8 Details of those persons or organisations from whom information was sought but not obtained, or otherwise did not cooperate with the investigation;

14.1.9 The Investigating Officer's findings of fact and reasoning as to whether or not the evidence is sufficient for a finding to be made that:

(a) The Code applies in the circumstances of the complaint, and if so,

(b) The Subject Councillor breached the Code as alleged.

14.2 The Investigating Officer will circulate the draft report to the Monitoring Officer, Complainant and the Subject Councillor for their consideration and comment within fourteen days.

14.3 Having taken into account any comments on the draft report received from the Complainant and / or Subject Councillor, the Investigating Officer will prepare a final report for submission to the Monitoring Officer.

15. Final Report

15.1 The Monitoring Office will consider the Investigating Officer's final report. If the Monitoring Officer is not satisfied with the conduct of the investigation or the report, they

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may ask the Investigating Officer to consider taking further steps and / or reconsidering their report.

15.2 Once the Monitoring Officer is satisfied with the investigation and / or the final report, the Monitoring Officer will determine on the basis of the report whether or not there is sufficient evidence for a finding to be made that:

- (a) The Code applies in the circumstances of the complaint, and if so,
- (b) The Subject Councillor breached the Code as alleged.

Actions on the Final Report

No Breach

15.3 In consultation with the Independent Person if the Monitoring Officer determines that there is insufficient evidence for a finding to be made as at paragraph 15.2 (a) and / or (b) above, s/he will write to the Complainant and the Subject Councillor notifying them of the decision, and that no further action will be taken, and enclosing a copy of the final report.

15.4 The Monitoring Officer will record the outcome of the matter and report it to the next meeting of the Standards Committee.

15.5 The Monitoring Officer will provide a copy of the decision notice to the Subject Councillors Political Group Leader if the Subject Councillor is a member of a Political Group.

15.6 If the complaint concerns a town councillor, the Monitoring Officer will provide a copy of the decision notice to the clerk of the relevant town council.

Breach

15.7 In consultation with the Independent Person, if the Monitoring Officer determines that there is sufficient evidence for a finding to be made as at paragraph 15.2 (a) and (b) above, s/he will write to the Complainant and the Subject Councillor notifying them of the decision, and will either:

- 15.7.1 Seek to resolve the matter informally, through a resolution agreed between the Complainant and the Subject Councillor, taking into account the findings of the Investigating Officer; or,
- 15.7.2 Refer the matter to ~~for~~ a hearing of the Hearing Sub-committee of the Standards ~~Committee~~.

16. Stage 4: Referral to The Hearing Sub-Committee

16.1 Where the Monitoring Officer has referred the matter to the Hearing Sub-committee of the Standards Committee for a hearing to determine the complaint,

16.2 Where possible, the hearing shall be convened within three months of the Monitoring Officer's referral.

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16.3 It is expected that a hearing of the Sub-committee will be heard in public. A hearing or part thereof may be held in private where information which will be disclosed at the hearing is exempt or confidential in accordance with Schedule 12A of the Local Government Act 1972.

16.4 The Monitoring Officer will convene a hearing of the Hearing Sub-committee to consider and determine the complaint, and will notify the Subject Councillor, the Investigating Officer the complainant and any witness at least fourteen days prior to the hearing of:

16.4.1 The date, time and location of the hearing;

16.4.2 The agreed facts of the complaint;

16.4.3 The disputed facts of the complaint;

16.4.4 The identify of any representative of the Subject Councillor or Investigating Officer who will attend the hearing;

16.4.5 The identify of any witnesses who will give evidence at the hearing;

16.4.6 The decisions of the Hearing Sub-committee made at any pre-hearing meeting;

16.4.7 Any proposed amendments to the hearing process set out below.

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17. Stage 5: The Hearing

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17.1 ~~A hearing of the Hearing Sub-committee~~ shall be an inquisitorial process intended to obtain information and clarify facts and issues on which the Hearing Sub-committee may make a determination as to whether or not the Code applied to the Subject Councillor in the circumstances of the complaint, and if so, whether the Subject Councillor breached the Code as alleged.

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17.2 The hearing is not a court or tribunal. The hearing shall be conducted in accordance with the principles of natural justice and Article 6 of the European Convention on Human Rights, but the strict rules of evidence shall not apply and the cross-examination of the Subject Councillor, Investigating Officer or any witness shall not be permitted.

17.3 The Hearing Sub-committee shall make findings of fact on the 'balance of probabilities' which means something is more likely than not.

17.4 The Hearing Sub-committee shall be advised by the Monitoring Officer or a legal advisor and may seek advice at any time during the hearing process or while considering their decision. Any advice provided to the Hearing Sub-committee shall be shared with the Subject Councillor and the Investigating Officer if they are present at the hearing.

17.5 The provisions of this section 15 shall take precedence over the Committee Procedure Rules set out under Part 3 of this Constitution.

Preliminary Matters

17.6 The preliminary matters of the hearing shall be:

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- 17.6.1 Appointment of a chair;
- 17.6.2 Confirmation of quorum;
- 17.6.3 Declarations of interests;
- 17.6.4 Introductions;
- 17.6.5 Whether the hearing or any part of it is to be held in private;
- 17.6.6 If applicable, whether to proceed in the absence of the Subject Councillor.

Absence of the Subject Councillor, Investigating Officer, Representative or Witness

- 17.7 The chair shall seek confirmation from the Monitoring Officer as to:
- 17.7.1 The notification of the hearing to the Subject Councillor; Investigating Officer, representative or witness;
 - 17.7.2 Any indication received from the Subject Councillor, Investigating Officer, representative or witness of their intention to attend or not attend the hearing; and,
 - 17.7.3 If the Subject Councillor, Investigating Officer, representative or witness indicated their intention to attend the hearing, whether any notification or explanation for their absence has been received and when.
- 17.8 The Hearing Sub-committee will then determine whether in all the circumstances the hearing should be adjourned, or should proceed in the absence of the Subject Councillor, the Investigating Officer, representative or witness.

The Investigating Officer's Presentation

- 17.9 The Investigating Officer shall present their report and their findings, and with the permission of the Hearing Sub-committee, may call witnesses to give evidence.
- 17.10 The Hearing Sub-committee and / or the Subject Councillor may ask questions of the Investigating Officer or any witness they have called on matters relevant to any dispute of fact.
- 17.11 The Hearing Sub-committee may ask the Investigating Officer clarification questions.

The Subject Member's Case

- 17.12 The Subject Councillor will then be invited to present their case and with the permission of the Hearing Sub-committee may call witnesses to give evidence.
- 17.13 The Hearing Sub-committee and / or the Investigating Officer may ask questions of the Investigating Officer or any witness they have called on matters relevant to any dispute of fact.
- 17.14 The Hearing Sub-committee may ask the Subject Member clarification questions.

Final Submissions

- 17.15 The Hearing Sub-committee will invite the Investigating Officer and the Subject Councillor to submit any final representations

Introduction of New Evidence

17.16 The Investigating Officer, the Subject Councillor and any witnesses shall not be permitted to introduce new arguments or new evidence at the hearing unless the Hearing Sub-committee is satisfied that in the circumstances in the whole, there are exceptional reasons for doing so.

Determination of the Complaint

17.17 The Hearing Sub-committee shall retire with the Independent Person to consider the determination of the complaint. Any advice provided by the Monitoring Officer during to the Hearing Sub-committee's during the private session shall be shared with the Subject Councillor and the Investigating Officer.

17.18 The Hearing Sub-committee may reconvene the hearing to ask further questions of the Investigating Officer and / or the Subject Councillor during the course of the deliberations, and if they are present, the other party will be afforded the opportunity to respond to the question and the answer given.

17.19 The Hearing Sub-committee shall make a finding as to:

17.19.1 Whether the Code applied to the Subject Councillor in the circumstances of the complaint; and if so,

17.19.2 Whether the Subject Councillor breached the Code.

17.20 The hearing will be reconvened for the chair to announce the Hearing Sub-committee's findings and reasons for the findings. [The chair may state that full reasons for the findings will be provided in writing subsequently.]

Finding of No Breach

17.21 If the Hearing Sub-committee determines that the Code did not apply to the Subject Councillor in the circumstances of the complaint, or it did apply but the Subject Councillor did not breach the Code as alleged, the matter will be concluded and no further action shall be required except as regards those matters set out under paragraphs 15.28 (to 15.30 below).

Finding of Breach

17.22 If the Hearing Sub-committee determines that the Code applied to the Subject Councillor in the circumstances of the Complaint, and that the Subject Councillor breached the Code as alleged, the Hearing Sub-committee shall further determine whether or not to impose a sanction on the Subject Councillor. The Hearing Sub-committee may invite representations from the Investigating Officer and the Subject Councillor as to any sanction, if any, which should be imposed, and / or may also take legal advice from the Monitoring Officer or legal advisor.

17.23 The Hearing Sub-committee shall retire with the Independent Person to consider and determine whether to impose any sanctions on the Subject Councillor, and the form of the sanctions.

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17.24 The hearing will be reconvened for the chair to announce the sanctions, if any, to be imposed on the Subject Councillor and the reasons.

Available Sanctions

17.25 The Hearing Sub-committee may impose one or more of the sanctions detailed in the appendix to these Arrangements.

Recommendations to the Council

17.26 The Hearing Sub-committee shall consider whether or not it should make any recommendations to the Council with a view to the promotion of high standards of conduct and compliance with the Code amongst elected Councillors and co-opted members of the Council.

Decision Notice

17.27 The Monitoring Officer shall prepare for the approval of the chair a decision notice detailing the complaint, the findings of the Hearing Sub-committee and reasons; any sanctions imposed and the reasons, or that the Hearing Sub-committee determined that no sanctions should be imposed and the reasons.

17.28 The decision notice will be sent to the Complainant, the Subject Councillor and the Investigating Officer, and will be published in accordance with the Access to Information Procedure Rules set out under Part of the Constitution.

Publicity

17.29 If the Hearing Sub-committee decides that the matter should be published, it may do so by placing its findings in one or more newspapers circulating in the Council's area.

Reporting to Council

17.30 The matter will be detailed in the annual report of the Standards Committee to full Council.

Appeal

17.31 There is no right of appeal against the decisions or findings of the Hearing Sub-committee.

APPENDIX

SANCTIONS FOR A BREACH OF THE CODE OF CONDUCT FOR COUNCILLORS

The Hearing Sub-committee may impose upon a Councillor found to have breached the Code one or more of the following sanctions:

- Censure or reprimand the Councillor;
- Publish its findings in respect of the Councillor's conduct;

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- Report its findings to the Council for information;
- Recommend to the Councillor's Group Leader (or in the case of an ungrouped councillor, recommend to the Council and or a relevant Committee) that the Councillor be removed from any or all Committees or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- Recommend to the Council that the Councillor be replaced as Leader;
- Recommend to a Group's secretary or appropriate official that the Councillor be replaced as Group Leader;
- Instruct the Monitoring Officer to (or recommend that a parish or town council) arrange training for the Councillor;
- Recommend to the Council that they Councillor be removed from all outside appointments to which they been appointed or nominated by the Council;
- Withdraw (or recommend a parish or town council withdraw) ~~for a specified period, facilities equipment~~ provided to the Councillor by the ~~Councillor~~ Council ~~by such such~~ as a computer, ~~website and/or email and internet access~~; or
- Exclude (or recommend that a parish or town council exclude) the Councillor from the Council's offices or other premises, ~~for a specified period~~, with the exception of meeting rooms necessary for attending Council, Cabinet, Committee and Sub-Committee meetings.

The Hearing Sub-committee has no power to suspend or disqualify the Councillor, or to withdraw basic or special responsibility allowances. Sanctions (with the exception of censure) may start immediately or up to six months after the Hearing Sub-committee's determination if Hearing Sub-committee prefers.

4. PROTOCOL FOR COUNCILLOR / OFFICER RELATIONS

Purpose

- 4.1 This Protocol provides guidance on how Councillors and Officers can and should work together effectively to deliver positive outcomes for the Council's residents, businesses and communities. It seeks to apply the seven principles of public life (the "Nolan Principles") into practice.
- 4.2 This Protocol is not a set of rules. It provides guidance on best practice on how Councillors and Officers can meet the standards of public life and comply with their respective obligations detailed in the Code of Conduct for Councillors, as set out above under section 2, and the Employee Code of Conduct set out under Part 7 of this Constitution.
- 4.3 A breach of a Protocol set out below may be evidence that Councillor or Officer has breached a provision of their respective code of conduct.
- 4.4 The Protocol supplements and does not seek to replace the Council's existing policies, and should be considered in conjunction with the codes of conduct, and other rules set out elsewhere in this Constitution.

The Nolan Principles

- 4.5 The Council's ethical framework is underpinned by the Seven Principles of Public Life also called the Nolan Principles which apply to anyone who is a public office holder. This Protocol aims to implement the Nolan Principles as follows:

Nolan Principle	Indicative Behaviour
Selflessness	Ensuring Councillors and Officers work together for the public benefit
Integrity	Avoiding inappropriate influence on Officers' activities and the delivery of services
Objectivity	Officers act impartially and fairly between Political Groups and they are not asked or pressured to act otherwise by Councillors
Openness	Councillors are aware of their rights to information and their obligations in respect of confidential information. Officers respect Councillors rights to information and the limits of such rights with regards to confidential information, and personal data

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Accountability	Complying with this Protocol – a breach may be evidence of a breach of the Code of Conduct for Councillors / the Employee Code of Conduct as applicable
Honest	Councillors and Officers are truthful
Leadership	Councillors and Officers treat each other, and all persons with respect, and actively support and demonstrate the upholding of the Nolan Principles

Overview of Councillor Officer Relations

4.6 All Councillors and Officers are public servants with complementary but different roles and responsibilities. All Councillors and Officers work to achieve the common aim of delivering services and policies that improve the lives of the Council’s residents, workforce and businesses, all of whom will benefit from effective working relationships between Councillors and Officers.

4.7 This Protocol aims to create an understanding of:

- The different roles of Councillors and Officers;
- The boundaries between Councillors and Officer; and
- The expectations both Councillors and Officers can have of each other.

understanding these factors will enable Councillors and Officers to conduct themselves in accordance with the Nolan Principles and avoid dispute. The Protocol also sets out below how to deal with disputes appropriately.

4.8 This Protocol should not be considered as formal advice. Councillors and Officers should contact the Monitoring Officer if they require specific advice.

Councillor and Officer Roles

4.9 The below table is a guide to the main differences between the roles and responsibilities of Councillors and Officers.

Councillors	Officers
Status	
<p>Elected by residents every four years</p> <ul style="list-style-type: none"> • Can resign but cannot be dismissed; • Can be disqualified in limited circumstances; 	<p>Employees of the Council</p> <ul style="list-style-type: none"> • Have a contract of employment; • Can resign or be dismissed.

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<ul style="list-style-type: none"> Up to nine Councillors appointed by the Leader to form the Cabinet – the Council's principal decision making body. 	
<p>No formal management</p> <ul style="list-style-type: none"> May be subject to Political Group control and discipline Accountable to all residents and the local electorate 	<p>Line-managed by Officers</p> <ul style="list-style-type: none"> Officers are managed, by and report to, a more senior officer; Chief Executive is the Council's 'head of paid service' and ultimately responsible for all Officers.
<p>Subject to the Code of Conduct for Councillors</p> <ul style="list-style-type: none"> Must comply with duties and obligations set out in the Code, including as regards the declaration of interest, and gifts and hospitality 	<p>Legal rights under employment law</p> <ul style="list-style-type: none"> Employment rights provided under law and the Councils internal policies / procedures; Subject to the Employee Code of Conduct, and terms and conditions of employment.
Role	
<p>Strategic decision makers</p> <ul style="list-style-type: none"> Leader and Cabinet set the Council's political direction, corporate vision, objectives, strategies and policies; 	<p>Advisors</p> <ul style="list-style-type: none"> Provide professional advice to Councillors to ensure best, value, financial and legal compliance; Deliver services in accordance with priorities agreed by Councillors;
<p>Overview of operational delivery</p> <ul style="list-style-type: none"> Overview and Scrutiny of the operational delivery of services by Officers 	<p>Operational delivery</p> <ul style="list-style-type: none"> Responsible for the operational delivery of services; Accountable to Councillors for effective delivery of services.
<p>Regulatory and governance decision making</p> <ul style="list-style-type: none"> As members of Committees, Councillors determine regulatory matters, and 	<p>Regulatory enforcement</p> <ul style="list-style-type: none"> Officers enforce regulatory decisions and the implementation of policy; Ultimately report to the Chief Executive.

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<p>maintain an overview of finance, governance and risk;</p> <ul style="list-style-type: none"> • Councillors cannot make decisions individually. 	
<p>Political representative</p> <ul style="list-style-type: none"> • Councillors have an overtly political role and are usually a member of, or aligned with, a Political Group 	<p>Political neutrality</p> <ul style="list-style-type: none"> • Officers must remain politically neutral at all times; • Some roles are politically restricted meaning the post holder cannot be politically active in their private life.

Statutory Officers

4.10 A number of Officers have a personal, statutory responsibility to ensure the proper conduct of the Council's administrative, staffing, legal and financial affairs.

4.11 The table below details the Council's "Statutory Officers" and their statutory responsibilities.

Statutory Officer	Statutory Responsibility
Head of Paid Service (Chief Executive)	Responsible for the management of the Council's Officers and the delivery of statutory services
Monitoring Officer	Responsible for the Council's governance and compliance with the law.
Chief Finance Officer (Section 151 Officer)	Responsible for the Council's financial affairs and ensuring the Council sets a balanced budget.
Director Adult Social Services	Responsible for the safeguarding of vulnerable adults. There is an equivalent Councillor role.
Director of Children's Services	Responsible for the safeguarding of children. There is an equivalent Councillor role.

Personal Conduct and Behaviour

4.12 When Councillors and Officers treat each other with respect it is likely to foster good working relationships and improve efficiency. The underlying principle for Councillor-Officer relations is mutual respect for each other's roles, especially where differences of

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opinion and approach arise. This includes having mutual respect for the different pressures on Councillors and Officers. Mutual respect means:

- Valuing each other's different expertise and knowledge, ~~e.g. Councillors will generally know their Wards better than Officers;~~
- Avoiding a blame culture
- Avoiding tone and language in communications that is critical of individual Officers or Councillors;
- Zero tolerance of bullying or harassing behaviour;
- Councillors understanding that Officers, especially junior Officers, cannot respond or "answer back" to a Councillor's criticism of them, especially in public;
- Avoiding unreasonable deadlines or excessive demands on each other;
- Remembering the importance of public perception. The public rightly expect high standards from Councillors and Officer, and do not expect them too rude or publicly critical of each other.

Political Neutrality

4.13 A key difference between Councillors and Officers is their political involvement. Whilst Councillors are elected as the candidate of a Political Group or as an Independent Councillor, Officers must remain politically neutral at all times in all aspects of their work.

4.14 For Councillors, the political neutrality of Officers means:

- Not asking Officers about their political views or discussing with them local or national party political matters;
- Not attempting to draw Officers into criticising a Councillor or Political Group;
- Respecting Officers' obligation to advise different Political Groups equally;
- Not making allegations of bias against Officers, especially in public, or because an Officer's advice does not agree with the position of a Councillor or their Political Group;
- Not accusing Officers of having ulterior or malign motives. The Council and Officers have to make difficult decisions with finite resources and very often these will leave some residents or Councillors dissatisfied. It is wholly inappropriate to make unsubstantiated allegations of corruption, political bias or incompetence in such circumstances. Any concern should first be raised with the Monitoring Officer on a confidential basis. If need be, the dispute resolution process set out below can be implemented.
- Not copying in Officers, Councillors or citizens into correspondence with Officers, particularly where Councillors are critical of Officers or the Council. Where a dispute between Councillors and Officers arises, the dispute resolution process set out below must be implemented.

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4.15 Political neutrality for Officer means:

- Providing balanced advice and equal facilities to all Political Groups, and ungrouped Councillors;
- Providing advice and support to the Council's political administration and delivering the Council's policies, but not to the wider Political Group from which the administration is formed;
- Not bringing personal politics into their work;
- Not being improperly influenced by Councillors to change their mind on any matter that affects a political matter, and not advising on the basis of political expediency;
- Raising concerns with, or seeking advice from, the Monitoring Officer.

Support to Political Groups

4.16 ~~A key part of a Councillor's role is to act as a political representative.~~ Officers can provide support to Councillors in their capacity as a political representative, provided that in doing so an Officer is not breaching their duty of political neutrality.

4.17 The Council's political administration will almost invariably be formed by the Political Group with a majority on the Council. Officers are required to advise and implement the political policies of the administration, and provide additional support to the Leader and Cabinet (the Executive) to reflect the status of the Leader and Cabinet. A key feature of a successful, functioning local authority is the executive and senior management having close and effective working relationships.

4.18 It is an Officer's duty to act in the Council's interests. This means advising where political commitments are not in the Council's overall interests or will not deliver best value, i.e. "speaking truth to power". If differences between Officers and Councillors cannot be resolved through the below dispute resolution procedure, they should be referred to the Council's Chief Executive who will consult with the relevant statutory officers.

4.19 Officers' additional support to the administration does not however extend to, and must not be confused with, support to the majority Political Group.

4.20 Political Groups are an important but informal part of the Council's political architecture. They have no decision making role and exist to allow those with the same political or similar political views to join together to ensure representation on the Council and its Committees, and other bodies. A key feature of a successful, functioning local authority is good working relationships and interaction between all Political Groups and Officers.

4.21 It is important that the Political Groups are treated fairly and with equity, but also that they are not considered or viewed as part of the formal decision making structure of the Council. This means:

For Officers

- Ensuring relevant senior Officers director and / or the Chief Executive is aware of and has approved a briefing to a Political Group;

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- Providing an equal opportunity of access to briefings and advice on the same matter to all Political Groups;
- Withdrawing from Political Group meetings when political matters are discussed;
- Being open and transparent about Political Group briefings or meetings, but not disclosing confidential Political Group discussions;
- Avoiding briefings which could be used in a forthcoming election campaign.

For Councillors and Political Groups

- Directing requests for briefings to the Chief Executive or relevant Executive Director;
- Accepting that any briefing will be offered to all Political Groups and Councillors, and not seeking to prevent this;
- Not asking Officers about political matters or political implications;
- Accepting that Officers will feedback comments made in a Political Group meeting to senior Officers (but not other Political Groups unless consent is provided);
- Informing Officers if a Political Group meeting includes non-Councillors so Officers can consider the disclosure of information;
- Respecting confidentiality where information is provided on a confidential basis.

~~4.22 It must be remembered that it is the role of Officers to facilitate governance by the administration, not to facilitate the opposing of the administration by the opposition Political Groups.~~

4.22 It should be recognised that officers will spend the time supporting the Administration as the Members in control of the Council and will assist all other Members as far as possible.

Councillors' Ward Work

4.23 Councillors carry out vital work as community leaders in their Ward. They are often the only voice available to residents. Officers must respect this and provide Councillors with support in their constituency work but Officers and Councillors must acknowledge and accept that there are limits to the support that Officers can provide.

4.24 Individual Councillors cannot make decisions on behalf of the Council or instruct Officers in their work. This means:

For Councillors

- An expectation that Officers will respond to enquiries in accordance with the Council's policies, or explain why there is a delay;
- An expectation that Officers will inform and consult them Ward matters in accordance with the Council's policies;
- Not instructing an Officer to do something – and not taking offence if they refuse;

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- An expectation that Officers will provide reasons as to why a request or query cannot be met;
- Not 'shooting the messenger' and criticising Officers where a request has been declined;
- Requesting that query or request be escalated if unhappy with response, but accepting the final decision once it has been made.

For Officers

- Treating all Councillor queries and request equally, including opposition Councillors;
- Meeting the Council's standards for response time and explaining when doing so is not possible;
- Providing reasons with responses to Councillors;
- Escalating matters where a Councillor is not satisfied with a response.

Personal Relationships and Privacy

4.25 Whilst it is beneficial for the Council if Councillors and Officers are able to interact and be friendly, professional standards must be maintained, especially when members of the public or other stakeholders are present. Councillors and Officers often undertake their duties at very different hours and Councillors may also have 'day jobs' during the working week. Maintaining professional relationships ~~means~~involves:

- Officers using formal titles such as "Leader" or "Councillor" when addressing Councillors and in correspondence, especially in formal or public settings.
- Councillors and Officers taking care when socialising with each other. Whilst it is not unlawful to do so, the public perception of such relationships may be negative.
- Declaring any close or intimate relationships between Councillors and Officers (e.g. family, partner) to the Monitoring Officer and taking necessary steps to avoid any conflicts of interest either under the respective codes of conduct for Councillors and Employees. (personal information will held in confidence).
- Councillors and Officers respecting each other's private lives and work-life balance when making request and in their communications.

The Employment of Officers

4.26 Officers are employees of the Council and ultimately answerable to the Chief Executive (as the head of paid service). The Chief Executive has ultimate responsibility for the delivery of services by the Council, and the performance and conduct of Officers. This means:

- Councillors, including the Leader and Cabinet, accepting that they cannot direct the work of individual Officers or manage services;

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- A Councillor who is concerned about an Officer's performance or conduct, referring their concerns to the Officer's line manager;
- Councillors accepting that they cannot be involved in any formal action taken against individual Officers except where a Councillor is a witness of fact in the matter;
- Officers not asking Councillors to support them in any employment dispute with the Council, except if where a Councillor is a witness of fact in the matter;
- Councillors not lobbying on behalf of individual Officers where they are subject to a formal course of action or applying for a position.

Councillors' Rights of Access to Information and Confidentiality

4.27 Councillors have rights of access to information held by the Council in accordance with Access to Information Procedure Rules set out under Part 1 of this Constitution elsewhere provided for in this Constitution and under the law.

4.28 A Councillor's rights of access to information are not unrestricted, and are not always the same. Councillors remain bound by confidentiality in respect of information which is deemed exempt or confidential in accordance with Schedule 12A of the Local Government Act 1972. Councillors also remain subject to the requirements of the Data Protection Act 2018, the Freedom of Information Act 2000, the Environmental Information Regulations 2004, and all applicable law.

The Common Law Right to Information and the 'need to know'

4.29 Councillors' rights of access to information under the common law have now largely been incorporated into various statutes. However, the decisions of judges over the years (case law) have developed the principle of 'the need to know' in respect of common law rights to information. As such, a Councillor's rights of access to information under the common law (as under statutory law) is not unrestricted. The key elements of the 'need to know' principle are:

- The common law right of access to information does not permit 'fishing expeditions' or the 'trawling' of information;
- Councillors have a right of access to information to the extent that their having the information is reasonably necessary in the performance of their duties as an elected councillor;
- The 'need to know' will vary according to a Councillor's particular role. For example, a member of the Audit and Governance Committee would be expected to have a greater 'need to know' detailed financial information than other Councillors;
- Councillors must be able to demonstrate their 'need to know' and must seek access to information in good faith;

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- Councillors can only use the information in pursuance of their official duties: they cannot use it for political or personal purposes;
- The refusal of access to information may take into account the affect, or potential affect, on third parties of the disclosure of the information;
- Information disclosed on a confidential basis remains confidential, and the Councillor is under a legal duty to maintain such confidentiality.

The Disclosure of Confidential Information

4.30 As detailed above, Councillors remain bound by a duty of confidentiality under the common law, and in accordance with the provisions of various statutory law, in respect of confidential information and 'personal data'. The disclosure of confidential information or personal data may result in:

- Legal or regulatory action being taken against the Council, and / or against the Councillor personally;
- A complaint against the Councillor being made under the Code of Conduct for Councillors;

4.31 Councillors should seek confidential advice from the Monitoring Officer if they consider it may be necessary to disclose confidential or otherwise restricted information.

Dispute Resolution

4.32 Whilst the purpose of this Protocol is to limit them, on occasion disputes between Councillors and Officers will arise.

4.33 Concerns as to the performance or conduct of Officers will be dealt by their line managers in accordance with the Council's internal policies and procedures.

4.34 Where complaints are appropriately submitted against Councillors under the Code of Conduct for Councillors, they will be dealt with in accordance with the Council's Arrangements for Dealing with Complaints Against Councillors. The Code and the Arrangements are set out respectively under section 2 and section 3 above of this Part 6 of the Constitution.

4.35 Except where the above applies, where disputes and differences between Councillors and Officers cannot otherwise be resolved, their resolution will be sought through the procedure set out below.

Councillor Issues with Officers

4.36 Councillors should first seek to resolve any issues they have with Officers, with Officer's immediate line manager.

4.37 Councillors should avoid the public and personal criticism of the Officer – it is likely to escalate rather than resolve the problem, and may result in complaints being made under the Code of Conduct for Councillors;

4.38 Councillors should avoid 'copying-in' third parties on correspondence about problems with an Officer – particularly other Councillors and external parties;

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- 4.39 Councillors must not make unsubstantiated against Officers and must support their position with evidence;
- 4.40 Where it is not possible to resolve the matter with the Officer's line manager, a formal complaint should be submitted to the relevant Executive Director;
- 4.41 Councillors must respect the decision of the line manger dealing with the matter, whether or not any further action has been taken, and the nature of any such action.
- 4.42 Councillors must accept that other than as a witness of fact, they have no right to be involved in any disciplinary process or action taken against an Officer.

Officer Issues with Councillors

- 4.43 Junior Officers are not expected to seek to resolve issues with Councillors without the support of their line manager(s).
- 4.44 Where problems between Officers and Councillors cannot be resolved informally, Officers may submit a complaint against a Councillor under the Code of Conduct for Councillors.
- 4.45 If they are a member of a trade union, Officers are entitled to seek advice and representation from their trade union.
- 4.46 Officers should seek advice from the Monitoring Officer.

Whistle-blowing and the Reporting of Wrongdoing

- 4.47 Councillors or Officers concerned about corruption, fraud, an abuse of office or other such wrongdoing should report their concerns to the Monitoring Officer in the first instance, or use the Council's whistleblowing policy if applicable.

5. THE SCHEME OF COUNCILLORS' ALLOWANCES 2023 / 2027

5.1 The Scheme of Councillors is reviewed and renewed every four years by the Independent Remuneration Panel, or as and when new positions are required to be included in the Scheme.

Type of Allowance	Allowance Per Annum
Basic Allowance ("BA") (for all elected Councillors x 51)	£ 10,400
Special Responsibility Allowances ("SRA")	
Note: The below SRAs are paid in addition to BA, but no Councillor shall be entitled to payment of more than one SRA regardless of the number of remunerable posts they hold. If a Councillor holds more than one post which attracts an SRA, it will be assumed they will be paid the higher SRA.	
Leader	£36,400
Deputy Leader	£18,720
Cabinet Member (other than Leader and Deputy)	£14,560
Mayor ¹	£15,600
Deputy Mayor ¹	£ 3,640
Leader of the largest opposition Political Group	£10,400 (If two main opposition groups are equal in size, each group leader will be paid an additional 100% of BA.)
Leader of other opposition Political Groups	£ 2,600 (But if opposition group has less than 4 members then this SRA is not payable.)
Deputy Leader of largest opposition Political Group	£2,600 (But if opposition group has less than 17 members, namely one third of the Council, then this SRA is not payable.)

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Chairs of Scrutiny Committees (x 3)	£7,800
Vice-Chairs of Scrutiny Committees (x3)	£520
Chair of Planning / Development Control Committee	£10,400
Vice-Chair of Planning / Development Control Committee	£ 2,600
Chair of Audit & Governance Committee	£ 2,600
Chair of Regulatory Committee Chair of Regulatory Sub-committees	£6,240
Vice-Chair of Regulatory Committee Vice-Chair of Regulatory Sub-committees	£5,720
Chairs of Appeals Committee A and Appeals Committee B (x 2)	£2,600
Chair of Standards and General Purposes Committee	£ 0 [3,640], <u>£3,640</u>
Councillor representatives on Adoption and Fostering Panels	£520
<u>Chair of Standards Committee</u>	£ 0
Group Leader of a Political Group in a Joint Administration not otherwise in receipt of an SRA.	
Chair of Health & Wellbeing Board	£ 0

Co-opted Members Allowance	
Audit & Governance Committee	£1,300
Scrutiny Committees	£312
Independent Persons	

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Independent Persons (Re. Member Standards Regime)	£1,300
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Dependants' Carers' Allowance	
Basic "sitters" allowance	To be linked to the National Living Wage
Specialist carers	Maximum rate claimable set at hourly rate charged by Southend-on-Sea City Council Social Services Department for a Home Care Assistant
Booking fees	Actual up to £15.00
1.	<p>Councillors and Co-opted Members shall be entitled to claim for the care of dependants in accordance with the rates for the Dependants' Carers' Allowance set out above, subject to the following provisions:</p> <ul style="list-style-type: none"> (a) Payments shall be claimable in respect of children up until their fifteenth birthday or in respect of dependants where there is medical or social worker evidence that care is required. (b) The Council reserves the right to require evidence that there is a reasonable need for the level of care in respect of which a claim is made. Councillors / Co-opted Members seeking to claim an allowance to cover the cost of professional or specialist carers should first seek the approval of the Director (Legal and Democratic Services). (c) A claim will be reimbursed where it is a reasonable requirement of the market that a booking fee is payable and that a rate is payable for each person cared for. (d) The allowance shall be paid as a reimbursement of actual incurred expenditure against receipts. If receipts are unavailable the payment will be made through the Council's payroll and be subject to tax and national insurance contributions. (e) When there is more than one Councillor / Co-opted Member in a household, only one claim can be made in respect of each person cared for.

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	(f) The paid carer cannot be a member of the immediate family or household.
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Travelling & Subsistence Allowances (Out of City Approved Duties Only)	
2.	<p>Councillors (including Co-opted Members) are entitled to claim travelling and subsistence allowances in accordance with section 3 at the same rates as apply to Council Officers (see details in sections 4 and 5 below) in connection with, or relating to, one or more of the following Approved Duties which are undertaken or take place outside the City of Southend-on-Sea:</p> <ul style="list-style-type: none">(a) Attendance as the Council's appointee or nominee (or substitute) at the meeting of any body to which the Council makes appointments or nominations (or any committee or sub-committee of such a body) provided that no such allowances are payable by the body concerned.(c) Attendance at a meeting, the holding of which is authorised by the Council (or a Committee, Sub-committee or Joint Committee), provided that:<ul style="list-style-type: none">(i) it is a meeting to which members of at least two political groups have been invited; and;(ii) no such allowances are otherwise payable in respect of that meeting.(e) Attendance as the Council's nominee (or substitute) at a meeting of any association of authorities of which the Council is a member e.g. the Local Government Association provided that no such allowances are payable by the association concerned.(f) Attendance at such other meetings, conferences, presentations, training events, etc where it is in the interests of the Council that the Councillor / Co-opted Member attends and such attendance is approved in advance by:<ul style="list-style-type: none">(i) Council, Cabinet or a Committee; or(ii) The Chief Executive or the Director of Legal Services. <p>No travelling or subsistence allowances are payable to Councillors (or Co-opted Members) in connection with, or relating to, any duties which are undertaken or take place within the City of Southend-on-Sea – the Basic Allowance already reflects in-City travel and subsistence costs.</p>

3.	Claiming and Payment of Travelling & Subsistence Allowances (Out of City Approved Duties)
	<p>a) Councillors (including Co-opted Members) are entitled to receive payment of travelling and subsistence allowances in accordance with the rates as detailed below. Councillors (incl. Co- opted Members) can only claim allowances for travel undertaken and for subsistence costs actually incurred.</p> <p>b) Councillors (including Co-opted Members) are responsible for completing their own travel and subsistence claims on the official form which Internal Audit shall prescribe and should be sent to the Head of Democratic and Electoral Services.</p> <p>c) Claim forms must be submitted by the 15th day of the following month for which a claim relates otherwise it will not be paid.</p> <p>d) Claims are liable for checking as they are processed by the Payroll team and Councillors / Co-opted Members may be contacted if Payroll has any queries.</p>
4.	Travelling and Subsistence Allowances Rates (Out of City – Approved Duties only)
	<p>Travelling Allowances</p> <p>(a) Car</p> <p>i. A car allowance is payable at 45p per mile (up to 10,000 miles), 25p per mile thereafter (such allowance to also apply to electric/hybrid vehicles) and subject to the following conditions:</p> <p>ii. Return car mileage is calculated by reference to the shortest practicable route from the Councillor's / Co-opted Member's normal place of residence to the point at which the approved duty is performed.</p> <p>iii. Mileage can be claimed for a car in which a Councillor / Co-opted Member is being driven by a family member or friend - provided that person is not also submitting a mileage claim for the same trip.</p> <p>iv. A passenger supplement rate shall apply, payable at 5p per mile, per passenger (up to a maximum of four passengers).</p> <p>v. Any travel claim should reflect actual trips undertaken. The claim form should record the date, start and finish times, start and finish points of the journey, purpose of the journey, and actual mileage or other travel expense for each journey. Journey distances can</p>

	<p>be checked via the AA web site – and if there are special reasons why a longer route was taken then these should be stated on the form.</p> <p>vi. A Councillor / Co-opted Member using their own car and claiming mileage must ensure that they hold a current driving licence and have current motor insurance that permits the use of the vehicle for Council business and indemnifies the Council against 3rd Party claims.</p> <p>(b) Motor Cycle</p> <p>i. This is payable at 24p per mile and the conditions in (a) i to vi above for car allowances apply.</p> <p>(c) Bicycle</p> <p>i. This is payable at 20p per mile.</p> <p>(d) Public Transport</p> <p>i. Councillors and Co-opted Members who travel by public transport can claim the relevant bus fare or second class rail fare. First class travel or taxis should only be used in exceptional circumstances. Whenever first class rail or taxi fare is claimed, the reason for such should be stated on the claim form.</p> <p>ii. Wherever possible receipts or the ticket should be accompanied with the claim. Where no receipt is provided, claims will be subject to tax and National Insurance deductions.</p> <p>(e) Air Travel</p> <p>i. Councillors and Co-opted Members who travel by air should only claim an economy or budget fare.</p>
5. Subsistence Allowances	<p>The following subsistence allowances apply subject to the conditions set out further below:</p> <p>(a) Breakfast Allowance</p> <ul style="list-style-type: none">• Need to be at venue before 11:00am £7.02 <p>(b) Lunch Allowance</p> <ul style="list-style-type: none">• Need to be at venue between 12 noon and 2:00pm £9.70 <p>(c) Evening Meal Allowance</p> <ul style="list-style-type: none">• Need to be venue after 7:00pm

£12.02	<p>(d) Overnight Subsistence</p> <ul style="list-style-type: none"> • Need to be at venue overnight – London / LGC Conferences B&B: £124.97 • Need to be at any other venue overnight – any other location B&B: £109.56 <p>Conditions applicable to all subsistence allowances</p> <p>The following conditions apply to the above subsistence allowances:</p> <ol style="list-style-type: none"> i. To qualify for reimbursement, the Councillor / Co-opted Member must be away from their normal place of residence for a minimum of four hours. (This time period applying to the time spent in travel, to and from, and attendance at the Approved Duty.) ii. There must be no meal provided at the location where the Approved Duty is performed, either by the Council or the organisers of the event. iii. The Councillor / Co-opted Member should attach a receipt to their expenses claim form to show that a meal or other subsistence was purchased. Where no receipt is provided, claims will be subject to tax and National Insurance deductions.
	<p>Schools Appeals Panel Members</p> <p>Schools Appeals Panel (Admissions and Exclusions) members shall be entitled to receive travelling and subsistence allowances payable at the same rates that are applicable to elected Councillors and Officers.</p>

Scheme of Councillors' Allowances Scheme: Additional Terms and Conditions

5.2 The Basic Allowance includes:

- 5.2.1 A sum for in-City travel and subsistence;
- 5.2.2 The reasonable use of the internet – see paragraphs 10.2 and 20.2 of the Internet and Electronic Mail Code of Practice; and,;
- 5.2.3 The cost of postage, stationery and minor items of office equipment, printing cartridges and paper.

5.3 Other Facilities:

- 5.3.1 In addition to Councillors' Allowances, the Council provides various facilities to Councillors in order that they may carry out their duties effectively. These include computer equipment and telephone facilities and business related call charges.
- 5.3.2 The Council also offers all elected Councillors a free car parking permit for use when carrying out official council duties across the city and can be used for

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parking in council operated car parks (including both the gated and general areas of the civic underground) and on street pay by phone/pay-and-display bays and residential permit parking bays. Elected Councillors must sign a declaration confirming that they will abide by the conditions of use. Any breach of such conditions will result in the pass being withdrawn.

5.4 Pensions:

5.4.1 Elected Councillors are not entitled to join the Local Government Pension Scheme by virtue of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.

5.5 Implementation of the Members' Allowances Scheme:

5.5.1 The Independent Review Panel (IRP) recommended that this revised scheme be applied from 1st August 2023.

5.6 Forgoing Allowances:

5.6.1 Regulation 13 of the Local Authorities (Members' Allowances) (England) Regulations 2003 provides that a Councillor may, by notice in writing given to the Proper Officer of the Authority (the Chief Executive), elect to forgo their entitlement or any part of their entitlement to allowances.

5.7 Indexation:

5.7.1 This Councillors' Allowances Scheme came into effect on 1st August 2023 and is subject to Indexation as follows:

(a) Basic Allowance, SRAs and Co-optees' Allowances and Independent Persons Allowance

- Indexed to the annual percentage salary increase for local government staff (at spinal column 43) to be implemented from the start of the municipal year, rather than financial year, for which year it is applicable. The first date for indexation for the purpose of this Scheme is therefore May 2024.

(b) Mileage Allowance

- Updated by reference to the rates which apply to Officers as set by HMRC.

(c) Subsistence Allowance

- The day subsistence allowance and overnight subsistence allowances should be indexed to the same percentage increase that may be applied by the Council to Officer day and overnight subsistence rates.

(d) Dependants' Carers' Allowance

- Child care rates are indexed linked to the National Living Wage.

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- Specialist Care Allowances are index linked to the hourly rate charged by Southend-on-Sea City Council, Social Services Department for a Home Care Assistant.

5.8 Questions

- 5.8.1 All questions on the provisions, interpretation and application of the Councillors' Allowances Scheme should be referred to the Head of Democratic and Electoral Services.

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Part 6 COUNCILLORS

Section

- 1 The Role of Councillors and Office Holders
- 2 The Code of Conduct for Councillors
- 3 Arrangements for Dealing with Complaints against Councillors
- 4 Protocol on Councillor / Officer Relations
- 5 The Scheme of Councillors' Allowances

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1. THE ROLE OF COUNCILLORS AND OFFICE HOLDERS

Role Profile and Responsibilities for all Councillors

(see also Part 2, section 2 of this Constitution)

Responsibilities

Councillors are expected to:

- 1.1 To be at the centre of community life:
 - (a) To spend time out and about learning about the communities that they represent, supporting their residents, working with local organisations (such as GPs, schools, police, local businesses and voluntary organisations) to develop a shared understanding of local issues and ensuring that communities make the most of all the opportunities available to them;
 - (b) To build good working relationships and earn the trust and respect of local partners, other Councillors and Officers;
 - (c) To be an active member of local networks and partnerships, for example by acting as a school governor;
 - (d) To communicate regularly with their community including communicating Council policy and decisions.
- 1.2 Contribute actively to the formation and scrutiny of the Council's policies, budgets, strategies and services.
- 1.3 Act as a 'corporate parent' to the Council's looked-after children and care leavers.
- 1.4 Represent effectively the whole community with a special duty to their constituents, including those who did not vote for him or her.
- 1.5 Represent the Council on outside bodies as required.
- 1.6 Participate constructively in the good governance of the Council area.
- 1.7 Fulfil the statutory and locally determined requirements of an elected councillor of a local authority. To comply with all relevant codes of conduct, regulations, protocols and procedures, and participate in those decisions and activities reserved for the full Council.

Key Tasks

- 1.8 Attend and participate effectively as a member of any Committee to which the Councillor is appointed.
- 1.9 Participate in the activities of any outside body to which the Councillor is appointed, providing two-way communication between the organisations, and reporting as required to the Council. To develop and maintain a working knowledge of the Council's policies and practices in relation to that body and of the community's needs and aspirations.
- 1.10 Participate in the scrutiny or performance review of the services of the Council, including where the Council so decides, the scrutiny of policies and budgets, and their effectiveness in achieving the strategic objectives of the Council.

- 1.11 Participate in any advisory group to which the Councillor is appointed.
- 1.12 Participate, as appropriate, in consultation with the community and with other organisations
- 1.13 Develop and maintain a working knowledge of the Council's services, management arrangements, organisation and activities, powers, duties, and constraints.
- 1.14 Contribute constructively to open government and democratic renewal through active encouragement to the community to participate in the governance of the Council's area.
- 1.15 Maintain professional working relationships with all Councillors and Officers.
- 1.16 Undertake training as required.
- 1.17 Identify and participate in opportunities for further development and training as a Councillor and keep abreast of developments in national and local government.

Additional Responsibilities

The Leader

Responsibilities

- 1.18 Ensure efficient and effective services, where they are relevant to the needs of the community and the responsibility of the Council, in the short, medium and long term.
- 1.19 Provide visible political leadership in relation to residents, stakeholders and partners in the overall co-ordination of policies, strategies and service delivery affecting the locality.
- 1.20 Lead the Cabinet in its work to develop the Budget and Policy Framework.
- 1.21 Lead the development of local and regional strategic partnerships.
- 1.22 Ensure the appropriate representation of the Council on key outside bodies where these relate to executive functions and are not reserved to full Council.

Key Tasks

- 1.23 Provide leadership to the Council and its political administration, and lead the presentation of the recommendations, plans, policies and decisions of the Cabinet and the Council;
- 1.24 Represent the Council's political and strategic decision making in the community and in discussions with regional, national and international organisations and others in order to pursue matters of interest to the Council and its communities and to keep the Council and the Cabinet informed accordingly.
- 1.25 Appoint members of the Cabinet and allocate Cabinet portfolios.
- 1.26 Develop and maintain good working relations and effective channels of communication with the Chair of each Overview and Scrutiny Committee;
- 1.27 Direct, manage and chair meetings of the Cabinet and to take responsibility, individually and / or collectively for any specific Portfolio, including providing a political lead in

proposing new policy, strategy, budget and service standards and reviews, as well as acting as spokesman for the Council.

- 1.28 Meet regularly and provide policy direction to the Chief Executive, Executive Directors and other senior Officers (with or without the Cabinet) to consider and recommend action within approved policies and strategies.
- 1.29 Consider the development and training needs of the Cabinet and Councillors generally and arrange for training sessions or suitable briefings as appropriate.
- 1.30 Receive and act as appropriate upon representations from Councillors, the public, organisations and senior Officers;
- 1.31 Promote good working relationships across the Political Groups that make up the Council.

Cabinet Members / Portfolio Holders

Responsibilities

- 1.32 Take responsibility within the Cabinet on the basis of collective decision making and such individual delegation that may apply, for a Portfolio of services or functions of the Council.
- 1.33 Input into the Cabinet any information, intelligence or factors considered relevant to the issues under consideration by the Cabinet.
- 1.34 Contribute actively through the Portfolio and membership of the Cabinet to the formation, implementation, monitoring and scrutiny of the Council's policies, budgets, strategies and services.

Key Tasks

- 1.35 Participate in the Cabinet and to implement agreed policies by taking responsibility individually and / or collectively for any Portfolio allocated by the Leader, including proposing new policy, strategy, programming, budget and service standards, and leading performance review.
- 1.36 Develop a clear understanding and in depth knowledge of the respective Portfolio, the scope and range of the relevant services for which he/she is responsible and an awareness of current agreed policies and budgetary implications in respect of those services.
- 1.37 Consult and communicate with all Councillors, Officers, key partners and the community as appropriate to ensure policies, strategies, budgets and decisions are well informed and that Council policies are widely understood and positively promoted.
- 1.38 Ensure that the Council is briefed at the appropriate time on significant issues within the respective Portfolio – i.e. those which have financial or other major resource implications or which will result in a change to established policy.
- 1.39 Act as spokesman for the Council and answer and account to the Council and the community on matters within the Portfolio.

- 1.40 Work closely with the Chief Executive, Executive Directors and other senior Officers responsible for the services within the Portfolio and the relevant Overview and Scrutiny Committee Chair.
- 1.41 Work with Officers on the implementation of agreed plans, policies and programmes within the Portfolio and inform the Cabinet of progress and performance.
- 1.42 Participate in scrutiny or performance reviews of services as requested by an Overview and Scrutiny Committee.
- 1.43 Represent the Council and the Cabinet in the community and elsewhere as required by the Leader.

Deputy Cabinet Members

- 1.44 To support the Cabinet Member in their roles and responsibilities as detailed above.
- 1.45 To deputise and attend meetings and briefings in place of the Cabinet Member.

The Mayor

Responsibilities

- 1.46 Uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary.
- 1.47 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.
- 1.48 Ensure that a meeting of the Council is a forum for the debate of matters of concern to the local community and the place at which Councillors are able to hold the Cabinet to account.
- 1.49 Promote public involvement in the Council's activities.
- 1.50 Be the conscience of the Council and act impartially.
- 1.51 Attend such civic and ceremonial functions as the Council and / or the Mayor deems appropriate and take precedence at formal occasions.
- 1.52 Ensure that the dignity of the office of Mayor and the Council is maintained at all times.

Key Tasks

- 1.53 Chair all meetings of the full Council.
- 1.54 Chair major consultation meetings organised by the Council, as appropriate.
- 1.55 Set the standard of conduct to be expected from all Councillors.
- 1.56 Help represent the Council in the community and in discussions with regional, national and international organisations and others.
- 1.57 Attend functions appropriate to the position of Mayor of the Council.
- 1.58 Act as host to visiting Royalty, civic dignitaries and other important visitors.

- 1.59 Meet with relevant Officers to ensure the receipt of appropriate advice to enable effective decisions.

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2. THE CODE OF CONDUCT FOR COUNCILLORS

Introduction

- 2.1 The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that, as councillors, we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors. As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.
- 2.2 Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.
- 2.3 This Code for Conduct for Councillors (Code) has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Definitions

- 2.4 For the purposes of this Code:
- (a) A "councillor" means a member or co-opted member of a local authority or a directly elected mayor.
 - (b) A "co-opted member" is defined in section 27(4) of the Localism Act 2011 "a person who is not a member of the authority but who is:
 - (i) A member of any committee or sub-committee of the authority, or;
 - (ii) A member of, and represents the authority on, any joint committee or joint subcommittee of the authority;and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.
 - (c) "local authority" as defined in Section 27(6) of the Localism Act 2011..

Purpose of the Code

- 2.5 The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages

the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General Principles of Councillor Conduct

- 2.6 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.
- 2.7 Building on these principles, the following general principles have been developed specifically for the role of councillor. In accordance with the public trust placed in me, on all occasions:
- I act with integrity and honesty
 - I act lawfully
 - I treat all persons fairly and with respect; and
 - I lead by example and act in a way that secures public confidence in the role of councillor.
- 2.8 In undertaking my role:
- I impartially exercise my responsibilities in the interests of the local community
 - I do not improperly seek to confer an advantage, or disadvantage, on any person
 - I avoid conflicts of interest
 - I exercise reasonable care and diligence; and
 - I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code

- 2.9 This Code applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.
- 2.10 This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:
- You misuse your position as a councillor;
 - Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.
- 2.11 The Code applies to all forms of communication and interaction, including:
- At face-to-face meetings
 - At online or telephone meetings

- In written communication
- In verbal communication
- In non-verbal communication
- In electronic and social media communication, posts, statements and comments.

2.12 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

2.13 Your Monitoring Officer has statutory responsibility for the implementation of the Code and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code. Town and parish councillors are encouraged to seek advice from their clerk, who may refer matters to the Monitoring Officer.

Standards of Councillor Conduct

2.14 This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

2.15 Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. RESPECT

As a councillor:

1.1 **I treat all other councillors and members of the public with respect.**

1.2 **I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Code and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

2. BULLYING, HARASSMENT AND DISCRIMINATION

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. IMPARTIALITY OF OFFICERS OF THE COUNCIL

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. CONFIDENTIALITY AND ACCESS TO INFORMATION

As a councillor:

4.1 I do not disclose information:

(a) Given to me in confidence by anyone

(b) Acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:

- (i) I have received the consent of a person authorised to give it;**
- (ii) I am required by law to do so;**
- (iii) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- (iv) The disclosure is:**
 - 1. Reasonable and in the public interest; and**
 - 2. Made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. DISREPUTE

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct

6. USE OF POSITION

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. USE OF LOCAL AUTHORITY RESOURCES AND FACILITIES

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- (a) Act in accordance with the local authority's requirements; and**
- (b) Ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. COMPLYING WITH THE CODE OF CONDUCT

As a councillor:

- 8.1 I undertake Code of Conduct training provided by my local authority.
- 8.2 I co-operate with any Code of Conduct investigation and/or determination.
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

9. PROTECTING YOUR REPUTATION AND THE REPUTATION OF THE LOCAL AUTHORITY.

9.1 Interests

As a councillor:

I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. GIFTS AND HOSPITALITY

As a councillor:

- 10.1 **I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of**

influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A

THE SEVEN PRINCIPLES OF PUBLIC LIFE

The Seven Principles of Public Life are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

REGISTERING INTERESTS

Within twenty-eight days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"**Disclosable Pecuniary Interest**" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in **Table 1** below.

"**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A '**sensitive interest**' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non-participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. **Table 3 (Standard Dispensations)** details the disclosable pecuniary interests in respect of which dispensations ordinarily apply as standard.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a

dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects**:
 - (a) Your own financial interest or well-being;
 - (b) A financial interest or well-being of a relative or close associate; or,
 - (c) A financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:
9. Where a matter (referred to in paragraph 8 above) affects the financial interest or well-being:
 - (a) To a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - (b) A reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.]

The table below sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Table 1. Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.

<p>Corporate tenancies</p>	<p>Any tenancy where (to the councillor's knowledge):</p> <ul style="list-style-type: none"> (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<p>Securities</p>	<p>Any beneficial interest in securities* of a body where:</p> <ul style="list-style-type: none"> (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either — <ul style="list-style-type: none"> (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or, (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2. Other Registerable Interests

You must register as an Other Registerable Interest:

- (a) Any unpaid directorships;
- (b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority;
- (c) Any body:
 - (i) Exercising functions of a public nature; or,
 - (ii) Directed to charitable purposes; or
 - (iii) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Table 3. Prejudicial Interests in Other Registerable Interests Subject to a Standard Dispensation

You will not be regarded as having a prejudicial interest in any business of your authority in respect of any Other Registerable Interest:

- (a) where that business relates to:
 - (i) another local authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (iii) a body to which you have been elected, appointed or nominated by your authority, but only in the circumstance where the sole purpose of participating is to make representations, answer questions or give evidence relating to the business at the request of the Leader, Cabinet, Cabinet Member or Committee Meeting;
 - (iv) your role as a school governor, unless it relates particularly to the school of which you are a governor; or
 - (v) your role as a member of a National Health Service Board or governing body;
- (b) except that no dispensation described in sub-paragraph (a) above will apply where the business to be transacted at the meeting is the determination of any regulatory approval, consent, licence, permission or registration (for example, determination of an application for planning permission or consent or licence under the Licensing Act 2003).

3. ARRANGEMENTS FOR DEALING WITH COMPLAINTS AGAINST COUNCILLORS

Introduction

- 3.1 The Localism Act 2011 requires the Council to adopt arrangements for dealing with complaints against Councillors submitted under the Code of Conduct for Councillors (Code) set out above at section 2, and complaints submitted against town councillors in the Council's area under the code of conduct applicable to them.
- 3.2 In these Arrangements the term "Councillor" means an elected councillor or co-opted member of the Council or any town council in the Council's area. The term "Code" means the code of conduct applicable to that Councillor.
- 3.3 These Arrangements apply to all complaints submitted against Councillors under the Code.
- 3.4 The Localism Act 2011 also requires the Council to appoint at least one Independent Person, whose views must be sought before decision is taken to investigate a complaint, and whose views can be sought by the Council at any other stage of dealing with a complaint under these Arrangements. A Councillor against whom an allegation has been made can also consult an Independent Person. The same Independent Person would not usually assist the Council and the Councillor against whom the complaint has been submitted.
- 3.5 The appointment of Independent Persons takes place at a meeting of full Council following an open recruitment process. The Council has appointed [two] Independent Persons.
- 3.6 The Council's Monitoring Officer is responsible for dealing with complaints submitted under the Code. The Monitoring Officer may nominate another Officer of suitable experience and seniority to carry out any of the functions detailed in these Arrangements, or may appoint an external specialist to do so.
- 3.7 The Code applies to all elected Councillors and co-opted members of the Council when they are acting in that capacity. Complaints must be submitted to the Council's Monitoring Officer. The Monitoring Officer can only consider complaints where the Councillor is acting in their capacity as a Councillor in the circumstances of the complaint. The Code does not apply to the acts or omissions of Councillors in the course of their private lives.
- 3.8 If a complaint alleges a failure to comply with the rules about 'Disclosable Pecuniary Interests' or other potential criminal offences the Monitoring Officer will consider whether the matter should be directed to the police, if s/he considers there are reasonable grounds to believe that a criminal offence may have occurred.

4. Stage 1: The Submission of a Complaint and The Initial Assessment

Submitting a Complaint

- 4.1 The complaint must be:
 - 4.1.1 Submitted in writing;
 - 4.1.2 Include the identity of the person submitting the complaint (the Complainant) unless there are substantial reasons not to do so;
 - 4.1.3 Clearly identify those elements of the Code alleged to have been breached;
 - 4.1.4 Provide information and evidence that substantiates the allegations made; and,
 - 4.1.5 Outline the form of resolution the Complainant is seeking.
- 4.2 The Complainant should use the correct Complaint Form which is available from the Council's website or the Monitoring Officer.
- 4.3 If the Monitoring Officer considers that the complaint does not include sufficient information, the Complainant will be asked to provide the additional information required, and the complaint may not be accepted until that information is received, and may be rejected if the information is not provided as requested.
- 4.4 The Monitoring Officer will consider a request by a Complainant or witness to keep their identity confidential (from the member against whom the complaint has been made and / or others). As a principle of natural justice it is expected that the identity of the Complainant will be made known to the Subject Councillor, and as such the Monitoring Officer will only grant a request for anonymity in exceptional circumstances where:
 - 4.4.1 The Complainant has good reason to believe that they are at risk of physical harm if their identity is disclosed;
 - 4.4.2 The Complainant is an Officer who works closely with the Subject Member and they are afraid of the consequences to the employment or of losing their job if their identity is disclosed.

In such circumstance the matter may be dealt with in accordance with the Council's whistle-blowing policy and / or under the Protocol on Councillor / Officer Relations;
 - 4.4.3 The Complainant has a serious health condition and there are medical risks associated with the disclosure of their identity;the Monitoring Officer will notify the Complainant of their decision.
- 4.5 The Monitoring Officer may decline to progress the complaint if the Complainant does not agree to the disclosure of their identity.

5. Initial Assessment

5.1 In consultation with the Independent Person the Monitoring Officer will consider the complaint and make a decision as to whether it warrants further action, having regard to the following criteria:

- (a) Whether the complaint has been submitted within three months of the alleged misconduct unless there exceptional circumstance as to why it has been submitted later (e.g. the complaint concerns allegations of bullying, harassment etc);
- (b) Whether the complaint is against one or more named serving Councillors or co-opted members of the Council;
- (c) Whether the Subject Councillor was in office at the time of the alleged conduct;
- (d) Whether the Subject Councillor was acting in their capacity as an elected councillor in the circumstances of the complaint;
- (e) Whether the alleged misconduct was not a matter of the Subject Councillor's private life;
- (f) Whether the complaint is trivial or about the Complainant's dissatisfaction with a Council service or a decision of the Council, Cabinet, Committee or Officer;
- (g) Whether the complaint is malicious, vexatious or politically motivated to 'tit-for-tat';
- (h) Whether the complaint is the same or similar to a complaint that has already been investigated, and there is nothing further to be gained by progressing it;
- (i) Whether the complaint clearly identifies the elements of the Code the Subject Councillor is alleged to have breached;
- (j) Whether the information / evidence submitted in support of the complaint is sufficient;
- (k) Whether, if proven, the complaint would constitute a breach of the Code;
- (l) Whether the Subject Councillor has already accepted making an error and apologised;
- (m) Whether, in all the circumstances and in consideration of the resource and cost implications of progressing the complaint, it is in the public interest to progress the complaint.

5.2 The Monitoring Officer will notify the Subject Councillor of the complaint and may provide them with a copy of the complaint and seek their initial response as part of the initial assessment.

- 5.3 If the Monitoring Officer determines that the complaint is about an Officer or the provision of a Council service, it will be referred to the relevant service do be dealt with in accordance with corporate complaints procedure, and will not be considered under the Arrangements.
- 5.4 The Monitoring Officer will dismiss complaints where there on the face of it there is insufficient evidence of a breach of the Code, or considers that no further action is warranted
- 5.5 The Complainant will be notified in writing providing reasons for the decision. There is no appeal process for decisions taken by the Monitoring Officer on the initial assessment of complaints.

6. Stage 2: Informal Resolution

- 6.1 [In consultation with the Independent Person] if the Monitoring Officer decides that the complaint warrants investigation s/he will seek to resolve the complaint informally without undertaking an investigation by way of a Local Resolution. This may involve:
 - 6.1.1 The Subject Councillor accepting that their conduct was unacceptable, and providing an explanation and written apology;
 - 6.1.2 The Subject Councillor agreeing to undergoing relevant training;
 - 6.1.3 Mediation between the Subject Councillor and the Complainant facilitated by the Independent Person; or,
 - 6.1.4 Any other form of remedial action considered appropriate.
- 6.2 If the Complainant and the Subject Councillor accept Local Resolution, informs no further action will be taken except that the Monitoring Officer:
 - 6.2.1 Will ensure any actions arising from the Local Resolution are completed; and,
 - 6.2.2 If so, will inform both the Complainant and Subject Member that no further action will be taken on the complaint, and record the outcome and report it to the next meeting of the Standards Committee.
- 6.3 Where a Local Resolution has been rejected or has not been successfully achieved or where the Monitoring Officer considers that it is not appropriate, the Monitoring Officer, in consultation with the Independent Person, will determine whether to proceed to a formal investigation, or whether no further action is warranted having regard to the circumstances of the complaint.

7. Stage 3: Investigation

The Public Interest

- 7.1 If the Monitoring Officer determines that an Informal Resolution is not appropriate or it is not accepted by the Complainant or the Subject Councillor, or having been accepted it is not successfully achieved, the Monitoring Officer will consider whether or not it is in

the public interest to investigate the complaint taking into account and balancing the following factors:

- 7.1.1 The seriousness of the alleged breach;
- 7.1.2 The level of culpability alleged against the Subject Member, including if it is alleged the Subject Member, or their partner (as defined in the Code), or a relative or close associated benefitted directly or indirectly from the alleged breach;
- 7.1.3 What harm if any is alleged to have been caused to the Complainant or others;
- 7.1.4 What is the impact on the wider community of the alleged breach;
- 7.1.5 Is an investigation and a potential hearing before the Standards Committee a proportionate response to the complaint, taking into consideration the time, resource and cost implication.

The Appointment of an Investigating Officer

- 7.2 Where the Monitoring Officer determines that an investigation should proceed, s/he will appoint an Investigating Officer to undertake the investigation. The Investigating Officer may be an appropriately senior and experienced Officer or officer of another local authority, or an external investigator.

Notification

- 7.3 The Monitoring Officer will notify the Complainant and the Subject Councillor that the complaint has been referred for formal investigation, detailing:
 - 7.3.1 The identify of the Investigating Officer;
 - 7.3.2 The investigation procedure;
 - 7.3.3 That the Complainant and the Subject Councillor should have no contact with each other, and should not seek to improperly influence or interfere with the investigation, or the determination of the complaint by any means.

8. The Conduct of the Investigation

- 8.1 The Investigating Officer will:
 - Collate sufficient information to determine whether there is sufficient evidence upon which a finding may be made that:
 - 8.1.1 The Code applies in the circumstances of the complaint, and if so,
 - 8.1.2 The Subject Councillor breached the Code as alleged.
- 8.2 On the completion of the investigation the Investigating Officer will prepare a draft report of their findings for the consideration and comment of the Monitoring Officer, Complainant and the Subject Councillor.

9. Production of Documents, Information And Explanations

- 9.1 The Investigating Officer will decide whether or not it is necessary and proportionate to interview the Complainant and / or the Subject Councillor, and any witnesses they may have put forward to support their account. The Investigating Officer may also seek to interview or obtain information from any third parties they consider as being of potential assistance to the investigation.
- 9.2 The Investigating Officer (and any person authorised on their behalf) is authorised to:
- 9.2.1 Make such enquiries of any person or organisation and request any person or organisation to provide any document or information which is in their possession or control, or provide any explanation, as the Investigating Officer considers necessary for the purposes of carrying out the investigation;
 - 9.2.2 Require the Council to provide any document which is in its possession or control which the Investigating Officer thinks necessary for the purposes of carrying out the investigation;
 - 9.2.3 Request any person to meet with them or otherwise provide any information, document or explanation as the Investigating Officer considers necessary for the purposes of carrying out the investigation.

10. Representation

- 10.1 The Complainant, Subject Councillor or any other person interviewed by the Investigating Officer may arrange to be accompanied at their own expense by a solicitor, trade union representative or friend.

11. Interviews and Interview Transcripts

- 11.1 It is expected that interviews will be conducted remotely via MS Teams, Zoom or a similar remote conferencing platform. The interviews will be recorded. A 'platform generated' transcription of the interview will be produced and a copy provided to the interviewee. A copy of any notes taken by the Investigating Officer during an interview will not be provided to the interviewee or any third party.

12. Additional Breaches of the Code

- 12.1 If, in the course of the investigation, the Investigating Officer becomes aware of any other matter which appears to her/him to be evidence of a different or additional breach of the Code by the Subject Councillor, the Investigating Officer shall inform the Monitoring Officer and provide them with any supporting information.
- 12.2 In consultation with Independent Person, the Monitoring Officer will decide:
- 12.2.1 Whether or not the additional matter should be investigated in accordance with these Arrangements;

12.2.2 Whether or not an investigation of the additional matter should be undertaken by the same Investigating Officer, or if a different Investigating Officer should be appointed for the purpose;

12.2.3 If the additional matter is to be investigated, notify the Subject Member accordingly in accordance with these Arrangements.

13. Termination of the Investigation

13.1 The Investigating Officer may terminate their investigation at any time where they are satisfied that they have sufficient information on which to make their findings and report to the Monitoring Officer.

14. Draft Report

14.1 On completion of the investigation the Investigating Officer will prepare a draft report setting out:

14.1.1 Details of the allegation;

14.1.2 The relevant provisions of the Code;

14.1.3 The relevant provisions of any statute or case law (if appropriate);

14.1.4 The Subject Member's initial response to notification of the allegation (if any);

14.1.5 The relevant evidence obtained during the investigation;

14.1.6 A list of any documents relevant to the matter;

14.1.7 Details of any persons interviewed and their account, and any persons who otherwise provided information and details of any such information;

14.1.8 Details of those persons or organisations from whom information was sought but not obtained, or otherwise did not cooperate with the investigation;

14.1.9 The Investigating Officer's findings of fact and reasoning as to whether or not the evidence is sufficient for a finding to be made that:

(a) The Code applies in the circumstances of the complaint, and if so,

(b) The Subject Councillor breached the Code as alleged.

14.2 The Investigating Officer will circulate the draft report to the Monitoring Officer, Complainant and the Subject Councillor for their consideration and comment within fourteen days.

14.3 Having taken into account any comments on the draft report received from the Complainant and / or Subject Councillor, the Investigating Officer will prepare a final report for submission to the Monitoring Officer.

15. Final Report

15.1 The Monitoring Office will consider the Investigating Officer's final report. If the Monitoring Officer is not satisfied with the conduct of the investigation or the report, they

may ask the Investigating Officer to consider taking further steps and / or reconsidering their report.

15.2 Once the Monitoring Officer is satisfied with the investigation and / or the final report, the Monitoring Officer will determine on the basis of the report whether or not there is sufficient evidence for a finding to be made that:

- (a) The Code applies in the circumstances of the complaint, and if so,
- (b) The Subject Councillor breached the Code as alleged.

Actions on the Final Report

No Breach

15.3 In consultation with the Independent Person if the Monitoring Officer determines that there is insufficient evidence for a finding to be made as at paragraph 15.2 (a) and / or (b) above, s/he will write to the Complainant and the Subject Councillor notifying them of the decision, and that no further action will be taken, and enclosing a copy of the final report.

15.4 The Monitoring Officer will record the outcome of the matter and report it to the next meeting of the Standards Committee.

15.5 The Monitoring Officer will provide a copy of the decision notice to the Subject Councillors Political Group Leader if the Subject Councillor is a member of a Political Group.

15.6 If the complaint concerns a town councillor, the Monitoring Officer will provide a copy of the decision notice to the clerk of the relevant town council.

Breach

15.7 In consultation with the Independent Person, if the Monitoring Officer determines that there is sufficient evidence for a finding to be made as at paragraph 15.2 (a) and (b) above, s/he will write to the Complainant and the Subject Councillor notifying them of the decision, and will either:

15.7.1 Seek to resolve the matter informally, through a resolution agreed between the Complainant and the Subject Councillor, taking into account the findings of the Investigating Officer; or,

15.7.2 Refer the matter to for a hearing of the Hearing Sub-committee of the Standards Committee.

16. Stage 4: Referral to The Hearing Sub-Committee

16.1 Where the Monitoring Officer has referred the matter to the Hearing Sub-committee of the Standards Committee for a hearing to determine the complaint.

16.2 Where possible, the hearing shall be convened within three months of the Monitoring Officer's referral.

- 16.3 It is expected that a hearing of the Sub-committee will be heard in public. A hearing or part thereof may be held in private where information which will be disclosed at the hearing is exempt or confidential in accordance with Schedule 12A of the Local Government Act 1972.
- 16.4 The Monitoring Officer will convene a hearing of the Hearing Sub-committee to consider and determine the complaint, and will notify the Subject Councillor, the Investigating Officer the complainant and any witness at least fourteen days prior to the hearing of:
- 16.4.1 The date, time and location of the hearing;
 - 16.4.2 The agreed facts of the complaint;
 - 16.4.3 The disputed facts of the complaint;
 - 16.4.4 The identify of any representative of the Subject Councillor or Investigating Officer who will attend the hearing;
 - 16.4.5 The identify of any witnesses who will give evidence at the hearing;
 - 16.4.6 The decisions of the Hearing Sub-committee made at any pre-hearing meeting;
 - 16.4.7 Any proposed amendments to the hearing process set out below.

17. Stage 5: The Hearing

- 17.1 A hearing of the Hearing Sub-committee shall be an inquisitorial process intended to obtain information and clarify facts and issues on which the Hearing Sub-committee may make a determination as to whether or not the Code applied to the Subject Councillor in the circumstances of the complaint, and if so, whether the Subject Councillor breached the Code as alleged.
- 17.2 The hearing is not a court or tribunal. The hearing shall be conducted in accordance with the principles of natural justice and Article 6 of the European Convention on Human Rights, but the strict rules of evidence shall not apply and the cross-examination of the Subject Councillor, Investigating Officer or any witness shall not be permitted.
- 17.3 The Hearing Sub-committee shall make findings of fact on the 'balance of probabilities' which means something is more likely than not.
- 17.4 The Hearing Sub-committee shall be advised by the Monitoring Officer or a legal advisor and may seek advice at any time during the hearing process or while considering their decision. Any advice provided to the Hearing Sub-committee shall be shared with the Subject Councillor and the Investigating Officer if they are present at the hearing.
- 17.5 The provisions of this section 15 shall take precedence over the Committee Procedure Rules set out under Part 3 of this Constitution.

Preliminary Matters

- 17.6 The preliminary matters of the hearing shall be:
- 17.6.1 Appointment of a chair;

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- 17.6.2 Confirmation of quorum;
- 17.6.3 Declarations of interests;
- 17.6.4 Introductions;
- 17.6.5 Whether the hearing or any part of it is to be held in private;
- 17.6.6 If applicable, whether to proceed in the absence of the Subject Councillor.

Absence of the Subject Councillor, Investigating Officer, Representative or Witness

17.7 The chair shall seek confirmation from the Monitoring Officer as to:

- 17.7.1 The notification of the hearing to the Subject Councillor; Investigating Officer, representative or witness;
- 17.7.2 Any indication received from the Subject Councillor, Investigating Officer, representative or witness of their intention to attend or not attend the hearing; and,
- 17.7.3 If the Subject Councillor, Investigating Officer, representative or witness indicated their intention to attend the hearing, whether any notification or explanation for their absence has been received and when.

17.8 The Hearing Sub-committee will then determine whether in all the circumstances the hearing should be adjourned, or should proceed in the absence of the Subject Councillor, the Investigating Officer, representative or witness.

The Investigating Officer's Presentation

17.9 The Investigating Officer shall present their report and their findings, and with the permission of the Hearing Sub-committee, may call witnesses to give evidence.

17.10 The Hearing Sub-committee and / or the Subject Councillor may ask questions of the Investigating Officer or any witness they have called on matters relevant to any dispute of fact.

17.11 The Hearing Sub-committee may ask the Investigating Officer clarification questions.

The Subject Member's Case

17.12 The Subject Councillor will then be invited to present their case and with the permission of the Hearing Sub-committee may call witnesses to give evidence.

17.13 The Hearing Sub-committee and / or the Investigating Officer may ask questions of the Investigating Officer or any witness they have called on matters relevant to any dispute of fact.

17.14 The Hearing Sub-committee may ask the Subject Member clarification questions.

Final Submissions

17.15 The Hearing Sub-committee will invite the Investigating Officer and the Subject Councillor to submit any final representations

Introduction of New Evidence

17.16 The Investigating Officer, the Subject Councillor and any witnesses shall not be permitted to introduce new arguments or new evidence at the hearing unless the Hearing Sub-committee is satisfied that in the circumstances in the whole, there are exceptional reasons for doing so.

Determination of the Complaint

17.17 The Hearing Sub-committee shall retire with the Independent Person to consider the determination of the complaint. Any advice provided by the Monitoring Officer during the Hearing Sub-committee's during the private session shall be shared with the Subject Councillor and the Investigating Officer.

17.18 The Hearing Sub-committee may reconvene the hearing to ask further questions of the Investigating Officer and / or the Subject Councillor during the course of the deliberations, and if they are present, the other party will be afforded the opportunity to respond to the question and the answer given.

17.19 The Hearing Sub-committee shall make a finding as to:

17.19.1 Whether the Code applied to the Subject Councillor in the circumstances of the complaint; and if so,

17.19.2 Whether the Subject Councillor breached the Code.

17.20 The hearing will be reconvened for the chair to announce the Hearing Sub-committee's findings and reasons for the findings. [The chair may state that full reasons for the findings will be provided in writing subsequently.]

Finding of No Breach

17.21 If the Hearing Sub-committee determines that the Code did not apply to the Subject Councillor in the circumstances of the complaint, or it did apply but the Subject Councillor did not breach the Code as alleged, the matter will be concluded and no further action shall be required except as regards those matters set out under paragraphs 15.28 (to 15.30 below).

Finding of Breach

17.22 If the Hearing Sub-committee determines that the Code applied to the Subject Councillor in the circumstances of the Complaint, and that the Subject Councillor breached the Code as alleged, the Hearing Sub-committee shall further determine whether or not to impose a sanction on the Subject Councillor. The Hearing Sub-committee may invite representations from the Investigating Officer and the Subject Councillor as to any sanction, if any, which should be imposed, and / or may also take legal advice from the Monitoring Officer or legal advisor.

17.23 The Hearing Sub-committee shall retire with the Independent Person to consider and determine whether to impose any sanctions on the Subject Councillor, and the form of the sanctions.

17.24 The hearing will be reconvened for the chair to announce the sanctions, if any, to be imposed on the Subject Councillor and the reasons.

Available Sanctions

17.25 The Hearing Sub-committee may impose one or more of the sanctions detailed in the appendix to these Arrangements.

Recommendations to the Council

17.26 The Hearing Sub-committee shall consider whether or not it should make any recommendations to the Council with a view to the promotion of high standards of conduct and compliance with the Code amongst elected Councillors and co-opted members of the Council.

Decision Notice

17.27 The Monitoring Officer shall prepare for the approval of the chair a decision notice detailing the complaint, the findings of the Hearing Sub-committee and reasons; any sanctions imposed and the reasons, or that the Hearing Sub-committee determined that no sanctions should be imposed and the reasons.

17.28 The decision notice will be sent to the Complainant, the Subject Councillor and the Investigating Officer, and will be published in accordance with the Access to Information Procedure Rules set out under Part of the Constitution.

Publicity

17.29 If the Hearing Sub-committee decides that the matter should be published, it may do so by placing its findings in one or more newspapers circulating in the Council's area.

Reporting to Council

17.30 The matter will be detailed in the annual report of the Standards Committee to full Council.

Appeal

17.31 There is no right of appeal against the decisions or findings of the Hearing Sub-committee.

APPENDIX

SANCTIONS FOR A BREACH OF THE CODE OF CONDUCT FOR COUNCILLORS

The Hearing Sub-committee may impose upon a Councillor found to have breached the Code one or more of the following sanctions:

- Censure or reprimand the Councillor;
- Publish its findings in respect of the Councillor's conduct;
- Report its findings to the Council for information;

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- Recommend to the Councillor's Group Leader (or in the case of an ungrouped councillor, recommend to the Council and or a relevant Committee) that the Councillor be removed from any or all Committees or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- Recommend to the Council that the Councillor be replaced as Leader;
- Recommend to a Group's secretary or appropriate official that the Councillor be replaced as Group Leader;
- Instruct the Monitoring Officer to (or recommend that a parish or town council) arrange training for the Councillor;
- Recommend to the Council that they Councillor be removed from all outside appointments to which they been appointed or nominated by the Council;
- Withdraw (or recommend a parish or town council withdraw) ~~for a specified period~~, equipment provided to the Councillor by the Councillor Council ~~by such such as a computer, or~~
- Exclude (or recommend that a parish or town council exclude) the Councillor from the Council's offices or other premises, ~~for a specified period~~, with the exception of meeting rooms necessary for attending Council, Cabinet, Committee and Sub-Committee meetings.

The Hearing Sub-committee has no power to suspend or disqualify the Councillor, or to withdraw basic or special responsibility allowances. Sanctions (with the exception of censure) may start immediately or up to six months after the Hearing Sub-committee's determination if Hearing Sub-committee prefers.

4. PROTOCOL FOR COUNCILLOR / OFFICER RELATIONS

Purpose

- 4.1 This Protocol provides guidance on how Councillors and Officers can and should work together effectively to deliver positive outcomes for the Council’s residents, businesses and communities. It seeks to apply the seven principles of public life (the “Nolan Principles”) into practice.
- 4.2 This Protocol is not a set of rules. It provides guidance on best practice on how Councillors and Officers can meet the standards of public life and comply with their respective obligations detailed in the Code of Conduct for Councillors, as set out above under section 2, and the Employee Code of Conduct set out under Part 7 of this Constitution.
- 4.3 A breach of a Protocol set out below may be evidence that Councillor or Officer has breached a provision of their respective code of conduct.
- 4.4 The Protocol supplements and does not seek to replace the Council’s existing policies, and should be considered in conjunction with the codes of conduct, and other rules set out elsewhere in this Constitution.

The Nolan Principles

- 4.5 The Council's ethical framework is underpinned by the Seven Principles of Public Life also called the Nolan Principles which apply to anyone who is a public office holder. This Protocol aims to implement the Nolan Principles as follows:

Nolan Principle	Indicative Behaviour
Selflessness	Ensuring Councillors and Officers work together for the public benefit
Integrity	Avoiding inappropriate influence on Officers’ activities and the delivery of services
Objectivity	Officers act impartially and fairly between Political Groups and they are not asked or pressured to act otherwise by Councillors
Openness	Councillors are aware of their rights to information and their obligations in respect of confidential information. Officers respect Councillors rights to information and the limits of such rights with regards to confidential information, and personal data

Accountability	Complying with this Protocol – a breach may be evidence of a breach of the Code of Conduct for Councillors / the Employee Code of Conduct as applicable
Honest	Councillors and Officers are truthful
Leadership	Councillors and Officers treat each other, and all persons with respect, and actively support and demonstrate the upholding of the Nolan Principles

Overview of Councillor Officer Relations

4.6 All Councillors and Officers are public servants with complementary but different roles and responsibilities. All Councillors and Officers work to achieve the common aim of delivering services and policies that improve the lives of the Council’s residents, workforce and businesses, all of whom will benefit from effective working relationships between Councillors and Officers.

4.7 This Protocol aims to create an understanding of:

- The different roles of Councillors and Officers;
- The boundaries between Councillors and Officer; and
- The expectations both Councillors and Officers can have of each other.

understanding these factors will enable Councillors and Officers to conduct themselves in accordance with the Nolan Principles and avoid dispute. The Protocol also sets out below how to deal with disputes appropriately.

4.8 This Protocol should not be considered as formal advice. Councillors and Officers should contact the Monitoring Officer if they require specific advice.

Councillor and Officer Roles

4.9 The below table is a guide to the main differences between the roles and responsibilities of Councillors and Officers.

Councillors	Officers
Status	
<p>Elected by residents every four years</p> <ul style="list-style-type: none"> • Can resign but cannot be dismissed; • Can be disqualified in limited circumstances; 	<p>Employees of the Council</p> <ul style="list-style-type: none"> • Have a contract of employment; • Can resign or be dismissed.

<ul style="list-style-type: none"> Up to nine Councillors appointed by the Leader to form the Cabinet – the Council's principal decision making body. 	
<p>No formal management</p> <ul style="list-style-type: none"> May be subject to Political Group control and discipline Accountable to all residents and the local electorate 	<p>Line-managed by Officers</p> <ul style="list-style-type: none"> Officers are managed, by and report to, a more senior officer; Chief Executive is the Council's 'head of paid service' and ultimately responsible for all Officers.
<p>Subject to the Code of Conduct for Councillors</p> <ul style="list-style-type: none"> Must comply with duties and obligations set out in the Code, including as regards the declaration of interest, and gifts and hospitality 	<p>Legal rights under employment law</p> <ul style="list-style-type: none"> Employment rights provided under law and the Councils internal policies / procedures; Subject to the Employee Code of Conduct, and terms and conditions of employment.
<p>Role</p>	
<p>Strategic decision makers</p> <ul style="list-style-type: none"> Leader and Cabinet set the Council's political direction, corporate vision, objectives, strategies and policies; 	<p>Advisors</p> <ul style="list-style-type: none"> Provide professional advice to Councillors to ensure best, value, financial and legal compliance; Deliver services in accordance with priorities agreed by Councillors;
<p>Overview of operational delivery</p> <ul style="list-style-type: none"> Overview and Scrutiny of the operational delivery of services by Officers 	<p>Operational delivery</p> <ul style="list-style-type: none"> Responsible for the operational delivery of services; Accountable to Councillors for effective delivery of services.
<p>Regulatory and governance decision making</p> <ul style="list-style-type: none"> As members of Committees, Councillors determine regulatory matters, and 	<p>Regulatory enforcement</p> <ul style="list-style-type: none"> Officers enforce regulatory decisions and the implementation of policy; Ultimately report to the Chief Executive.

<p>maintain an overview of finance, governance and risk;</p> <ul style="list-style-type: none"> • Councillors cannot make decisions individually. 	
<p>Political representative</p> <ul style="list-style-type: none"> • Councillors have an overtly political role and are usually a member of, or aligned with, a Political Group 	<p>Political neutrality</p> <ul style="list-style-type: none"> • Officers must remain politically neutral at all times; • Some roles are politically restricted meaning the post holder cannot be politically active in their private life.

Statutory Officers

4.10 A number of Officers have a personal, statutory responsibility to ensure the proper conduct of the Council’s administrative, staffing, legal and financial affairs.

4.11 The table below details the Council’s “Statutory Officers” and their statutory responsibilities.

Statutory Officer	Statutory Responsibility
Head of Paid Service (Chief Executive)	Responsible for the management of the Council’s Officers and the delivery of statutory services
Monitoring Officer	Responsible for the Council’s governance and compliance with the law.
Chief Finance Officer (Section 151 Officer)	Responsible for the Council’s financial affairs and ensuring the Council sets a balanced budget.
Director Adult Social Services	Responsible for the safeguarding of vulnerable adults. There is an equivalent Councillor role.
Director of Children’s Services	Responsible for the safeguarding of children. There is an equivalent Councillor role.

Personal Conduct and Behaviour

4.12 When Councillors and Officers treat each other with respect it is likely to foster good working relationships and improve efficiency. The underlying principle for Councillor-Officer relations is mutual respect for each other’s roles, especially where differences of

opinion and approach arise. This includes having mutual respect for the different pressures on Councillors and Officers. Mutual respect means:

- Valuing each other's different expertise and knowledge,;
- Avoiding a blame culture
- Avoiding tone and language in communications that is critical of individual Officers or Councillors;
- Zero tolerance of bullying or harassing behaviour;
- Councillors understanding that Officers, especially junior Officers, cannot respond or "answer back" to a Councillor's criticism of them, especially in public;
- Avoiding unreasonable deadlines or excessive demands on each other;
- Remembering the importance of public perception. The public rightly expect high standards from Councillors and Officer, and do not expect them too rude or publicly critical of each other.

Political Neutrality

4.13 A key difference between Councillors and Officers is their political involvement. Whilst Councillors are elected as the candidate of a Political Group or as an Independent Councillor, Officers must remain politically neutral at all times in all aspects of their work.

4.14 For Councillors, the political neutrality of Officers means:

- Not asking Officers about their political views or discussing with them local or national party political matters;
- Not attempting to draw Officers into criticising a Councillor or Political Group;
- Respecting Officers' obligation to advise different Political Groups equally;
- Not making allegations of bias against Officers, especially in public, or because an Officer's advice does not agree with the position of a Councillor or their Political Group;
- Not accusing Officers of having ulterior or malign motives. The Council and Officers have to make difficult decisions with finite resources and very often these will leave some residents or Councillors dissatisfied. It is wholly inappropriate to make unsubstantiated allegations of corruption, political bias or incompetence in such circumstances. Any concern should first be raised with the Monitoring Officer on a confidential basis. If need be, the dispute resolution process set out below can be implemented.
- Not copying in Officers, Councillors or citizens into correspondence with Officers, particularly where Councillors are critical of Officers or the Council. Where a dispute between Councillors and Officers arises, the dispute resolution process set out below must be implemented.

4.15 Political neutrality for Officer means:

- Providing balanced advice and equal facilities to all Political Groups, and ungrouped Councillors;
- Providing advice and support to the Council's political administration and delivering the Council's policies, but not to the wider Political Group from which the administration is formed;
- Not bringing personal politics into their work;
- Not being improperly influenced by Councillors to change their mind on any matter that affects a political matter, and not advising on the basis of political expediency;
- Raising concerns with, or seeking advice from, the Monitoring Officer.

Support to Political Groups

- 4.16 . Officers can provide support to Councillors in their capacity as a political representative, provided that in doing so an Officer is not breaching their duty of political neutrality.
- 4.17 The Council's political administration will almost invariably be formed by the Political Group with a majority on the Council. Officers are required to advise and implement the political policies of the administration, and provide additional support to the Leader and Cabinet (the Executive) to reflect the status of the Leader and Cabinet. A key feature of a successful, functioning local authority is the executive and senior management having close and effective working relationships.
- 4.18 It is an Officer's duty to act in the Council's interests. This means advising where political commitments are not in the Council's overall interests or will not deliver best value, i.e. "speaking truth to power". If differences between Officers and Councillors cannot be resolved through the below dispute resolution procedure, they should be referred to the Council's Chief Executive who will consult with the relevant statutory officers.
- 4.19 Officers' additional support to the administration does not however extend to, and must not be confused with, support to the majority Political Group.
- 4.20 Political Groups are an important but informal part of the Council's political architecture. They have no decision making role and exist to allow those with the same political or similar political views to join together to ensure representation on the Council and its Committees, and other bodies. A key feature of a successful, functioning local authority is good working relationships and interaction between all Political Groups and Officers.
- 4.21 It is important that the Political Groups are treated fairly and with equity, but also that they are not considered or viewed as part of the formal decision making structure of the Council. This means:

For Officers

- Ensuring relevant senior Officers director and / or the Chief Executive is aware of and has approved a briefing to a Political Group;
- Providing an equal opportunity of access to briefings and advice on the same matter to all Political Groups;

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- Withdrawing from Political Group meetings when political matters are discussed;
- Being open and transparent about Political Group briefings or meetings, but not disclosing confidential Political Group discussions;
- Avoiding briefings which could be used in a forthcoming election campaign.

For Councillors and Political Groups

- Directing requests for briefings to the Chief Executive or relevant Executive Director;
- Accepting that any briefing will be offered to all Political Groups and Councillors, and not seeking to prevent this;
- Not asking Officers about political matters or political implications;
- Accepting that Officers will feedback comments made in a Political Group meeting to senior Officers (but not other Political Groups unless consent is provided);
- Informing Officers if a Political Group meeting includes non-Councillors so Officers can consider the disclosure of information;
- Respecting confidentiality where information is provided on a confidential basis.

4.22 It should be recognised that officers will spend the time supporting the Administration as the Members in control of the Council and will assist all other Members as far as possible.

Councillors' Ward Work

4.23 Councillors carry out vital work as community leaders in their Ward. They are often the only voice available to residents. Officers must respect this and provide Councillors with support in their constituency work but Officers and Councillors must acknowledge and accept that there are limits to the support that Officers can provide.

4.24 Individual Councillors cannot make decisions on behalf of the Council or instruct Officers in their work. This means:

For Councillors

- An expectation that Officers will respond to enquiries in accordance with the Council's policies, or explain why there is a delay;
- An expectation that Officers will inform and consult them Ward matters in accordance with the Council's policies;
- Not instructing an Officer to do something – and not taking offence if they refuse;
- An expectation that Officers will provide reasons as to why a request or query cannot be met;
- Not 'shooting the messenger' and criticising Officers where a request has been declined;

- Requesting that query or request be escalated if unhappy with response, but accepting the final decision once it has been made.

For Officers

- Treating all Councillor queries and request equally, including opposition Councillors;
- Meeting the Council's standards for response time and explaining when doing so is not possible;
- Providing reasons with responses to Councillors;
- Escalating matters where a Councillor is not satisfied with a response.

Personal Relationships and Privacy

4.25 Whilst it is beneficial for the Council if Councillors and Officers are able to interact and be friendly, professional standards must be maintained, especially when members of the public or other stakeholders are present. Councillors and Officers often undertake their duties at very different hours and Councillors may also have 'day jobs' during the working week. Maintaining professional relationships involves:

- Officers using formal titles such as "Leader" or "Councillor" when addressing Councillors and in correspondence, especially in formal or public settings.
- Councillors and Officers taking care when socialising with each other. Whilst it is not unlawful to do so, the public perception of such relationships may be negative.
- Declaring any close or intimate relationships between Councillors and Officers (e.g. family, partner) to the Monitoring Officer and taking necessary steps to avoid any conflicts of interest either under the respective codes of conduct for Councillors and Employees. (personal information will held in confidence).
- Councillors and Officers respecting each other's private lives and work-life balance when making request and in their communications.

The Employment of Officers

4.26 Officers are employees of the Council and ultimately answerable to the Chief Executive (as the head of paid service). The Chief Executive has ultimate responsibility for the delivery of services by the Council, and the performance and conduct of Officers. This means:

- Councillors, including the Leader and Cabinet, accepting that they cannot direct the work of individual Officers or manage services;
- A Councillor who is concerned about an Officer's performance or conduct, referring their concerns to the Officer's line manager;
- Councillors accepting that they cannot be involved in any formal action taken against individual Officers except where a Councillor is a witness of fact in the matter;

- Officers not asking Councillors to support them in any employment dispute with the Council, except if where a Councillor is a witness of fact in the matter;
- Councillors not lobbying on behalf of individual Officers where they are subject to a formal course of action or applying for a position.

Councillors' Rights of Access to Information and Confidentiality

4.27 Councillors have rights of access to information held by the Council in accordance with Access to Information Procedure Rules set out under Part 1 of this Constitution elsewhere provided for in this Constitution and under the law.

4.28 A Councillor's rights of access to information are not unrestricted, and are not always the same. Councillors remain bound by confidentiality in respect of information which is deemed exempt or confidential in accordance with Schedule 12A of the Local Government Act 1972. Councillors also remain subject to the requirements of the Data Protection Act 2018, the Freedom of Information Act 2000, the Environmental Information Regulations 2004, and all applicable law.

The Common Law Right to Information and the 'need to know'

4.29 Councillors' rights of access to information under the common law have now largely been incorporated into various statutes. However, the decisions of judges over the years (case law) have developed the principle of 'the need to know' in respect of common law rights to information. As such, a Councillor's rights of access to information under the common law (as under statutory law) is not unrestricted. The key elements of the 'need to know' principle are:

- The common law right of access to information does not permit 'fishing expeditions' or the 'trawling' of information;
- Councillors have a right of access to information to the extent that their having the information is reasonably necessary in the performance of their duties as an elected councillor;
- The 'need to know' will vary according to a Councillor's particular role. For example, a member of the Audit and Governance Committee would be expected to have a greater 'need to know' detailed financial information than other Councillors;
- Councillors must be able to demonstrate their 'need to know' and must seek access to information in good faith;
- Councillors can only use the information in pursuance of their official duties: they cannot use it for political or personal purposes;
- The refusal of access to information may take into account the affect, or potential affect, on third parties of the disclosure of the information;
- Information disclosed on a confidential basis remains confidential, and the Councillor is under a legal duty to maintain such confidentiality.

The Disclosure of Confidential Information

4.30 As detailed above, Councillors remain bound by a duty of confidentiality under the common law, and in accordance with the provisions of various statutory law, in respect of confidential information and 'personal data'. The disclosure of confidential information or personal data may result in:

- Legal or regulatory action being taken against the Council, and / or against the Councillor personally;
- A complaint against the Councillor being made under the Code of Conduct for Councillors;

4.31 Councillors should seek confidential advice from the Monitoring Officer if they consider it may be necessary to disclose confidential or otherwise restricted information.

Dispute Resolution

4.32 Whilst the purpose of this Protocol is to limit them, on occasion disputes between Councillors and Officers will arise.

4.33 Concerns as to the performance or conduct of Officers will be dealt by their line managers in accordance with the Council's internal policies and procedures.

4.34 Where complaints are appropriately submitted against Councillors under the Code of Conduct for Councillors, they will be dealt with in accordance with the Council's Arrangements for Dealing with Complaints Against Councillors. The Code and the Arrangements are set out respectively under section 2 and section 3 above of this Part 6 of the Constitution.

4.35 Except where the above applies, where disputes and differences between Councillors and Officers cannot otherwise be resolved, their resolution will be sought through the procedure set out below.

Councillor Issues with Officers

4.36 Councillors should first seek to resolve any issues they have with Officers, with Officer's immediate line manager.

4.37 Councillors should avoid the public and personal criticism of the Officer – it is likely to escalate rather than resolve the problem, and may result in complaints being made under the Code of Conduct for Councillors;

4.38 Councillors should avoid 'copying-in' third parties on correspondence about problems with an Officer – particularly other Councillors and external parties;

4.39 Councillors must not make unsubstantiated against Officers and must support their position with evidence;

4.40 Where it is not possible to resolve the matter with the Officer's line manager, a formal complaint should be submitted to the relevant Executive Director;

4.41 Councillors must respect the decision of the line manager dealing with the matter, whether or not any further action has been taken, and the nature of any such action.

- 4.42 Councillors must accept that other than as a witness of fact, they have no right to be involved in any disciplinary process or action taken against an Officer.

Officer Issues with Councillors

- 4.43 Junior Officers are not expected to seek to resolve issues with Councillors without the support of their line manager(s).
- 4.44 Where problems between Officers and Councillors cannot be resolved informally, Officers may submit a complaint against a Councillor under the Code of Conduct for Councillors.
- 4.45 If they are a member of a trade union, Officers are entitled to seek advice and representation from their trade union.
- 4.46 Officers should seek advice from the Monitoring Officer.

Whistle-blowing and the Reporting of Wrongdoing

- 4.47 Councillors or Officers concerned about corruption, fraud, an abuse of office or other such wrongdoing should report their concerns to the Monitoring Officer in the first instance, or use the Council's whistleblowing policy if applicable.

5. THE SCHEME OF COUNCILLORS' ALLOWANCES 2023 / 2027

- 5.1 The Scheme of Councillors is reviewed and renewed every four years by the Independent Remuneration Panel, or as and when new positions are required to be included in the Scheme.

Type of Allowance	Allowance Per Annum
Basic Allowance ("BA") (for all elected Councillors x 51)	£ 10,400
Special Responsibility Allowances ("SRA")	
Note: The below SRAs are paid in addition to BA, but no Councillor shall be entitled to payment of more than one SRA regardless of the number of remunerable posts they hold. If a Councillor holds more than one post which attracts an SRA, it will be assumed they will be paid the higher SRA.	
Leader	£36,400
Deputy Leader	£18,720
Cabinet Member (other than Leader and Deputy)	£14,560
Mayor ¹	£15,600
Deputy Mayor ¹	£ 3,640
Leader of the largest opposition Political Group	£10,400 (If two main opposition groups are equal in size, each group leader will be paid an additional 100% of BA.)
Leader of other opposition Political Groups	£ 2,600 (But if opposition group has less than 4 members then this SRA is not payable.)
Deputy Leader of largest opposition Political Group	£2,600 (But if opposition group has less than 17 members, namely one third of the Council, then this SRA is not payable.)
Chairs of Scrutiny Committees (x 3)	£7,800
Vice-Chairs of Scrutiny Committees (x3)	£520

V2 Comments from Committee meeting 15.10.24

Chair of Planning / Development Control Committee	£10,400
Vice-Chair of Planning / Development Control Committee	£ 2,600
Chair of Audit & Governance Committee	£ 2,600
Chair of Regulatory Committee Chair of Regulatory Sub-committees	£6,240
Vice-Chair of Regulatory Committee Vice-Chair of Regulatory Sub-committees	£5,720
Chairs of Appeals Committee A and Appeals Committee B (x 2)	£2,600
Chair of General Purposes Committee	£3,640
Councillor representatives on Adoption and Fostering Panels	£520
Chair of Standards Committee	£ 0
Chair of Health & Wellbeing Board	£ 0

Co-opted Members Allowance	
Audit & Governance Committee	£1,300
Scrutiny Committees	£312
Independent Persons	
Independent Persons (Re. Member Standards Regime)	£1,300

Dependants' Carers' Allowance	
Basic "sitters" allowance	To be linked to the National Living Wage
Specialist carers	Maximum rate claimable set at hourly rate charged by Southend-on-Sea City Council Social Services Department for a Home Care Assistant
Booking fees	Actual up to £15.00
1.	<p>Councillors and Co-opted Members shall be entitled to claim for the care of dependants in accordance with the rates for the Dependants' Carers' Allowance set out above, subject to the following provisions:</p> <ul style="list-style-type: none"> (a) Payments shall be claimable in respect of children up until their fifteenth birthday or in respect of dependants where there is medical or social worker evidence that care is required. (b) The Council reserves the right to require evidence that there is a reasonable need for the level of care in respect of which a claim is made. Councillors / Co-opted Members seeking to claim an allowance to cover the cost of professional or specialist carers should first seek the approval of the Director (Legal and Democratic Services). (c) A claim will be reimbursed where it is a reasonable requirement of the market that a booking fee is payable and that a rate is payable for each person cared for. (d) The allowance shall be paid as a reimbursement of actual incurred expenditure against receipts. If receipts are unavailable the payment will be made through the Council's payroll and be subject to tax and national insurance contributions. (e) When there is more than one Councillor / Co-opted Member in a household, only one claim can be made in respect of each person cared for. (f) The paid carer cannot be a member of the immediate family or household.

Travelling & Subsistence Allowances (Out of City Approved Duties Only)	
2.	<p>Councillors (including Co-opted Members) are entitled to claim travelling and subsistence allowances in accordance with section 3 at the same rates as apply to Council Officers (see details in sections 4 and 5 below) in connection with, or relating to, one or more of the following Approved Duties which are undertaken or take place outside the City of Southend-on-Sea:</p> <ul style="list-style-type: none"> (a) Attendance as the Council’s appointee or nominee (or substitute) at the meeting of any body to which the Council makes appointments or nominations (or any committee or sub-committee of such a body) provided that no such allowances are payable by the body concerned. (c) Attendance at a meeting, the holding of which is authorised by the Council (or a Committee, Sub-committee or Joint Committee), provided that: <ul style="list-style-type: none"> (i) it is a meeting to which members of at least two political groups have been invited; and; (ii) no such allowances are otherwise payable in respect of that meeting. (e) Attendance as the Council’s nominee (or substitute) at a meeting of any association of authorities of which the Council is a member e.g. the Local Government Association provided that no such allowances are payable by the association concerned. (f) Attendance at such other meetings, conferences, presentations, training events, etc where it is in the interests of the Council that the Councillor / Co-opted Member attends and such attendance is approved in advance by: <ul style="list-style-type: none"> (i) Council, Cabinet or a Committee; or (ii) The Chief Executive or the Director of Legal Services. <p>No travelling or subsistence allowances are payable to Councillors (or Co-opted Members) in connection with, or relating to, any duties which are undertaken or take place within the City of Southend-on-Sea – the Basic Allowance already reflects in-City travel and subsistence costs.</p>
3.	<p>Claiming and Payment of Travelling & Subsistence Allowances (Out of City Approved Duties)</p> <ul style="list-style-type: none"> a) Councillors (including Co-opted Members) are entitled to receive payment of travelling and subsistence allowances in accordance with the rates as detailed below. Councillors (incl. Co- opted Members) can only claim allowances for travel undertaken and for subsistence costs actually incurred.

	<p>b) Councillors (including Co-opted Members) are responsible for completing their own travel and subsistence claims on the official form which Internal Audit shall prescribe and should be sent to the Head of Democratic and Electoral Services.</p> <p>c) Claim forms must be submitted by the 15th day of the following month for which a claim relates otherwise it will not be paid.</p> <p>d) Claims are liable for checking as they are processed by the Payroll team and Councillors / Co-opted Members may be contacted if Payroll has any queries.</p>
<p>4.</p>	<p>Travelling and Subsistence Allowances Rates (Out of City – Approved Duties only)</p>
	<p>Travelling Allowances</p> <p>(a) Car</p> <p>i. A car allowance is payable at 45p per mile (up to 10,000 miles), 25p per mile thereafter (such allowance to also apply to electric/hybrid vehicles) and subject to the following conditions:</p> <p>ii. Return car mileage is calculated by reference to the shortest practicable route from the Councillor’s / Co-opted Member’s normal place of residence to the point at which the approved duty is performed.</p> <p>iii. Mileage can be claimed for a car in which a Councillor / Co-opted Member is being driven by a family member or friend - provided that person is not also submitting a mileage claim for the same trip.</p> <p>iv. A passenger supplement rate shall apply, payable at 5p per mile, per passenger (up to a maximum of four passengers).</p> <p>v. Any travel claim should reflect actual trips undertaken. The claim form should record the date, start and finish times, start and finish points of the journey, purpose of the journey, and actual mileage or other travel expense for each journey. Journey distances can be checked via the AA web site – and if there are special reasons why a longer route was taken then these should be stated on the form.</p> <p>vi. A Councillor / Co-opted Member using their own car and claiming mileage must ensure that they hold a current driving licence and have current motor insurance that permits the use of the vehicle for Council business and indemnifies the Council against 3rd Party claims.</p>

	<p>(b) Motor Cycle</p> <p>i. This is payable at 24p per mile and the conditions in (a) i to vi above for car allowances apply.</p> <p>(c) Bicycle</p> <p>i. This is payable at 20p per mile.</p> <p>(d) Public Transport</p> <p>i. Councillors and Co-opted Members who travel by public transport can claim the relevant bus fare or second class rail fare. First class travel or taxis should only be used in exceptional circumstances. Whenever first class rail or taxi fare is claimed, the reason for such should be stated on the claim form.</p> <p>ii. Wherever possible receipts or the ticket should be accompanied with the claim. Where no receipt is provided, claims will be subject to tax and National Insurance deductions.</p> <p>(e) Air Travel</p> <p>i. Councillors and Co-opted Members who travel by air should only claim an economy or budget fare.</p>
5.	<p>Subsistence Allowances</p> <p>The following subsistence allowances apply subject to the conditions set out further below:</p> <p>(a) Breakfast Allowance</p> <ul style="list-style-type: none"> • Need to be at venue before 11:00am £7.02 <p>(b) Lunch Allowance</p> <ul style="list-style-type: none"> • Need to be at venue between 12 noon and 2:00pm £9.70 <p>(c) Evening Meal Allowance</p> <ul style="list-style-type: none"> • Need to be venue after 7:00pm £12.02 <p>(d) Overnight Subsistence</p> <ul style="list-style-type: none"> • Need to be at venue overnight – London / LGC Conferences B&B: £124.97 • Need to be at any other venue overnight – any other location B&B: £109.56 <p>Conditions applicable to all subsistence allowances</p>

	<p>The following conditions apply to the above subsistence allowances:</p> <ul style="list-style-type: none"> i. To qualify for reimbursement, the Councillor / Co-opted Member must be away from their normal place of residence for a minimum of four hours. (This time period applying to the time spent in travel, to and from, and attendance at the Approved Duty.) ii. There must be no meal provided at the location where the Approved Duty is performed, either by the Council or the organisers of the event. iii. The Councillor / Co-opted Member should attach a receipt to their expenses claim form to show that a meal or other subsistence was purchased. Where no receipt is provided, claims will be subject to tax and National Insurance deductions.
	<p>Schools Appeals Panel Members</p> <p>Schools Appeals Panel (Admissions and Exclusions) members shall be entitled to receive travelling and subsistence allowances payable at the same rates that are applicable to elected Councillors and Officers.</p>

Scheme of Councillors’ Allowances Scheme: Additional Terms and Conditions

5.2 The Basic Allowance includes:

- 5.2.1 A sum for in-City travel and subsistence;
- 5.2.2 The reasonable use of the internet – see paragraphs 10.2 and 20.2 of the Internet and Electronic Mail Code of Practice; and,;
- 5.2.3 The cost of postage, stationery and minor items of office equipment, printing cartridges and paper.

5.3 Other Facilities:

- 5.3.1 In addition to Councillors’ Allowances, the Council provides various facilities to Councillors in order that they may carry out their duties effectively. These include computer equipment and telephone facilities and business related call charges.
- 5.3.2 The Council also offers all elected Councillors a free car parking permit for use when carrying out official council duties across the city and can be used for parking in council operated car parks (including both the gated and general areas of the civic underground) and on street pay by phone/pay-and-display bays and residential permit parking bays. Elected Councillors must sign a declaration confirming that they will abide by the conditions of use. Any breach of such conditions will result in the permit being withdrawn.

5.4 Pensions:

5.4.1 Elected Councillors are not entitled to join the Local Government Pension Scheme by virtue of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.

5.5 Implementation of the Members' Allowances Scheme:

5.5.1 The Independent Review Panel (IRP) recommended that this revised scheme be applied from 1st August 2023.

5.6 Forgoing Allowances:

5.6.1 Regulation 13 of the Local Authorities (Members' Allowances) (England) Regulations 2003 provides that a Councillor may, by notice in writing given to the Proper Officer of the Authority (the Chief Executive), elect to forgo their entitlement or any part of their entitlement to allowances.

5.7 Indexation:

5.7.1 This Councillors' Allowances Scheme came into effect on 1st August 2023 and is subject to Indexation as follows:

(a) Basic Allowance, SRAs and Co-optees' Allowances and Independent Persons Allowance

- Indexed to the annual percentage salary increase for local government staff (at spinal column 43) to be implemented from the start of the municipal year, rather than financial year, for which year it is applicable. The first date for indexation for the purpose of this Scheme is therefore May 2024.

(b) Mileage Allowance

- Updated by reference to the rates which apply to Officers as set by HMRC.

(c) Subsistence Allowance

- The day subsistence allowance and overnight subsistence allowances should be indexed to the same percentage increase that may be applied by the Council to Officer day and overnight subsistence rates.

(d) Dependants' Carers' Allowance

- Child care rates are indexed linked to the National Living Wage.
- Specialist Care Allowances are index linked to the hourly rate charged by Southend-on-Sea City Council, Social Services Department for a Home Care Assistant.

5.8 Questions

- 5.8.1 All questions on the provisions, interpretation and application of the Councillors' Allowances Scheme should be referred to the Head of Democratic and Electoral Services.

DRAFT

Part 7 OFFICERS

Section

- 1 Management Structure
- 2 Scheme of Delegation to Officers
 - Strategy and Change
 - Finance and Resources
 - Children and Public Health
 - Adults and Communities
 - Environment and Place
- 3 List of Statutory Officers and Proper Officers and Designated Posts

1. MANAGEMENT STRUCTURE

- 1.1 The corporate structure of Southend-on-Sea City Council and its [Directorates / Service Areas] are set out below.
- 1.2 [Space Holder to insert SoSCC Management Structure diagram]

2. SCHEME OF DELEGATION TO OFFICERS

Purpose and Application

- 2.1 To support the Council's intention that decision making is efficient, and consistent with the openness and democratic accountability, Officer decision making is delegated under this Constitution by Council to the Chief Executive. The Chief Executive is unable to personally make all decisions, and as such this Scheme of Delegation to Officers sets out who the Chief Executive has authorised to make decisions, or fulfil specified Proper Officer functions on their behalf, and the framework within which those delegations may be exercised.
- 2.2 Where a decision has been delegated, it remains open to the Officer making the delegation to call back the decision for their own determination, and for an Officer to whom decision making authority has been delegated, to refer the matter back to the delegating Officer for their determination.
- 2.3 This Scheme of Delegation to Officers is without prejudice to the discharge of the Council's functions and the exercise of its powers by the full Council, Committees and Sub-committees of the Council, and the Cabinet.
- 2.4 This Scheme of Delegation to Officers is subject to, and must be read in conjunction with, the Council's policies, and this Constitution including particularly:
 - Part [] Section [] Responsibility for Functions
 - This Part 7 Section 3 List of Proper Officers and Designated Posts
 - This Part 7 Section 5 Staff Employment Procedure Rules
 - This Part 7 Section 6 Contract Procedure Rules
 - This Part 7 Section 7 Financial Procedure Rules
 - This Part 7 Section 8 Property Procedure Rules
- 2.5 This Scheme of Delegation includes the five tables set out below in respect of the Council's five directorates:
 - Strategy and Change
 - Finance and Resources
 - Children and Public Health
 - Adults and Communities
 - Environment and Place

which specify:

- a) The function or power being which is being delegated;
- b) The post (Executive Director / Director) to which the function or power is delegated; and,
- c) Any specific restrictions or conditions which apply to the delegation, for example, the requirement to consult with a particular Officer or Councillor.

2.6 Any function or power which may discharged in accordance with this Scheme of Delegation to Officers may also be discharged by a person or Officer holding a successor post to that of the original post following any reorganisation, restructure or similar process.

General Delegations

2.7 The Chief Executive has authorised the Executive Directors and Directors to take executive (non-Key Decisions) or non-executive decisions on their behalf as detailed in the below tables, which includes the power to act on behalf of the Council in relation to any incidental operational matter within the directorate for which they are responsible, including without limitation:

- a) Expenditure;
- b) Staffing;
- c) Resourcing (including procurement and letting contracts);
- d) Instructing the Director of Legal Services;
- e) Settling claims and disputes;
- f) Making statutory determinations and orders;
- g) Serving statutory notices;
- h) Granting, conditioning, refusing and revoking permissions, consents, permits and licences;
- i) Signing and authenticating documents;
- j) Submitting representations in respect of the Licensing Act 2003 and the Gambling Act 2005;
- k) Taking enforcement action;
- l) Setting fees and charges;
- m) Writing-off debt;

2.8 Any action taken under delegated powers shall be in accordance with:

- a) The overall policies of the Council as approved by full Council, the Cabinet or a Committee;

- b) The provisions of this Constitution, including particularly the Contract Procedure Rules, Financial Procedure Rules and the Property Procedure Rules;
- c) Appropriate consultation, including particularly with the Director of Legal Services / Monitoring Officer, Chief Finance Officer, and the relevant Cabinet Member;
- d) Human resources policies and procedures;
- e) Approved capital and revenue budgets; and,
- f) The requirements of all relevant legislation.

2.9 In exercising delegated powers, the decision maker shall:

- a) Be clear about the intentions of the Council, how they will be achieved, who is accountable for the decision, and who is accountable for implementing the decision, and who is accountable for monitoring the implementation;
- b) Consult as appropriate and give due regard to the professional advice of the Council's Officers, and external advisors;
- c) Have regard to the public sector equality duty, the best value duty, natural justice and human rights;
- d) Publicise the decision as required;
- e) Give due weight to all relevant considerations, take only relevant matters into account, and ensure the decision made and action taken is proportionate to the Council's intentions;
- f) Follow correct procedures.

2.10 Without prejudice to generality to the provisions of this Scheme of Delegation to Officers, decision makers shall have regard to any resolution of the full Council, Cabinet, relevant Cabinet Member, Committee or Sub-Committee on any matter of principle or policy relating to the function or power being discharged, and as appropriate shall:

- a) Maintain a close liaison with the relevant Cabinet Member(s), or in their absence the Leader;
- b) Ensure that the relevant Ward Councillor(s) is consulted on, or advised of the exercise of delegated powers;
- c) Ensure that the Monitoring Officer and Chief Finance Officer are consulted and advised of any decisions as necessary; and
- d) Ensure that the Corporate Leadership Team is consulted and advised where appropriate in relation to cross service issues.

Sub-delegations

- 2.11 The Chief Executive and the Executive Directors to whom the discharge of a function or power has been delegated may nominate Officers in their directorate to discharge that function or power.
- 2.12 All delegations conferred in accordance with paragraph 2.11 must be formally recorded in writing by the Chief Executive or the relevant Executive Director as the case may be, with any restrictions or conditions on the delegation specified.
- 2.13 The Executive Directors shall each maintain for their directorate an accurate scheme of sub-delegations, including any restrictions or conditions on the sub-delegations.
- 2.14 Where the discharge of a function or power has been delegated to persons nominated by the Chief Executive or an Executive Director, the discharge of a function or power under that authority shall remain the responsibility of the Chief Executive or relevant Executive Director, as the case may be, and the discharge of the function or power shall be taken in their name.
- 2.15 Where the Chief Executive or an Executive Director is absent for a period of time which requires other Officers to exercise delegated authority in their absence, another Officer can be nominated for the purpose and the nomination approved by the Chief Executive. The nominated officer must be of a pay grade equivalent to or above the absent Executive Director and the level of financial delegation specified in the nomination.

Emergencies

- 2.16 The Chief Executive or an Executive Director may make decisions outside of the provisions of this Scheme of Delegation, (including the Contract Procedure Rules Financial Procedure Rules) and / or make decisions which would otherwise be reserved for determination by a full Council, a Committee, the Cabinet or a Cabinet Member, where the Chief Executive or an Executive Director considers that there is threat to the health or wellbeing of an individual, or a risk of damage to property, or a risk to the Council's interests.
- 2.17 Where paragraph 2.16 applies, the Chief Executive or an Executive Director is authorised to make all necessary decisions for such action to be taken as is necessary within the law to protect life, health, safety, property, and / or the economic, social or environmental wellbeing of the Council's area, its communities and businesses, and the individuals living or working in the area or visiting it.
- 2.18 Where in the opinion of the Chief Executive or the Executive Director time and circumstances permit, prior to exercising delegated authority in accordance with paragraphs 2.16 and 2.17 above, the Chief Executive Officer or an Executive Director shall use their best efforts to consult the Leader, or in the absence of the Leader the Deputy Leader or the appropriate Cabinet Member, and the Chair of the relevant Overview and Scrutiny Committee, and in any case shall inform the Leader or Deputy Leader or Cabinet Member, and the relevant Overview and Scrutiny Committee Chair, of their actions as soon as practicable.

2.19 Any decisions made and actions taken by an Executive Director in accordance with the provisions of paragraphs 2.16 to 2.19 shall be reported to the Chief Executive as soon as practicable, and all decision made and actions taken in the case of an emergency shall be reported to full Council at the next meeting, including the extent to which it has been necessary to operate outside of the Contract Procedure Rules and Financial Procedure Rules.

Indemnity

- 2.20 In accordance with The Local Authorities (Indemnities for Members and Officers) Order 2004, the Council will provide an indemnity to any Members, Employees, former Members and former Employees in relation to any neglect, act, error or omission committed by them in the course of undertaking their duties as a Member or Employee of the Council and as authorised by the Council, or from or in connection with the exercise of powers or discharge of duties placed upon them the Council or with the approval of the Council. The indemnity will include costs awarded against the Member or Employee, and the reasonable costs they incur.
- 2.21 The indemnity shall include where a Member or Employee of the Council is acting for other persons or bodies with the consent of the Council.
- 2.22 The indemnity shall not extend to loss or damage directly or indirectly caused by the Member or Employee, arising from fraud, dishonesty, a criminal offence, or wilful misconduct on their part, or their reckless disregard for the consequences of their actions, or actions they took which are outside the legal powers of the Council to take, except where the Member or Officer truly believed the actions they took were within the Council's legal powers.
- 2.23 The indemnity will not apply to the making of any claim by the Member or Employee, but will include an indemnity for the defence of a Member or Employee any claim against actions they took in their capacity as a Member or Employee of the Council.
- 2.24 Where the Member or Officer is convicted of a criminal offence, and the conviction is not overturned on appeal, the Council will seek reimbursement of any costs met by the indemnity.
- 2.25 The indemnity will not apply if an Employee admits liability, negotiates or attempts to negotiate the settlement of any claim which falls within the scope of the indemnity, without the written authority of the Council.
- 2.26 Any indemnity provided is without prejudice to the Council's right to take or commence disciplinary action against an Employee in respect of any neglect, act, error or omission in respect of which the indemnity is provided.

Strategy and Change

Scheme of Delegation to Officers

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
Communications			
1.	To act on behalf of the Council to informally brief the media on issues, issue media releases and respond to media queries.		
2.	To monitor and manage corporate social media accounts and support staff with social media community management, in accordance with the communication protocols.		
3.	To implement and lead on actions to support the Communications Strategy		
4.	To provide media spokesperson representation on individual issues, for both reactive and proactive media coverage.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
5.	Authorise changes or create suitable alternative content for the Council's corporate website, in both proactive and reactive situations.		
Information Governance			
6.	A senior information risk owner who will take overall ownership of the Council's [Information Risk Policy].		
7.	Approving local settlements as suggested by and agreed with the Ombudsman under section 92 Local Government Act 2000.		
8.	Respond to complaints through co-ordinating response from responsible services.		
9.	Act on behalf of the council to implement the [Unreasonable Behaviour policy].		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
10.	Review of information governance policies and implement proactive approach across the council.		
11.	Authorised to conduct searches for subject access requests.		
12.	To act on behalf of the council in respect of Freedom of Information Act 2000 to co-ordinate and issue responses.		
13.	Investigate data breaches and prepare reports for sharing with [Information Governance Steering Group].		
14.	Report to the Information Commissioner's Office on data breaches where decided.		
15.	To commission investigation into suspected misuse of IT in accordance with the [Employee Code of Conduct and relevant policies].		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
16.	Respond to requests from police and partners for information and data requirements within the sharing protocol.		
17.	On behalf of the Council collate, produce and submit the [Information Governance Toolkit].		
18.	Dispose of expired records held at the modern records unit.		
19.	Produce annual equality statement in accordance with Equality Act 2010.		
20.	The Officer to act as Local Registrar as defined in Section 3 of the Local Land Charges Act 1975.		
Information Technology			
21.	On behalf of the Council to manage and issue orders and payment for supplies with agreed contracts.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
22.	Monitor, assess and modify IT services and their provision		
23.	Preparation of the IT strategy		
24.	Delivery of the agreed IT strategy		
Elections and Civic Duties			
25.	Section 52(2), Representation of the People Act 1983, Section 52(3), Representation of the People Act 1983.		
26.	Section 28(5), of Representation of the People Act 1983		
27.	Section 35(4), Representation of the People Act 1983.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
28.	Section 5(1), The Police and Crime Commissioners Elections (Functions of Returning Officers) Regulations 2012 Section 7(1), European Parliamentary Elections Act 2001		
29.	Section 35(4), Representation of the People Act 1983		
30.	Deputy Electoral Registration Officer		
Democratic Services			
32.	Ensuring that all published decision reports conform/adhere to constitutional rules and procedures.		
33.	Verify and agree members' expenses, over the £100 threshold, within the budget perimeters.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
34.	Publish all public meeting papers five working days prior to the meeting		
35.	Rejection of a public question under the Council Procedure Rules		
36.	Re-direction of a question to another committee		
37.	Rejection of a Councillors' question under the Council Procedure Rules		
39.	Notification of substitutions		
40.	<p>Where the publication of 28 day notice of the intention to make a key decision is impractical, the decision may still be taken if:</p> <p>(a) the monitoring officer has informed the chair of the relevant Overview and Scrutiny Committee, or, if there is no such person, each member of that committee by notice</p>		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	in writing, of the matter about which the decision is to be made		
41.	Inspection of documents		
42.	Signing of Ward Councillors' declaration of interest forms		
43.	Signing register of Town Councillors' declarations of interest forms		
44.	Initial assessment of complaints made under the Code of Conduct for Councillors		
45.	Recruitment of panel members to the Independent Remuneration Panel		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
Legal Services			
46.	To issue, defend, settle or take part in any legal proceedings on the Council's behalf.		
47.	Waivers of the Contract Procedure Rules		
49.	Signing any document and affixing the Council's seal on behalf of the Council		
50.	Determination of complaints submitted under the Code of Conduct for Councillors		
51.	To maintain the Register of Members'		
Human Resources			
51.	Approval of HR, Health & Safety, business continuity and emergency planning policies		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
52.	Approval of HR, health and safety, emergency planning and business continuity procedures and guidance.		
53.	Application of HR and Health & Safety policies and procedures		
54.	Approval of the carryover of annual leave		
55.	Approval of expenses and travel claims		
56.	Approval of time off for trade union duties		
57.	Approval of special leave		
58.	Suspension of an employee		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
59.	Approval of additional leave with or without pay		
60.	Appointment of consultant / interim manager		
61.	Approval of new post		
62.	Approval of post re-evaluation where the grade is likely to increase		
63.	Approval of extension of fixed term contract or conversion of fixed term to permanent contract		
64.	Recruitment to existing and new posts (whether permanent, fixed term or casual), including cover arrangements where substantive postholder is on long term leave e.g., due to career break, adoption / maternity, parental leave)		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
65.	Approval of additional increments within the current pay scale		
66.	Approval of increased working hours		
67.	Changing the duties and responsibilities of jobs and submitting them for job evaluation		
68.	Grading Single Status jobs		
69.	Grading for jobs subject to other national agreements		
70.	Grading of Hay posts		
71.	Approval of market pay supplements (including extensions)		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
72.	Approval of revised staffing structures		
73.	Approval of relocation expenses		
74.	Approval of career breaks		
75.	Determination of employee grievances		
76.	Dismissal on grounds of capability / conduct / some other substantial reason		
77.	Dismissal on grounds of redundancy		
79.	Approval of MERS applications, redundancy payments, ill health retirement and flexible retirement applications		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
80.	Employer discretions under the official pension schemes		
81.	Approval of settlement agreements		
82.	Meeting the cost of redundancies in schools etc. where the Council is the employer		
83.	Ensure appropriate arrangements are in place to carry out the Council's emergency planning functions in accordance with the Civil Contingences Act 2004		
84.	Ensure the effective discharge the functions for health, safety and welfare in connection with work and control of dangerous substances within the meaning of the Health and Safety at Work Act 1974		
85.	Approval of spend and the allocation of funds to providers from the Council's apprenticeship levy fund.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
Commissioning			
86.	Corporate commissioning, including the determination of grant applications, in accordance with the Council's Commissioning Framework. Joint commissioning.		

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Finance and Resources

Scheme of Delegation to Officers

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
Finance			
Council Tax and NNDR Billing			
1.	To raise annual bills and required amendments		
2.	To send reminders/summons as required		
3.	To commence recovery procedures as required for outstanding debts		
4.	Debt Collection enforcement arrangements for Council Tax/NNDR		
5.	Process Council Tax/NNDR refunds		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
6.	Represent the Council at Magistrates' Court/Valuation Tribunals		
7.	Liaise with [Valuation Office] to maintain accurate banding of properties		
8.	Prepare annual business rates briefing for consultation		
9.	Determine entitlement to reliefs/discounts		
10.	Submission of Government returns		
11.	To approve Council Tax hardship applications		
12.	Process Direct Debit claims/[Auddis] runs		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
13.	Conduct periodic visits to properties to ensure revenue is maximised		
14.	Respond to complaints / Freedom of Information requests		
Debtors			
15.	Raising invoices for sums due		
16.	Effective collection and recording of all monies due to the Council		
17.	Authorisation of new payment facility		
18.	Debt collection enforcement arrangements for car park debts		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
19.	Process Direct Debit claims/[Auddis] runs		
20.	Respond to complaints / Freedom of Information requests		
21.	Represent the Council at County Court		
22.	Liaise with the Department for Work & Pensions (DWP)		
Housing and Council Tax Benefits			
23.	Process housing and council tax benefit applications		
24.	Process change of circumstances		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
25.	Process benefits payment runs		
26.	Administer the [Discretionary Housing Payments scheme (DHP)]		
27.	Recovery of benefit overpayments		
28.	Determine entitlement to free school meals		
29.	Complete the DWP data matching requirements		
30.	Carry out quality and controls checks		
31.	Administer DWP initiatives (VEP/RTI etc.)		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
32.	Manage CIS/TUO access and process the data		
33.	Administer CTR Discretionary payment scheme		
34.	Represent the Council at appeal tribunals		
35.	Respond to complaints / Freedom of Information requests		
36.	Submission of data to external parties e.g. HMRC/DWP(SHBE)		
37.	Fraud/NFI completion		
38.	Prepare HB Subsidy calculations for Council sign off		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
39.	Maintain the revenues and benefits systems		
40.	Implement and maintain online digital customer channels		
Payroll			
41.	Arrangement for the payment of salaries, wages, pensions to current and former employees of the Council and members of the Council		
42.	Maintain records for compliance with HMRC and pension reporting		
43.	Process claims for payment for car allowances, subsistence allowances, travelling & incidental expenses		
44.	Process payroll BACS files		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
45.	Authorise payments to Council (maintained) schools		
Creditor and Social Care Payments			
46.	Authorisation of payments (general)		
47.	Payment of invoices and processing BACS/cheque payment runs through relevant systems		
48.	Process regular periodical payments		
49.	Authorising the issue of Procurement cards and determining credit limits		
50.	Process domiciliary care invoices (authorise [Abacus] payment run)		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
51.	Calculate and bill service users for care contributions		
Debt write offs			
52.	Authorisation of debt write off		
Banking Arrangements			
53.	To approve the opening of new cash/bank imprest account or change to limit		
54.	To notify Bank of changes to authorised signatories		
55.	To authorise cheques on behalf of the Council		
56.	To be a Primary Security Contact for BACS (including setting up new users to hold a BACS card)		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
Treasury Management			
57.	Investment of surplus funds		
58.	Borrowing decisions to meet Capital Programme or short-term cash flow requirements		
59.	Authorisation of Bankline payments (e.g. Faster payments / CHAPS)		
Government Grants			
60.	To accept terms and conditions attached to any Government grants and complete grant returns		
VAT			
61.	To submit VAT returns		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
Fixed Assets			
62.	Propose assets to be included in the valuation list		
63.	Produce an asset management plan for approval by Council as part of the Capital Strategy		
Capital and Revenue Budgets			
64.	Propose a revenue budget for the coming year for approval by Council		
65.	Propose all capital project additions for the coming year for approval of an amended capital programme by Council		
66.	Produce and maintain a Capital Strategy for approval by Council		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
67.	Approval to move revenue budgets between cost centres		
68.	Approval of additions to Expenditure Budgets Funded from Government Grants, Developers Contributions, Revenue Reserves or other sources of external funding		
69.	Approval of the movement of Capital Budget between Programme Years		
70.	Authorisation for the carry forward of under or overspends		
71.	Processing journal transfers		
Insurance			
72.	Responsibility to ensure appropriate insurance arrangements are in place.		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
73.	Maintain record of all insurances, risks covered, premiums paid and of all self-funded risks and losses paid.		
Internal Audit			
74.	Arrangement of internal audit activities in accordance with the Accounts & Audit Regulations		
75.	Give assurance on financial and management control systems		
76.	Undertake Value for Money reviews		
Financial Procedure Rules			
77.	Maintain continuous review of the Financial Procedure Rules		
Cash Collection			

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
78.	Management of cash collection system		
Procurement			
79.	Issuing procurement tenders; receive supplier bids; issue contract award notices.		
80.	Update, amend and publish the contracts register.		
Facilities Management			
81.	Operational delivery of facility management undertakings, building maintenance, cleaning, construction and mechanical/ electrical works.		
82.	Operational delivery of health & safety compliance to property assets and associated undertakings.		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
83.	Procure and award of contracts to facilitate delivery of projects, goods and operational services identified in accordance with policy and allocated budget.		
84.	The opening and closure of Council property assets.		
85.	Have the authority to manage the day-to-day operation of facilities corporate Council buildings.		
86.	Set hire charges for corporate buildings.		
87.	Authorise use of buildings in the event of an emergency and particular circumstances, including opening and closing sites.		
88.	Ensure the security of buildings.		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
89.	Have the authority to evict people from sites when causing or potential causing a danger, being disruptive or abusive, or not adhering to policies when made aware of them.		
Property Services / Estate Management			
90.	To negotiate and agree terms regarding the acquisition (including compulsory purchase) and disposal of property assets and legal interests. Sign Notices to Quit / Terminate Lease.		
91.	To negotiate, agree terms for and sign the grant of leases, licences, tenancies, agreement for lease, development agreements and legal consents.		
92.	To instruct Legal Services to serve legal notices. Sign Notices to Quit/Terminate Lease/ Seal Contracts.		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
93.	To grant a wayleave easement or deed of access over Council owned land to a third party.		
94.	To approve listing of Assets of Community Value in accordance with legislation.		
95.	To accept the early surrender of any lease of Council owned or controlled property in the interest of good estate management, strategic asset management or economic regeneration purposes.		
96.	To appoint bailiffs and debt collectors or to take peaceable re-entry of Council owned property or where the Council has a legal interest in property or to recover the value of any outstanding monies owed.		
97.	To agree the release of restrictive Covenants on current or previously owned council land.		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
98.	To apply for planning permission, building regulation and listed building consent for alteration, development, re-development or change of use of council property (excluding schools), or third party property.		
99.	To negotiate and settle schedules of dilapidation.		
100.	To agree and settle rent arrears and refer all property matters in dispute to arbitration/third party for determination.		
101.	To submit appeals in respect of the Rateable Value of council property in the interests of the council.		
102.	To make changes to the Commons Register.		
103.	To engage and instruct Insurance adjusters to negotiate and settle terms of adjustments.		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
104.	To procure, engage and instruct consultants and agents to act on behalf of Property Services.		
105.	To procure, engage and instruct contractors and suppliers to act on behalf of Property Services.		
106.	To carry out emergency repairs as necessary, that might otherwise require Council Governance, to both corporate and noncorporate buildings and structures so as to make safe so as to safeguard from harm both staff and members of the public as well as protect continuity of Council Services.		
107.	Part 5 Chapter 3 of the Localism Act 2011 Assets of community value.		
Southend-on-Sea City Council Website			
108.	Notify web team of changes required to website for finance areas		

Children and Public Health

Scheme of Delegation to Officers

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
Children's Services			
1.	Exercising the statutory function of Director of Children's Services appointed under the Children Act 2004.	Assistant Director	
2.	Decision to accommodate a child S20 Children's Act 1989	Head of Service	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
3.	Approval to apply for Emergency Protection Order under Section 44 of the Children Act 1989	Head of Service	
4.	Decision to Instigate Care Proceedings under S31 Children's Act 1989	Head of Service	
5.	Decision to instigate public law outline processes under the Public Law Outline (2014) and the Children and Families Act 2014	Head of Service	
6.	Approval of Initial Care Plans in Care Proceedings and Care Plan Amendments	Team Manager	
7.	Approval of Final Care Plans	Head of Service	
8.	Ratification of Looked After Review recommendations	Team manager	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
9.	Approval for Looked after Child subject to Care Order to be placed with parents.	Assistant Director	
10.	Approval for overnight stays of Looked after Child at with the child's friends	Team Manager	
11.	Approval for Looked after Child to have: <ul style="list-style-type: none"> • Routine medical • Emergency treatment • Surgery (local or general anaesthetic) 	Team manager	
12.	Decision to withhold or withdraw life preserving medical treatment	Court Order	
13.	Approval of enhancements to foster placement costs for: <ul style="list-style-type: none"> • Holiday payments • Additional Needs/Interest • Clothing Grant 	Team Manager	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
14.	Looked after Child taking part in group social or sporting activities	Foster carer	
15.	Looked after Child taking part in activities with an element of risk e.g. climbing/skiing	Foster carer	
16.	Looked after Child going on holiday: <ul style="list-style-type: none"> • In UK • Abroad • Passport applications 	Head of Service	
17.	Looked after Child changing appearance e.g. ear piercing	Not Relevant	
18.	Application to court for a Looked after Child to change their name	Not Relevant	
19.	Looked after Child obtaining contraceptive advice or provision	Not Relevant	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
20.	Application for Looked after Child to be placed in secure accommodation	DCS cannot be delegated	
21.	Approval of Section 34 contact expenses	Not relevant	
22.	Funding of residential placements where more than one agency cannot meet the needs of the young person	Not relevant	
23.	Decision to end looked after child episode (s20)	Depends of the circumstances	
Residential, Foster Care and Adoption			
24.	Approval of new Foster Carers	Agency Decision Marker	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
25.	Temporary approval of Carers on receipt of appropriate written information (Reg. 24)	Agency Decision marker	
26.	Agreement to exceed Fostering approval limits	Agency Decision marker	
27.	Search for Independent Fostering Agencies and Residential Providers	Head of service	
28.	Re-approval of Foster Carers	Annual household review	
29.	Approval of plan for child to be adopted	Agency Decision Marker	
30.	Approval of matching child with prospective adopters	Agency Decision Marker	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
31.	Foster to Adopt placements	Agency Decision Marker	
32.	Approval of Adoption Allowances and review of Adoption Allowances	Head of Service	
33.	Special Guardianship Allowances in excess of Special Guardianship Financial Policy	Assistant Director	
34.	Formal respite care with foster carers friends or relatives	Foster carers	
35.	Approval of short break packages for children with disabilities under the Chronically Sick and Disabled Act 1970	Do not know	
Information Sharing			

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
36.	Subject Access Requests		
37.	Disclosure of information to other agencies not for safeguarding purposes (e.g. to assist in criminal investigation)		
Education Skills and Development / Commissioning			
38.	To address the significant degree of educational underachievement of looked after children compared to all children; as defined under the Children Act 1989 as amended by section 52 of the Children Act 2004 Section 22(3)a.		
39.	For local authorities to be responsible for securing that sufficient education is available to meet the needs of the population in their area under the Education Act (EA) 1996 Section 13A.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
40.	The Education Act (EA) 1996 Section 14 required all local authorities to be responsible for securing sufficient primary and secondary schools in their area. The survey provides the Department for education (DfE) and Partnership for Schools with data on the number of surplus school places, and the areas of projected shortfall, across England, and the actions local authorities are taking to address this.		
41.	Under the Education Act (EA) 1996 Section 14A, added by Section 3 of Education and Inspections Act (EIA) 2006 it requires local authorities reasonably to consider parental representations regarding the provision of schools.		
42.	Under the Education Act 1996 Section 19 (3A) and (3B). Secondary: Education (Provision of Full-Time Education for Excluded Pupils) England Regulations 2007(SI 2007/1870) introduced measures to make exclusions more effective		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
43.	To ensure that funding follows the pupil in the case of an exclusion as required under the Education Act 1996 Section 494. Section 47 of the Schools Standards and Framework Act 1998. Secondary - The School Finance (England) Regulations 2008 (No. 228). The School Finance (England) (Amendment) Regulations 2007 (No. 365). The Education (Amount to Follow Permanently Excluded Pupil) (Amendment) (England) Regulations 2001 (No. 870). Secondary - The School Finance (England) Regulations 2006 (No. 468). The School Finance (England) (Amendment) Regulations 2007 (No. 365).		
44.	To ensure that children who cannot (for whatever reason) be in mainstream education, continue to receive a suitable education under Education Act 1996 Section 19 and schedule 1		
45.	Under the Education Act 1996, schedule 1. Secondary - Education (Pupil Referral Units) (Management Committees etc.) England Regulations 2007. Education (Pupil Exclusions and Appeals) (Pupil Referral Units) England Regulations 2008 there is a requirement for		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
	the Council to establish management committees for every pupil referral unit		
46.	Education Act 1996 Section 3A, as amended by Section 3 of the Children and Families Act 2010 imposes a duty that any pupils placed in alternative provision by the Council receive full-time education unless it is not in the child's interests.		
47.	Education Act 1996 Section 447 provides a basis for an Education Supervision Order which can help where parents find it difficult to exercise a proper influence over their child, and where the child has developed a pattern of irregular attendance.		
48.	Under Education Act 1996 Section 436A the Council has the duty to identify children missing education.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
49.	Under the Education Act 1996 Section 437 the Council must ensure that all children get a suitable education		
50.	Local authorities have the power and are responsible for ensuring the regulations are enforced for maintained schools as set out in the Education Act 1996. Secondary - The Education (School Premises) Regulations 1999.		
51.	Under the Education Act 1996 Section 543. Secondary - The Education (School Premises) Regulations 1999; the Council needs to ensure that schools have a minimum playing field area.		
52.	Keeping arrangements for Special Educational Needs provision under review as defined under the Education Act 1996 Part IV, Chapter 1 (sections 312-332B) and Schedules 26 and 27. Secondary - The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (SI 2001/3455).		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
53.	Under the Education Act 1997 section 14 the Council has a duty to provide sufficient schools for the local area.		
54.	Under the School Standards and Framework Act (SSFA) 1998 Section 84 - the School Admissions Code and School Admissions Appeal Code provides a framework to provide fair opportunities to gain places in maintained schools for all children.		
55.	School Standards and Framework Act 1998 Section 86(1A) as amended by section 42 of the Education and Inspections Act 2006 sets out the support parents can expect to enable them to decide on a school place and allow them to express a preference for at school.		
56.	School Standards and Framework Act 1998 Section 88P. School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008 sets out the requirement to provide a national picture of admissions issues.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
57.	To provide local parents with a collated set of admission arrangements for schools in their area as set out under the School Standards and Framework Act 1998 Section 92.		
58.	To impose a duty on governing bodies for schools that are their own admission authorities and local authorities to act in accordance with any relevant provisions of the Appeals Code under the School Standards and Framework Act 1998. School Admission Appeals Code Section 94.		
59.	To ensure that local authorities and schools provide Religious Education in accordance with the law under the School Standards and Framework Act 1998 Section 69.		
60.	This duty is designed to ensure that all registered pupils attending a maintained school take part in a daily act of collective worship under the School Standards and Framework Act 1998 Section 70.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
61.	To ensure the school estate is not subject to decay which could put the health and safety of children at risk under the School Standards and Framework Act 1998 Section 22, as amended by Education Act 2002 and Education and Inspections Act 2006.		
62.	The Education (Infant Class Sizes) (England) Regulations 1998 sets out the limits of the size of an infant classes (4 to 7 year olds) to 30 pupils per school teacher to improve teaching and learning		
63.	The School Standards and Framework Act 1998 Section 77 as amended by schedule 4 to the Education and Inspections Act 2006 sets out the responsibility for the Protection of School Playing Fields		
64.	The School Standards and Framework Act 1998 Sections 45A, 45AA, 47, 47ZA, 47A and 48 and Schedule 14. Secondary - School Finance (England) Regulations 2008 (as amended), School Finance (England) Regulations 2011 Schools Forums (England) Regulations 2010 set out the provisions for		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
	approval of deficits, management of delegated budgets and banking arrangements.		
65.	To ensure young people with a learning difficulty or disability are able to secure appropriate learning provision in the Further Education Sector under the Learning and Skills Act 2000 Section 139A (as amended by Education and Skills Act 2008, Section 80); Placement Agreements / Contracts for young people aged 16-25 with an EHCP.		
66.	To ensure decent standards in children's homes as set out in the Care Standards Act 2000.	Not relevant	
67.	The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 (SI 2001/2218) sets out the information the Council is required to have in relation to the Special Educational Needs policies and the arrangements and activities in carrying them out.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
68.	The Education (Special Educational Needs) (City Colleges) (England) Regulations 2002 (SI 2002/2071) sets out arrangements whereby local authorities may make payments to an approved Academy in respect of a child for whom a statement is made.		
69.	The Education Act 2002 section 19(2) c. Secondary - School Governance (Constitution) (England) Regulations 2007 sets out how governing bodies are to include a Council representative.		
70.	The School Governance (Constitution) (England) Regulations 2007. School Governance (Federations) England Regulations 2007 provide a framework for decision making and accountability. School Governance (Constitution) (England) Regulations 2012 provides the authority to seal and make an instrument of governance for schools.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
71.	To provide information they consider appropriate and training they consider necessary free of charge for governors of maintained schools to enable governors effectively to discharge their duties as set out in Section 22 of the Education Act 2002.		
72.	The Education Act 2002 section 34. Secondary - School Governance (New Schools) (England) Regulations 2007 provides guidance on the setting up of a new school, especially recruiting the head teacher		
73.	The Education Act 2002 Section 88(1A) sets out the requirement for local authorities to ensure head teachers fulfil their statutory duty in implementing and administering Key Stage assessment arrangements.		
74.	The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (article 6) (made under section 87 of the Education Act 2002) sets out the requirement for local authorities to moderate assessment in at least 25% of schools to ensure consistency of standards.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
75.	Key Stage 1 data is reported to the DfE for school performance monitoring purposes as set out in section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783,		
76.	Ensuring schools are equipped to undertake Key Stage 1 teacher assessment and capture / submit results by virtue of section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783,		
77.	By virtue of section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783 local authorities have to ensure security of assessment documents.		
78.	The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 (article 6) (made under section 87 of the Education Act 2002 and article 11 of the Order). Requirement for local authorities to visit 10% of schools during test week to ensure they are being administered correctly		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
79.	To ensure that the curriculum provided by maintained primary and secondary schools is broad based and balanced and that it comprises the National Curriculum and provision for religious education and, for pupils in secondary school, sex education under the Education Act 2002 Section 79		
80.	Basic feature first laid out in the Education Reform Act 1988 to deliver the national curriculum and amended in the Education Act 2002 Section 88.		
81.	To ensure that schools provide the full entitlement of available courses unless disproportionately expensive as set out in the Education Act 2002 Section 88(2)		
82.	The Education Act 2002 section 52. Secondary - The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 (No. 3178). The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2002 provide a framework for exclusion		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
83.	The Education Act 2002 Section 32 fixes the minimum number of sessions which schools must hold in a year and requires governing bodies to set the times of the school sessions.		
84.	To ensure effective performance management arrangements are put in place for teachers as set out in the Education Act 2002 Sections 21, 131 and 210. Secondary - 'The Education (School Teacher Performance Management) (England) Regulations 2006'.		
85.	Under the Education Act 2002 Sections 79 (6) and (7) local authorities must have regard to statutory guidance on sex education issued by the Secretary of State when exercising any function that may affect the provision of sex education in maintained schools		
86.	To promote and encourage better cooperation and partnership working among the various agencies which provide or commission services for children (and families) at every organisational level from strategic planning to front line multi-agency team work as set out in the Children Act 2004 Section 10 (1)		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
87.	To standardise existing arrangements by creating a statutory body in the Council's area to oversee the co-operation arrangements to improve children's well-being as set out in the Children Act 2004 Section 12A as amended by the Apprenticeship, Skills, Children and Learning Act 2009		
88.	To facilitate the investigation, by Ofsted, of a parental complaint about a maintained school as defined under Education Act 2005 Sections 11B and 11		
89.	To ensure local authorities take action when a school goes into an Ofsted category as defined under the Education Act 2005, Section 15		
90.	The Education and Inspections Act 2006 Sections 7, 10 and 11. Secondary legislation - The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 outlines the statutory process and local decision making arrangements.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
91.	Education and Inspections Act 2006 Section 15. Secondary legislation - The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 sets out how local authorities are able to take an overview to plan the provision of schools to meet local needs		
92.	Education and Inspections Act 2006 Section 19. Secondary legislation - The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 outlines the statutory process and local decision making arrangements.		
93.	To achieve early intervention by local authorities in schools causing concern under the Education and Inspections Act 2006 Section 60		
94.	To allow the Council to require a school eligible for intervention to enter into a contract or arrangements with another school, FE college or named person for the purpose of school improvement under the Education and Inspections Act 2006 Section 63.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
95.	To strengthen the Council's voice on the Governing Body and/or to appoint governors with expertise in key areas to support a school's improvement under the Education and Inspections Act 2006 Section 64		
96.	To secure a step change in the leadership and membership of a school through a specially appointed Governing Body for a temporary period under the Education and Inspections Act 2006 Section 65		
97.	Under Education and Inspections Act 2006 Section 66 provision is made for schools to secure control over staffing and spending decisions in order to achieve improvements or where the budget is proving a distraction from improvement priorities.		
98.	The Education and Inspections Act 2006. Secondary - The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 provides the legislation that governs the transfer of land from one body to another as a school changes category, e.g. if a community school becomes		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
	a Trust.		
99.	Under the Education Act 2006 Sections 60A and 69B provision is made to ensure that that local authorities (or ultimately the Secretary of State) can ensure that teachers receive their statutory entitlements regarding their terms and conditions.		
100.	Section 1 of the Childcare Act 2006 places a duty on local authorities to improve the outcomes of all children under 5 and close the gaps.		
101.	Childcare Act 2006 Section 1(3) and (4). Secondary - Local Authority Targets (Well-Being of Young Children) Regulations 2007 (SI 2007 / 1415) gives powers to Secretary of State to set targets in relation to the Council's early years outcome duties and underpinning regulations set out the process to be followed.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
102.	Section 3 of the Childcare Act 2006 encourages local authorities to work with health services and employment services when arranging early years services		
103.	To ensure Local authorities work with and Jobcentre Plus to achieve their early years outcome duty as set out under Childcare Act 2006 Section 4		
104.	Provision is made under Childcare Act 2006 Section 99. Secondary - The Childcare (Provision of Information About Young Children) Regulations 2009 (SI 2009 / 1554) for data collection.		
105.	To ensure that local authorities establish and maintain a service providing information, advice and assistance for parents and prospective parents as set out on the Childcare Act 2006 Section 12. Secondary - SI 2007 No 3490: Children and Young Persons, England – The Childcare Act 2006 (Provision of Information to Parents (England) Regulations 2007.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
106.	To ensure there are sufficient children's centres in the Council's area as set out in the Childcare Act 2006 Section 5A.		
107.	To ensure there are advisory boards for all children's centres as set out in the Childcare Act 2006 Section 5C.		
108.	To ensure that local parents and any other interested parties are consulted about any major changes that are proposed to be made to children's centre provision as set out in the Childcare Act 2006 Section 5D.		
109.	The Childcare Act 2006 Section 5E(2) makes provision to ensure that local authorities (and Primary Care Trusts and Job Centres Plus) actively consider whether services to young children and/ or their parents should be provided through children's centres.		
110.	The Childcare Act 2006 Section 98C (3) enables parents and others interested to see how any concerns arising during an inspection are going to be addressed.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
111.	The Childcare Act 2006, Section 6 require local authorities to ensure there is childcare available to enable parents to take up or remain in work or to undertake education or training to assist them in obtaining work.		
112.	To ensure that all 3 and 4 year olds can access high quality free nursery education under the childcare act 2006 section 7.		
113.	To ensure local authorities undertake an assessment to childcare provision in their area to enable them to meet their duty to secure sufficient childcare for working parents (s6 Childcare Act 2006)		
114.	To ensure that local authorities give local childcare providers and would-be providers in their area the necessary support to help deliver sustainable affordable and high quality childcare that meets the needs of the community as required under the Childcare Act 2006 Section 13		
115.	Childcare Act 2006 Section 99. Secondary - the Childcare (Provision of Information about		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
	Young Children) (England) Regulations 2009 underpins various information collections and enables the Secretary of State to obtain information collected by local authorities from childcare providers to help compile Early Years Foundation Stage Profile data and the Early Years Census returns.		
116.	The Early Years Foundation Stage (Learning and Development Requirements) Order 2007 enables local authorities to ensure schools and early years providers fulfil their statutory duty in implementing and administering early years foundation stage assessment arrangements		
117.	The Early Years Foundation Stage (Learning and Development Requirements) Order 2007 set out the requirement to provide data to the DfE.		
118.	The Information as to Provision of Education (England) Regulations 2008 No. 4 requires the local authorities to provide the Secretary of State with a report on secondary school admissions		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
119.	The Education School Information (England) Regulations 2008 SI 2008/3093 Regulation 5. Places a duty on local authorities to publish annually, and make available to parents, a composite prospectus which includes all local primary and secondary schools.		
120.	The Education School Information (England) Regulations 2008 Regulation 8 of SI 2008/3093 places a duty on local authorities to publish miscellaneous information annually (including the making of educational grants, Special Educational Needs provision, school transport strategies, school uniform policies etc.).		
121.	Local authorities have a statutory duty to 'assist, encourage and enable' young people aged 13-19 (and young adults with a learning difficulty and/or disability up to the age of 25) to participate in education or training as set out in Education and Skills Act 2008 Section 68.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
122.	The establishment of an all-age service will impact on the use of this power, as local authorities will no longer be required to provide careers guidance when supporting young people not in education, employment, or training as set out in Education and Skills Act 2008 Section 69.		
123.	The Education and Skills Act (2008) chapter 2 section 10 is the key driver behind Raising the Participation Age with the Council required to promote the effective participation in education or training of the young people in their area to 18 (or 25 for those with learning difficulties or disabilities).		
124.	Local authorities act as the strategic commissioner of provision for young people aged 16-19 (and those aged up to 25 who are subject to a learning difficulty assessment); as defined in Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 41 inserts sections 15ZA and 15ZB into the Education Act (1996); Placement Agreements / Contracts for young people aged 16-25 with an EHCP.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
125.	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 42 inserts section 15ZC into Education Act (1996) sets out the requirement on local authorities to encourage participation in education and training.		
126.	As defined in Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 44 inserts section 51A into Further and Higher Education Act 1992 local authorities, if necessary, can require a provider to make provision for a named individual.		
127.	The Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 45, inserts section 17A - 17D in the Education Act (1996) defines the core and additional entitlements and the Council's role in securing these.		
128.	Local authorities have a power to secure boarding accommodation for young people aged over 16 but under 25 who are subject to a learning difficulty assessment as defined in Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 46 inserts section 514A - in the Education Act (1996).		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
129.	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 47 inserts section 560A into the Education Act (1996) sets out the role of the Council in securing work experience for young people aged 16-19 (25 for those who are subject to a learning difficulties assessment).		
130.	To develop accessibility strategies to facilitate better access to education for disabled pupils. Under this same legislation schools also have to develop access plans which build upon the Council's access strategy as required under the Equality Act 2010 Section 88 and Schedule 10		
131.	Tackling child poverty requires action at national and local levels, and the Child Poverty Act therefore compels both tiers of government to act (the Act requires the Government to publish a UK child poverty strategy). Part 2 of the Child Poverty Act 2010 aims to ensure that all local authorities take steps to enable more effective cooperation at local level, grounded in strong knowledge and understanding of child poverty in local areas and leading to clear		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
	strategies and plans through which cooperation and partnership working can have a demonstrable impact on child poverty in local areas.		
132.	To ensure that where a school serves a community which is predominantly of a faith other than Christian, they have the flexibility to change the nature of their daily act of collective worship in order to reflect the needs of the local community under Education Act 1996 Section 390.		
133.	To provide on-going support and guidance to 18 year old care leavers particularly with regard to their education under the Children Act 1989 sections 23C and 24B.	Personal advisor	
134.	To increase in the number and range of placements available within the Council's area and so reduce the use of out of area placements, unless they are the most appropriate for the child. Leading to a more efficient and cost effective commissioning process as defined under the Children Act 1989 Section 22G .	The sufficiency strategy	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
135.	Set out the Council's role and responsibilities in relation to intervening in sixth form colleges and making appointments to their governing bodies as required under the Apprenticeships, Skills, Children and Learning Act 2009 - Schedule 8 - para 8 .		
136.	Placement Agreements under the following frameworks / contracts West Midlands Regional Foster Care Framework; National Fostering Contract; West Midlands Residential Framework Contract; National Residential Contract; National Schools and College Contract; West Midlands Sub-Regional Supported Accommodation Framework; Spot Purchase Supported Accommodation for Looked After Children aged 16+; Supported Living (Staying Put and Supported Lodgings Arrangements); Provision Of Tier 3 Specialist Short Breaks (Framework); Provision Of Tier 3 Specialist Short Breaks (Spot Purchase).	Do know about this	
137.	The Department for Education provides statutory guidance, updated in March 2018, for local authorities (in line with the legal requirements set out in Section 48 and		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
	Schedule 14 of the School Standards and Framework Act 1998 and the Schools and Early Years Finance Regulations 2018) in relation to schemes for financing schools.		
138.	The Education and skills funding agency contracts with the Council to provide adult and community learning; contract agreements to be issued by the Council under the adult and community learning provider framework		
140.	The Council has a duty to assess whether a young carer in their area has needs for support, and if so, what those needs are and how they are met (Children and Families Act 2014).	C-SPOC1	
141.	The Council has a statutory duty under the children and young person's act 2009 to appoint an independent visitor service for looked after children	Not relevant	
142.	To use section 106 contributions to aid the statutory roles in childcare and educational provision to offset the impact of the development on the local infrastructure		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
143.	The calculation of any direct payments and any uplift to ensure that a reasonable amount is available to purchase the eligible service is to be agreed on a case by case basis in accordance with the direct payments policy of the Council.		
144.	The Council has a statutory duty under the Children Act 1989, Section 17 (and related duties in Schedule 2 to the Act) to safeguard and promote the welfare of children in their area who are in need. And, so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level early help or edge of care services appropriate to those children's needs.	Not relevant as it is a duty	
145.	In relations to schools, apply for planning permission, building regulation and listed building consent for alteration, development, re-development or change of use of Council schools, or third party schools.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
Public Health			
146.	Exercising the statutory function of Director of Public Health.		
147.	<p>To discharge any functions in relation to the corporate public health duties of the Council authorised to the director of public health under the NHS Act 2006 and the Health and Social Care Act 2012, including responsibility for:</p> <ul style="list-style-type: none"> • The annual report on the health of the local population; • Improving public health, including commissioning alcohol and drug misuse services, sexual health services, child health services, smoking cessation services; • Planning for, and responding to, emergencies that present a risk to 		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
	<p>public health;</p> <ul style="list-style-type: none"> • Promoting safer communities by working with local criminal justice partners and police and crime commissioners, the probation service and the prison service; • The Council's public health response to licensing applications; and • Developing wellbeing, implementing the health and wellbeing strategy. 		
148.	<p>To carry out such public health protection or health improvement functions as the Secretary of State shall delegate to local authorities either by arrangement or under regulations and including services mandated by regulations made under Section 6C of the National Health Service Act 2006, as amended, namely:</p> <ul style="list-style-type: none"> • Ensuring appropriate access to sexual health services; • The delivery of the national child 		

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
	measure programme; <ul style="list-style-type: none"> • The delivery of the NHS health check assessment; • Public health advice to NHS commissioners; and • To be a statutory member of the health and wellbeing board. 		

Adults and Communities

Scheme of Delegation to Officers

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
Social Care Operations			
1.	Undertake best interest assessments under the Deprivation of Liberty Safeguards, MCA 2005		
2.	Undertake Mental Health Assessor responsibilities under Deprivation of Liberty Safeguards, MCA 2005		
3.	Appoint a Relevant Person's Representative (RPR) under the Deprivation of Liberty Safeguards, MCA 2005		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
4.	Make mandatory conditions for the Managing authority to meet as Part of an authorisation under The Deprivation of Liberty Safeguards, MCA 2005		
5.	Authorise a Deprivation of Liberty Standard Authorisation under the Deprivation of Liberty Safeguards MCA 2005		
6.	Instruct an Independent Mental Capacity Advocate (IMCA) under Section 39A of MCA 2005		
7.	Instruct an Independent Mental Capacity Advocate (IMCA) under Sections 39C or D of MCA 2005		
8.	Extend the period of a 7 day Urgent authorisation the Deprivation of Liberty Safeguards MCA 2005 for a further period of 7 days		
9.	Approach the court of Protection to ask it to rule in relation to a Deprivation of Liberty Safeguards Authorisation where there is a		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	dispute regarding if it is appropriate.		
10.	Approach the Court of Protection to ask it to rule in relation to a Deprivation of Liberty in a Community setting		
11.	Undertake Mental Capacity Assessments and Best Interest decisions under the MCA 2005		
12.	Decision to instigate safeguarding concern under section 42 Care Act		
13.	Decision to instigate safeguarding enquiry under section 42 Care Act		
14.	Determination of unmet need under the Care Act		
15.	Approval of care plans in Care Act assessments		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
16.	Planned residential and nursing placement agreements		
17.	Emergency placement agreements for residential and nursing		
18.	Undertake Mental Health Act assessments under the Mental Health Act 1983 (amended 2007)		
19.	Apply to the Magistrates Court for a section 135(1) warrant, MHA 1983.		
20.	Perform the function of a Social Supervisor.		
21.	Authorise application under section 7 of the MHA for Guardianship.		
22.	Setting of charging policy for care. Sections 14,17, 69 and 70 of Care Act 2014		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
23.	Care and Support Charging Policy Financial Assessment Appeal		
24.	Care and Support Charging Policy Financial Assessment 2nd stage Appeal		
25.	Care and Support charge Waivers These may be considered in exceptional circumstances		
26.	Authorisation for Deferred payment agreements under sections 34-36 Care Act 2014		
27.	Deferred Payment Agreement (DPA) Appeal hearing and decision against refusal to award a DPA		
28.	Agree top-up payments for residential/nursing care in accordance with Care Act 2014 – Annex A – choice of accommodation and additional payments.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
29.	Approval to suspend a direct payment where the terms of the direct payment agreement are not met or where there is suspected fraud.		
30.	Approval of joint funded packages of care, including continuing health care and section 117 mental health aftercare services.		
31.	Approve direct payment agreements and suitable person agreements (where applicable).		
32.	Recall surplus funds from direct payment accounts.		
33.	Insofar as they are not detailed above, functions in respect of adult social care operation and policy provision of assessment and care management; approved mental health practitioners; deprivation of liberty functions; strategic and operational safeguarding adults policies and procedures; prevention and support		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	services (including welfare rights, occupational therapy, financial assessments, direct payments, telecare, rapid response registered service).		
34.	Provision of court deputy service		
Libraries, Museums, and Archives			
35.	To provide a comprehensive and efficient library service, including provision of sufficient stock, cooperation with the other authorities, contribution to expenses of other library authorities.		
36.	To exercise the powers under the Library Byelaws and Regulations including temporary closure of any Museums, Libraries or Archives sites and to allow the exclusion of service users.		
37.	Agreeing and levying charges for the use of library, archives and museum facilities / services.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
38.	Agree charging of overdue loans under Section 8 of the Public Libraries and Museums Act 1984.		
39.	To implement the charging policy for services, including fines, hire charges and fees.		
40.	To make provision for the lending of literacy, dramatic musical or artistic works to the public on payment under Section 66 of the Copyright, Designs and Patents Act 1988.		
41.	To make and supply a copy of any article or published edition under Section 41 of the Copyright, Designs and Patents Act 1988 (provision copies to another library) or Section 42 (to preserve or replace an item).		
42.	Permitting the use of library and museum premises for meetings etc. of a cultural nature under Section 20 of the Libraries and Museums Act 1964 or under Section 20 of the Public Libraries and Museums Act 1984,		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	including the power to make charges.		
43.	To manage the social media accounts for libraries, museums and archives in accordance with communications protocols.		
44.	To provide training and supervision for volunteers.		
45.	To work within the unreasonable behaviour policy to ban visits from sites.		
46.	Power to establish a fund for purchase of objects for exhibition - Section 15 of the Public Libraries and Museum Act 1964 and the collection of donations for the care and display of collections.		
47.	Contribute in time or finance to voluntary organisations or parish / town councils in the operation of community libraries.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
Culture and Tourism			
48.	<p>To discharge the Council's functions, without limitation, in relation to:</p> <ul style="list-style-type: none"> • Galleries and the arts • Sports and leisure facilities (indoor and outdoor) • The pier and foreshore (including in relation to boats and boatman licences, cockle fishing licences and bait digging licences) • Tourism 		
Bereavement Services			
49.	<p>To act on behalf of the Council in respect of the legislation specified in The Local Authorities' Cemeteries Order 1977 – The Council is defined as a burial authority for the provision and maintenance of cemeteries.</p>		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
50.	To act on behalf of the Council in respect of the legislation specified in The Cremation (England and Wales) Regulations 2008 (amendment 2016).		

Environment and Place

Scheme of Delegation to Officers

Table A

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
1.	Annual increases to preapplication advice charges for development management and listed buildings.		

Neighbourhood Planning

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
2.	Designation of a Neighbourhood Area Regulation 6/7 of the Neighbourhood Planning (General) Regulations 2012.		
3.	Progression to examination Decision Document Regulation 15/16 of the Neighbourhood Planning (General) Regulations 2012.		
4.	Proceed to referendum Decision Document Regulation 17/18 of the Neighbourhood Planning (General) Regulations 2012.		
5.	Neighbourhood Plan Adoption/Made Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.		
Strategic Planning			
6.	Preparation of development plan documents (part 2 of the Planning and Compulsory Purchase Act 2004) Preparation of and consultation upon issues and options documents.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
7.	Preparation of Supplementary Planning Documents (SPD) The Town and Country Planning (Local Planning) (England) Regulations 2012 Preparation of Draft SPD for consultation.		
Regeneration			
8.	To discharge the Council's functions in relation to, without limitation: <ul style="list-style-type: none"> • The management and promotion of regeneration; • Economic and business development • Town centre management 		
Building Control – Functions/powers are exercised in accordance with the Building Act 1984, The Public Health Act 1925, The Town and Improvement Clauses Act 1847 and The Public Health Act 1875			
8.	Notices and actions under section 16 (Passing or rejection of plans) of the Building Act 1984.		
9.	Directions under the following sections of the Building Act 1984:		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	8 (Relaxation of building regulations) 10 (Advertisement of proposal for relaxation of building regulations) 15 (Consultation with fire authority) 19 (Use of short-lived materials) 21 (Provision of drainage) 24 (Provision of exits etc) 25 (Provision of water supply) 31 (Proposed departure from plans) 32 (Lapse of deposit of plans) 33 (Tests for conformity with building regulations) 35 (Penalty for contravening building regulations) 35a (Time limit for prosecution for contravention of building regulations) 36 (Removal or alteration of offending work) 47 (Giving and acceptance of initial notice) 72 (Means of escape from fire) 78 (Dangerous building - emergency measures) 81 (Local authority's power to serve notice)		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<p>about demolition)</p> <p>91 (Duties of local authorities)</p> <p>95 (Power to enter premises) 96 (Supplementary provisions as to entry).</p>		
10.	Directions under sections 77 (Dangerous building) and 107 (Recovery of expenses etc) of the Building Act 1984.		
11.	Directions under section 80 (Notice to local authority of intended demolition) of the Building Act 1984.		
12	Building Regulations 2010 (as Amended) – Control of Building work.		
13.	Building (local authority charges) Regulations 2010 - To determine the scheme of charges to recover costs in connection with the performance of the functions related to building regulations.		
14.	Public Health Act 1925: Sections 17-19, the Town and Improvement Clauses Act 1847: Sections 64-65 and the Public Health Act 1875 - Exercise the Council's powers to name		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	streets and require the renumbering of buildings in streets.		
Parking			
15.	Road Traffic Regulation Act 1984 – gives the power to local authorities to make traffic regulation orders which prohibit or restrict the use of a road; and which provide parking places on the highway, and in off-street car parks and set out the term on which such parking places may be used. Permission is also granted to park in contravention by way of a dispensation permit.		
16.	Civil Enforcement of Parking Contraventions (England) General Regulations – provides for the issue of a Charge Certificate in order to recover debt from unpaid Parking Penalty Charge Notices.		
17.	Civil Enforcement of Parking Contraventions (England) General Regulations – provides for the enforcement of a Charge Certificate if unpaid, by the issue of an Order for Recovery from a County Court.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
18.	Taking Control of Good Regulations 2013 (as amended) – provides for the execution of a County Court Order to instruct Enforcement Agents to recovery unpaid Parking Penalty Charge Notice debt.		
19.	Road Traffic Regulation Act 1984 and associated Off Street Car Park Orders – provides for charges and restrictions to apply at off street car parks. Permission to be granted to use car park for another purpose, hire or to waive the parking fee payable for an event or other use.		
20.	Road Traffic Regulation Act 1984 and associated Traffic Regulation Orders – provides for charges to apply at on street parking locations. Permission to be granted to use parking spaces for another purpose, hire or to waive the parking fee payable for an event or other use.		
21.	The Traffic Management Act 2004 (Part 6) – provides for contraventions of the terms of a traffic regulation order relating to parking places on the highway and off-street, which		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	were made offences in the RTRA (1984), to be subject to civil enforcement.		
22.	Disabled Person Parking Badges Act 2013 – ability to seize blue badges and write witness statements.		
23.	Disabled Person Parking Badges Act 2013 – ability to carry out background checks and write witness statements.		
24.	Disabled Person Parking Badges Act 2013 – ability to investigate cases of blue badge misuse and produce prosecution files.		
Street Trading			
25.	Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 – Enabling street trading to be regulated within the county and adopted by the Council in 1998.		
26.	Section 115E of the Highways Act 1980 – Control of pavement cafes with Highways Amenity Licences.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
27.	Section 3 of the Business and Planning Act 2020 – Pavement Licences.		
28.	To act on behalf of the Council in respect of the rights and obligations in respect of [fairs/ charters?]		
Markets			
29.	Exercise the Council's powers under section 50 of the Food Act 1984 to establish and operate street markets in the county. Setting up or the relocating of any market.		
30.	Operation and regulation of markets under the section 50 of the Food Act 1984.		
31.	The collection of charges made in relation to any market.		
Environmental Health / Public Protection / Trading Standards			
32.	To discharge the Council's functions, including but not limited to, the determination of permissions, licences and consents, and enforcement, in relation to:		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<ul style="list-style-type: none"> • Environmental health and protection • Public protection, clean neighbourhoods and community safety • Reducing crime, disorder and anti-social behaviour (including CCTV) • Health and safety • Trading standards and consumer protection • All licensing functions • To act on behalf of the Council in respect of the legislation specified as Regulatory / Licensing Functions in Table B. 		
Planning Services			
33.	To act on behalf of the Council in respect of all land use planning matters administered by the Local Planning Authority under the Town and Country Planning Acts, secondary legislation and any related statutory instruments, including those listed as Planning Functions in Table B.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
34.	Power to make local development order Section 61A of the Town and Country Planning Act 1990.		
35.	Power to modify an existing local development order <ul style="list-style-type: none"> • Schedule 4A of the Town and Country Planning Act 1990. 		
Highways and Transport			
36.	To act on behalf of the Council in respect of the legislation specified in the foregoing: <ul style="list-style-type: none"> • Traffic Management Act 2004 • Road Traffic Act 1988 • Cycle Tracks Act 1984 • Highways Act 1980 • National Parks and Access to the Countryside Act 1948 • New Roads and Street Works Act 1991 • Road Traffic Regulation Act 1984 • Town and Country Planning Act 1990 		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<ul style="list-style-type: none"> • Town Police Clauses Act 1847 • Traffic Calming Act 1992 • Wildlife and Countryside Act 1981. 		
37.	<p>To enter into agreements pursuant to Section 38 and Section 278 of the Highways Act 1980, issue permissions under Section 184 and display notices under Section 228, including the power to determine the terms and conditions of the above.</p>		
38.	<p>To manage the Council's functions in relation to flooding and drainage in compliance with current legislation and policies of the Council (including without limitation:</p> <ul style="list-style-type: none"> • Land Drainage Act 1991; • Flood Risk Regulations 2009; and • Flood and Water • Management Act 2010). 		
39.	<p>Transport Act 1985 clause 63 – duty to secure socially necessary transport.</p> <p>Transport Act 2000 Section 140 – duty to make</p>		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<p>information (on bus services) available.</p> <p>Operational measures required to support local transport including:</p> <ul style="list-style-type: none"> • Minor variations to subsidised routes/timetables within allocated budgets • Planning and procurement of new/varied services in accordance with policy and allocated funding using the Council's DPS • Review and maintenance of service level agreement with local community transport projects in accordance with allocated budget. • Provision of information on bus services. 		
40.	<p>Transport Act 1985 clause 63 – duty to secure socially necessary transport</p> <p>Award of contracts to operate services identified and procured in accordance with policy and allocated budget.</p>		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
41.	<p>Education Act 1996 Section 508/509</p> <p>Operational delivery of school transport and post 16 travel support services comprising:</p> <ul style="list-style-type: none"> • Assessment of eligibility for entitled transport with regard to legislation and local adopted policy and in consultation with Children's & Young People Directorate • Procurement of transport services required for entitled riders using the Council's DPS • Operation of vacant seats scheme and paid for transport • Operation of personal transport budget in accordance with policy • Publish annual Post 16 policy statement • Review and update the school transport policy guidance. 		
42.	<p>(Education Act 1996 Section 508)</p> <ul style="list-style-type: none"> • Award of contracts to operate services identified and procured in accordance with policy and allocated budget. 		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
43.	Enter into Service Level Agreements with parish / town councils.		
44.	Setting and collecting charges in accordance with the Environmental Protection Act 1990 and the Controlled Waste Regulations 2012.		
45.	To provide written comments/ bids to organisations such as MHCLG for requisition of grants.		
Sustainability & Climate Change			
46.	Signing/approval of Local Authority declarations, which are a requirement under flexible eligibility as determined by The Electricity and Gas (Energy Company Obligation) Order 2022 (ECO4 Order) covering the period from the commencement date of the ECO4 Order on 27 July 2022 to 31 March 2026.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
47.	Signing of meter read verification documents.		
48.	Signing of power purchase agreements with tenants relating to the sale of electricity generated from HC owned renewables.		
49.	Signing of ECO flex declaration		
50.	Management of maintenance and repairs of energy efficiency measures and renewable energy generation across the corporate estate.		
Built and Natural Environment			
51.	To act on behalf of the Council in respect of all planning matters administered by the Local Planning Authority under the Town and Country Planning Acts, secondary legislation and any related statutory instruments, including those listed as Planning Functions in Table B.		
Strategic Housing			

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
52.	Approval for the allocation of grant money to developers/ RSL's/ applicants.		
53.	Approval of grant monies.		
54.	To negotiate/ renegotiate specialist accommodation on schemes with planning permission in lieu of a reduction in affordable housing.		
55.	Approval of RSL grant funding for purchase and repairs of properties off the open market.		
56.	To provide written comments/ bids to organisations such as CLG for requisition of grants.		
57.	Written consent to the RSL to allow for the disposal of their assets following investigation.		
58.	Written consent to the RSL for the disposal of their assets following investigation and ascertain the level of financial clawback to be returned to the Council.		

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
Housing Services			
59.	<p>To discharge the Council's housing functions including, without limitation, under the Housing Act 1985, the Housing Act 2004 and the Homelessness Reduction Act 2002 and the Homelessness Reduction Act 2017 in relation to:</p> <ul style="list-style-type: none"> • The management and administration of Council dwellings subject to the management agreement with Essex Homes • Providing housing assistance and advice • Homelessness • Housing allocation • Private rented sector dwellings • Enforcement 		
Waste, Recycling and Environment Services			

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
60.	<p>To discharge the Council's functions in respect of waste, recycling and environmental services, including without limitation, in relation to:</p> <ul style="list-style-type: none"> • Waste collection / treatment / disposal • Recycling collection/ treatment / disposal • Street cleansing • Clean neighbourhoods • Untidy sites • Litter and flytipping • Abandoned vehicles • Salting of, and snow and debris removal from, public highways • Clean / safe beaches • Public toilets 		

Table B

Planning Functions
Commons Act 2006, Communities Act 2006, Countryside Act 1968, Countryside and Rights of Way Act 2000, Disused Burial Grounds Amendment Act 1981 Enterprise and Regulatory Reform Act 2013, Environment Act 2021, Environmental Protection Act 1990, Explosive Regulations 2014 Explosive Substances Act 1883 Forestry Act 1967, Historic Buildings and Ancient Monuments Act 1953, Human Rights Act 1998, Levelling Up Act 2023 Localism Act 2011, National Parks and Access to the Countryside Act 1948, Natural Environment and Rural Communities Act 2006,

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Planning (Hazardous Substances) Act 1990,
Planning (Listed Buildings and Conservation Areas) Act 1990,
Planning Act 2008,
Planning and Compulsory Purchase Act 2004,
Town and Country Planning Act 1990,
The Burial Act 1857
Wildlife and Countryside Act 1981,
The Hedgerow Regulations 1997
The Planning (Listed Buildings and Conservation Areas) Regulations 1990
The Town and Country Planning (Applications) Regulations 1988
The Town and Country Planning (Inquiries Procedure) Rules 1992
The Town and Country Planning (Use Classes) Order
The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) Rules 1992
The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992
The Planning (Hazardous Substances) Regulations 1992
The Compulsory Purchase of Land Regulations 1994
The Conservation (Natural Habitats, &c.) Regulations 1994
The Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1995
The Town and Country Planning (General Permitted Development) Order 1995
The Town and Country Planning, England and Wales, the Town and Country Planning (General Development Procedure) Order 1995 -

Department of the Environment

The Town and Country Planning (Crown Land Applications) Regulations 1995

The Town and Country Planning (Minerals) Regulations 1995

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 The
Town and Country Planning (Trees) Regulations 1999

The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000

The Town and Country Planning (Hearings Procedure) (England) Rules 2000

The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2000

The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002

The Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002

The Town and Country Planning (Enforcement) (Hearings Procedure) (England) Rules 2002

The Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002

The Town and Country Planning (Local Development) (England) Regulations 2004

Town and Country Planning (Temporary Stop Notice)(England) Regulations 2005

The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2005

The Town and Country Planning (Major Infrastructure Project Inquiries Procedure) (England) Rules 2005

The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006

The Planning (Applications for Planning Permission, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006

The Town and Country Planning (General Development Procedure) (Amendment) (No. 2) (England) Order 2006

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

The Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2008

The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008

The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2008

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008

The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009

The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2009

The Planning (Hazardous Substances) (Amendment) (England) Regulations 2010

The Town and Country Planning (Compensation) (No.3) (England) Regulations 2010

The Town and Country Planning (Development Management Procedure) (England) Order 2010

The Infrastructure Planning (Decisions) Regulations 2010

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2010 The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2010

The Community Infrastructure Levy Regulations 2010

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2011

Neighbourhood Planning (Referendums) Regulations 2012

The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012

The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 3) Order 2012

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012

The Town and Country Planning (Compensation) (England) Regulations 2012

The Planning (Listed Buildings and conservation Areas) (Wales) Regulations 2012

The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

The Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 013

The Planning (Listed Buildings and Conservation Areas) (Amendment No. 2) (England) Regulations 2013

The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2013

The Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013

The Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013

The Town and Country Planning (Section 62A Applications) (Written Representations and Miscellaneous Provisions) Regulations 2013

The Town and Country Planning (Fees for Applications Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2013

The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) (No. 2) Regulations 2014

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2014

Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014

The Town and Country Planning (Compensation) (England) (Amendment) Regulations 2014

The Town and Country Planning (Compensation) (England) Regulations 2015

The Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment and Revocation) Rules 2015

The Town and Country Planning (General Permitted Development) (England) Order 2015

The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015

The Town and Country Planning (Compensation) (England) Regulations 2015

The Planning (Hazardous Substances) Regulations 2015

The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015

The Town and Country Planning General (Amendment) (England) Regulations 2015

The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015

The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016

The Conservation of Species and Habitats Regulations 2017

The Planning (Hazardous Substances) (Amendment) Regulations 2017

The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017

The Town and Country Planning (Compensation) (England) (Amendment) Regulations 2017

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The Town and Country Planning (Permission in Principle) Order 2017.

The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018.

Regulatory / Licensing Functions

Activity Centres (Young Persons Safety) Act 1995

Administration of Justice Act 1970 (Section 40) & 1985

African Swine Fever (England) Order 2003

Agricultural Produce (Grading and Marking) Amendment Act 1931
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Act 1970
Agriculture Produce (Grading & Marking) Acts 1928 & 1931
Animal Boarding Establishment Act 1963
Animal Gatherings (England) Order 2010
Animal Health (Divisional Veterinary Managers) Order 2009
Animal Health Act 1981 & 2002
Animal Health and Welfare Act 1984
Animal Welfare Act 2006
Animals (Miscellaneous Provisions) Order 1927 as amended & 1938
Animals (Post-Import Control) Order 1995
Anthrax Order 1991 as amended
Anti-Social Behaviour Act 2003
Anti-Social Behaviour, Crime and Policing Act 2014
Aujeszky's Disease Order 1983
Avian Influenza & Influenza of Avian Origin in Mammals (England) (No.2) Order 2006
Avian Influenza (H5N1 in Poultry) (England) Order 2006
Avian Influenza (H5N1 in Wild Birds) (England) Order 2006
Avian Influenza (H5N1) (Miscellaneous Amendments) Order 2007

Avian Influenza and Newcastle Disease (Biosecurity Guidance and Disease Control) (Slaughter) Protocol (England & Wales) Order 2003
Avian Influenza and Newcastle Disease (Contingency Planning) (England) Order 2003
Avian Influenza and Newcastle Disease (England & Wales) Order 2003
Bluetongue (No. 2) Order 2007 (Revoked except for Article 17)
Bluetongue Order 2003 (Revoked except for Article 18)
Botulinum Toxin and Cosmetic Fillers (Children) Act 2021
Breeding and Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973 & 1991 & 1999
Brucellosis (England) Order 2000 as amended
Building Act 1984
Business and Planning Act 2020
Cancer Act 1939
Caravan Sites and Control of Development Act 1960
Cattle Plague Order 1928 as amended
Charities Act 1992
Children and Young Persons (Protection from Tobacco) Act 1991
Children and Young Persons Act 1933 (Section 7)
Children and Young Persons Act 1963 (Section 37)
Cigarette Lighter Refill (Safety) Regulations 1999
Cinemas Act 1985

Civic Amenities Act 1967
Classical Swine Fever (England) Order 2003
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 1985 & 2006
Company Directors Disqualification Act 1986
Consumer Credit Act 1974 & 2006
Consumer Protection Act 1987
Consumers, Estate Agents and Redress Act 2007 Control of Pesticides Regulations 1986
Control of Pollution (Amendment) Act 1989
Control of Pollution Act 1974
Control of Salmonella in Broiler Flocks Order 2009
Control of Salmonella in Poultry Order 2007
Control of Salmonella in Turkey Flocks Order 2009
Copyright, Designs and Patents Act 1988
Copyright, etc and Trade Marks (Offences and Enforcement) Act 2002
Coronavirus Act 2020
Criminal Attempts Act 1981
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994

Criminal Law Act 1977
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Deer Act 1991
Deregulation and Contracting Out Act 1994
Development of Tourism Act 1969 (Section 18)
Disease Control (England) Order 2003 as amended
Diseases of Animals (Approved Disinfectants) (England) Order 2007
Diseases of Poultry (England) Order 2003
Dogs (Fouling of Land) Act 1996
Dogs Act 1906 (Section 3)
Education Reform Act 1988
Energy Act 1976 (Section 18)
Energy Act 2011
Energy Act 2013
Energy Conservation Act 1981 (Section 20)
Education Act 1996
Enterprise Act 2002
Environment Act 1995
Environment and Safety Information Act 1988

Environmental Protection (Non-Refillable Refrigerant Containers) Regs 1994
Environmental Protection Act 1990
Enzootic Bovine Leukosis (England) Order 2000
Equine Infectious Anaemia (Compensation) (England) Order 2006
Equine Viral Arteritis Order 1995
Estate Agents Act 1979
European Communities Act 1972 (EC Tab)
Explosives Act 1875
Explosives Regulations 2014
Export of Horses (Excepted Cases) Order 1969
Export of Horses (Protection) Order 1969
Export of Horses (Veterinary Examination) Order 1966
Export of Horses and Ponies (Increase in Minimum Values) Order 1978
Export Quarantine Stations (Regulation) Order 1973
Factories Act 1961
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Feed (Hygiene and Enforcement) (England) Regulations 2005
Fire Safety and Safety of Places of Sport Act 1987
Fireworks Act 2003

Food Act 1984
Food and Environment Protection Act 1985 (FEPA Tab)
Food Safety Act 1990 (as amended)
Food Safety and Hygiene (England) Regulations 2013
Foot and Mouth Disease (England) Order 2006
Foot and Mouth Disease (Packing Materials) Order 1925 as amended
Forgery and Counterfeiting Act 1981 (Part I)
Fraud Act 2006
Game Act 1831
Game Licences Act 1860
Gambling Act 2015
Hallmarking Act 1973
Hares (Control of Importation) Order 1965
Health Act 2006
Health and Safety at Work etc. Act 1974 (HSWA Tab)
Housing Act 1985 (EHH Tab)
Housing Act 2004 (EHH Tab)
Housing and Planning Act 2016 (EHH Tab)
Housing Grants, Construction and Regeneration Act 1996 (EHH Tab)
Hypnotism Act 1952

Importation of Animal Products and Poultry Products Order 1980 as amended
Importation of Animals Order 1977 as amended (Articles 4(1), 5(6), 5(7), 6 & 15 Do Not Apply to England and Scotland) Importation of Animals Pathogens Order 1980
Importation of Birds, Poultry and Hatching Eggs Order 1979
Importation of Embryos, Ova and Semen Order 1980 as amended
Importation of Hay and Straw Order 1979
Importation of Processed Animal Protein Order 1981 as amended
Importation of Salmonoid Viscera Order 1986
Individual Ascertainment of Value (England) Order 2005
Infectious Diseases of Horses Order 1987
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Land Drainage Act 1991
Late Night Refreshment Houses Act 1969
Legislative Reform (Local Government) (Animal Health Functions) Order 2009
Licensing Act 2003
Litter Act 1983
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government Act 1972

Local Government and Housing Act 1989
Lotteries and Amusements Act 1976
Manufacture and Storage of Explosives Regulations 2005
Medicines Act 1968
Medicines and Medical Devices Act 2021
Mobile Homes Act 1983
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
Money Laundering Regulations 2007
Movement of Animals (Records) Order 1960 as amended
Movement of Animals (Restrictions) (England) Order 2002 as amended
National Assistance (Amendment) Act 1951
National Assistance Act 1948
National Lottery Act 1993
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Offensive Weapons Act 1996
Office Shops and Railway Premises Act 1963
Olympic Symbol etc. (Protection) Act 1995
Open Spaces Act 1906
Pesticides (Fees and Enforcement) Act 1989

Pet Animals Act 1951
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licences) Act 1936
Petroleum Consolidation Act 1928
Pigs (Records, Identification and Movement) Order 2007
Pleuro-Pneumonia (Amendment) Order of 1938 (5666)
Pleuro-Pneumonia Order 1928 (4605)
Poisons Act 1972
Pollution Prevention Control Act 1999
Poultry (Seizure of Hatching Eggs) Order 1990
Prevention of Damage by Pests Act 1949
Prices Act 1974 & 1975
Private Places of Entertainment (Licensing) Act 1967
Proceeds of Crime Act 2002
Property Misdescriptions Act 1991
Protection From Eviction Act 1977
Protection of Animals Act 1911
Protection of Children (Tobacco) Act 1986
Psittacosis or Ornithosis Order 1953
Public Entertainments Licences (Drug Misuse) Act 1997

The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020

The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020

The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020

The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) (Amendment) Regulations 2020

The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020

The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020

The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020

The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020

The Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021

The Health Protection (Coronavirus, Restrictions) (Entry to Venues and Events) (England) Regulations 2021 The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

Public Health (Control of Diseases) Act 1984

Public Health Act 1875

Public Health Act 1936

Public Health Act 1961

Public Health Acts Amendment Act 1907

Rabies (Control) Order 1974

Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 as amended
Radioactive Substances Act 1960
Rag, Flock and Other Filling Materials Act 1951
Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000 (RIPA)
Regulatory Reform (Fire Safety) Order 2005
Riding Establishments Act 1964
Riding Establishments Act 1970
Road Traffic (Consequential Provisions) Act 1988
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Acts 1988 & 1991
Road Traffic Offenders Act 1988
Road Traffic Regulation Act 1984
Safety of Sports Ground Act 1975
Scotch Whisky Act 1988
Scrap Metal Dealers Act 1964
Sheep & Goats (Records, Identification & Movement) (England) Order 2009
Sheep Scab Order 1997
Shellfish and Specified Fish (Third Country Imports) Order 1992 Solicitors Act 1974
Specified Diseases (Notification & Slaughter) Order 1992 (Revoked insofar as they apply to Bluetongue)

Specified Diseases (Notification & Slaughter) Order 2006
Specified Diseases (Notification) Order 1996 (Revoked insofar as they apply to Bluetongue)
Spring Traps Approval Order 1995 as amended
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Telecommunications Act 1984
Tenant Fees Act 2019
The Children (Performances) Regulations 1968 (as amended)
The Dogs (Fouling of Land) Act 1996
The Health Protection (Local Authority Powers) Regulations 2010
The Health Protection (Notification) Regulations 2010
The Health Protection (Part 2A Orders) Regulations 2010
The Hedgerow Regulations 1997
The Private Water Supplies (England) Regulations 2016
Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
Theatres Act 1968
Theft (Amendment) Act 1996
Theft Acts 1968 & 1978
Timeshare Act 1992

Tobacco Advertising and Promotion Act 2002
Tobacco Products Duty Act 1979
Town and Country Planning Act 1990
Town Police Clauses Act 1847
Trade Descriptions Act 1968
Trade Marks Act 1994
Transport of Animals (Cleansing & Disinfection) (England) (No.3) Order 2003 as amended
Tuberculosis (Deer) Order 1989 as amended
Tuberculosis (England) Order 2007
Unsolicited Goods and Services Acts 1971 & 1975
Value Added Tax Act 1994
Vehicle (Crimes) Act 2001
Veterinary Surgery (Wing & Web Tagging) Order 2009
Video Recordings Acts 1984 & 1993 & 2010
Warble Fly (Ascertainment of Infestation) (England & Wales) Order 1985
Warble Fly (England & Wales) (Infected Areas) Order 1985
Warble Fly (England & Wales) Order 1982
Water Act 1989
Water Act 2003
Water Industry Act 1991

Weights and Measures Act 1985 (and all Regulations made under it)

Welfare of Animals (Transport) (England) Order 2006

Welfare of Animals at Markets Order 1990 as amended

Wild Life and Countryside Act 1982

Working Time Regulations 1998 (HSWA Tab)

Zoo Licensing Act 1981

Zoonoses Order 1988 & 1989

EU Legislation:

The Aerosol Dispensers (EEC Requirements) Regs 1977

The Animal and Animal Products (Examination for Residues and Maximum Limits) Regs 1997

The Animal By Products (Enforcement) (England) Regulations 2013

The Animal By-Products Regulations 2005* as amended

The Animal Health & Welfare (Scotland) Act 2006 (Consequential Provisions) (England & Wales) Order 2006*

The Animals (Divisional Veterinary Managers) Regulations 2009*

The Animals and Animal Products (Import & Export) (England) Regulations 2006* as amended

The Avian Influenza (Fees for the Licensed Vaccination of Birds) (England) Regulations 2007*

The Avian Influenza (Preventative Measures) (England) Regs 2006

The Avian Influenza (Vaccination) (England) Regulations 2006*

The Beef Labelling (Enforcement) (England) Regulations 2000

The Biofuel (Labeling) Regulations 2004

The Bluetongue Regs 2008

The Boiler (Efficiency) Regs 1993

The Bovines & Bovine Products (Despatch Prohibition & Production Restriction) Regs 1997

The Bovines & Bovine Products (Trade) Regs 1999

The BSE (Feeding Stuffs & Surveillance) Regs 1999

The BSE Offspring Slaughter Regulations 1998

The Business Protection from Misleading Marketing Regulations 2008

The Cancellation of Contracts made in a Consumer's Home or Place of Work etc Regulations 2008

The Cat and Dog Fur (Control of Import, Export and Placing on Market) Regs 2008

The Cattle (Identification of Older Animals) Regs 2000

The Cattle Database Regulations 1998

The Cattle Identification Regulations 2007* as amended

The Common Agricultural Policy (Wine) (England and Northern Ireland) Regs 2001

The Common Agricultural Policy (Wine) Regs 1996

The Companies (Trading Disclosures) Regulations 2008

The Construction Products Regs 1991

The Consumer Protection (Distance Selling) Regulations 2000

The Consumer Protection from Unfair Trading Practices Regulations 2008 The Crystal Glass (Descriptions) Regs 1973

The Docking of Working Dogs' Tails (England) Regulations 2007*

The Ecodesign for Energy-Using Product Regulations 2007

The Eggs & Chicks (England) Regulations 2009*

The Electromagnetic Compatibility Regs 1992

The Electro-medical Equipment (EEC Requirements) Regs 1988

The Electronic Commerce (EC Directive) Regulations 2002

The Energy Efficiency (Refrigerators and Freezers) Regs 1997

The Energy Information (Combined Washer-driers) Regs 1997

The Energy Information (Dishwashers) Regs 1999

The Energy Information (Household Air Conditioners) (no 2) Regs 2005

The Energy Information (Household Electric Ovens) Regs 2003

The Energy Information (Household Refrigerators and Freezers) Regulations 2004

The Energy Information (Lamps) Regs 1999

The Energy Information (Refrigerators and Freezers) Regs 1994

The Energy Information (Tumble Driers) Regs 1996

The Energy Information (Washing Machines) Regs 1996

The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regs 2007

The Environmental Protection (Controls on Substances that Deplete the Ozone Layer) Regs 1996

The Feed (Hygiene and Enforcement) (England) Regs 2005 as amended

The Feeding Stuffs (Enforcement) Regs 1999

The Feeding Stuffs (England) Regs 2005 as amended

The Feeding Stuffs (Establishment & Intermediaries) Regs 1999

The Feeding Stuffs (Safety Requirements for Feed for Food Producing Animals) Regulations 2004 The Feeding Stuffs (Sampling and Analysis) Regs 1999 as amended

The Feeding Stuffs Regs 2000

The Firework Regs 2004

The Food (Suspension of the use of E128 Red 2G as a food colour)(England) Regs 2007

The Food Hygiene (England) Regulations 2006

The Foot and Mouth Disease (Control of Vaccination) (England) Regulations 2006*

The General Food Regulations 2004

The General Product Safety Regs 2005

The Genetically Modified Animal Feed (England) Regs 2004 as amended

The Horse Passports (England) Regulations 2007

The Horse Passports Regulations 2009*

The Import and Export Restrictions (Foot & Mouth Disease) (no 6) Regs 2007

The Imported Food Regs 2007

The Manufacture and Storage of Explosives Regs 2005

The Materials and Articles in Contact with Food Regs 2006 and 2007

The Measuring Instruments (Automatic Catchweighers) Regulations 2006

The Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006

The Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006

The Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006

The Measuring Instruments (Beltweighers) Regulations 2006

The Measuring Instruments (Capacity Serving Measures) Regulations 2006

The Measuring Instruments (Cold-water Meters) Regulations 2006

The Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006

The Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006

The Measuring Instruments (Material Measures of Length) Regulations 2006

The Measuring Instruments (Non-Prescribed Instruments) Regulations 2006

The Meat (Enhanced Enforcement Powers) (England) Regulations 2000

The Mutilations (Permitted Procedures) (England) Regulations 2007* as amended

The Natural Mineral Water, Spring Water & Bottled Water Regs 1999

The Non Commercial Movement of Pet Animals (England) Regulations 2004*

The Non-Automatic Weighing Instruments Regs 2000

The Official Controls (Animal Feed and Food)(England) Regs 2006

The Official Feed and Food Controls (England) Regs 2009

The Olive Oil (Marketing Standards) Regs 2003

The Organic Products Regulations 2009* The Package Travel, Package Holidays & Package Tours Regs 1992

The Packaging (Essential Requirements) Regs 2003

The Personal Protective Equipment (EC Directive) Regs 2002

The Plastic Materials and Articles in Contact with Food (England) Regulations 2006 and 2009 as amended The Plastic Materials and Articles in Contact with Food Regs 1998

The Poultry Meat (Water Content) Regs 1984

The Products of Animal Origin (Disease Control) (England) Regulations 2008* as amended

The Products of Animal Origin (Import and Export) Regulations 1996* as amended

The Products of Animal Origin (Third Country Imports) (England) Regulations 2006

The Quick Frozen Food Stuffs (England) Regs 2007

The Radio Equipment and Telecommunications Terminal Equipment (Amendment) Regulations 2000 as amended The REACH Enforcement Regs 2008

The Registration of Establishments (Laying Hens) (England) Regulations 2003*

The Rice Products (Restrictions on First Packaging on the Market) (England) Regs 2006

The Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations 2006*

The Sheep and Goats (Records, Identification & Movement) (England) Order 2007

The Simple Pressure Vessels (Safety) Regs 1991

The Supply of Machinery (Safety) Regs 1992

The Swine Vesicular Disease Regulations 2009*

The Telecommunications Terminal Equipment Regs 1992

The Textile Products (Indications of Fibre Content) Regs 1986

The Trade in Animals and Related Products Regulations 2011

The Transmissible Spongiform Encephalopathies (England) Regs 2008

The TSE (England) Regulations 2002 (as amended)

The Unfair Terms in Consumer Contracts Regulations 1999

The Wine Regulations 2009

The Working Time Regulations 1998

Transmissible Spongiform Encephalopathies (England) (Amendment) Regulations 2008*

Veterinary Medicines Regulations 2008* (Revoked Except Regulation 45(2))

Veterinary Medicines Regulations 2009*

Welfare of Animals (Miscellaneous Revocations) (England) Regulations 2007*

Welfare of Farmed Animals (England) Regulations 2007* Zoonoses (Monitoring) (England) Regulations 2007*

Zootechnical Standards Regulations 1992* as amended.

3. LIST OF STATUTORY OFFICERS AND PROPER OFFICERS (AND DESIGNATED POSTS)

Statutory Officers

Introduction

- 3.1 The Statutory Officers set out in the table below hold Statutory Offices on behalf of the Council. A Statutory Officer will hold the Statutory Office during any period of employment in the post to which the statutory office is designated, either as a full-time employee of the Council, or on a temporary, 'acting-up' or interim basis.
- 3.2 Statutory Officers may appoint deputies where the law allows, but cannot delegate their statutory responsibilities.
- 3.3 The Monitoring Officer has delegated authority to amend the list of Proper Officers to add additional posts pursuant to legislation, or remove and replace redundant posts or provisions, or to change appointments.

Statutory Officers

Statutory Office	Statutory Office Designated Post
<p>Head of Paid Service</p> <p>(Section 4, Local Government and Housing Act 1989)</p>	Chief Executive
<p>Monitoring Officer</p> <p>(Section 5, Local Government and Housing Act 1989)</p>	Director, Legal Services
<p>Chief Finance Officer</p> <p>(s.151 Local Government Act 1972)</p>	Executive Director Finance and Resources
<p>Electoral Registration Officer</p> <p>Returning Officer / Deputy Returning Officer</p> <p>(ss.8,28 and 35 Representation of the People Act 1983)</p>	Chief Executive

<p>Director of Children’s Services (section18, Children Act 2004)</p>	<p>Executive Director, Children and Public Health</p>
<p>Director of Adult Social Services (section 6, Local Authority Social Services Act 1970)</p>	<p>Executive Director, Adult Social Services and Health</p>
<p>Director of Public Health (section 73A, National Health Service Act 2006)</p>	<p>Director, Public Health</p>
<p>Scrutiny Officer (section 9FB Local Government Act 2000 as amended)</p>	<p>Director, Legal Services</p>
<p>Data Protection Officer (section 29 Data Protection Act 2018) (UKGDPR)</p>	<p>Head of Governance</p>
<p>Qualified person for the purposes of section 36 of the Freedom of Information Act 2000</p>	<p>Monitoring Officer</p>

Proper Officers

Introduction

- 3.4 The Officers set out in the table below are appointed to be the Council's Proper Officer for the stated legislative provisions.
- 3.5 The appointed Deputy Proper Officer is given in brackets. The Deputy Proper Officer is appointed to act where the Proper Officer is absent and / or unable to act for any reason.
- 3.6 In absence of the appointment of a Proper Officer in this Constitution:
- 3.6.1 The Chief Executive will be the Council's Proper Officer and has power to delegate this power, until an appointment is made by Full Council; and
- 3.6.2 The Monitoring Officer is delegated authority to amend the list of Proper Officers to add additional posts pursuant to legislation, or remove and replace redundant posts or provisions, or to change appointments.

PROPER OFFICERS

LOCAL GOVERNMENT ACT 1972

Section	Function / Description	Proper Officer
83(1)-(4)	Officer to whom persons elected as councillors shall make declaration of acceptance of office.	Director, Legal Services (Chief Executive)
84	Officer to whom councillors may give written notice or resignation.	Director, Legal Services (Chief Executive)
88(2)	Officer who may convene a Council meeting to fill a vacancy in the office of Lord Mayor	Chief Executive (Deputy Chief Executive)
89(1)(b)	Officer who may receive notice in writing of a casual vacancy in the office of councillor from two local Government electors.	Chief Executive (Director, Legal Services)
100	All references to proper officer in connection with the access to information provisions of the Local Government Act 1972.	Director, Legal Services (Assistance Director, Legal Services)

115	Officer to whom all officers shall pay monies received by them and due to the local authority.	Director Finance and Resources / Chief Finance Officer (Chief Executive)
146(1)	Officer authorised to produce a statutory declaration specifying securities and verifying name change of authority.	Director Finance and Resources / Chief Finance Officer (Chief Executive)
225(1)	Officer with whom documents may be deposited pursuant to law to make notes or endorsements and give acknowledgements or receipts.	Director, Legal Services (Assistant Director, Legal Services)
229(4) and (5)	Officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	Director, Legal Services (Assistant Director, Legal Services)
Section 233 LGA 1972	Receive documents required to be served on the Council.	Director, Legal Services (Assistant Director, Legal Services)
234(1)	Officer who may authenticate documents.	Director, Legal Services (Assistant Director, Legal Services)
238	Officer who may endorse a copy of a byelaw.	Director, Legal Services (Assistant Director, Legal Services)
248	Officer who will maintain a roll of freemen	Chief Executive

Sch.12, Part 1, para 4(1A)	Officer who may sign a summons to Council meetings and may receive notice from a member of address to which a summons to a meeting is to be sent.	Chief Executive (Deputy Chief Executive)
Sch. 14	Corticate of resolutions concerning Public Health Acts 1875 - 1925	Chief Executive

LOCAL GOVERNMENT ACT 1974

Section	Function / Description	Proper Officer
30, 30 (5)	Officer responsible for receiving and arranging publication in newspapers of notice of Local Commissioner's report on investigation of a complaint.	Director, Legal Services (Assistant Director, Legal Services)

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section	Function / Description	Proper Officer
16	Notices requiring details of interests in land	Any Chief Officer
41	Officer responsible for certifying copies of resolutions, minutes and other documents.	Director, Legal Services (Assistant Director, Legal Services)

PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 AND THE PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS 1988

Regulation	Function / Description	Proper Officer
	All references to the Proper Officer.	Director Public Health (Public Health Consultant)

WEIGHTS & MEASURES ACT 1985

Section	Function / Description	Proper Officer
72	Functions of Chief Inspector of Weights and Measures.	Executive Director, Environment and Place (relevant Director / Head of Service)

LOCAL GOVERNMENT FINANCE ACT 1988

Section	Function / Description	Proper Officer
114,114A,116 and 139A	Officer responsible for making a report under this section to the authority concerning unlawful expenditure and the Council's budget.	Executive Director Finance and Resources / Chief Finance Officer (Director, Financial Services / Deputy Chief Finance Officer)

LOCAL GOVERNMENT & HOUSING ACT 1989

Section	Function / Description	Proper Officer
2, 3A, 15-14	Deposit of list of "politically restricted posts" under LGHA 1989.	Director, Legal Services (Assistant Director, Legal Services)

NON-DOMESTIC (COLLECTION AND ENFORCEMENT) (LOCAL LISTS) REGULATIONS 1989

Regulation	Function / Description	Proper Officer
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23	Certification of the Local Non-Domestic List.	Executive Director Finance and Resources / Chief Finance Officer (Director, Financial Services / Deputy Chief Finance Officer)
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LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990

Section	Function / Description	Proper Officer
	For the purposes of the composition of committees and nominations to political groups, and notifications as to allocations and vacancies of seats	Director, Legal Services (Assistant Director, Legal Services)

THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2000

Regulation	Function / Description	Proper Officer
Paras 5 and 6 of Part II of Schedule 1	Officer to receive notification of proposed appointment of certain officers, notifying executive members of that proposed appointment and for receiving and notifying of objections to the proposed appointment from executive members, if any. (as set out in the Staff Employment Procedure Rules)	Chief Executive [[Executive Director with responsibility for Human Resources]]

LOCAL AUTHORITY SOCIAL SERVICES AND NATIONAL HEALTH SERVICE COMPLAINTS (ENGLAND) REGULATIONS 2009

Regulation	Function / Description	Proper Officer
	All references to the responsible officer	Executive Director, Adults and Communities

LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS) (ENGLAND) REGULATIONS 2011

Regulation	Function / Description	Proper Officer
4	Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area.	Director, Legal Services (Assistant Director, Legal Services)
11,13,14	To be the Proper Officer for the receipt and validation of petitions.	Director, Legal Services (Assistant Director, Legal Services)

LOCAL ELECTIONS (PRINCIPAL AREAS) (ENGLAND AND WALES) RULES 2006, AND LOCAL ELECTIONS (PARISHES AND COMMUNITIES) RULES 2006

Rules	Function / Description	Proper Officer
	Retention and public inspection of documents after an election	Director, Legal Services

LOCAL LAND CHARGES ACT 1975

Section	Function / Description	Proper Officer
	Maintenance of register of local land charges	Director, Legal Services

FOOD SAFETY ACT 1990

Section	Function / Description	Proper Officer
49 (3) (a)	Authentication of documents	Director, Public Protection

PUBLIC HEALTH ACT 1936

Section	Function / Description	Proper Officer
85 (2)	Service of notice requiring remedial action in respect of verminous persons or articles	Director, Public Protection

PUBLIC HEALTH ACT 1961

Section	Function / Description	Proper Officer
37	Control of any verminous article	Director, Public Protection

NATIONAL HEALTH SERVICE ACT (AS AMENDED BY HEALTH AND SOCIAL CARE ACT 2012)

Section	Function / Description	Proper Officer
	Functions relating public health	Director, Public Health

HOUSING ACT 1985

Section	Function / Description	Proper Officer
606	Submission of report on particular houses or areas	Executive Director, Environment and Place

LOCAL AUTHORITIES (CONDUCT OF REFERENDUMS) (ENGLAND) REGULATIONS 2011

Regulation	Function / Description	Proper Officer
	All references to the Proper Officer.	Director, Legal Services (Assistant Director, Legal Services)

THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Function / Description	Proper Officer
	All references to the Proper Officer	Director, Legal Services (Assistant Director, Legal Services)

LOCAL AUTHORITIES CEMETRIES ORDER 1977

Regulation	Function / Description	Proper Officer
	To sign exclusive rights of burial	Director, Communities, Culture and Tourism

REPRESENTATION OF THE PEOPLE ACT 1983

Section	Function / Description	Proper Officer
	All Proper Officer functions identified in the legislation	Chief Executive (Deputy Chief Executive)

BUILDING ACT 1984

Section	Function / Description	Proper Officer
78 and 79	To take action in relation to dangerous buildings and structures, and the service of notices	Executive Director, Environment and Place

LOCAL GOVERNMENT ACT 2000

Section	Function / Description	Proper Officer
3,5,6	Functions pertaining to the making, copying and making available for inspection (as applicable) executive decisions, associated reports and background papers	Director, Legal Services
11 (2)	Exclusion of whole or part of any report to the Cabinet where meeting is likely not to be open to the public.	Director, Legal Services
11 (7) (c)	Provision to the press of other documentation supplied to members of the Cabinet in connection with item discussed	Director, Legal Services
81	Establish and maintain a register of members' interests	Director, Legal Services

	Except as regards the above, all references to the Proper Officer in the Local Government Act and subordinate legislation	Chief Executive
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