

**The Constitution
of
Southend-on-Sea City Council**

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PART 1. SUMMARY AND EXPLANATION AND PUBLIC PARTICIPATION

Section

1. Summary and explanation
2. Public participation with Southend-on-Sea City Council
3. [decision making and key decisions]
4. Access to Information Procedure Rules
5. The Petition Scheme

1. SUMMARY AND EXPLANATION

The Constitution

1.1 This Constitution sets out how Southend-on-Sea City Council operates and is governed to support the Council's corporate aims, objectives and priorities for the benefit of those who live, work and study in the city. It sets out:

- (a) Who is responsible and accountable for the Council's decisions;
- (b) How the Council makes decisions and delivers services;
- (c) How the Council ensures decision-making is open and transparent;
- (d) The standards by which councillors and the officers who work for the Council must conduct themselves.

1.2 The purpose of this Constitution is to:

- (a) Enable the Council to provide visible, accountable and effective Leadership;
- (b) Enable the Council's decisions to be lawful and deliver best value having regard to its legal duties, policies, procedures and ethical standards;
- (c) Create an effective system of checks and balances on the exercise of the Council's decision-making powers;
- (d) Promote transparency and open decision-making including the provision of clear and lawful reasons when decisions are made in private, or documents are not available to the press and public;
- (e) Help councillors to effectively represent and support their residents and the whole city;
- (f) Encourage the involvement of residents in Council decision-making;
- (g) Allow officers to make decisions to ensure the most effective delivery of services and efficient and effective use of the Council's resources.

1.3 The Council will exercise will fulfil its duties and exercise its powers in accordance with the law and this Constitution.

1.4 This Constitution complies with the requirements of the Local Government Act 1972, the Local Government Act 2000 (as amended) and the Local Government Act 2000 (Constitutions) (England) Direction 2000.

Residents' Rights

1.5 The Council welcomes the participation of residents in its work as set out in this constitution. Residents also have a number of rights in their dealings with the Council, some of which are legal rights whilst others depend on the Council's processes and procedures.

1.6 Residents have the right to:

- (a) Vote at local elections provided they are registered and eligible to vote;
- (b) Contact their Ward councillor about any matters of concern to them in their Ward;
- (c) Contact the appropriate Cabinet Member about any matters of concern that relate to the Cabinet Member's portfolio;
- (d) Have access to this Constitution;
- (e) Attend all meetings of the Council, Cabinet, overview and Scrutiny Committee and other Committees except where exempt or confidential matters are being discussed (exempt and confidential matters are explained in the Access to Information Procedure Rules set out below at Section 4);
- (f) Petition the Council on any matter relevant to the Council;
- (g) Find out what major decisions (referred to as Key Decisions) are to be discussed by the Cabinet and what decisions are likely to be taken by Cabinet in a private session and when;
- (h) See reports and background papers and any record of decisions made by the Council, Cabinet, overview and Scrutiny Committee and other Committees and decisions made by officers (except where exempt or confidential information is included);
- (i) Complain to the Council through its complaints procedure about something they think the Council should have done that it has not done, something it should have done differently, or something it has not done that it should have;
- (j) Complain to the Local Government and Social Care ombudsman after using the Council's own complaints process if they think the Council has not followed its complaints procedures properly;
- (k) Compliment the Council where the service they have received has been exceptionally good or prompt and which could help spread good practice throughout the Council;
- (l) Complain to the Council's Monitoring officer if they have evidence which they think shows that a councillor (including a Town or Parish councillor) has not followed their relevant Code of Conduct for councillors;
- (m) Complain to the Council about any officers' actions or attitude;
- (n) Inspect the Council's accounts during the limited period of the audit each year and make their views known to the external auditor. The period when accounts are open to inspection is publicised in advance on the Council's website.

Residents' Responsibilities

- 1.7 When participating in meetings, or in their dealings with the Council, residents must:
- (a) Not be disruptive, violent, abusive or threatening to councillors or officers;
 - (b) Not wilfully damage property owned by the Council, councillors or officers; and
 - (c) Comply with any procedural rules applicable to public participation and the rulings of the Chair of any meeting.
- 1.8 When contacting or in contact with the Council, councillors or officers, residents must not be abusive, violent or act in a threatening way.
- 1.9 Subject to any legal provision, the Council has a right to consider the proportionate use of its finite human and other resources when corresponding with residents.
- 1.10 The Council has a duty of care and right to protect its councillors and officers from disruptive, violent, abusive, threatening or like conduct and may restrict any individual's rights to contact or communicate with any councillor or officer to meet this duty. When the Council proposes to take such a course of action, the resident(s) concerned will be given a right to comment on the proposed course of action and any such comments will be considered before any course of action is taken.

How the Council Operates

- 1.11 The Council comprises fifty-one councillors each of whom is elected for a term of four years. If a Council seat becomes vacant during a councillor's term of office there may be a by-election. By-elections do not usually take place within six months prior to a normal election.
- 1.12 Councillors must be over eighteen years old and must live, work or have owned property for at least twelve months before an election in the Council's administrative area. Councillors are democratically accountable to the residents of their Ward. The overriding duty of councillors is to the whole community of Southend-on-Sea, but they have a special duty to their Ward residents, including those who did not vote for them. Councillors set the policy of the Council and take many decisions. The Council's website contains details of how to get in touch with councillors and any positions they hold in the Council.
- 1.13 Councillors must follow a Code of Conduct for councillors to ensure high standards in the way they undertake their duties. If they do not follow the Code, complaints can be made against them. The Code of Conduct for councillors and how to make complaints against councillors and the Council's Arrangements for dealing with complaints against councillors are set out under Part 6 of this Constitution.
- 1.14 All councillors meet together at least quarterly as the Council. . At the Council, councillors: make decisions that the law says are reserved to Council, including the

Council's Budget and Policy Framework (in compliance with which all decisions must be taken) and the level of Council Tax each year. Members of the public are welcome to attend meetings of Council. The agenda for meetings of the Council, including the location of the meeting and reports which will be considered at the meeting are published on the Council's website, usually the week before the meeting. The Council is committed to transparency and will ensure it holds the Council meetings in venues which have webcasting facilities and which can accommodate members of the public who wish to attend.

- 1.15 The Council's Annual Meeting is held in May each year. At the Annual Meeting the Council will elect its Mayor, the meeting then is adjourned to undertake civic mayor making and is resumed to then approve its planned calendar of business and schedule of meetings, to which changes to either may be made during the following twelve months. At the Annual Meeting, the Council will also adopt the Council's Constitution, elect, when required the Leader of the Council (see further Part 4 of this Constitution), determine the number, size and terms of reference of the Council's Committees, appoint the Chairs and Vice Chairs of those Committees and determine the allocation of seats on Committees to different political groups for the municipal year (see further Part 3 of this Constitution).
- 1.16 The Council, primarily through its Scrutiny Committees and the 'calling-in' of decisions is ultimately responsible for holding the Council's Executive (the Cabinet) to account. The role of the Council, the overview and Scrutiny Committees and the Cabinet is set out respectively under Part 2, Part, 5 and Part 4 of this Constitution.
- 1.17 In addition to the Annual Meeting, there are two other types of meetings of the Council: ordinary meetings and extraordinary meetings. Meetings of the Council are conducted in accordance with the Council Procedure Rules as set out under Part 2 of this Constitution.

The Executive (Cabinet)

- 1.18 The Council has adopted an 'executive' form of governance comprising a Leader and Cabinet. The Cabinet is made up of the Leader of the Council and a group of up to nine councillors (known as Cabinet Members) who together are responsible for discharging the Council's 'executive functions'. The law decides which functions are executive, which functions are council functions (to be discharged by the Council or a Committee of the Council) and which functions the Council may choose to be either executive functions or council functions (known as 'local choice functions') How the Council has decided how these functions will be exercised is set out in appendix 1.
- 1.19 The Leader appoints the Cabinet Members and their areas of responsibility (known as portfolios) and may also appoint Deputy Leaders. The Leader may change the composition of the Cabinet and the portfolio responsibilities at any time.
- 1.20 The Cabinet is responsible for developing the Council's policies and strategies and takes most of the Key decisions on service provision.

- 1.21 The Leader also decides which decisions may be taken by officers under the Scheme of Delegation to officers set out under Part 7 of this Constitution.
- 1.22 Executive decisions must be made in line with the overall Budget or Policy Framework approved each year by the Council and in accordance with the Cabinet Procedure Rules. Where a decision falls outside of the approved Budget or Policy Framework, it must be referred to the Council for decision.
- 1.23 The role of the Cabinet, Cabinet Arrangements and the Cabinet Procedure Rules are set out under Part 4 of this Constitution.

overview and Scrutiny Committee

- 1.24 The overview and Scrutiny Committee supports and challenges the work of the Cabinet and helps hold it to account. The overview and Scrutiny Committee can consider decisions of the Cabinet and executive decisions delegated to officers if the overview and Scrutiny Committee feels the decision should be looked at before it is implemented. This process is known as “call-in”. The overview and Scrutiny Committee may recommend that the decision is reconsidered or ask the Council to consider it before it is referred back to Cabinet for determination. When a decision is called-in, the Cabinet has to hear what the overview and Scrutiny Committee or the Council has to say and then take the decision again.
- 1.25 The overview and Scrutiny Committee may also be consulted by the Cabinet or the Council on forthcoming decisions and policy development and provide support to the development of such.
- 1.26 The overview and Scrutiny Committees sometimes also hold inquiries into matters of local concern in which residents may take part. These may lead to reports and recommendations which advise the Cabinet, the Council as a whole and, in some cases, outside agencies on policies, budget and service delivery.

other Council Committees

- 1.27 Some decisions the law stipulates cannot be decided by the Cabinet. These non-executive decisions include decisions concerning matters such as planning and licensing. Unless the law requires that they are determined by the Council, non-executive decisions are delegated by the Council to the relevant Council Committees and may be further delegated to officers under the Scheme of Delegation set out under Part 7 of this Constitution.
- 1.28 The composition of Council Committees, unlike the Cabinet and any Cabinet sub-committees, must so far as reasonably practicable, be proportionate to the size of the political groups which make up the Council. The size of the committee and number of seats allocated on each Committee is decided by the Council at the Annual Meeting.
- 1.29 The Council has established various Committees to deal with regulatory functions such as planning and licensing.

- 1.30 In addition, Members of the Committee may be appointed to hearing sub-committees when convened to determine planning or licensing applications in particular circumstances.
- 1.31 The Committee Procedure Rules and terms of reference of the Council's Committee structure are set under Part 3 of this Constitution.

Councillors

- 1.32 The area of Southend-on-Sea City Council is divided into administrative areas called 'Wards'. Each Ward is represented by up to three elected councillors as detailed on the Council's website.
- 1.33 Members of the public who are eligible and registered to vote can vote at a local election for the councillor(s) they want to represent their Ward. Further information about local elections and how to register to vote in them is available from the Council's website.
- 1.34 Members of the public can also find out who their Ward councillor is and how to get in touch with them from the Council's website.
- 1.35 Ward councillors may also hold scheduled sessions where members of the public can meet with them in person and talk about issues of concern or get advice on Council matters.

The Council's Employees (oofficers)

- 1.36 The Council's employees are known as 'oofficers'. The role of officers is to provide advice, implement and make decisions in accordance with the Scheme of Delegation to officers and to carry out the day-to-day delivery of services. Officers are recruited in accordance with the Council's Staff Employment Procedure Rules and paid in accordance with the Council's pay policy. Officers must comply with the Employee Code of Conduct and the Protocol on Member / Officer Relations.
- 1.37 As a matter of law, the Council must appoint certain officers, including a Head of Paid Service (usually the overall senior officer), a Monitoring officer (the senior governance officer) and a Chief Finance officer (the senior finance officer) also known as the 'Section 151 officer'. These officers have specific statutory duties and must ensure the Council acts within the law and uses its resources wisely.
- 1.38 Further information about the Council's officers and management structure is set out under Part 7 of this Constitution.

Local and Partnership Working

- 1.39 The Council works closely with other organisations and creates new partnerships to help the Council meet its corporate vision and objectives. The way in which the Council delivers its services to residents and businesses is reviewed to ensure the Council achieves value for money.

Joint Arrangements

1.40 The Council and the Cabinet may discharge their functions in a number of ways:

- (a) Entering into arrangements or agreements with any person or body to deliver a service;
- (b) Establishing joint arrangements, including a joint committee, with one or more other local authorities to exercise functions;
- (c) Co-operating with, or facilitating or co-ordinating the activities of, any person or body to deliver a service;
- (d) Providing a service or discharging a function on behalf of any person or body;
- (e) Delegating the discharge of a Council function to another local authority.

1.41 Further information about the Council's joint arrangements is set out under Part 4 of this Constitution.

Contracts and Contracting out

1.42 Every contract made by the Council must comply with the Contract Procedure Rules and the Financial Procedure Rules set out under Part 7 of this Constitution.

The Common Seal of the Council and Signing Documents

1.43 The Common Seal of the Council is the official stamp of the Council to be used on deeds or other documents and will be kept in a safe place in the custody of the Director Law and Governance (Monitoring officer)..

1.44 A decision of the Council, a Council Committee, the Cabinet, a Cabinet sub-committee, the Leader, or an officer acting under delegated authority is sufficient authority for the sealing of any document necessary to give effect to the decision.

1.45 The Common Seal will be affixed to those documents which in the opinion of the Director Law and Governance (Monitoring officer) should be sealed, or are required to be sealed, as detailed in the Contract Procedure Rules set out under Part 7 of this Constitution.

1.46 The Common Seal will be attested by the Chief Executive, the Director Law and Governance (Monitoring officer) or the Head of Legal Services (Deputy Monitoring officer) all of whom can each individually authorise officers to attest the seal.

Changes to the Constitution and its Publication

1.47 This Constitution has been formally adopted by the Council. The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

1.48 The Monitoring officer has authority to make typographical and grammatical amendments and corrections to the Constitution. Any other amendments can also be made following

consultation with the Group Leaders. In the event of any disagreement the matter should be referred to the Standards Committee for determination.

- 1.49 Any substantive changes to the Constitution will be considered by the Standards Committee which will recommend appropriate changes to Council.
- 1.50 The approval of the Council is required before any substantive changes to the Constitution are implemented.
- 1.51 The Monitoring officer will ensure that copies of this Constitution are available for inspection on the Council's website and at the Council's offices and is available for purchase by members of the public or the press for a reasonable fee.

2. PUBLIC PARTICIPATION WITH SOUTHEND-ON-SEA CITY COUNCIL

- 2.1 The Council encourages and actively supports the public getting involved in its work to serve the Council's area. The Councils wants to make it easy for people to get involved and give their views to help influence and develop what the Council does and the decisions it takes.
- 2.2 The Council welcomes suggestions which will help improve the way it works and how it involves the public.
- 2.3 Set out below are a number of ways in which members of the public can get involved with the Council's work and the decisions the Council makes.

Attendance at Meetings of Council, Cabinet and Committee Meetings

- 2.4 Members of the public are encouraged to attend meetings of the Council to hear debates. The members of the public are only able to speak at certain meetings, but all meetings are open and are usually also streamed online.
- 2.5 Details of when and where meetings will be held are published on the Council's website. The agenda and papers for a meeting provide information about what will be covered in the meeting and are also published on the Council's website at least five clear working days ahead of the date of the meeting.
- 2.6 There are limited occasions when the Council needs to discuss exempt or confidential matters at a meeting. When this happens members of the public and the press are excluded from the meeting while these matters are discussed. This is also called a 'private session'. The Council will only exclude members of the public and the press from a meeting when it is absolutely necessary and where there is legal justification for the meeting going into a private session.

Public Speaking

- 2.7 The public can speak in accordance with set procedures at the following meetings:
 - (a) Scrutiny Committees;
 - (b) The Council;
 - (c) Planning Committee or Regulatory Committees.

Petitions

- 2.8 The Council is pleased to accept written or e-petitions dealing with something for which the Council is responsible. There are rules which set out how to make a petition to the Council, what happens when a petition is received and how the Council responds in Part 2 below.

Consultation

- 2.9 The Council aims to consult as widely and as fairly as possible where required. Sometimes, with matters such as planning and licensing applications, there are specific statutory consultation processes that the Council must follow, otherwise where a statutory consultation is required, the Council will try to consult on important decisions as widely as practicable and give feedback about the outcome of the consultations.

Webcasting and Social Media

- 2.10 Members of the public are welcome to attend meetings of the Council as detailed above. Many meetings are also streamed for viewing online using the Council's webcast service.
- 2.11 Updates from the Council are also available on various social media platforms, which can be found on the Council's website here [Live Link].

Budget and Policy Development

- 2.12 The Council is keen to include and involve members of the public when councillors come to set the Council's budgets and key policies so that residents can provide their views on the decisions the Council makes.
- 2.13 When appropriate the Council may run consultations inviting people to have their say. Focus groups, residents' panels or user panels may also be arranged as a way of involving people and seeking their views.

3. DECISION MAKING AND RESPONSIBILITY FOR FUNCTIONS

Decision Making Principles

3.1 All decisions are made in accordance with the rules set out in this Constitution, all applicable legislation and the following principles:

- (a) Proportionality (i.e. the action must be proportionate to the desired
- (b) outcome);
- (c) Due consultation and the taking of professional advice from officers;
- (d) Respect for human rights and where needed balancing different rights;
- (e) A presumption in favour of openness;
- (f) Clarity of aims and desired outcomes; and
- (g) Explaining the reasons for a decision and the options considered and rejected, and reasons for their rejection.

Types of Decision

3.2 There are two types of decision: executive decisions and non-executive decisions.

3.3 Executive decisions are:

- (a) Decisions including Key Decisions which at the Leader's discretion must be made by the Leader, the Cabinet as a whole, or an individual Cabinet Member and in accordance with the Executive Arrangements and Cabinet Procedure Rules set out under Part 4 of this Constitution; or,
- (b) Decisions other than Key Decisions which are delegated by the Leader to an officer of the Council under the Scheme of Delegation to officers set out under Part 7 of this Constitution.

3.4 Non-executive decisions are:

- (a) Decisions which must be made by the Council as a matter of law; or,
- (b) Decisions which the Council has decided to reserve to itself; or,
- (c) Decisions delegated by the Council to a Committee of the Council or an officer of the Council under the Scheme of Delegation to officers set out under Part 7 of this Constitution.

3.5 Unless delegated to an individual, decisions are determined by simple majority of those councillors physically present and eligible to vote on the matter. Where there is an equality of votes, the Chair of the meeting shall have a casting vote.

Key Decisions

3.6 In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Key Decisions are decisions which:

- (a) Result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) Is deemed to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Council's administrative area.
- (c) For the purpose of paragraph (a) above the level of expenditure or saving (the Key Decision Financial Threshold) which is deemed to be significant is £500,000.

3.7 The procedure for taking, recording and publishing decisions is set out in the Cabinet Procedure Rules under Part 4 Executive Arrangements of this Constitution.

Responsibility for Functions

Council Functions

3.8 The functions listed in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Regulations) that are the responsibility of the Council and any arrangements for the general delegation of the function by the Council are set in Table A of Appendix 1 Responsibility for Functions of this constitution [insert Link].

3.9 The functions which as a matter of law must also be the responsibility of the Council and the delegation arrangements for the discharge of these functions are set out in Table B of Appendix 1 Responsibility for Functions of this constitution [insert Link].

Executive (Cabinet) Functions

3.10 The functions which are the responsibility of the Executive (Cabinet) are set out under Part 4 – Executive Arrangements of this Constitution [insert Link].

3.11 Unless specified otherwise in the Regulations or under this Constitution, a function is presumed to be an executive function to be discharged or delegated by the Executive (Cabinet).

Local Choice Functions

3.12 Those functions detailed in the Schedule 2 of the Regulations which may be, but do not have to be, the responsibility of either the Council or the Executive (Cabinet) are known as 'local choice functions'. It is for the Council to decide whether a local choice function is discharged by the Council or the Executive (Cabinet).

- 3.13 The Council has decided that local choice functions shall be discharged by the Council subject to the Council's delegation of the discharge of a local choice function.
- 3.14 The local choice functions which shall be discharged by the Council and the delegation arrangements for the discharge of local choice functions are set out in Table C of Appendix 1 – Responsibility for Functions of this Constitution [[insert Link](#)].

4. ACCESS TO INFORMATION PROCEDURE RULES

Scope of the Access to Information Procedure Rules

4.1 These Access to Information Procedure Rules apply to all meetings of Council, the overview and Scrutiny Committees, Regulatory Committees, sub-committees and joint committees as applicable and to public meetings of the Cabinet and sub-committees of the Cabinet unless otherwise specified in these Rules. These rules are at times written in formal language because of the statutory basis for these arrangements. If you have specific questions our Democratic Services Team will be happy to help you.

Additional Rights to Information

4.2 These Rules do not affect any other public rights of access or to information provided for elsewhere in this Constitution or by law.

4.3 Councillors' rights set out in these Rules are additional to any other right(s) they have under the common law or statute.

Rights to Attend and Record Meetings

4.4 Members of the public and press are welcomed and encouraged to attend all meetings subject only to the exceptions set out in this Constitution.

4.5 Members of the public may record or film the proceedings of any meeting by any means subject to the rules of this Constitution.

4.6 The rights of Members of the public set out in Rule 4.4 and Rule 4.5 above are without prejudice to the Council's power to suppress or prevent disorderly conduct or other misbehaviour at any meeting.

Notices of meeting

4.7 The Council will give at least five clear working days' notice of any meeting by publishing details of the meeting on the Council's website and at the Council's offices.

4.8 Where the meeting is convened at shorter notice, details of the meeting will be published on the Council's website and at the Council's offices at the time the meeting is convened.

Access to Agenda and Reports before the Meeting

4.9 The Council will make copies of the agenda and reports open to the public available for inspection on the Council's website and at the Council's offices at least five clear working days before the meeting unless the matter is urgent.

4.10 Where there are special circumstances requiring an item to be added to the agenda after its publication, as an item of urgent business at the direction of the Chair of the meeting, the Proper officer will make each such report available to the public and press and open for inspection as soon as the report is available to councillors attending the meeting.

4.11 The special circumstances requiring an item of urgent business to be added to the agenda and the Chair's direction to do so, will be recorded in the minutes of the meeting.

Supply of Copies of Agendas and Reports

4.12 The Council will supply copies of the following documents to any person on payment of a charge for postage, copying and any other necessary charge for transmission:

- (a) Any agenda and reports which are open to public inspection; and
- (b) Any further statements or particulars necessary to indicate the nature of the items on the agenda;
- (c) Any written record of an executive decision;
- (d) Any reports considered by a decision maker which are open to public inspection;
- (e) A list of background information (and the information on request);
- (f) If the Monitoring officer thinks fit, any other documents supplied to councillors in connection with an agenda item;

4.13 The information will also be made available on the Council's website.

Access to Minutes and other Documents after the Meeting

4.14 The Council will make available for six years after a meeting copies of the following:

- (a) The minutes of the meeting or records of decisions taken together with reasons for all meetings of the Cabinet, a sub-committee of the Cabinet, the Council and Council Committees which is to be published under this Constitution, excluding any part of the minutes of proceedings or decision record when the meeting was not open to the public, or which disclosed exempt or confidential information; and,
- (b) A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record; and,
- (c) The agenda and reports for the meeting relating to items when the meeting was open to the public.

Public Inspection of Minutes and Reports

4.15 The Council will make available for public inspection for six years after the date of a meeting a copy of the agendas, minutes and reports relating to the meeting.

Background Papers

4.16 The author of a report will set out at the end of every report a list of those documents (under the heading Background Papers) relating to the subject matter of the report which in the author's opinion:

- (a) Disclose any facts or matters on which the report or an important part of the report is based; and,
- (b) Which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information as defined in these Rules and in respect of Cabinet reports, the advice of a political advisor, if any.

4.17 'Published works' includes previous Council, Cabinet or Committee reports relevant to the decision and do not need to be listed.

Public Inspection of Background Papers

4.18 The Council will make available for public inspection for four years after the date of the meeting a copy of each of the documents on the list of background papers except where in the opinion of the Proper officer to do so would be likely to disclose confidential or exempt information or the advice of any political adviser or assistant.

Confidential Information – requirement to exclude press and public

4.19 The press and public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed in breach of the obligation of confidence.

4.20 Reports containing confidential information must not be published as part of the agenda of the meeting.

4.21 "Confidential information" means:

- (a) Information given to the Council by a government department on terms (however expressed) which forbid its public disclosure; or
- (b) Information which cannot be publicly disclosed by an order of the court or in accordance with any enactment.

Exempt Information – discretion to exclude press and public

4.22 The Proper officer may if they think fit exclude from public and press inspection in advance of a meeting, reports, or parts of reports, which are considered to contain exempt information and which a meeting where such reports are to be discussed is likely to exclude the press and public on the grounds that the report contains exempt information.

4.23 The press and public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed provided that the meeting resolves to exclude the press public and that resolution:

- (a) Identifies the proceedings or part of the proceedings to which the exclusion applies; and

- (b) States by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (see below) the description of the exempt information giving rise to the exclusion of the press and public; and
- (c) Considers, in all the circumstances of the case, that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

4.24 Where the meeting will determine any person's civil rights or obligations or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

4.25 'Exempt information' means information falling within the following categories defined by Schedule 12A of the Local Government Act 1972 as detailed in the table below:

SCHEDULE 12A PARAGRAPH NUMBER / CATEGORY OF INFORMATION	CONDITIONS
1. INFORMATION RELATING TO AN INDIVIDUAL	
2. INFORMATION WHICH IS LIKELY TO REVEAL THE IDENTITY OF AN INDIVIDUAL	
3. INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON (INCLUDING THE AUTHORITY HOLDING THE INFORMATION) AND INCLUDES CONTEMPLATED AS WELL AS PAST OR CURRENT ACTIVITIES	<p>INFORMATION IS NOT EXEMPT INFORMATION IF IT IS REQUIRED TO BE REGISTERED UNDER:</p> <ul style="list-style-type: none"> (a) The Companies Acts (as defined by s2 of The Companies Act 2006; (b) The Friendly Societies Act 1974; (c) The Friendly Societies Act 1992; (d) The Co-operative and Community Benefits Societies Act 2014; (e) The Building Societies Act 1986; or (f) The Charities Act 2011. <p>‘REGISTERED’ IN RELATION TO INFORMATION REQUIRED TO BE REGISTERED UNDER THE BUILDING SOCIETIES ACT 1986 MEANS RECORDED IN THE PUBLIC FILE OF ANY BUILDING SOCIETY (WITHIN THE MEANING OF THAT ACT).</p>

4. INFORMATION RELATING TO ANY CONSULTATIONS OR NEGOTIATIONS, OR CONTEMPLATED CONSULTATIONS OR NEGOTIATIONS, IN CONNECTION WITH ANY LABOUR RELATIONS MATTERS ARISING BETWEEN THE AUTHORITY OR A MINISTER OF THE CROWN AND EMPLOYEES OF, OR OFFICE HOLDERS UNDER, THE AUTHORITY

‘LABOUR RELATIONS MATTERS’ MEANS:

- (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the trade union and labour relations (consolidation) act 1992 (matters which may be the subject of trade dispute within the meaning of that act); or
- (b) any dispute about a matter falling within paragraph (a) above; and

FOR THE PURPOSES OF THIS DEFINITION THE ENACTMENTS MENTIONED IN PARAGRAPH (A) ABOVE, WITH THE NECESSARY MODIFICATIONS, SHALL APPLY IN RELATION TO OFFICE HOLDERS UNDER THE AUTHORITY AS THEY APPLY IN RELATION TO EMPLOYEES OF THE AUTHORITY;

‘EMPLOYEE’ MEANS A PERSON EMPLOYED UNDER A CONTACT OF SERVICE;

‘OFFICE HOLDER’ IN RELATION TO THE AUTHORITY MEANS THE HOLDER OF ANY PAID OFFICE APPOINTMENTS TO WHICH ARE OR MAY BE MADE OR CONFIRMED BY THE AUTHORITY OR BY ANY JOINT BOARD ON WHICH THE AUTHORITY IS REPRESENTED OR BY ANY PERSON WHO HOLDS SUCH OFFICE OR IS AN EMPLOYEE OF THE AUTHORITY.

<p>5. INFORMATION IN RESPECT OF WHICH A CLAIM TO LEGAL PROFESSIONAL PRIVILEGE COULD BE MAINTAINED IN LEGAL PROCEEDINGS</p>	
<p>6. INFORMATION WHICH REVEALS THAT THE AUTHORITY PROPOSES:</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment</p>	
<p>7. INFORMATION RELATING TO ANY ACTION TAKEN OR TO BE TAKEN IN CONNECTION WITH THE PREVENTION, INVESTIGATION OR PROSECUTION OF CRIME</p>	

Public Interest Test and Planning Applications by the Council

4.26 Information which falls within paragraphs 1 to 7 can only be exempt information if:

- (a) It does not relate to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992; and / or
- (b) In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Rules Applying to Executive (Cabinet) Decisions

4.27 The following rules apply to executive meetings where Key Decisions are made.

4.28 The Leader shall set the financial threshold (the Key Decision Financial Threshold) at which executive decisions will be Key Decisions in accordance with the statutory definition and any statutory guidance.

4.29 The current Key Decision Threshold is detailed in **Part 4** .

4.30 Subject to the Rule 4.34 and Rule 4.35 below relating respectively to General Exceptions and Special Urgency, a Key Decision may not be taken unless a Forward Plan has been published at least twenty-eight days in advance containing the information set out below in respect of each Key Decision to be made:

- (a) The subject matter in respect of which the Key Decision is to be made;
- (b) The identity of the Key Decision maker (whether a body or individual);
- (c) The date on which, or the period within which, the Key Decision is to be made;
- (d) A list of documents submitted to the Key Decision maker for consideration in relation to the matter in respect of which the decision is to be made;
- (e) The address from which any document listed is available;
- (f) The fact that other documents relevant to those matters may be submitted to the Key Decision maker; and
- (g) The procedure for requesting details of those documents (if any) as they become available.

4.31 The Forward Plan may not contain any confidential information or exempt information, or the particulars of the advice of a political assistant (if any).

4.32 The Forward Plan must be made available for inspection by the public on the Council's website and at the Council's offices.

4.33 The Forward Plan is published on the Council's website.

General Exception to Publication of Key Decisions on the Forward Plan (The General Exception Rule)

4.34 If it is impracticable to include a Key Decision on the Forward Plan, then subject to the Special Urgency Rule below (Rule 4.35) the decision may still be taken if:

- (a) The Monitoring officer informs the Chair of the overview and Scrutiny Committee by notice in writing of the proposed Key Decision; or, if there is no appointed Chair or the Chair is unavailable, each member of the overview and Scrutiny Committee;
- (b) The Monitoring officer publishes a notice that the Key Decision will be taken and the reasons why it is impracticable to give the twenty-eight days' notice required by the Forward Plan before making the decision. The notice must be published on the Council's website and at the Council's offices; and
- (c) There are at least five clear working days between the day the notice is published and the day the decision is made.

Special Urgency for Key Decisions (The Special Urgency Rule)

4.35 If by virtue of the date by which a Key Decision must be taken, the General Exception Rule (Rule 4.34 above) cannot be followed, then the Key Decision can only be taken:

- (a) If the Chair of the overview and Scrutiny Committee agrees that the making of the Key Decision is urgent and cannot reasonably be deferred to a meeting where the General Exception Rule can be met;
- (b) If there is no Chair of the overview and Scrutiny Committee or the Chair is not available, the Deputy Chair of the overview and Scrutiny Committee's agreement must be obtained.

4.36 As soon as reasonably practicable after the decision maker has obtained agreement as above the Monitoring officer must publish on the Council's website and make available at the Council offices a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred.

Reports on Special Urgency Key Decisions

4.37 The Leader will submit to the Council a report on any Key decision taken in accordance with the Special Urgency Rule (Rule 4.35) to the next ordinary meeting of the Council with the particulars of the Key Decision.

Procedure Prior to Private Meetings of the Cabinet

4.38 The Leader shall hold all Cabinet meetings in public (with discretion to hold matters in private if exempt information is being considered) but the Cabinet has the additional power to hold meetings in private which may occur where the only items on the agenda are likely to be exempt and it is not proportionate to hold the meeting in public for only the procedural items on the agenda.

4.39 If the Cabinet intends to hold all or any part of a meeting in private, it will:

- (a) Publish a notice of this intention on the Forward Plan; and
- (b) At least five clear working days before the meeting give a further notice of the private meeting and make this available for public inspection on the Council's website and at the Council's offices.

4.40 The notice will include:

- (a) A statement of the reasons for the meeting to be held in private;
- (b) Details of any representations received as to why the meeting should be open to the public; and
- (c) A statement of the response to any such representations.

4.41 Where the date by which a meeting must be held means that the notice requirements above are impracticable, the meeting will only be held in private if:

- (a) The Chair of the overview and Scrutiny Committee agrees that the meeting is urgent and cannot reasonably be deferred;
- (b) If there is no Chair of the overview and Scrutiny Committee or the Chair is not available, the Vice Chair of overview and Scrutiny Committee's agreement must be obtained.

4.42 As soon as reasonably practicable after agreement is obtained, the Cabinet will make available for public inspection on the Council's website and the Council's offices a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

Record of Decisions

4.43 After any meeting of the Cabinet or a sub-committee of the Cabinet the Proper officer will produce a written record of every decision taken at that meeting including:

- (a) A record of the decision and the date it was made;
- (b) A statement of the reasons for each decision and any alternative options considered and rejected at that meeting; and
- (c) A record of any declarations of interest made by any member of the decision-making body and a note of any dispensation granted in respect of any declaration.

Additional Rights of Access to Information for Scrutiny Committee Members

4.44 Subject to the Rules 4.48 to 4.49 below, a member of the overview and Scrutiny Committee is entitled to copies of any document which is in the possession or control of the Cabinet which contains material relating to:

- (a) Any business transacted at a Cabinet meeting or a meeting of a Cabinet sub-committee;
- (b) Any decision taken by the Leader or the Cabinet;

4.45 Any documents requested must be provided as soon as is practicable and, in any case, no later than ten clear working days after receipt of the request.

4.46 A Scrutiny Committee member will not be entitled to:

- (a) Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (b) A copy of a document or part of a document containing the advice of a political assistant (if any); or
- (c) Any draft document that was considered prior to the final report.

Additional Rights of Access to Information for All Councillors

4.47 Any councillor will be entitled to inspect any document in the possession or under the control of the Council:

- (a) Which relates to any business to be transacted at a meeting of Council, a Council Committee or a sub-committee of a Council Committee;
- (b) Except any part of a document that contains confidential or exempt information; or
- (c) Any draft document that was considered prior to the final report.

4.48 Any councillor will be entitled to inspect any document in the possession or under the control of the Cabinet or a sub-committee of the Cabinet:

- (a) Which relates to any business to be transacted at a public meeting of the Cabinet or sub-committee of the Cabinet;
- (b) Except any part of a document that contains confidential or exempt information or the advice of any political assistant (if any); or
- (c) Any draft document that was considered prior to the final report.

4.49 Any councillor is entitled to inspect at the conclusion of a meeting of the Cabinet or a sub-committee of the Cabinet:

- (a) Any document which is in the possession, or under the control, of the Cabinet or a sub-committee of the Cabinet and which contains material relating to any business previously transacted at a private meeting; or
- (b) any decision taken by the Leader or the Cabinet.

4.50 Councillors may not inspect any part of a document that contains confidential or exempt information or advice of a political assistant (if any) if it falls within:

- (a) Category 3 in the table at paragraph 4.25 above unless it contains information that relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract; or
- (b) Category 6 in the table at paragraph 4.25 above.

operational Decisions

4.51 Decisions delegated to officers under the Scheme of Delegation to officers set out under Part 7 of this Constitution are known as 'operational Decisions'.

4.52 operational Decisions are not required to be published unless:

- (a) The operational Decision would otherwise have been taken by the Council, a Council Committee, Council Sub-Committee or a Joint Committee; and
- (b) The decision is to:
 - (i) grant a permission or licence; or

- (ii) affect the rights of an individual; or
- (iii) award a contract or incur expenditure which, in either case, materially affects the Council's financial position.

4.53 An officer making an operational Decision must keep a clear written record of the decision which includes the following:

- (a) The delegating power (whether under the Constitution, the Scheme of Delegation to officers or an express delegation in relation to the decision);
- (b) A record of the operational Decision taken and the reasons for the decision, including the date it was made;
- (c) Details of alternative options, if any considered and rejected;
- (d) Details required to be recorded in accordance with any other Council Rules or procedures (eg the Contract Procedure Rules set out under Part 7 of this Constitution).

4.54 The requirement to maintain a written record of an operational Decision will be satisfied if the officer has recorded the decision in accordance with any other statutory requirements.

4.55 Records of operational Decisions which are required to be published must be retained for a minimum of six years. operational Decisions which are not required to be published must be retained in accordance with the Council's Record Retention Policy.

4.56 Where an operational Decision must be published, the written record of the operational Decision and any background papers must be made available for public inspection on the Council's website and at the Council's offices as soon as reasonably practicable

5. THE PETITION SCHEME

- 5.1 The Council welcomes petitions and recognises that they are one way in which people can let the Council know their views.
- 5.2 Anyone who lives, works or studies in the City of Southend-on-Sea (including under 18's) can sign or organise a petition.
- 5.3 The Council is pleased to advise that it agreed that the Petition Scheme should continue to operate notwithstanding the repeal of the relevant legislation (by s46 of the Localism Act 2011).

Southend-on-Sea City Council's petition scheme can be found here <https://democracy.southend.gov.uk/mgEPetitionListDisplay.aspx?bcr=1>

PART 2. THE COUNCIL

Section

1. The Council
2. The Role of Councillors
3. The Council Procedure Rules
4. Budget and Policy Framework
5. Budget and Policy Framework Procedure Rules
6. The Honorary Titles

1. THE COUNCIL

Composition

- 1.1 The Council comprises fifty-one councillors (also called 'Members') elected for a term of office of four years.
- 1.2 Councillors shall retire together in every such fourth year on the fourth day after the ordinary day of election of councillors and the newly-elected councillors shall come into office on the day on which their predecessors retire.
- 1.3 Southend-on-Sea City Council's councillors represent seventeen areas known as Wards across the city. Each Ward has three councillors.
- 1.4 Each councillor represents a roughly equivalent number of electors.
- 1.5 If a councillor resigns or leaves office for another reason, a by-election is held to fill the "casual" vacancy in accordance with a statutory procedure, unless it is within six months of the next ordinary local elections in which case the casual vacancy will be filled at those elections.

The Role of the Council

- 1.6 The Council's role (its "functions") are:
 - (a) Adopting and amending the Council's Constitution (this Constitution);
 - (b) Approving or adopting the Council's Budget and Policy Framework;
 - (c) Setting the Council Tax;
 - (d) Subject to the urgency procedure of the Council's Budget and Policy Framework Procedure Rules, making decisions which relate to an executive function which is covered by the Budget and Policy Framework, when the decision would be contrary to, or not wholly in accordance with the Budget, or would be contrary to the Policy Framework;
 - (e) Appointing and removing the Leader of the Council;
 - (f) Deciding the size, nature and composition of the Council's Committees, appointing the Chairs and Vice Chairs for the Committee and agreeing and / or amending the terms of reference of the Committees;
 - (g) Appointing councillors to represent the Council on outside bodies (unless the appointment is, or relates to, an executive function, or it has been delegated by the Council to an individual or Council body);
 - (h) Adopting, amending, revoking or replacing the Code of Conduct for Councillors and the Council's Arrangements for dealing with complaints against councillors;
 - (i) Adopting, amending, revoking or replacing the Scheme of Member Allowances;

- (j) Passing byelaws and local legislation;
- (k) Confirming and terminating the appointment of the Council's Head of Paid Service (Chief Executive) and certain Statutory officers;
- (l) Discharging the functions which must be reserved to the Council as a matter of law;
- (m) Discharging the non-executive functions specified in this Constitution as being the responsibility of the Council;
- (n) Appointing Honorary Aldermen and Honorary Freemen in accordance with Council's Scheme.

2. THE ROLE OF COUNCILLORS

2.1 All councillors:

- (a) Make decisions collectively, as part of a member body or individually where they are reserved or delegated to a Cabinet member for decision;
- (b) Represent the Council and its interests on other bodies;
- (c) Maintain the highest standards of conduct and ethics in performing their role and ensure they do not participate in decisions or influence decisions where the Code of Conduct for councillors set out under Part 6 of this Constitution, or the law, prohibits their participation;
- (d) Contribute to the good governance and high ethical standards of the city of Southend-on-Sea as a whole;
- (e) Are community leaders, actively encouraging community participation and resident involvement in Council decision making;
- (f) Effectively represent the interests of their Ward and of individual residents including those who did not vote for them;
- (g) Respond to residents' enquiries and representations fairly and impartially;
- (h) Agree to comply with the Code of Conduct for Councillors and the Rules and Protocols set out under this Constitution;
- (i) Must register disclosable pecuniary interests and other interests in the Council's Register of Member Interests within twenty-eight days of being elected and thereafter ensure their registered interests are up to date; and
- (j) Must declare interests at meetings and take appropriate action in accordance with the Code of Conduct for councillors.

The Mayor

- 2.2 The Mayor is elected by the Council at its Annual Meeting each year, which is usually held in May. The Council also elects a Deputy Mayor who acts as the Mayor when the Mayor is not available.
- 2.3 The Mayor (and Deputy Mayor) undertake civil and ceremonial roles on behalf of the Council and represent the Council at events. The Mayor promotes public involvement in the Council's activities.
- 2.4 Although the Mayor is an elected councillor and has a vote, they have a duty to be impartial in carrying out the role of Mayor.
- 2.5 The Mayor presides over meetings of the the Council to ensure that business is carried out effectively and has responsibilities for upholding and interpreting this Constitution.

The Mayor's rulings on the Constitution or on any proceedings or meetings of the Council cannot be challenged, although their interpretation must have regard to the purposes of this Constitution and must be reasonable and lawful.

2.6 The Mayor **cannot be a member** of an overview and Scrutiny Committee.

3. THE COUNCIL PROCEDURE RULES

Purpose and Interpretation

- 3.1 The Council Procedure Rules (hereinafter in this Section 3 'Rules') govern the conduct of meetings of the Council. The Rules shall be read in conjunction with the Constitution in its entirety and are subject to any statute or other enactment whether passed before or after these Rules came into effect.
- 3.2 The Mayor's ruling on the application and interpretation of these Rules is final and, once made, shall not be questioned in meetings. The Monitoring officer shall advise the Mayor and Council on the construction, interpretation, or application of any part of these Rules.
- 3.3 References to "meeting" mean an annual meeting, an ordinary meeting and an extra ordinary meeting of the Council as the case may be.
- 3.4 References to the Mayor, the Leader or opposition Leader or spokesperson shall in their absence from a meeting or item include their appointed deputy.
- 3.5 References to the Chief Executive shall apply to their deputy and in their absence to the Monitoring officer.
- 3.6 References to "days" shall mean calendar days, unless specified to be clear working days.
- 3.7 "Council" means a meeting of all the councillors as a single body, including when it exercises decision making powers.
- 3.8 Where a deadline or time limit is stated in these Rules, it shall mean 11.59pm on that day unless otherwise stated or defined by law.
- 3.9 Requirements for notices in writing or signatures includes electronic communications and signatures but excludes social media and text messages.

The Annual Meeting

- 3.10 The Council shall hold an Annual Meeting each year on the following dates:
 - (a) In the year when ordinary elections are held, between the eighth and 21st day immediately following the day of retirement of councillors (which is on the fourth day after the day of the election);
 - (b) In any other year, on any day in March, April or May as the Council may fix.
- 3.11 The order of business at the Annual Meeting will be:
 - (a) To elect the Mayor for the ensuing municipal year;
 - (b) To appoint the Deputy Mayor for the ensuing municipal year;
 - (c) To approve the minutes of the last meeting of the Council;

- (d) To receive any announcements from the Mayor and / or Chief Executive;
- (e) To receive a report from the Chief Executive on the outcome of the Election (if applicable), the membership and size of the Political Groups, the councillors appointed by their groups as the group Leaders, deputy Leaders and whips;
- (f) To elect a Councillor as Leader of the Council for a term of **four** years;
- (g) To receive a report (either verbal or written) from the Leader and they may speak for up to five minutes setting out:
 - (i) the Council's priorities;
 - (ii) the appointment of between two and nine Councillors to the Cabinet; 'Cabinet Members');
 - (iii) the appointment of one of the Cabinet Members as the Deputy Leader;
 - (iv) the allocation of portfolios to Cabinet Members, if any;
 - (v) the scheme of delegation for the exercise of executive powers;
- (h) To appoint one or more overview and Scrutiny Committees and to determine their terms of reference;
- (i) To appoint such other Committees and their terms of reference as the Council considers appropriate to discharge non-executive functions that are not reserved by law or under this Constitution for determination by Council;
- (j) To agree the allocation of seats on the Committees in accordance with the political proportionality (where applicable) for nomination subsequently by Political Groups to:
 - (i) The Scrutiny Committees;
 - (ii) The other Committees;
 - (iii) outside bodies on which the Council wishes to be represented;and
 - (iv) to appoint the Chairs and Vice-Chairs of the Scrutiny Committees and other Committees or outside bodies as necessary;
- (k) To agree the appointment of alternate members of the Scrutiny Committees and the other Committees if necessary(except the Cabinet);
- (l) To approve a schedule of ordinary meetings of the Council for the municipal year and approve a scheduled of ordinary meetings of the Scrutiny Committees and the other Committees; and
- (m) To consider any other ordinary business set out in the notice convening the meeting.

3.12 No other business may be transacted at the Annual Meeting except with the agreement of the Mayor.

ordinary Meetings

3.13 ordinary Meetings of the Council will take place in accordance with a programme decided at the Annual Meeting.

The Agenda

3.14 The agenda of ordinary Meetings shall be as follows and in the following order, unless the Mayor decides otherwise:

- (a) To elect a councillor to chair the meeting if the Mayor and Deputy Mayor are absent;
- (b) To receive apologies for absence;
- (c) To receive any declaration of interests from any councillor;
- (d) To approve the minutes of the last meeting and any Extraordinary Meetings. The Mayor shall move that the minutes be approved and, if so approved, shall sign them as a correct record. There shall be no discussion on the minutes except a councillor may move an amendment as to their factual accuracy which shall be voted on without discussion;
- (e) To receive any announcements from the Mayor;
- (f) To receive any announcements from the Chief Executive;
- (g) To receive any announcements from the Leader of the Council (or a Cabinet Member nominated by the Leader) for a maximum time of **four minutes**;
- (h) To receive any response to the Leaders announcements from the Leader of the opposition for a maximum time of **four minutes**; the Leader of other political groups **two minutes** and a spokesperson for the unaligned councillors **two minutes**;
- (i) The Leader is then provided with a maximum of **four minutes** to sum up any response they wish to make to the comments made on their announcements;
- (j) To consider any public statements;
- (k) To consider councillor questions;
- (l) To receive any petitions;
- (m) To receive any items of business for decision by Council. The Chief Executive will determine what items of business are placed on the Council agenda ensuring it discharges its statutory duties and powers. The Chief

Finance officer and the Monitoring officer may require items to be included on the agenda in the discharge of their statutory duties;

- (n) To consider any motions before the Council submitted in accordance with these Rules; and
- (o) To agree any seat allocation to Committees of the Council, the Scrutiny Committees or any outside bodies.

3.15 .

Urgent Items of Business

3.16 The Mayor may agree that an item of business not included in the agenda for a meeting sent with the summons may be taken for reasons of urgency (which must be specified) following receipt of the Monitoring officer's advice.

3.17 So far as is practicable, public notice will be given of any urgent item of business.

Council Tax Setting Meeting

3.18 Each year the Council must hold a meeting for the purpose of setting Council Tax and Council's budget for the following year for agreement by midnight on 10 March.

3.19 These Rules set out specific provision for the length of speeches, voting and the approval of the Council Tax and budget at this meeting and the following additional rules shall apply.

3.20 The only business transacted at the meeting will be:

- (a) The setting of the Council Tax for the following year;
- (b) The agreement of the Council's budget and related decisions determined by the Council's Chief Finance officer;
- (c) If it is the final meeting before the end of the Financial Year, any decisions that are required by law to be made by Council; and
- (d) Any business agreed by the Mayor following advice from the Monitoring officer.

3.21 Councillors are required under section 106 of the Local Government & Finance Act 1992 to declare if they are in any arrears of Council Tax which have remained unpaid for a period of two months or more at the date of the meeting. Any Councillor making such a declaration may not vote on the setting of the Council Tax.

Amendments to the budget and Council Tax

3.22 Proposed amendments to the setting of the Council Tax and budget will be submitted to the Monitoring officer by a Councillor by no later than 12 noon on the Friday preceding the meeting to enable the Council's Chief Finance officer to advise the budget setting meeting on the legality of the proposed amendment.

Extraordinary Meetings

- 3.23 An extraordinary meeting of the Council may be convened at other times by:
- (a) The Mayor; or
 - (b) The Monitoring officer or Chief Finance officer to consider a report in the discharge of their statutory duties.
- 3.24 Five Councillors may present a requisition to the Mayor to hold an Extraordinary Meeting. A requisition must:
- (a) Be in writing (electronic format is acceptable);
 - (b) Be signed (email confirmation is acceptable) by **at least five councillors** and identifying a Councillor to whom the Mayor, following consultation with the Chief Executive and Monitoring officer, should respond (the Lead Councillor’);
 - (c) State the purpose of the meeting including a motion which sets out why an Extraordinary Meeting is necessary in accordance with these Rules;
- 3.25 If the Mayor either refuses to call an Extraordinary Meeting or fails to call a meeting within seven days of the presentation of the requisition, the five Councillors may call an Extraordinary Meeting.
- 3.26 No other business may be transacted at an Extraordinary Meeting except with the agreement of the Mayor.
- 3.27 The Mayor may hold an Extraordinary Meeting on the same day as an ordinary Meeting. The meeting will last for ninety minutes.
- 3.28 The Chief Executive may cancel an Extraordinary Meeting at any time if requested to do so in writing by the Lead Councillor.

Time and Place of Meetings

- 3.29 The Proper officer (the Chief Executive) will give notice to the public of the time and place of any meeting of the Council in accordance with the Access to Information Procedure Rules.
- 3.30 Unless otherwise determined or required by law, Council meetings will be held in the Civic Centre at 6.30pm.
- 3.31 At least five clear working days before a meeting the Proper officer (the Chief Executive) shall send a summons, signed by them, by post to every councillor or leave it at their usual place of residence, or by email sent to a councillor’s official email account.
- 3.32 The summons will give the date, time and place of each meeting and specify the business to be transacted. The summons will be accompanied by such reports as are available.

Quorum

- 3.33 The quorum of a meeting shall be one third of the membership eligible to vote or the nearest whole number above one third.
- 3.34 If the Mayor counts the number of councillors present at a the Council Meeting and declares there is not a quorum, then the meeting will adjourn immediately for a period of up to **fifteen minutes** (or thirty minutes where the Mayor has allowed more than one adjournment) to allow a quorum to be present.
- 3.35 If after a period of **fifteen minutes** (or thirty minutes where two adjournments have occurred) there is still no quorum, the Mayor shall close the meeting and any remaining business will be considered at the next ordinary Meeting or at a time and date fixed by the Mayor.
- 3.36 Meetings of the Council will close three and a half hours after the time of the start of the meeting as advertised on the agenda, except as determined below:
- (a) the Mayor may at their discretion, suspend the meeting for such period of time that they may consider necessary. If the meeting is suspended, for whatever reason, the length of time of the suspension will be added back to the meeting so that the meeting is in session for three and a half hours without the need to extend the meeting;
 - (b) Meetings of the Council shall terminate in the matter set out below unless:
 - (i) The business of the meeting has been completed before the end of three and a half hours after the meeting commenced; or
 - (ii) By resolution passed before the closure time, the Council resolved to extend the meeting beyond that time; or
 - (iii) No meeting of the Council, except the budget meeting, shall continue beyond 11pm save where required to deal with matters as set out below.
 - (c) When the meeting is to terminate, business will be determined as follows:
 - (i) The Mayor will advise the Council of the procedure to terminate the meeting is to be applied;
 - (ii) Any speeches in progress shall be immediately concluded;
 - (iii) The Mayor will put any motion or any recommendation then under consideration to the vote without further discussion;
 - (iv) All remaining business before the Council, including recommendations, motions and amendments shall be put to the vote without discussion. All remaining business will be taken as proposed and seconded as necessary.

Duration of Meetings

Interruption of the meeting after three hours

3.37 If the business of **any** Council meeting has not been concluded within **three and a half hours** (including any period of adjournment or otherwise), the Mayor must interrupt the meeting and call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion. These Council Procedure Rules except those relating to disorderly conduct and voting will be suspended.

Motions and recommendations outstanding after three hours

3.38 If there are other motions or items of business on the agenda that have not been dealt with within the three hour time limit, the Mayor will ask the mover of the motion or item of business if they wish to withdraw the motion or item.

3.39 If the motion or item of business is not withdrawn by the mover, the motion or item will be deemed formally moved and seconded and any amendments will be deemed to have been formally moved and seconded. No speeches will be allowed on these items and the vote will be taken in the usual way.

3.40 Items to make appointments will be considered as set out in these Rules but without debate.

3.41 When all the business on the meeting agenda is completed, the Mayor will close the meeting.

Voting at Meetings

3.42 Unless provided otherwise in this Constitution, any matter will be decided by a simple majority of those Councillors physically present in the room and eligible to vote on the matter.

3.43 Voting in respect of the Budget and Policy Framework will comply with the additional Budget and Policy Framework Procedure Rules relating to those decisions set out below under Section 5.

Mayor's casting vote

3.44 If there is an equality of votes for and against on any matter, the Mayor shall have a casting vote. There is no restriction on how the Mayor chooses to exercise a casting vote.

Electronic voting

1.2 Unless a recorded vote is validly demanded or required by law, the Mayor will take the vote by the use of electronic voting system for any matter. If the electronic voting system fails then the Mayor shall ask the meeting to signify agreement on the voices unless the decision on the voices is unclear in which case a vote by a show of hands will be used.

Recorded vote

- 3.45 If seven councillors physically present in the room demand it, the names for and against a decision or abstaining from voting will be recorded and entered into the minutes.
- 3.46 A recorded vote must be taken at the Council Tax Setting Meeting in respect of the setting of the Council Tax and budget and any proposed amendments to these proposals.
- 3.47 The Chief Executive officer will call out councillors' names who will in response indicate immediately if they are voting for or against the matter or are abstaining from voting.
- 3.48 In the event of an equality of votes on a recorded vote, the Mayor will have a casting vote which will be recorded.

Right to require individual vote to be recorded

- 3.49 Where immediately after a vote is taken, a councillor requests it, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on appointments

- 3.50 If there are more than two councillors or other persons nominated for any position to be filled and there is not a majority of votes in favour of one councillor / person, the name of the councillor / person with the least number of votes will be removed from the list and new vote taken. This process will continue until there is a majority of votes for one councillor / person.
- 3.51 Where there are two or more appointments to be made to an outside body and there are more nominations than there are appointments to be made, a vote will be taken on each appointment according to the process set out above at Rule 3.51.

Councillors' Speaking Rights and Length of Speeches

- 3.52 Councillors may only speak when provided for by these Rules and must remain silent when other councillors speak or the Mayor is speaking.
- 3.53 Councillors may stand to speak, if they wish..
- 3.54 Councillors shall be seated and remain silent when the Mayor speaks or requests a councillor to stop speaking.

Length of speeches

- 3.55 Unless otherwise stated in these Rules, a councillor shall speak for **four minutes** or such time as may be fixed by the Mayor.

Final speeches

3.56 Retiring councillors are able to speak for **two minutes** about their final term of office at the final Council meeting before the election.

Residents' Question Time

3.57 At each ordinary meeting of the Council, there shall be thirty minutes for members of the public to ask questions. No questions may be asked at the Annual Council meeting or any Extraordinary meeting.

3.58 The procedure in relation to such questions shall be as follows:

- (a) A person resident in Southend may, if the question has been submitted in writing to the Committee Section (email: committeesection@southend.gov.uk) not later than 12.00pm, nine clear working days before the date of the meeting of the Council, ask the relevant Cabinet Member any question(s) on any matter which the Council has powers or duties or which directly affects the Council. The question shall not exceed one hundred and fifty words in length.

3.59 The Monitoring officer may reject a question if it:

- (a) is not about a matter for which the Council has responsibility or which directly affects Southend;
- (b) seeks to ask the Council to act in a way that is ultra vires (outside its powers), unlawful or illegal;
- (c) is defamatory, frivolous or offensive;
- (d) is substantially the same as a question which has been put at a Council meeting in the last six months; or
- (e) requires the disclosure of confidential or exempt information.

3.60 The Mayor shall call the questions in the order that they have been received and the member of the public submitting the question shall then read it out. If the questioner is not present when the question is called, a written reply of no more than two hundred and fifty words shall be provided.

3.61 There shall be no speech or discussion allowed on any question or reply.

3.62 Not more than two questions may be asked by any one person at any one meeting.

3.63 If there is insufficient time (thirty minutes) to answer all public questions, a written reply of no more than two hundred and fifty words will be sent to the questioner.

Councillors' Questions

3.64 Every Councillor may submit two questions in writing for response by the Leader at ordinary Meetings in accordance with Rule 3.66 and Rule 3.67 below.

- 3.65 Questions must be submitted in writing to the Monitoring officer by **12 noon on the seventh clear working day before the day of the meeting** and the first two questions submitted will be accepted for each Political Group.
- 3.66 The Monitoring officer **must** reject a question where:
- (a) It is not about a matter for which the Council or the Cabinet has responsibility;
 - (b) It is defamatory, frivolous or offensive;
 - (c) It is substantially the same as a question which has been put at a meeting of the Council in the past six months;
 - (d) It requires the disclosure of confidential or exempt information; or
 - (e) Requests an act or omission which would be unlawful or which the Council could not implement in practice.
- 3.67 The Monitoring officer may, if the deadline at Rule 3.66 above has not passed, offer a Political Group submitting the question the opportunity to amend a question to comply with these Rules and may accept a revised question if received before the deadline.
- 3.68 For the avoidance of doubt, neither the Monitoring officer nor any other officer is under any obligation to assist in the revision of any question.
- 3.69 A maximum of **thirty minutes** will be allocated for councillors' questions and no extensions shall be agreed.
- 3.70 The Leader, or if the Leader chooses, a Cabinet Member will provide written replies to all valid questions but has discretion to provide an oral response instead as set out at Rule 3.72 and Rule 3.73 below.
- 3.71 Written questions and replies will be taken as read in the meeting.
- 3.72 If the Leader and / or Cabinet Member provides an oral response they have **four minutes** to speak.
- 3.73 A councillor may ask one supplementary question.

Presentation of Petitions

- 3.74 At the meeting of the Council any Councillor may present a petition. The Councillor presenting the petition shall satisfy themselves that the petition is proper to be received.
- 3.75 All petitions must be received by the Committee Section (email: committeesection@southend.gov.uk) at least twelve clear working days before the meeting either in paper or electronic form (created through the use of the Council's online e-petitions facility).
- 3.76 A petition can be presented at Council if: (a) It contains the signatories and addresses of anyone who lives, works or studies in the City (including under 18s);(b) It is relevant to some matter in relation to which the Council has functions, or which affects the area

of the Council, or part of it, or the inhabitants of the area or some of them; and (c) It asks for action to be taken or ceased.

3.77 A petition shall not be presented at Council if:

- (a) It is submitted in connection with a planning or licensing decision or any matter where there is a statutory right of appeal or review. Such petitions will be dealt with under the relevant statutory provisions;
- (b) It relates to a matter which is currently the subject of a formal public consultation process being undertaken by the Council;
- (c) It criticises the conduct of a named individual;
- (d) It is vexatious or abusive or otherwise inappropriate;
- (e) It is identical or similar to a petition submitted in the past six months; or
- (f) It is an electronic petition which has not been created using the Council's online e-petitions facility.

3.78 The presentation of the petition shall be limited to not more than one minute and shall be confined to reading out, or summarising the purpose of the petition, indicating the number and description of the signatories and making such further supporting remarks relevant to the petition as the Councillor thinks fit.

3.79 Petitions shall be presented in the order in which notice of them is received by the Committee Section.

3.80 The Council shall refer petitions signed by one hundred or more persons to the Cabinet, Cabinet Committee or relevant Scrutiny Committee as it thinks fit. The Council shall refer petitions signed by fewer than one hundred persons to the Chief Executive or relevant Executive Director for response as appropriate.

Agenda Items

3.81 Agenda items requiring a Council decision will:

- (a) Be moved and seconded but this may be done formally without speeches (by reference to moving the recommendations or otherwise); and
- (b) Will otherwise be subject to the Rules for motions as set out below.

Motions on Notice

3.82 The following Motions on notice shall be considered at ordinary Meetings:

3.83 The total time permitted for consideration of each motion for debate shall be no more than twenty minutes (for a total of sixty minutes) with the normal rules of debate applying.

3.84 If there is not sufficient time to debate any motion before the Council Meeting finishes, the motion shall be put to the vote without further discussion or proposed and seconded as necessary.

3.85 Any motion that relates to the functions of the executive shall be proposed and seconded and then immediately referred to Cabinet without debate.

3.86 A councillor can propose one motion to the same meeting.

3.87 Democratic Services will publish:

- (a) Actions taken in response to motions that have been passed, including any reply from any external body; and
- (b) Actions taken in response to a motion submitted but not considered at the Council.

Submission of motions

3.88 A councillor may submit a motion as follows:

- (a) The motion must be in writing by two councillors who will propose and second the motion;
- (b) The motion must be submitted to Democratic Services at least **nine clear working days before the publication date for the meeting**; and
- (c) The motion must clearly set out the decision or action that the Council is being asked to undertake and if the decision or action is an executive function that can only be discharged by the Cabinet, the motion must state that it is a request to the Cabinet to consider the decision or action.

Motion to rescind a previous motion

3.89 A motion or amendment to rescind a decision made at a Council meeting **within the past six months** cannot be moved unless the notice of motion is signed by the number of councillors that would constitute a quorum of the Council.

3.90 When the Council has determined any such motion or amendment, a councillor cannot propose a similar motion **within six months of the date of the determination**.

Submission of motions on urgent matters

3.91 The Mayor may accept a motion submitted after the deadline for the submission of motions where they determine the motion:

- (a) Complies all other Rules relating to motions;
- (b) Relates to matters that arose after the deadline for the submission of motions on notice; and
- (c) It is a matter which cannot reasonably be considered by the next Council meeting or by another Council body or officer before the next meeting.

3.92 The Mayor shall seek the advice of the Monitoring officer when considering a motion submitted under Rules 3.89. to 3.92.

The scope and validity of motions

3.93 The Monitoring officer must reject a motion if it is:

- (a) About a matter intended for inclusion on the published agenda for that meeting;
- (b) About a matter for which the Council has no power to act or affect the desired outcome, other than motions that request the Council make representations to regional government (if any) or central government;
- (c) About a matter that is delegated for determination by another Council body or may be determined by an officer acting under delegated powers (e.g., individual regulatory decisions);
- (d) Defamatory, frivolous, offensive or insulting to any person or persons;
- (e) The same or substantially the same as a motion which has been put at a meeting of Council in the **past six months**;
- (f) Requires the disclosure of confidential or exempt information; or
- (g) Requires an act or omission which is either unlawful or incapable of having practical effect.

3.94 The Monitoring officer may, but is not required to, advise a councillor submitting a motion on its contents but the sole responsibility for compliance with these Rules rests with the councillor submitting the motion.

Motions to remove the Leader

3.95 The Leader can only be removed by a resolution of Council made on notice and in accordance with the procedure set out in the Cabinet Procedure Rules in Part 4 of this Constitution.

3.96 Where a motion of no confidence in the Leader is passed, the Council must immediately elect a new Leader.

The Conduct of Debates

Moving and withdrawing motions

3.97 A motion must be moved by the councillor who submitted it or the Mayor shall treat the motion as withdrawn.

3.98 The mover of a motion may withdraw their motion:

- (a) By notice in writing to Democratic Services **up to 5pm the day before meeting**; or
- (b) At the meeting before the item is proposed with the consent of the seconder or during the debate with the consent of Council and without further debate.

Alteration of motions

- 3.99 A councillor may seek to alter a motion directly after they have moved the motion and at no other time.
- 3.100 only alterations that could be moved as amendments can be sought and, for the avoidance of doubt, alterations may include an alteration to accept one or more proposed amendments.
- 3.101 The Mayor must seek the meeting's consent to the alteration, which will be signified without discussion.
- 3.102 The Mayor may require a written copy of the altered motion to be drafted and circulated to all councillors and may adjourn the meeting for this purpose.
- 3.103 Minor alterations to correct typographical errors or other minor errors that do not impact on the meaning of the motion may be moved by the Mayor and will be agreed with the consent of the meeting without debate.

Amendments to Motions

- 3.104 Amendments to motions must be submitted by a councillor.
- 3.105 only one amendment may be received in the name of a councillor.
- 3.106 Amendments must be submitted to Democratic Services at least **three clear working days before the day of the meeting** and:
- (a) Must be in writing and signed by two councillors as proposer and seconder;
- 3.107 An Amendment must be relevant to the motion and must not negate the motion or replace the notice of motion with a completely new motion and can:
- (a) Refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (b) Leave out words;
 - (c) Leave out words and insert or add other words; or
 - (d) Insert or add words.
- 3.108 The Monitoring officer may reject an amendment if it does not comply with these Rules. The Monitoring officer may provide advice to the councillor or Political Group submitting the amendment but it is the sole responsibility of the Councillor or Political Group to ensure that the amendment complies with these Rules.

Moving and seconding an amendment

- 3.109 An amendment must be moved and seconded before it can be debated.

- 3.110A Councillor seconding an amendment may formally second the amendment and reserve their right to speak to later in the debate. It is a matter of discretion for the Mayor to determine if there is sufficient time to allow the seconder to speak.
- 3.111 The mover of an amendment may seek permission to alter their amendment after they have moved the amendment and before it is seconded and at no other time.
- 3.112 only alterations that could be moved as amendments can be sought and, for the avoidance of doubt, alterations may include alteration to accept one or more other proposed amendments.
- 3.113 The Mayor must seek the meeting's consent to the alteration, which will be signified without discussion.
- 3.114 The Mayor may require a written copy of the altered amendment to be drafted and circulated to all councillors and may adjourn the meeting for this purpose.
- 3.115 Minor alterations to correct typographical errors or other minor errors that do not impact on the meaning of an amendment may be moved by the Mayor and will be agreed with the consent of the meeting without debate.
- 3.116 The mover of an amendment may withdraw their amendment:
- (a) By notice in writing to Democratic Services **up to 5pm on the day of the meeting**; or
 - (b) At the meeting with the consent of Council and without debate.

The Debate

- 3.117 After the motion and any amendments have been moved and, where necessary, seconded, the Mayor will invite councillors who have not moved or seconded the motion or an amendment to speak on the motion and any amendments **as a single debate**.
- 3.118 Councillors wishing to speak must raise their hands at this time so that their names can be taken by the Mayor. No other speakers will be allowed except seconders who have reserved their right to speak.
- 3.119 The selection of speakers is at the Mayor's discretion who will have regard to the desirability of the following:
- (a) Reflecting the overall political proportionality of the Council and the consideration of different points of view so far as is reasonable in the time available;
 - (b) Hearing from a diversity of speakers over the course of the meeting; and
 - (c) Where there is sufficient time to hear from all those wishing to speak.
- 3.120 The Mayor may alter the length of speaking time in time limited debates where the estimated time to be taken by the number of Councillors wishing to speak exceeds the time available.

3.121 The Mayor may, if they considers it conducive to effect debate, allow for debates on any amendments or the substantive motion separately and take a vote on each amendment after it is debated before debating and voting on the original motion (or if any amendments are passed, the amended substantive motion).

When a Councillor may speak again

3.122 A councillor may only speak **once** on an item of business or a motion except:

- (a) To move or second a procedural motion which may be moved during a debate;
- (b) To make a point of order or personal explanation as defined by these Rules; and
- (c) To exercise a right of reply.

Right of reply

3.123 The mover of the motion has a right of reply at the close of the debate. The right of reply must be restricted to replying to issues raised by other councillors in moving amendments or in the course of the debate.

Voting

3.124 Where there are no amendments, a vote is taken on the motion only.

3.125 Where an amendment or amendments are moved and seconded, they shall be voted on first and the voting shall take place as set out below in Rules 3.127 – 3.131.

Voting where there is one amendment

3.126 If the amendment is not carried, the Council will then vote on the original motion.

3.127 If the amendment is carried, the motion is amended and becomes the “substantive motion”.

3.128 A second vote is then held as the substantive motion and if carried it becomes a decision of Council.

Voting on multiple amendments

3.129 If there is more than one amendment they shall be voted upon in order and:

- (a) The voting shall move to the next amendment without amending the motion;
- (b) Where they are carried, they shall amend the motion or amended motion to become the substantive motion; and
- (c) There shall be a final vote on the substantive motion.

3.130 If the Mayor considers it necessary they may require an amended motion and / or the final substantive motion to be drafted and circulated to all councillors and / or read out to all councillors at any stage before a vote is taken.

Motions which may be Moved Without Notice

3.131 The following motions may be moved without notice:

- (a) To appoint a Chair of the meeting where the Mayor and Deputy Mayor are not available to chair the meeting;
- (b) To change the order of business of the meeting;
- (c) To refer a matter to the appropriate body or individual;
- (d) To appoint a Committee or a member of a Committee;
- (e) To withdraw a motion;
- (f) To proceed to the next item of business;
- (g) That the question be now put;
- (h) To adjourn a debate;
- (i) To adjourn a meeting;
- (j) To suspend one or more these Council Procedure Rules so far as is permitted in these Rules and only in the meeting or for part of a meeting;
- (k) To exclude the public and press in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution; and
- (l) To not hear further a councillor named under these Rules or to exclude the councillor from the meeting.

Closure Motions

3.132 The following closure motions may only be moved when the motion and any amendments have been moved and, where required, seconded.

To proceed to the next item of business

3.133 If a councillor moves a motion to proceed to next business, the Mayor will:

- (a) Ask if the motion is seconded and if so;
- (b) Consider whether the item has been sufficiently discussed and if so;
- (c) Will put the procedural motion to the vote.

3.134 If the procedural motion is carried, the Mayor will give the mover of the original motion a right of reply and then move to next business without a vote.

To put questions to the vote

3.135 If a councillor moves a motion that the question is now put, the Mayor will:

- (a) Ask if the motion is seconded and if so;
- (b) Consider whether the item has been sufficiently discussed and if so;
- (c) Will put the procedural motion to the vote.

3.136 If the vote is passed, the Mayor will give the mover of the original motion a right of reply before putting their motion and / or any amendments to the vote.

To adjourn the debate

3.137 If a councillor moves a motion to adjourn the debate, the Mayor will:

- (a) Ask if the motion is seconded and if so;
- (b) Consider whether the item has been sufficiently discussed or cannot reasonably be sufficiently discussed on that occasion and if they consider this is the case, the Mayor will put the procedural motion to the vote.

3.138 If the vote is passed, the Mayor will give the mover of the original motion a right of reply and the motion will be adjourned to the next meeting or such other meeting as agreed.

Point of order

3.139 Any councillor may make a point of order to the Mayor alleging that there has been a breach of these Council Procedure Rules or any other statutory provision.

3.140 A councillor making a point of order must rise to speak stating to the Mayor that:

- (a) They wish to make a point of order; **and**
- (b) Specifying the Council Procedure Rule or statutory provision that has been breached and the way in which they consider it has been broken.

3.141 The Mayor shall consider whether a valid point of order has been raised and:

- (a) If so, take any necessary action;
- (b) If not, continue with the business of the meeting.

3.142 The Mayor's ruling is final.

Point of Personal Explanation

3.143 A councillor who has already spoken in a debate may make a personal explanation where the Mayor agrees that the councillor:

- (a) Has been named by another councillor during the debate; and
- (b) In a manner which reflects adversely upon the reputation of the named councillor.

3.144A councillor who wishes to make a personal explanation must make the request at the end of the current councillor's speech in accordance with following procedure:

- (a) The councillor must rise (unless the councillor considers they are unable to stand to speak due to disability or other mobility issues and in such a case no explanation need be provided by the councillor) to indicate to the Mayor that they wish to make a personal explanation specifying the grounds for the request;
- (b) The Mayor will either agree or refuse the request and the Mayor's decision is final; and
- (c) In making a personal explanation, the councillor must only address the comment in respect of the councillors' reputation.

Press and Public: Access and Exclusion

3.145 Members of the press and public are permitted to attend all meetings in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

3.146 Members of the press and public may only be excluded from a meeting in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

Recording and Filming

3.147 Any person, including councillors, may record or film Council proceedings when the meeting is held in public subject to the following:

- (a) Filming or recording must not disrupt the business and conduct of the meeting;
- (b) In the case of filming, the person filming must remain in the allocated area for filming or a place otherwise agreed by Democratic Services;
- (c) Refrain from filming or recording any member of the public, except where part of the formal proceedings; and
- (d) During a private session of the meeting must not leave any form of recording device in the meeting room and councillors remaining in the meeting must not record or film any private session of the proceedings.

3.148 Permission to film or record Council meetings does not extend to filming or recording of any matter outside of the formal proceedings or before or after the meeting.

3.149 Councillors must ensure that they remain able to fully participate in the meeting whilst filming or recording the meeting.

Councillor Misconduct During Meetings

3.150 If during the course of a meeting a Councillor fails to comply:

- (a) With the NOLAN principles;

- (b) These Rules; or
- (c) An instruction of the Mayor; or
- (d) A decision of the Council;

or when speaking uses offensive, intimidatory or abusive language towards any councillor, officer or other person, the Mayor may instruct the councillor to be seated and not to speak.

3.151 If the councillor continues or otherwise refuses to comply with the Mayor's instructions, the Mayor may:

- (a) Move without debate that the councillor be suspended from and must leave the meeting; and
- (b) If the motion is seconded, the Council shall vote on the motion.

3.152 If the motion is carried but the offending councillor refuses to leave the meeting, the Mayor may take steps to remove the councillor from the meeting.

Disturbance by a Member of the Public

3.153 Members of the public shall not interrupt or interfere with the effective conduct or business of a meeting.

3.154 Mobile phones and similar devices shall be placed on 'silent' and shall not be used during a meeting otherwise than as permitted elsewhere in these Rules.

Removal of a Member of the Public

3.155 If one or more members of the public interrupts the effective conduct of the business of a meeting the Mayor may warn them and if they interrupt again, the Mayor may order their removal from the meeting.

General Disturbance

3.156 In case of a general disturbance in any part of the chamber open to the public for the purpose of attending a meeting, the Mayor may order that part of the chamber to be cleared.

Notification of Cancellation of a Meeting

3.157 The Chief Executive after consultation with the Mayor may issue, owing to exceptional circumstances, a Public Notice of Cancellation of Meeting. The notice must state reasons for cancellation.

Application of the Council Procedure Rules

3.158 These Council Procedure Rules apply to all meetings of the Council.

3.159 The Cabinet Procedure Rules set out under Part 4 of this Constitution apply only to meetings of the Cabinet.

3.160 The Committee Procedure Rules are set out under Part 3 of this Constitution and which of these Council Procedure Rules are incorporated into the Committee Procedure Rules.

Suspension or Amendment of the Council Procedure Rules

3.161 Any or all of these Council Procedure Rules except the Rules set out below may be suspended by a majority if at least **one half of the whole number of councillors who are physically present in the room and eligible to vote.**

3.162 Any suspension of these Rules will only be for the item or meeting specified in the motion. Motions to suspend the Council Procedure Rules must specify the Rule or Rules the motion seeks to suspend.

3.163 The Council Procedure Rules which cannot be suspended are:

- (a) Annual Meeting (Rules 3.10 – 3.12);
- (b) Council Tax Setting Meeting (Rules 3.18 – 3.21);
- (c) Extraordinary Meetings – right of five councillors to requisition a meeting and the Mayor’s power to call the meeting (Rule 3.23 and 3.28);
- (d) Requirements for a summons (Rules 3.31 and 3.32);
- (e) Duration of the meeting (Rules 3.37 – 3.41);
- (f) Quorum for a meeting (Rules 3.33 – 3.36);
- (g) Voting (Rules 3.125 – 3.131);
- (h) Exclusion of the press and public (Rule 3.147);
- (i) Rules as to conduct and removal (Rules 3.148 – 3.157).

3.164 Any motion to add to, vary or revoke these Council Rules of Procedure will, if proposed and seconded, stand adjourned without discussion to the next ordinary Meeting of the Council.

4. THE BUDGET AND POLICY FRAMEWORK

4.1 Policy Framework means the following plans and strategies:

- (a) Annual library plan (if secretary of state requests) under s1(2) of the Public Libraries and Museums Act 1964;
- (b) Children and young people's plan under s3 of the Children and Young People's Plan (England) Regulations 2005;
- (c) Crime & disorder reduction strategy under s5 & 6 of the Crime and Disorder Act 1998;
- (d) Development plan documents under s15 of the Planning and Compulsory Purchase Act 2004;
- (e) Statement of principles under s349 of the Gambling Act 2005;
- (f) Local Transport Plan under s108(3) of the Transport Act 2000;
- (g) Youth Justice Plan under s40 of the Crime and Disorder Act 1998;

and additionally:

- (a) Corporate plan;
- (b) Licensing authority policy statements under s5 Licensing Act 2003;
- (c) Taxi and private hire policy;
- (d) Community Infrastructure Levy (CIL) Charging Schedule;
- (e) Housing Strategy.

4.2 The Budget means the following:

Approve a balanced Revenue Budget and specifically;

- (a) Approve the Council Tax Base;
- (b) Approve the rate of Council Tax and relevant precepts;
- (c) Approve the Gross Revenue Budget;
- (d) Approve the net spending limit for each major service element (Directorate);

and in doing so adopt the following plans or strategies to support the delivery of the Council's budget:

- (a) Capital Investment Budget;
- (b) Capital and Investment Strategy;
- (c) Medium Term Financial Strategy;
- (d) Reserves Strategy;
- (e) Statutory council tax calculations;

- (f) Treasury Management Policy, Treasury Management Practices and prudential indicators including the Minimum Revenue Provision;
- (g) Capital strategy (including an asset management plan)

5. THE BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

The Budget and Policy Framework

- 5.1 The Budget and Policy Framework refers to the financial and policy decisions of the Council where:
- (a) The Leader and Cabinet makes recommendations for the policy or budget decision to Council; and
 - (b) The Council makes the final decision to adopt the Leader and Cabinet's recommendations. If Council does not accept or fully accept the Leader and Cabinet's recommendations, the procedure set out below must be followed.
- 5.2 The Leader and Cabinet is responsible for the implementation of the Budget and Policy Framework.
- 5.3 The following Budget and Policy Framework Procedure Rules (hereinafter in this Section 2 the Rules) are mandatory standing orders required to be adopted by the Council under the Local Authorities (Standing orders) (England) Regulations 2001, to set out how the Budget and Policy Framework will be agreed.

Policy Framework Decisions

Leader and Cabinet policy proposals

- 5.4 The Leader and Cabinet will formulate draft plan or strategy decisions with the support of officers and will determine whether to:
- (a) Undertake public or other stakeholder engagement and / or consultation; and / or
 - (b) Proactively engage with a Scrutiny Committee for the purpose of scrutiny, including as part of the annual overview and scrutiny work plan.
- 5.5 The Leader and Cabinet will take into account the outcome of these processes in the formulation of the draft plan or strategy made to Council.
- 5.6 The Leader and Cabinet will submit the draft plan or strategy to Council of adoption.

Council's Consideration of Leader and Cabinet draft plan or strategy

- 5.7 Council will consider the draft plan or strategy and take one of the following decisions:
- (a) Adopt the Leader and Cabinet's proposals and if so the draft plan or strategy is agreed as Council policy; or

- (b) Inform the Leader of any objections it has to the Leader and Cabinet's draft plan or strategy, including any amendments to the proposals.

If an amendment to a Budget and or Policy Framework item has been agreed by Council and the Leader indicates, on behalf of Cabinet, that they accept the amendments, then the Budget and and or Policy item shall be deemed to include such amendments.

5.8 If the amendment isn't accepted by the Leader

5.9 the Council must:

- (a) Give the Leader instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it; and
- (b) Specify a period (the relevant period) of **at least five clear working days** beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may reconsider the draft plan or strategy.

Leader's consideration of the Council's objections

5.10 The Leader may, within the relevant period, give notice in writing to the Monitoring officer of their intention to:

- (a) Submit a revised draft plan or strategy to Council including the reasons for any amendments; or
- (b) Inform Council of its disagreement with the Council's objections to the draft plan and strategy and the reasons for the disagreement.

5.11 If the Leader does not take the above action within the relevant period, the Council's decision on the draft plan or strategy (with any amendments) will become effective at the expiry of the relevant period and notice will be given in accordance with the Access to Information Rules Procedure Rules set out under Part 1 of this Constitution.

Council's final decision

5.12 If the Leader gives notice in writing to submit a revised draft plan or strategy, or disagrees with the Council's objections to the original draft plan or strategy, either:

- (a) At the next ordinary Meeting; or
- (b) At an Extra ordinary Meeting, meeting for the purpose, if a decision needs to be made at an earlier date.

5.13 The Council's final decision to adopt the plan or strategy must take into account, where applicable, the Leader and Cabinet's revised draft plan or strategy, or disagreement with the Council's objections.

The Budget Framework: Setting the Annual Council Tax and Budget

The formation of budget proposals

5.14 In the financial year, the Leader and Cabinet with the support of officers will formulate draft budget proposals and will:

- (a) Determine the process for any public or other stakeholder engagement and / or consultation; and / or
- (b) Agree with a Scrutiny Committee a process for the scrutiny of the proposals.

5.15 The Leader and Cabinet will take into account the outcome of these processes in the formulation of the draft budget made to Council.

5.16 The Leader and Cabinet will submit its draft budget proposals to Council in accordance with the procedure set out below.

Leader and Cabinet's budget estimates or amounts

5.17 Subject to the provisions of Rule 5.13, in any financial year the Leader and Cabinet shall submit to Council for its consideration in relation to the following financial year:

- (a) Estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 – 49 of the Local Government Finance Act 1992;
- (b) Estimates of other amounts to be used for the purposes of such a calculation;
- (c) Estimates of such a calculation; or
- (d) Amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992.

5.18 The proposals submitted in accordance with Rule 5.16 shall be called collectively the "budget estimates or amounts".

The budget setting meeting: Council's consideration of the budget estimates or amounts

5.19 The Council shall consider the Budget Estimates or Amounts at its annual budget setting meeting.

5.20 If the Council approves the budget estimates or amounts without amendment, this decision will be final.

5.21 If the Council has any objections to the Budget Estimates or Amounts, it must:

- (a) Before it makes a calculation (whether originally or by way of substitute) in accordance with any of the sections of the Local Government and Finance Act 1992 referred to in Rule 5.16 above, or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992;

- (b) Inform the Leader of any objections which it has to the budget estimates or amounts; and
- (c) Give the Leader instructions requiring the Cabinet to reconsider, in the light of those objections, those budget estimates and amounts in accordance with the Council's requirements.

If an amendment to the Budget has been agreed by Council and the Leader indicates, on behalf of Cabinet, that they accept the amendments, then the Budget shall be deemed to include such amendments.

Leader and Cabinet's revised budget estimates and amounts

5.22 If the amendment isn't accepted by the Leader and the the Council gives instructions in accordance with Rule 5.21 above, it must specify a period (the relevant period) of **at least five clear working days** beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet, within which the Leader may:

- (a) Submit a revision of the estimates or amounts as amended by the Cabinet (revised estimates or amounts), which have been reconsidered in accordance with Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to Council's consideration; or
- (b) Inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

Council's consideration of the Leader and Cabinet's revised budget estimates or amounts

5.23 The Council must meet after the expiry of the relevant period to make calculations (whether originally or by way of substitute) in accordance with the sections 32 – 37, or 43 – 49 of the Local Government Finance Act 1992, or issue a precept under Chapter IV of Part I of the Local Government Finance Act 1992.

5.24 When making the decisions in accordance with Rule 5.18 above, Council must take into account the Leader's submissions under Rule 5.21 above including:

- (a) Any amendments to the estimates or amounts that are included in any revised budget estimates or amounts;
- (b) The Cabinet's reasons for those amendments;
- (c) Any disagreement that the Cabinet has with any of the Council's objections, the Cabinet's reasons for that disagreement.

The Exclusion of these Rules

5.25 Rules 5.19 – 5.24 shall not apply in relation to:

- (a) Calculations or substitute calculations which an Authority is required to make in accordance with Section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
- (b) Amounts stated in precept issued to give effect to calculations or substitute calculations made in accordance with Section 52J or 52U of the Local Government Finance Act 1992.

Recorded Vote

5.26 A recorded vote will be held for any vote taken at the Council's budget setting meeting, including in respect of amendments.

Decisions outside of the Budget or Policy Framework

5.27 Subject to the provisions of the Financial Procedure Rules set out under Part 7 of this Constitution when discharging executive functions, the Leader or the Cabinet may only take decisions which are in line with the approved Budget and Policy Framework.

5.28 If decision needs to be made outside of the approved Budget or Policy Framework the decision may only be taken by Council, subject to the Rule 5.32 and 5.33 below in respect of urgent decisions outside the Budget and Policy Framework.

5.29 If decision is, or may be, may be contrary to the Budget and Policy Framework the advice of the Monitoring officer and / or the Chief Financial officer shall be obtained as to whether the decision make would be contrary to the approved Budget and / or Policy Framework.

5.30 If the advice of the Monitoring officer or the Chief Finance officer is that the decision would not be in line with the approved Budget and/ or Policy Framework, the decision must be referred to Council unless the decision is a matter of urgency, in which case the provisions of Rules 5.31 and 5.32 below (urgent decisions outside the Budget and Policy Framework) shall apply.

5.31 Council may either:

- (a) Endorse a decision or proposal of the Leader or Cabinet that the as falling within the approved Budget and / or Policy Framework, in which case no further action is required save for the decision of Council be minuted and circulated to all councillors; or
- (b) Amend the budget and / or the policy or concerned to encompass the decision or proposal of the Leader or Cabinet and agree to the decision with immediate effect, in which case no further action is required save that the decision of Council be minuted and circulated to all councillors; or
- (c) Where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to, or not wholly in accordance with the budget and does not amend the approved budget or policy framework to

accommodate the proposed decision, require the Leader or Cabinet to reconsider the matter in accordance with the advice of either the Monitoring officer and / or the Chief Finance officer within seven clear working days of the Council meeting; and

- (d) Whatever decision the Leader or Cabinet takes at that meeting is final, bearing in mind that a decision taken outside the approved Budget or Policy Framework will be unlawful.

Urgent Decisions outside the Budget and / or Policy Framework

5.32 The Leader or Cabinet may make a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by Council if the decision is a matter of urgency. However, the decision may only be taken if:

- (a) Any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest;
- (b) It is not practical to convene a quorate meeting of the Council within the requirements of the Access to Information Procedure Rules; and
- (c) The Chair of the relevant Scrutiny Committee (or in the absence of the Chair, the Vice-Chair) agrees that the decision is a matter of urgency;
- (d) Advice from the Chief Finance officer and Monitoring officer is sought.

5.33 The reasons why it is not practical to convene a quorate meeting of Council and the consent of the Chair of the relevant Scrutiny Committee (or in the absence of the Chair, the Vice-Chair) to the decision being taken as a matter of urgency must be noted on the record of the decision.

Virement

5.34 Virement is the ability to meet increased expenditure or reduced income under one expenditure code from savings in another expenditure code. The Council's Rules on virement are detailed in the Financial Procedure Rules set out under Part 7 of this Constitution.

In-Year Changes to the Policy Framework by Cabinet

5.35 No changes to any policy and strategy which make up the Policy Framework may be made except those changes:

- (a) Which will result in the closure, amendment or discontinuance of a service or part of a service to meet a budgetary constraint;
- (b) Which are necessary to ensure compliance with the law, ministerial direction, or government guidance; and

- (c) Which are within the scope set out for in-year changes in the policy document in question, or when the policy document was approved by Council.

6. THE HONORARY TITLES

Freedom of the City Scheme

- 6.1 Details of the criteria, term of office, rights, privileges and withdrawals can be found [Live Link].

Alderman scheme

- 6.2 Under section 249 of the Local Government Act 1972 (the Act) the Council has the power to confer the title of 'Honorary Alderman' on persons who have, in the opinion of the Council, rendered eminent services to the Council as past councillors of Council, but who are no longer Councillors of the Council.
- 6.3 The Act also provides that in order to confer the title of Honorary Alderman on a former councillor, a meeting of the Council needs to be convened specifically for this purpose and the resolution to confer the title of Honorary Alderman must be passed by not less than two thirds of the councillors physically present at the meeting and entitled to vote.

Process for Nomination

- 6.4 Nominations shall only be made in the year of the Council elections.
- 6.5 Any nomination must be proposed and seconded by existing, serving councillors of the Council.
- 6.6 Nominations received will be submitted to the Monitoring officer who will then liaise with the Political Group Leaders and the Mayor to consider the nomination.
- 6.7 A report will then be presented to Council to consider conferring the Honorary Alderman status on the nominated former councillor.

Criteria

- 6.8 For the purposes of this Scheme, the term "eminent service" is left undefined to allow flexibility when determining nominations.

Term of office

- 6.9 Upon re-election to this Council the title and rights shall be automatically withdrawn. No Honorary Aldermen shall whilst servicing as a member of this Council be entitled to be addressed as Alderman or to attend or take part in any civic ceremony of the Council as an Alderman. Nominations can be submitted again once not a serving councillor as appropriate. Rights and Privileges
- 6.10 An Honorary Alderman is entitled to the following rights and privileges:

- (a) To be presented with an Honorary Aldermen badge;
- (b) To receive the link to the electronic version of the Council summons and agenda;
- (c) Free parking at each of the Council's offices when undertaking duties.

6.11 To receive invitations to all civic / ceremonial and social events to which Members of the Council are invited.

Withdrawal of Title / Rights and Privileges

6.12 If an existing Honorary Alderman stands for election and is elected to the Council as a councillor, the title and rights shall be withdrawn.

6.13 It shall be competent for the Council in any other particular case to withdraw the title of Honorary Alderman and the attached rights and privileges. Such withdrawal of the title shall be by way of formal motion to a meeting of the Council, (the summons to which contains special notice that such withdrawal is proposed and the reason therefor) and a subsequent resolution of the Council passed by not less than two thirds of the councillors physically present at the meeting and entitled to vote on the matter. on the passing of such resolution, the Monitoring officer shall delete the name of the person concerned from the Roll of Honorary Aldermen and advise that person accordingly.

Application of this Scheme

6.14 This Scheme shall apply to all Honorary Aldermen of the Council.

PART 3. COMMITTEES

Section

1. Committee Structure
2. Committee Procedure Rules
3. Planning Committee Procedure Rules
4. Licensing Sub-committee Procedure **Rules**
5. Planning Committee and Terms of Reference
6. Licensing Committee and Terms of Reference
7. Standards Committee and Terms of Reference
8. Audit and Governance Committee and Terms of Reference
9. General Purpose Committee
10. Health and Wellbeing Board Committee and Terms of Reference
11. Senior Appointments and Disciplinary Committee and Terms of Reference
12. Appeals Committee

1. COMMITTEE STRUCTURE

- 1.1 The Council has decided that certain non-executive functions which are not reserved to Council will be the responsibility of the following Committees:
- (a) Planning Committee;
 - (b) Licensing Committee;
 - (c) Standards Committee;
 - (d) Audit and Governance Committee;
 - (e) General Purpose Committee;
 - (f) Health and Wellbeing Committee;
 - (g) Senior Appointments and Disciplinary Committee.
 - (h) Appeals committee
- 1.2 The committee structure, its terms of reference and seats for each committee is approved by Council at the Annual Meeting, with the allocation of which members will hold the seat dealt with outside of the meeting. Unless a Committee is subject to particular rules on its composition, the composition of a Committee must be politically proportionate and to the extent possible reflect the size of the Political Groups which make up the Council as a whole.
- 1.3 Each Committee is subject to the Committee Procedure Rules set out below at Section 2 and the Access to Information Procedure Rules set out under Part 1 this Constitution the Planning Committee and has its own rules set out below under Section 3. Sub-committees of the Licensing Committee and the Standards Committee have their own rules as set out elsewhere in this Constitution. If circumstances arise which are not covered by the Committee Procedure Rules or such other rules as apply to a particular Committee, the Council Procedure Rules set out under Part 2 of this Constitution shall apply to those circumstances.
- 1.4 Committees carry out their functions in accordance with their terms of reference as set out below.
- 1.5 Unless prohibited from doing so under the law or this Constitution, Committees may delegate their functions and powers to sub-committees and may also delegate functions and powers to officers.

Working Groups

- 1.6 The Council, Cabinet or any Committee may from time to time establish working groups. The working group terms of reference and membership must be agreed by the parent body before the working group commences its work. Working groups have no formal decision-making responsibilities but may provide advice or recommendations. A list of the working groups is maintained by the Council's Democratic Services team.

2. THE COMMITTEE PROCEDURE RULES

Purpose and Application

- 2.1 These Committee Procedure Rules (the Rules) apply to all Council Committees and their sub-committees unless specified otherwise elsewhere in this Constitution and govern the conduct of meetings of the Committees. These Rules must be read in conjunction with the Access to Information Procedure Rules set out under Part 1 of this Constitution.
- 2.2 Meetings of the Planning Committee and the sub-committees of the Licensing Committee and Standards Committee are subject to their own rules and procedures as set out below under Section 3, 7 and elsewhere in this Constitution.

Time and Place of Committee Meetings

- 2.3 Council shall agree a schedule of Committee meetings at its Annual Meeting.
- 2.4 Additional Committee meetings may be held with the agreement of the Committee Chair taking advice from the Monitoring officer and only where there are items of business which can reasonably be deferred to the next scheduled meeting of the Committee.
- 2.5 The Proper officer will notify the time and place of Committee meetings in the summons.
- 2.6 The summons will also specify the business to be transacted and will be accompanied by such reports as are available.
- 2.7 Committee meetings will take place at the Civic Centre or such other venue at the time specified in the summons.

Committee Chairs and Vice Chairs

- 2.8 Council will appoint Committee Chairs and Vice Chairs at its Annual Meeting.
- 2.9 Vacancies in either office will be filled at the next meeting of Council including, if held, an Extraordinary Meeting of the Council.
- 2.10 The Chair must chair a Committee meeting if present.
- 2.11 If the Chair is absent from a meeting, the Vice Chair must chair the meeting if present.
- 2.12 If neither the Chair nor Vice Chair is present, the Committee shall appoint a councillor to Chair the meeting as the first item of business.
- 2.13 The Chair of the meeting must Chair in accordance with these Rules and the Constitution and where necessary taking advice from the Democratic Services officer and / or legal advisor present.
- 2.14 The Chair shall exercise a casting vote in Committee meetings on any item of business in respect of which there is an equality of votes for and against.

Committee Membership

- 2.15 Council will resolve what committees shall be appointed and what shall be the terms of reference of each of those committees and of how many voting members each committee shall comprise.
- 2.16 Council will also confirm the political proportionality required for each committee with the Group Leader or individual independent councillors agreeing the appointment.

Committee Meeting Agendas

- 2.17 Meetings will have an agenda similar to the example listed below:
- (a) To elect a councillor to preside at the meeting in the absence of both the Chair and Vice Chair;
 - (b) To approve the minutes of the previous meeting;
 - (c) To receive any declarations of interest from councillors;
 - (d) To receive referrals from Council, the Cabinet or other Committees;
 - (e) To receive reports, if any, from officers, the Cabinet and / or other Committees;
 - (f) To deal with any outstanding business from the last meeting;
 - (g) To consider any other business specified in the summons to the meeting.
- 2.18 A Committee meeting may not consider any business not included in the summons unless the Chair agrees to accept a late item on grounds of urgency and those reasons are recorded in the minutes.

Quorum

- 2.19 The quorum of a meeting shall be **one third** of the Committee membership eligible to vote or the nearest whole number above one quarter subject to a minimum quorum of three councillors.
- 2.20 If the Chair counts the number of councillors present at a meeting and declares there is not a quorum, then the meeting will adjourn immediately for a period of up to fifteen minutes to allow a quorum to be present (and the Chair may allow more than one adjournment up to a total period of fifteen minutes). If after a period of thirty minutes in total there is still no quorum, the Chair shall close the meeting and any remaining business will be considered at the next ordinary meeting of the Committee or at a time and date fixed by the Chair.

Substitutes

- 2.21 Subject to the provisions of this Rule 2.21 to Rule 2.25 any councillor may act as a substitute for another councillor if they are from the same Political Group at a Committee Meeting.

- 2.22 The purpose of substitutes is to maintain the quorum and political proportionality of Committee. A substitute should only be used when the usual Committee member is unable to attend a meeting by reason of illness, leave or other good reason.
- 2.23 Substitute councillors must have undertaken any training that is a requirement for membership of the relevant Committee to be able to sit.
- 2.24 Where the Chair is substituted, the Vice Chair will chair the meeting if present.
- 2.25 Where both the Chair and the Vice Chair are substituted, the meeting will elect a councillor from those present and entitled to vote to preside at the meeting.

Substitution Procedure

- 2.26 The relevant councillor must notify their Group Leader and Democratic Services in writing of the proposed substitution (including the name of the substitute) as soon as possible and in advance of the relevant meeting.
- 2.27 In cases of urgency, verbal notification may be provided to Democratic Services with confirmation in writing. (If notification is provided at the meeting itself, it must be made before the meeting starts and to the Democratic Services officer present and supporting the meeting).
- 2.28 The relevant Group Leader may change a substitution if the notice requirements above are complied with before the start of the relevant meeting, including to revert to attendance by the usual committee member.

Limitations

- 2.29 Substitute councillors must be appointed for the whole of a committee meeting and the usual committee member has no right to attend the meeting as a committee member.
- 2.30 If a substitute councillor attends a meeting of the Planning Committee or a hearing sub-committee of the Licensing Committee or Standards Committee and an agenda item is part considered and the meeting adjourned to consider the matter at a later date, the substitute councillor must attend the subsequent meeting to consider and determine that item.
- 2.31 Cabinet members may not be substitutes on Council Committees or the overview and Scrutiny Committees or the Audit and Governance Committee.
- 2.32 Non-cabinet members may not substitute on the Cabinet or Cabinet sub-committees.

Duration of Committee Meetings

- 2.33 The business of a Committee Meeting should be concluded within three and a half hours (including any period of adjournment or otherwise).

Extension of a Committee Meeting after Three Hours

- 2.34 If the business of any meeting has not been concluded within three hours (including any period of adjournment or otherwise), the Chair may adjourn, extend the meeting, for up to thirty minutes, or call for an immediate vote on the item under discussion.

- 2.35 If the Chair calls for an immediate vote pursuant to Rule 2.34 the vote will be taken in the usual way without any further discussion. An adjournment may require the items not dealt with to be on the agenda for the next scheduled meeting or an extraordinary meeting will be called.
- 2.36 A councillor may move that the length of the meeting is extended by up to thirty minutes if:
- (a) The motion is moved before the expiry of three hours from the start of the meeting;
 - (b) Is seconded and agreed by the Committee without debate.
- 2.37 only one motion to extend the length of the meeting may be moved and the Chair may put to the vote a different period of extension to that moved but no longer than thirty minutes to ensure the effective and timely conduct of Committee business.
- 2.38 When all the business on the meeting agenda is completed, the Chair will close the meeting.

Voting at Committee Meetings

- 2.39 Unless provided otherwise elsewhere in this Constitution, any matter will be decided by a simple majority of those councillors present in the room at the time the question is put and eligible to vote on the matter.
- 2.40 only councillors may vote, except where the terms of reference of a Committee allow for voting by non-elected Committee members.
- 2.41 Unless a recorded vote is required by law or is validly demanded the Chair will take the vote by electronic means or a show of hands.
- 2.42 If there is an equality of votes for and against on any matter, the Chair shall have a casting vote. There is no restriction on how the Chair chooses to exercise a casting vote.

Recorded Vote

- 2.43 If three councillors present at the meeting demand it, the names for and against a decision or abstaining from voting will be recorded and entered into the minutes.
- 2.44 The Democratic Services officer present will call out councillors' names who will in response indicate immediately if they are voting for or against the matter or are abstaining from voting.
- 2.45 In the event of an equality of votes on a recorded vote, the Chair will have a casting vote which will be recorded.

Right to Require Individual Vote to be Recorded

- 2.46 Where immediately after a vote is taken, a councillor requests it, their vote will be recorded in the minutes to show whether they voted for or against a decision or abstained from voting.

Rules of Debate

- 2.47 Committees are intended to be more informal and discursive than Council meetings. However, the Chair shall have conduct of the debate with a view to ensuring all councillors are able to speak on matters relevant to the item under discussion. It is expected that councillors and others attending adhere to the NOLAN principles and maintain an atmosphere of courtesy and respect.
- 2.48 All councillors will stop speaking if requested to do so by the Chair.
- 2.49 All statements and questions must be addressed through the Chair.
- 2.50 Speeches and / or questions are not time limited and if invited by the Chair, a member of the Committee may speak more than once on an item but Committee members should aim to speak for no longer than three minutes.
- 2.51 The Chair may limit the length or number of speeches or questions to ensure the effective conduct of the meeting.
- 2.52 Residents' questions will be permitted in accordance with the Council Procedure Rules set out under Part 2 of this Constitution.
- 2.53 Public speaking at meetings of the Planning Committee is subject to the Planning Committee Procedure Rules set out below at Section 3.

Committee Business

- 2.54 Items of business on the agenda will be presented to the Committee by Cabinet Members or officers who may also answer any questions from councillors.
- 2.55 The Committee may move and agree by consensus or by vote amendments to the recommendations as they see fit, following legal or other advice if required.

Point of order

- 2.56 Any councillor may make a point of order to the Chair alleging that there has been a breach of these Rules or any other statutory provision or applicable provision of this Constitution.
- 2.57 A councillor making a point of order must state to the Chair that:
- (a) They wish to make a point of order; and
 - (b) Specifying the Rule or statutory provision or provision of this Constitution which they consider to have been breached; and
 - (c) The way in which they consider it has been breached.
- 2.58 The Chair shall consider whether a valid point of order has been raised and:
- (a) If so, take any necessary action; or
 - (b) If not, will continue with the business of the meeting; and
 - (c) the Chair's ruling is final.

Point of Personal Explanation

2.59 A councillor may request to speak to make a personal explanation, where the Chair agrees that the Councillor:

- (a) Has been named by another councillor during the debate and;
- (b) Has been named in a manner which reflects adversely upon the reputation of the named councillor.

2.60 A councillor who wishes to make a personal explanation must make the request at the end of the current councillor's speech to the Chair who may either agree or refuse the request. The Chair's decision is final.

2.61 In making a personal explanation, the councillor must only address the comment in respect of the councillor's reputation.

Press and Public: Access and Exclusion

2.62 Members of the press and public are permitted to attend all Committee meetings in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

2.63 Members of the press and public may only be excluded from a Committee meeting in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

Recording and Filming

2.64 Any person, including councillors, may record or film Council proceedings when the meeting is held in public subject to the following:

- (a) The person has notified Democratic Services of their intention to film or record the meeting prior to the commencement of the meeting;
- (b) Recording or filming must not disrupt the business and conduct of the meeting;
- (c) In the case of filming, the person filming must remain in the allocated area for filming or a place otherwise agreed by Democratic Services;
- (d) Refrain from recording or filming any member of the public, except where part of the formal proceedings; and
- (e) During a private session of the meeting must not leave any form of recording device in the meeting room and councillors remaining in the meeting must not record or film any private session of the proceedings.

2.65 Permission to record or film Council meetings does not extend to filming or recording of any matter outside of the formal proceedings or before or after the meeting.

2.66 Councillors must ensure that they remain able to fully participate in the meeting whilst filming or recording the meeting.

Councillor Misconduct During Meetings

2.67 If during the course of a Committee meeting a councillor fails to comply:

- (a) With the NoLAN principles, these Rules or any other applicable rules or
- (b) An instruction of the Chair; or
- (c) A decision of the Committee;

or when speaking uses offensive, intimidatory or abusive language towards any councillor, officer or other person, the Chair may instruct the councillor to be seated, if they are standing and not to speak.

2.68 If the councillor continues to fail to comply with the provisions of Rules 2.67 or otherwise refuses to comply with the Chair's instructions, the Chair may:

- (a) Move without debate that the councillor be suspended from and must leave the meeting; and
- (b) If the motion is seconded, the Committee shall vote on the motion.

2.69 If the motion is carried but the offending councillor refuses to leave the meeting, the Chair may take steps to remove the councillor from the meeting.

Disturbance by a Member of the Public

2.70 Members of the public shall not interrupt or interfere with the effective conduct or business of a meeting.

2.71 Mobile phones and similar devices shall be placed on 'silent' and shall not be used during a meeting otherwise than as permitted elsewhere in these Rules.

Removal of a Member of the Public

2.72 If one or more members of the public interrupts or interferes the effective conduct of the business of a meeting the Chair may warn them and if they interrupt again, the Chair may order their removal from the meeting.

General Disturbance

2.73 In case of a general disturbance in any part of the meeting room open to the public for the purpose of attending the meeting, the Chair may order that part of the meeting room to be cleared.

Notification of Cancellation of a Committee Meeting

2.74 The Proper officer, after consultation with the Chair may issue, owing to exceptional circumstances, a Public Notice of Cancellation of the Meeting.

2.75 The Notice must state reasons for the cancellation.

Suspension and / or Amendment of the Committee Procedure Rules

2.76 Subject to any statutory provisions, any or all of these Rules, except those set out under Rule 2.77 below may be suspended by a majority of at least one half of the whole number of councillors who are present at the meeting and eligible to vote. Suspension will only be for the item or meeting specified in the motion. Motions to suspend must specify the Rule or Rules being suspended.

2.77 Rules that may not be suspended:

- (a) Requirements for Summons (Rules 2.5 to 2.7);
- (b) Quorum (Rules 2.19 to 2.20);
- (c) Duration of the Meeting (Rules 2.33 to 2.38);
- (d) Voting (Rules 2.39 to 2.42);
- (e) Access and Exclusion of the Press and Public (Rules 2.62 to 2.63);
- (f) Recording and Filming (Rules 2.64 to 2.66); and
- (g) Rules as to conduct and removal (Rules 2.67 to 2.73).

3. PLANNING COMMITTEE PROCEDURE RULES

Purpose and Application

- 3.1 These Planning Committee Procedure Rules (the 'Rules') and the Access to Information Rules set out under Part 1 of this Constitution apply to all meetings of the Planning Committee.
- 3.2 Where provision for a matter is not included in these Rules, the Committee Procedure Rules shall apply in respect of that matter.
- 3.3 The Planning Committee shall have regard to the Probity in Planning: Guidance to Members and officers available here [Live Link].

Chair and Vice Chair

- 3.4 The Chair of the Planning Committee or in the absence of the Chair, the Vice Chair of the Planning Committee shall preside over all meetings of the Planning Committee.
- 3.5 In the absence of the Chair and the Vice Chair for the whole or part of a Planning Committee meeting, as the first item of business the Committee shall appoint from those councillors present a person to act as Chair of the Committee meeting for the duration of the Chair or Vice Chair's absence and reference in these Rules to Chair will be read as referring to the person chairing the meeting.
- 3.6 The Chair is responsible for:
 - (a) Calling items for consideration as they appear on the agenda and / or in such alternative order as they consider expedient;
 - (b) Calling and allowing persons to speak at the meeting in accordance with Rules 3.14 to 3.19 below (public speaking);
 - (c) Maintaining good order at the meeting and ensuring the effective and timely conduct of the meeting's business, for which purpose the Chair has the power to curtail any speaker (including councillors and members of the Committee) and / or in the event of disorder, to suspend the hearing until good order is restored.
- 3.7 In all matters of procedure and the interpretation of all rules applicable to a Committee meeting the Chair's decision is final.
- 3.8 As appropriate prior to a meeting the Chair and Vice Chair of the Planning Committee may meet with officers to consider the business of the meeting and speaking arrangements for each item on the agenda.

officer Attendance

- 3.9 A Planning officer and legal advisor shall attend all Planning Committee meetings.

order of Business

3.10 The order of business for a Planning Committee shall be:

3.11 In the absence of the Chair and Vice Chair of the Planning Committee, to elect the Chair of the meeting;

- (a) Apologies;
- (b) Minutes;
- (c) Substitutes;
- (d) Declarations of interest;
- (e) Consideration of planning applications in the order they appear on the agenda and / or in such alternative order as is considered expedient;
- (f) To deal with any other business specified in the agenda.

Consideration of Planning Applications

3.12 Planning applications will be considered in the order they appear on the agenda as follows:

- (a) The Chair will announce the agenda item number;
- (b) The Planning officer will introduce the planning application with any relevant updates including those which may be contained within a supplementary update report;
- (c) The Chair will call on public speakers in accordance with Rules 3.14 to 3.18 below;
- (d) The Chair will ask members of the Committee if they require any clarification on points raised by any public speaker;
- (e) The Chair will ask members of the Committee if they have any technical questions for the Planning officer and / or the legal advisor and/or any other technical staff present;
- (f) The Committee will then discuss / debate the planning application, during which members of the Committee may, through the Chair, seek further clarification from the Planning officer and / or the legal advisor / other technical advisors present regarding the application, or, on points raised by public speakers.

3.13 Except where the Committee has determined that the decision on application is to be deferred, the Committee will then determine the application on a vote.

Public Speaking

3.14 With the consent of the Planning Committee Chair Councillors of Southend-on-Sea City Council may speak at meetings of the Planning Committee.

- 3.15 All other persons who wish to speak at a hearing of the Committee must have registered in advance to do so.
- 3.16 The circulation of documents (including photographs) or presentation of material at meetings other than submitted as part of the planning application is not permitted.
- 3.17 The following will be invited to have an opportunity to speak at the meeting a planning application is due to be considered by the Planning Committee:
- (a) Members of the public who have previously made written representations either objecting to or in support of that planning application in accordance with the Planning Committee Public Speaking Rules available here ([Live Link](#));
 - (b) Parish Councils who have previously made written representations objecting to or in support of the application;
 - (c) The applicant or agent (right of reply only).
- 3.18 The order of speaking and the time limit of speeches shall be determined in accordance with the [\[live linkPlanning Committee Public Speaking Rules\]](#).

Voting

- 3.19 A member of the Committee must be present throughout the entire presentation and debate on a planning application in order to vote on it.
- 3.20 Each member of the Committee shall have one vote.
- 3.21 Where the number of votes for and against an application is equal, the Chair shall have a casting vote.
- 3.22 A planning application shall be decided by a simple majority of those members of the Committee physically present in the room and entitled to vote on the application.
- 3.23 Subject to Rule 3.24 to 3.29 below, voting shall be for:
- (a) The recommendation on the planning application as it appears in the written report; or
 - (b) The recommendation on the planning application as amended at hearing by the Planning officer; or
 - (c) An alternative recommendation on the planning application, as proposed by a member of the Committee during the meeting which must be seconded by at least one other member of that Committee.
- 3.24 Where there is more than one amendment proposed by a member of the Committee at the meeting, each proposed amendment will be voted on in order of the proposed amendments, provided that, for each proposed amendment which differs from the recommendation of the Planning officer at Rule 3.23 (a) or Rule 3.23 (b), the Committee shall establish clear reasons for each proposed amendment.

- 3.25 If necessary and in consideration of the impact of deferring the determination of the application, the Chair may defer a decision on the planning application to establish and consider the reasons for each proposed amendment.
- 3.26 The Chair shall invite the Planning officer and legal advisor to advise on the clarity and validity of the reasons established for each proposed amendment and If necessary and in consideration of the impact of deferring the determination of the application, the Chair may defer a decision on the planning application to test the reasons and consider them at a further hearing of the Committee prior to determining the application.
- 3.27 Where there is any ambiguity as to the way in which members of the Committee are voting on any matter, the Chair shall require each member to confirm their vote on each matter before the decision is recorded.
- 3.28 Any member of the Committee may request that their name be recorded in the Minutes of the meeting recording the way they have voted in respect of any item.
- 3.29 Immediately after a vote is taken and any member of the Committee requests it, their vote will be recorded in the minutes.

4. LICENSING SUB-COMMITTEE PROCEDURE RULES

Purpose and Application

- 4.1 These Licensing Committee Procedure Rules (the 'Rules) and the Access to Information Rules set out under Part 1 of this Constitution apply to all meetings of the Licensing Sub Committee.
- 4.2 Where provision for a matter is not included in these Rules, the Committee Procedure Rules shall apply in respect of that matter.

The rules for the Licensing sub committee procedure rules can be found [\[live link\]](#)

5. PLANNING COMMITTEE AND TERMS OF REFERENCE

Purpose

- 5.1 The Planning Committee is appointed by the Council under the Local Government Act 1972 for the purpose of discharging those functions of the Council relating to town and country planning and development control specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, insofar as such functions are not the responsibility of any other local authority.
- 5.2 The Planning Committee shall have regard to the Planning Committee Procedure Rules set out above under Section 3 and the Probity in Planning: Guidance to Members and officers.
- 5.3 The membership, chair and quorum requirements for the Planning Committee are as set out below in the table below.

Membership, Chair and Quorum

Number of Members	11
Substitute Members Permitted	Yes, subject to completing any required training
Political Proportionality Rules Apply	Yes
Appointment / Removal of Members	Group Leaders or unaligned members
Restrictions on Membership	<p>The Mayor and Cabinet Members may not be members of the Planning Committee</p> <p>Members and substitutes must complete training in the principles of determining planning applications:</p> <ul style="list-style-type: none"> • Prior to appointment; • After any period of extended absence; and • As required by the Council
Restrictions on Chair and Vice Chair	Must be a Member of the Committee (not a substitute)
Quorum for Meetings	¼ of membership subject to a minimum of 3 members
Number of ordinary Meetings Per Council Year	As required

Terms of Reference

5.4 The discharge of the non-executive functions and responsibilities of the Council relating to town and country planning and development control specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, where those functions are not reserved to Council as a matter of law or under this Constitution, or delegated to officers, including without limitation as regards functions under the following Acts and associated Regulations and orders:

- (a) Town and Country Planning Act 1990;
- (b) Planning (Listed Buildings and Conservation Area) Act 1990;
- (c) Planning (Hazardous Substances) Act 1990;
- (d) Planning and Compulsory Purchase Act 2004.

5.5 Functions relating to the preservation of trees and hedgerows.

5.6 The exercise of ancillary powers in respect of those functions referred to above in relation to highways to the extent that they concern planning matters.

5.7 Responsibility for:

- (a) Wider strategic development;
- (b) Sites which have a significant impact beyond the Council's area;
- (c) Sites fundamental or contrary to the Council's Local Plan, or other national or government approved planning policies, including without limitation as regards:
 - (i) Major infrastructure;
 - (ii) Large scale major development comprising:
 - Housing (approximately 400 dwellings or more);
 - Employment (approximately 10,000 square metres or 2 hectares or more);
 - Retail (approximately 10,000 square metres or 2 hectares or more).

5.8 The consideration and determination of the decision the Planning Committee would have made on a planning application subject of the non-determination appeal process.

5.9 The consideration and determination of applications which have been 'called-in' by a councillor of Southend-on-Sea City Council.

5.10 The consideration and determination of planning applications submitted by:

- (a) A councillor, their spouse or partner;
- (b) An officer, their spouse or partner.

5.11 The consideration and determination of a planning application where, in the opinion of the Director of Planning and Economy, the application raises issue of planning

importance or should otherwise be considered and determined by the Planning Committee.

5.12 Undertaking site visits as appropriate.

5.13 In the discharge of the Planning Committee's above functions and without limitation:

- (a) Imposing any condition, limitation or restriction, or determining any other terms, on an approval, granted in the exercise of its functions;
- (b) Amending, modifying or varying any condition to which approval is subject;

Delegations to officers

5.14 Those functions of the Planning Committee which have been delegated to officers are set out in the Scheme of Delegation to officers under Part 7 of this Constitution.

6. LICENSING COMMITTEE AND TERMS OF REFERENCE

Purpose

- 6.1 The Licensing Committee is established by the Council under the Licensing Act 2003 and the Local Government Act 1972 for the purpose of discharging respectively those functions of the Council relating to licensing under the Licensing Act 2003 and the Gambling Act 2005 and those other of the Council's regulatory and licensing functions specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, insofar as those functions are not the responsibility of any other Committee or local authority.
- 6.2 The Licensing Committee may appoint a sub-committee drawn from its members to discharge any of its functions.
- 6.3 A sub-committee of the Licensing Committee may exercise all the powers of the Licensing Committee.
- 6.4 The Licensing Committee has appointed the Licensing Sub-committees A, B and C to consider and determine applications delegated to them by the Licensing Committee.
- 6.5 The Committee Procedure Rules set out above under Section 2 shall apply to the Licensing Committee.
- 6.6 The Licensing Sub-committee Procedure Rules shall apply to Licensing Sub-committees A, B and C.
- 6.7 The membership, chair and quorum requirements for the Licensing Committee are as set out below in the table immediately below. The membership, chair and quorum requirements for Licensing Sub-committees A, B and Care set out in the table at paragraph 6.20 below.

Membership, Chair and Quorum

Number of Members	15
Substitute Members Permitted	Yes, subject to completing any required training
Political Proportionality Rules Apply	Yes
Appointment / Removal of Members	Group Leaders or unaligned members
Restrictions on Membership	The Mayor and Cabinet members may not be members of the Licensing Committee

	<p>Members and substitutes must complete training in the principles of determining licensing applications:</p> <ul style="list-style-type: none"> • Prior to appointment; • After any period of extended absence; and • At least once in each municipal year
Restrictions on Chair and Vice Chair	Must be a Member of the Committee (not a substitute)
Quorum for Meetings	¼ of total membership subject to a minimum of 3 members
Number of Ordinary Meetings Per Council Year	At least two per municipal year
Standing Sub-committee	Sub-committees A, B and C

Licensing Committee Terms of Reference

Licensing Act 2003

6.8 To exercise the Council's responsibilities and functions relating to licensing, registration and other miscellaneous functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No 2853) as amended or updated, where those functions not reserved to the Council as a matter of law or under this Constitution, or delegated to officers, including without limitation:

- (a) The determination of applications for a premises licence where representations have been made;
- (b) The determination of applications for a provisional statement where representations have been made;
- (c) The determination of applications for the variation of premises licence where representations have been made;
- (d) The determination of applications to vary a designated premises supervisor following police objection;
- (e) The determination of applications for the transfer of a premises licence following objection;
- (f) The consideration of objections made to an interim authority notice;
- (g) The determination of interim steps pending a summary review;

- (h) The determination of applications for a club premises certificate where representations have been made;
- (i) The determination of application to vary a club premises certificate where representations have been made;
- (j) The decision to give counter notice following police objections to a temporary event notice;
- (k) The determination of applications for the grant of a personal licence following objection;
- (l) The revocation of licence where convictions come to light after grant etc;
- (m) The revocation or suspension of licence where convictions or immigration penalties become known; and
- (n) The determination of interim steps pending summary off-sales review; and
- (o) Any matter under the Licensing Act 2003 referred to the Licensing Committee for determination by an officer.

6.9 For the avoidance of doubt, in relation to the grant or issue by the Licensing Committee or a sub-committee of the Licensing Committee of any approval, consent, licence, permission or registration, the exercise of the responsibilities for the functions referred to above at paragraph 6.8 includes responsibility for:

- (a) The imposition or amendment, modification or variation of any term, condition, limitation or restriction;
- (b) The decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction;
- (c) The decision to revoke, vary or modify any approval, consent, licence, permission or registration;
- (d) Where permissible by law, the decision to impose a charge and the amount of any such charge;
- (e) Where permissible by law, to determine and set the fees and charges in respect of any approval, consent, licence, permission or registration including consideration of any representations thereon or objections thereto.

6.10 In conjunction with officers, to develop and approve for recommendation to the Council for adoption, the Council's Statement of Licensing Policy.

Gambling Act 2005

6.11 To exercise the Council's responsibilities and functions relating to gambling, registration and other miscellaneous functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No 2853) as amended or

updated where those functions are not reserved to the Council as a matter of law or under this Constitution, or delegated to officers, including without limitation:

- (a) The determination of an application for a premises licence in respect of which representations have been made and not withdrawn;
- (b) The determination of an application for the variation of a premises licence in respect of which representations have been made and not withdrawn;
- (c) The determination of an application for the transfer following representations by the Commission;
- (d) The determination of an application for a provisional statement under in respect of which representations have been made and not withdrawn;
- (e) The review of a premises licence;
- (f) The determination of an application for a club gaming / club machine permit;
- (g) The cancellation of a club gaming / club machine permit;
- (h) The decision to give counter notice following objections to a temporary use notice; and
- (i) Any matter under the Gambling Act 2005 referred to the Licensing Committee for determination by an officer.

6.12 As a matter of law, the Council shall resolve to:

- (a) Adopt the Gambling Act 2005 Statement of Principles (adoption by Council); and
- (b) Refuse to issue a casino premises licence.

6.13 For the avoidance of doubt, in relation to the grant or issue by the Licensing Committee or a sub-committee of the Licensing Committee of any approval, consent, licence, permission or registration, the exercise of the responsibilities for the functions referred to above at paragraph 6.11 includes responsibility for:

- (a) The imposition or amendment, modification or variation of any term, condition, limitation or restriction;
- (b) The decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction;
- (c) The decision to revoke, vary or modify any approval, consent, licence, permission or registration;
- (d) Where permissible by law, the decision to impose a charge and the amount of any such charge;
- (e) Where permissible by law, to determine and set the fees and charges in respect of any approval, consent, licence, permission or registration

including consideration of any representations thereon or objections thereto.

6.14 In conjunction with officers, to develop and approve for recommendation to the Council for adoption, the Council's Statement of Licensing and Statement of Gambling Principles.

6.15 In conjunction with officers, to consider and make recommendations to the Council to refuse casino premises licence.

other Licensing

6.16 To exercise the Council's responsibilities and functions relating to licensing, registration and other miscellaneous functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended or updated where those functions are not functions under the Licensing Act 2003 or the Gambling Act 2005, of any other Committee, or functions reserved to full Council as a matter of law or under this Constitution, or delegated to officers, including without limitation as regards:

- (a) Caravan sites;
- (b) Camping sites;
- (c) Hackney carriage and private hire operators, drivers and vehicles;
- (d) Sex shops, sex cinemas and sex entertainment venues;
- (e) Acupuncture; tattooing, ear-piercing and electrolysis;
- (f) Pleasure boats and pleasure vessels;
- (g) Markets and street trading, including permits under the Essex Act 1987;
- (h) House to house and street collections;
- (i) Night cafes and take-away food shops;
- (j) Food preparation premises;
- (k) Scrap yards;
- (l) Safety certificates for sports grounds and regulated stands at sports grounds;
- (m) Animals and birds, including selling animals as pets, providing or arranging provisions for the boarding for cats and dogs, hiring horses, breeding dogs, keeping or training animals for exhibition, zoos and dangerous wild animals and premises related to animals including knackers' yards;
- (n) Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work etc.

Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer;

- (o) Smoke free premises etc;
- (p) Film classification (age); and
- (q) Any matter pertaining to licensing or regulation referred to the Licensing Committee for determination by an officer.

6.17 For the avoidance of doubt, in relation to the grant or issue by the Licensing Committee or a sub-committee of the Licensing Committee of any approval, consent, licence, permission or registration, the exercise of the responsibilities for the functions referred to above at paragraph 6.16 includes responsibility for:

- (a) The imposition or amendment, modification or variation of any term, condition, limitation or restriction;
- (b) The decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction;
- (c) The decision to revoke, vary or modify any approval, consent, licence, permission or registration;
- (d) Where permissible by law, the decision to impose a charge and the amount of any such charge;
- (e) Where permissible by law, to determine and set the fees and charges in respect of any approval, consent, licence, permission or registration including consideration of any representations thereon or objections thereto.

6.18 In conjunction with officers, to develop and adopt, or recommend to Council for adoption, such licensing policies as are required by law or as are otherwise appropriate.

Delegations to officers

6.19 Those functions of the Licensing Committee which may be discharged by a specified officer are set in the Scheme of Delegation to officers under Part 7 of this Constitution.

Licensing Sub-committees A, B and C

6.20 The membership, chair and quorum requirements for Licensing Sub-committee A, B and C as set out in the below table:

Membership, Chair and Quorum

Number of Members	Sub-committee A and B 3 Members of the Licensing Committee Sub-committee C
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	9 Members of the Licensing Committee
Substitute Members Permitted	Yes, subject to completing any required training
Political Proportionality Rules Apply	No
Appointment / Removal of Members	Licensing Committee
Restrictions on Membership	<p>The Mayor and Cabinet Members may not be a member of a Licensing Sub-committee</p> <p>The Chair or Vice-chair of the Licensing Committee shall be a member of each Licensing Sub-committee</p> <p>Members and substitutes must complete training in the principles of determining licensing applications under the Licensing Act 2003 and the Gambling Act 2005 and as may otherwise be required:</p> <ul style="list-style-type: none"> • Prior to appointment; • After any period of extended absence; and • At least once in each municipal year
Restrictions on Chair and Vice Chair	The Chair or Vice-chair of the Licensing Committee shall chair a Licensing Sub-committee
Quorum for Meetings	3
Number of ordinary Meetings Per Council Year	As required

Licensing Sub-committees Terms of Reference

6.21 Licensing Sub-committees A and B shall consider and determine those applications and matters under the Licensing Act 2003 under paragraph 6.8 and Gambling Act 2005 under paragraph 3.11 delegated to it by the Licensing Committee from time to time.

6.22 Licensing Sub-committee C shall consider and determine those applications and matters other than those under the Licensing Act 2003 and the Gambling Act 2005 6.16 to it by the Licensing Committee from time to time.

7. STANDARDS COMMITTEE AND TERMS OF REFERENCE

Purpose

- 7.1 The Standards Committee is established by the Council under the Local Government Act 1972 to oversee, develop and review the Council's Code of Conduct for Councillor and the Council's Arrangements for Dealing with Complaints Against Councillors each set out under Part 6 of this Constitution.
- 7.2 In discharging its functions the Standards Committee shall consult with an Independent Person of the Council as required.
- 7.3 The Standards Committee may appoint a sub-committee drawn from its own members to discharge any of its functions.
- 7.4 The Standards Committee has appointed The Standards Committee Hearing Sub-committee (Hearing Sub-committee) to consider and determine complaints against made against a councillor or co-opted member under the Code of Conduct for Councillors, in accordance with the Arrangements for Dealing with Complaints Against Councillors.
- 7.5 The Standards Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under Section 2 and all other applicable rules set out under this Constitution.
- 7.6 Hearings of the Hearing Sub-committee shall be conducted in accordance with the Standards Hearing Sub-committee Procedure Rules set out under Section 7.
- 7.7 The membership, chair and quorum requirements for Standards Committee are as set out below in the table immediately below. The membership, chair and quorum requirements for a sub-committee of the Standards Committee and the Hearing Sub-committee are set out in the table at paragraph 7.21 below.

Membership, Chair and Quorum

Number of Members	9 (plus up to 2 non-voting Independent Persons)
Substitute Members Permitted	Yes, subject to completing any required training
Political Proportionality Rules Apply	Yes
Appointment / Removal of Members	Group Leaders or unaligned members
Restrictions on Membership	The Mayor and Cabinet Members may not be a member of the Standards Committee

Restrictions on Chair and Vice Chair	Must be a Member of the Committee (not a substitute)
Quorum for Meetings	¼ of total membership subject to a minimum of 3 members
Number of ordinary Meetings Per Council Year	At least two per municipal year
Standing Sub-committee	Standards Hearing Sub-committee

Terms of Reference

7.8 The promotion of the highest standards of behaviour by councillors and co-opted members of the Council in accordance with the ‘Nolan Principles’ on standards in public life, which are:

- (a) Selflessness;
- (b) Integrity;
- (c) Objectivity;
- (d) Accountability;
- (e) Openness;
- (f) Honesty; and
- (g) Leadership.

7.9 Reviewing and developing for the adoption by full Council of the Council’s:

- (a) The Constitution;
- (b) Code of Conduct for Councillors (Code);
- (c) Arrangements for Dealing with Complaints Against Councillors (Arrangements).

7.10 Advising and recommending to Council amendments to the Code or the Arrangements.

7.11 Reporting to Council on the implementation of the Code and the Arrangements.

7.12 Reporting to Council on the number of complaints made under the Code each municipal year.

7.13 Reviewing training requirements and arrangements for councillors and co-opted members on standards, the Code and the Arrangements.

7.14 Receiving reports on the registration and declaration of disclosable interests by councillors and co-opted members of the Council.

7.15 Receiving reports on the registration of gifts and hospitality by councillors and co-opted member of the Council.

- 7.16 Making recommendations to Council on the appointment of Independent Persons of the Council.
- 7.17 Establishing a Standards Hearing Sub-committee to hear and determine complaints against councillors made under the Code in accordance with the Arrangements where a hearing is required.
- 7.18 Supporting the Monitoring officer in standards matters.
- 7.19 Considering any other matter referred to it by the Monitoring officer.
- 7.20 In conjunction with the Monitoring officer, reviewing the provisions, implementation and effectiveness of the Protocol on Member / officer Relations and recommending changes to Council for adoption.

Hearing Sub-committee

- 7.21 The membership, chair and quorum requirements of the Hearing Sub-committee are set out in the below table.

Membership, Chair and Quorum

Number of Members	3 Members of the Standards Committee
Substitute Members Permitted	Yes, subject to completing any required training
Political Proportionality Rules Apply	No
Appointment / Removal of Members	Standards Committee
Restrictions on Membership	The Mayor and Cabinet Members may not be a member of the Hearing Sub-committee
Restrictions on Chair and Vice Chair	None
Quorum for Meetings	3
Number of Ordinary Meetings Per Council Year	As required

Hearing Sub-committee Terms of Reference

- 7.22 As required under the Arrangements, the Hearing Sub-committee shall consider and determine complaints submitted against councillors and co-opted members under the Code.

8. AUDIT AND GOVERNANCE COMMITTEE AND TERMS OF REFERENCE

Purpose

- 8.1 The Audit and Governance Committee is established by the Council under the Local Government Act 1972 to provide independent assurance to the Council as regards the Council's governance, risk management framework and associated control environment, including as regards treasury management environment. The Audit and Governance Committee provides independent review of the Council's financial and non-financial performance to the extent that it exposes the Council to risk and weakens its control environment, approves the Council's final accounts and also acts as an advisory committee to the Council and the Cabinet on audit and governance matters.
- 8.2 The Audit and Governance Committee may appoint a sub-committee drawn from its members to discharge any of its functions.
- 8.3 A sub-committee of the Audit and Governance Committee may exercise all the powers of the Audit and Governance Committee.
- 8.4 The Audit and Governance Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under Section 2 and all other applicable rules set out under this Constitution.
- 8.5 The membership, chair and quorum requirements for the Audit and Governance Committee are as set out below in the table below.

Membership, Chair and Quorum

Number of Members	9
Substitute Members Permitted	Yes. subject to completion of the mandatory training for the Audit and Governance Committee
Political Proportionality Rules Apply	Yes
Appointment / Removal of Members	Group Leader or for unaligned members appointment –Council and removal their own decision.
Restrictions on Membership	The Mayor and Cabinet Members may not be members of the Audit and Governance Committee Members and substitutes must complete training on the Council's governance, risk management and financial reporting arrangements: Prior to appointment;

	After any period of extended absence; and At least once in each municipal year
Restrictions on Chair and Vice Chair	Must be a Member of the Committee (not a substitute)
Quorum for Meetings	¼ of total membership subject to a minimum of 3 members
Number of ordinary Meetings Per Council Year	At least two per municipal year

Terms of Reference

Audit

- 8.6 To consider the Chief Internal Auditor's annual plan and annual report (including a summary of internal audit activity) and the level of assurance it can give over the Council's governance arrangements.
- 8.7 To consider summaries of specific internal audit reports and the response of the Chief Executive to such reports.
- 8.8 To consider reports dealing with the management and performance of internal audit service providers.
- 8.9 To consider the external auditor's annual letter, relevant reports and the report to those in charge of governance.
- 8.10 To consider specific reports as agreed with the Chief Finance officer, Head of Internal Audit and Investigations and Monitoring officer, Chief Executive or external auditor.
- 8.11 To comment on the scope and depth of external audit work and ensure it provides value for money.
- 8.12 To commission work from internal and external audit in accordance with guidelines as required.
- 8.13 Such other matters as required by law or guidance to be the proper remit of the Audit and Governance Committee.

Governance

- 8.14 To maintain an overview of all aspects of this Constitution not otherwise reserved to the Standards Committee, including but not limited to decision making, the Contract Procedure Rules and the Financial Procedure Rules.
- 8.15 To recommend and changes to this Constitution not otherwise reserved to the Standards Committee, including but not limited to decision making, the Contract Procedure Rules and the Financial Procedure Rules, to Council for adoption.

- 8.16 To review any issue referred to it within the terms of reference of the Audit and Governance Committee by the Chief Executive, Monitoring officer, Chief Finance officer or any body of the Council.
- 8.17 To consider and monitor the Council's risk registers and refer matters for consideration to Cabinet and Council.
- 8.18 To monitor the effective development and operation of risk management and corporate governance arrangements within the Council and approve the annual risk, management strategy.
- 8.19 To approve and monitor the Council's 'whistle-blowing', anti-fraud and anti-corruption policies.
- 8.20 To review and make recommendations on the Council's Annual Governance Statement.
- 8.21 To consider the Council's corporate governance arrangements and make recommendations to ensure compliance best practice.
- 8.22 To monitor the Council's compliance with its own and other published standards and controls.
- 8.23 To consider reports dealing with risk management across the Council and those reports which identify key risks the Council faces, seeking assurance to the satisfaction of the Audit and Governance Committee, of appropriate management action.
- 8.24 To receive each municipal year statistical reports and details of complaints received and investigated under the Council's corporate complaints procedure.

Financial Reporting

- 8.25 To review the Council's annual statement of accounts and specifically consider whether appropriate accounting policies have been followed and whether there are any concerns arising from the financial statements or the audit, which should be brought to the attention of the Council.
- 8.26 To consider reports of the external auditor to those in charge of governance on issues arising from the audit of the accounts.

Local Government and Social Care ombudsman

- 8.27 Receiving on behalf of the Council, reports issued by the Local Government and Social Care ombudsman on investigations that the Council's actions have amounted to maladministration causing injustice.

9. GENERAL PURPOSE COMMITTEE

Purpose

- 9.1 The General Purpose Committee is established by the Council under the Local Government Act 1972 to discharge those functions set out below under the terms of reference and such other of the Council's functions which have not been reserved to the

Council as a matter of law, or in accordance with this Constitution, which do not fall within the terms of reference of any other Committee of the Council.

- 9.2 The General Purpose Committee may appoint a sub-committee drawn from its members to discharge any of its functions.
- 9.3 A sub-committee of the General Purpose Committee may exercise all the powers of the General Purpose Committee.
- 9.4 The General Purpose Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under Section 2 and all other applicable rules set out under this Constitution.
- 9.5 The membership, chair and quorum requirements for the General Purpose Committee are as set out below in the table below.

Membership, Chair and Quorum

Number of Members	9
Substitute Members Permitted	Yes, subject to completing any required training
Political Proportionality Rules Apply	Yes
Appointment / Removal of Members	Group Leaders or unaligned members
Restrictions on Membership	<p>The Mayor and Cabinet Members may not be members of the General Purpose Committee</p> <p>Members and substitutes must complete such training as required:</p> <ul style="list-style-type: none"> • Prior to appointment; • After any period of absence; and, • At least once in each municipal year
Restrictions on Chair and Vice Chair	Must be a Member of the Committee (not a substitute)
Quorum for Meetings	¼ of total membership subject to a minimum of 3 members
Number of ordinary Meetings Per Council Year	<p>Four per municipal year</p> <p>Additional meetings may be scheduled as required</p>

Terms of Reference

General Functions

9.6 Such of the Council's functions which are not reserved to the Council under the law or in accordance with this Constitution which do not fall within the terms of reference of any other Committee of the Council.

Common Land etc and Byelaws

9.7 Functions relating to common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:

- (a) An exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981; or
- (b) An order under section 147 of the Inclosure Act 1845 (power to register variation of rights of common).

9.8 Recommending to Council the making, amendment, revocation, re-enactment or enforcement of a byelaw.

Rights of Way

9.9 To exercise power to require information as to interests in land.

9.10 To exercise power to create footpaths and bridleways.

9.11 To exercise power to stop up footpaths and bridleways.

9.12 To exercise power to divert footpaths and bridleways.

9.13 To discharge duty to assert and protect the rights of the public to use and enjoyment of, highways.

9.14 To discharge duty to keep a definitive map and statement under review.

9.15 To discharge duty to reclassify roads used as public paths.

9.16 To exercise power to authorise creation of stiles etc. on footpaths or bridleways.

9.17 To exercise powers relating to the removal of things so deposited on highways as to be a nuisance.

Elections

9.18 All functions relating to elections, electoral arrangements, the name of the Council and the areas within the administrative area of the Council and any relevant issues referred by the Head of Paid Service (Chief Executive), Monitoring officer, Chief Finance officer and Chief Internal Auditor.

Awards

- 9.19 Considering and determining nominations of honorary titles and awards introduced by the Council from time to time.

10. HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

Purpose

- 10.1 The Health and Wellbeing Board is a Committee of the Council established under the Local Government Act 1972 as an ordinary committee but amended pursuant to section 194 of the Health and Care Act 2012 (as amended), and the Local Authority (Public Health, Health and Wellbeing Boards and Scrutiny) Regulations 2013.
- 10.2 The purpose of the Health and Wellbeing Board is lead the improvement of health and wellbeing of residents of the Southend-on-Sea City Council area, with a specific focus on tackling health inequalities.

Composition

- 10.3 The Health and Care Act 2024 (as amended) specifies certain requirements as to the composition of the Health and Wellbeing Board.
- 10.4 The voting members of the Board comprise:
- Six Councillors nominated by the Mayor including the Cabinet Member for public health
 - The Chief Executive of the Council;
 - The Executive Director (Children and Public Health) - DCS;
 - The Executive Director (Adults and Communities) - DASS;
 - The Director of Public Health;
 - The Chief Executive for local NHS Commissioning (Integrated Care Board);
 - A Representative of Healthwatch Southend;
 - A Representative of the Integrated Care Partnership operating within the Council's area.

The non-voting co-opted members of the Board comprise:

- Chief Executive, Essex Partnership University Trust (EPUT);
- Chief Executive, Southend University Hospital Foundation Trust (SUHFT);
- Chief Executive, Southend Association of Voluntary Services (SAVS);
- Director of Commissioning and Integration (Council);
- NHS Director of place-based commissioning (SEE Alliance) ;
- Independent Chair (Safeguarding Boards – SSCP and SSAB).

The Board may, in addition, appoint such other persons or representatives as it deems appropriate.

- 10.5 The Mayor and members of People Scrutiny Committee shall not be members of the Board. However, the Chair of the Council's People Scrutiny Committee may attend

meetings of the Board as an observer, and may ask questions and make comments, but is not entitled to vote.

Substitutes

- 10.6 Substitutes are permitted in accordance with the Council's Committee Procedure Rules.
- 10.7 Co-opted member substitutes must be of a sufficient level of seniority within their organisation.

Delegations to Sub-committees and Officers

- 10.8 The Board may arrange for the discharge of any of its functions by a Sub-Committee, or an Officer of the Council.
- 10.9 Unless the Board otherwise directs, a Sub-committee may arrange for the discharge of any of those functions by an Officer of the Council.
- 10.10 The Board may appoint one or more Sub-committees to advise the Board with respect to the discharge of functions by the Board.
- 10.11 The Southend Health Protection Board is a key Sub-committee of the Board and can be convened as required, under the guidance of the Director of Public Health.

Political Proportionality

- 10.12 Political proportionality rules only apply to the appointment of Councillors by Southend-on-Sea City Council to the Board.

Chair

- 10.13 The Chair shall be an elected member appointed by the Council. A Vice-chair will be nominated and appointed by the Board.

Quorum

- 10.14 Quorum for a meeting of the Health and Wellbeing Board shall be **five** including:
- Not less than two Councillors of Southend-on-Sea City Council;
 - Not less than two senior officers from the Council, and;
 - Not less than one representative from the Integrated Care Board.

Rules & Requirements

- 10.15 The Council's Committee Procedure Rules shall apply to the Health and Wellbeing Board.
- 10.16 The Council shall ensure that all Board members are well-versed with the purpose of the Board. Training provision will be made available for all new members

Terms of Reference (Objectives)

- To provide strategic leadership, strengthen the influence of local authorities and elected representatives in shaping health and care commissioning.

- To sign-off key commissioning plans, strategy and policy related to the role and function of the health and wellbeing board and provide advice and recommendations for all other relevant documents relating to health, wellbeing and tackling health inequalities.
- To oversee the development and refresh of the Joint Strategic Needs Assessment (JSNA) suite of products, so that future commissioning / policy decisions and priorities are evidence based.
- To determine the health improvement priorities in Southend.
- To promote integration, collaboration and partnership working.
- To oversee the development of a Joint Local Health and Wellbeing Strategy (JLHWS), which sets out improvement for health and wellbeing outcomes, including reduction in health inequalities that provides a framework for commissioning plans related to health and wellbeing.
- To promote and encourage integration and partnership working including joint commissioning, pooled budgets and joint delivery across the NHS, social care, public health and other service providers.
- To initiate and support stakeholder and community engagement and consultation work in relation to health and wellbeing issues.
- To appoint task and finish groups / sub-committees for specific pieces of work that support or inform health and wellbeing across Southend.
- To oversee the development of the Pharmaceutical Needs Assessment (PNA).
- To performance manage the achievement of and progress against key outcomes identified within the JLHWS.
- To provide leadership on any other emerging health and wellbeing related issues that may have a significant impact on the delivery of the JLHWS.
- To oversee the strategic governance for local health and wellbeing-related strategies.
- To carry out all other statutory functions of the Health and Wellbeing Board.

Status and Location of Meetings

10.17 Meetings will be open to the public. Wherever possible, the Board meetings will be held in community settings enabling us to be closer to local communities across the localities of Southend-on-Sea City.

11. SENIOR APPOINTMENTS AND DISCIPLINARY COMMITTEE AND TERMS OF REFERENCE

Purpose

- 11.1 The Senior Appointments and Disciplinary Committee (the Committee) is established by the Council under the Local Government Act 1972 to discharge the Council's functions in relation to the Council's statutory and senior officers as set out in the table below at paragraph 11.6 and make recommendations to Council as required.
- 11.2 The Senior Appointments and Disciplinary Committee may appoint a sub-committee drawn from its members to discharge any of its functions.
- 11.3 The Senior Appointments and Disciplinary Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under Section 2, the Staff Employment Procedure Rules set out under Part 7 of this Constitution, all other applicable rules set out under this Constitution and all applicable law.
- 11.4 The membership, chair and quorum requirements for the Senior Appointments and Disciplinary Committee are as set out below in the table below.

Membership, Chair and Quorum

Number of Members	7
Substitute Members Permitted	Yes, subject to completing any required training
Political Proportionality Rules Apply	Yes
Appointment / Removal of Members	Group Leaders or for unaligned members appointment – Council and removal their own decision.
Restrictions on Membership	At least one Cabinet Member must be a Member of the Senior Appointments and Disciplinary Committee
Restrictions on Chair and Vice Chair	Must be a member of the Committee (not a substitute)
Quorum for Meetings	¼ of total membership subject to a minimum of 3 members
Number of ordinary Meetings Per Council Year	As required
Standing Sub-committee	No

Appointment, Dismissal and Disciplinary Action

11.5 The function of the appointment, taking disciplinary action against and dismissal of, an officer of the Council must be discharged by the Chief Executive (as the Council's Head of Paid Service) or by their nominated officers.

11.6 However, this shall not apply to the appointment, disciplinary action or dismissal in relation to the Statutory officers detailed in the below table. The appointment or dismissal or disciplinary action in respect of the Statutory officers are functions of the Senior Appointments and Disciplinary Committee.

Statutory officer	Post
Head of Paid Service (s4 Local Government and Housing Act 1989)	<ul style="list-style-type: none"> • Chief Executive
Statutory Chief officer (s2 (6) Local Government and Housing Act 1989)	<ul style="list-style-type: none"> • Director of Adult Social Services • Director of Children's Services • Director of Public Health • Chief Finance officer (s151 officer)
Non-statutory Chief officer (s2 (7) Local Government and Housing Act 1989)	<ul style="list-style-type: none"> • Monitoring officer • Executive Directors • All other non-clerical posts reporting to the Chief Executive and those for whom Chief Executive is directly responsible
Deputy Chief officer (s2 (8) Local Government and Housing Act 1989)	<ul style="list-style-type: none"> • All non-clerical posts reporting directly or is directly accountable to a Statutory or Non-Statutory Chief officer
officers appointed under s9 Local Government and Housing Act 1989)	<ul style="list-style-type: none"> • Political assistants (where appointed)

Recruitment

11.7 Where the Council proposes to appoint the Head of Paid Service or senior officer listed above and it is not proposed that the appointment be made exclusively from among their existing officers, the committee will:

- (a) Draw up a statement specifying:
 - (i) The duties of the Head of Paid Service or Senior officer concerned; and
 - (ii) Any qualifications or qualities to be sought in the person to be appointed;
- (b) Make arrangements for:
 - (i) The post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (ii) A copy of the statement to be sent to any person on request.

Appointments

11.8 To undertake the selection process and interviews candidates shortlisted for any of the above posts (bar Political Assistants). offers of appointments will also be made (subject to the Executive objections procedure (see below)) for all of the above posts save the Chief Executive which must be recommended to Council for approval.

Disciplinary Action, Grievance or Dismissal

11.9 To determine all disciplinary action relating to any of the posts listed above (bar Political Assistants).

11.10 To dismiss any of the posts listed above (subject to the Executive objections procedure (see below)) save the Chief Executive, S151 officer and Monitoring officer which must be recommended to Council for approval.

11.11 To determine grievance appeals submitted by any of the above listed officers.

Suspension Head of Paid Service and Chief officers

11.12 To suspend or review an earlier suspension decision taken by the Chief Executive or Monitoring officer whilst an investigation takes place into alleged misconduct.

Appointment of an Independent Panel

11.13 To appoint an Independent Panel in accordance with the Local Authorities (Standing orders) (England) Regulations 2001 as amended where the dismissal of the Head of paid Service, s151 and Monitoring officer is to be recommended to Council.

The Executive objective Procedure

11.14 Where the Committee makes a decision to appoint or dismiss a Statutory or Non Statutory Chief officer or Deputy Chief officer post, the Executive objection Procedure must be followed before an offer of employment can be made or notice of dismissal given.

11.15 The Proper officer will inform the Leader and all Cabinet members about the proposed appointment or dismissal in writing, including:

- (a) The name of the person who it is proposed to appoint or dismiss;
- (b) Any other particulars relevant to the appointment or dismissal which have been notified to the Proper officer;
- (c) That objections to the appointment or dismissal must be received by the Leader within **two clear working days** for notification to the Proper officer.

11.16 The appointment or dismissal can only be made if:

- (a) The Leader has, within the period of **two clear working days**, notified the Proper officer that neither they nor any Cabinet member has any objection to the appointment or dismissal; or
- (b) The Proper officer has notified the Senior Appointments and Disciplinary Committee that no objection was received by them from the Leader within that time period; or
- (c) An objection is received within that time period and is considered by the Senior Appointments and Disciplinary Committee not to be material or well founded.

11.17 If the Senior Appointments and Disciplinary Committee, with the advice of the Chief Executive or Monitoring officer, considers an objection to be material or well founded, they may reconsider their decision to appoint or dismiss.

Independent Panel

Terms of Reference

11.18 To offer the Council advice, views or recommendations on any proposal for the dismissal of a Statutory Chief officer. In doing so, the Independent Panel will consider:

- (a) The recommendation of the Committee and the reasons in support of that recommendation;
- (b) The report of the independent investigator; and
- (c) Any oral and/or written representations from the officer.

11.19 A minimum of two Independent Persons must be invited to be appointed to the Panel in the following priority order:

- (a) The relevant Independent Person who has been appointed by the Council and who is a local government elector;
- (b) Any other relevant Independent Person who has been appointed by the Council; and

- (c) A relevant Independent Person who has been appointed by another local authority or local authorities.

11.20 The Committee must appoint the Independent Panel at least twenty clear working days before the Council meeting at which any vote is taken in whether or not to approve the dismissal of the officer.

12. APPEALS COMMITTEE

Purpose

12.1 The Appeals Committee of the Council is established by the under the Local Government Act 1972 to discharge those functions as set out below under the terms of reference.

12.2 The membership, chair and quorum requirements for the Appeals Committee are as set out below in the table below.

Membership, Chair and Quorum

Number of Members	5
Substitute Members Permitted	Yes, subject to completing any required training
Political Proportionality Rules Apply	Yes
Appointment / Removal of Members	Group Leaders or for unaligned members appointment –Council and removal their own decision.
Restrictions on Membership	The Mayor and Cabinet Members may not be members of the Appeals Committee Members and substitutes must complete such training as required: <ul style="list-style-type: none"> • Prior to appointment; • After any period of absence; and, • At least once in each municipal year
Restrictions on Chair and Vice Chair	Must be a member of the Committee (not a substitute)
Quorum for Meetings	¼ of total membership subject to a minimum of 3 Members

Number of ordinary Meetings Per Council Year	As required
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Terms of Reference

- 12.3 To consider written appeals from parents / carers / students against the refusal of the Council to provide free pupil / student transport.
- 12.4 To determine appeals from students against decisions by the Executive Director (Children and Public Health) to refuse applications for Discretionary Awards and Standards Fund Awards.
- 12.5 The determination of an appeal against any decision made by or on behalf of the Council where the determination of the appeal is not a matter for any other Committee or Officer under the Scheme of Delegation to Officers.

PART 4. THE EXECUTIVE (CABINET)

Section

- 1 Executive Arrangements
- 2 The Leader and Cabinet Model of Executive
- 3 The Role of Cabinet
- 4 The Cabinet
- 5 Cabinet Procedure Rules

Joint Arrangements

- 6 Joint Authorities
- 7 Joint Committees

1. EXECUTIVE ARRANGEMENTS

1.1 The following Parts of this Constitution comprise the Council's executive arrangements:

- (a) Part 1, Section 4 Access to Information Procedure Rules;
- (b) This Part 4 The Executive (Cabinet);
- (c) Part 5 overview and Scrutiny Arrangements.

2. LEADER AND CABINET MODEL OF EXECUTIVE

- 2.1 The Council has adopted an 'executive' governance arrangement with a Leader and Cabinet model of executive, sometime referred to as the "Strong Leader" model. The term "Executive" refers to the Leader (of the Council) and the Cabinet collectively. The term "Cabinet" is also used to refer to the Executive.
- 2.2 The Leader is elected by Council at an Annual Meeting and is elected for a four year term. The Leader appoints up to nine other councillors, called Cabinet Members, who form the Cabinet.
- 2.3 All functions other than those which are reserved to Council, or delegated to a Council Committee, as a matter of law or under this Constitution, are called 'executive functions' and are the responsibility of the Leader and Cabinet.
- 2.4 Specific areas of executive responsibility are called Portfolios and may be assigned by the Leader to a Cabinet Member. A Cabinet Member with responsibility for a Portfolio is also known as a Portfolio Holder.

3. THE ROLE OF CABINET

Functions

- 3.1 The Local Government Act 2000 provides that the functions of a local authority are the responsibility of its Cabinet (referred to in the Act as the Executive) except for those which the law requires to be performed by the Council; provided that the decisions taken in respect of such a function is within the Council's approved Budget and Policy Framework.
- 3.2 The Local Authorities (Functions and Responsibilities) (England) (Regulations) 2000 (the Regulations) lists the different functions which can be categorised as:
- (a) Schedule 1: Functions which must not be the responsibility of the Cabinet – these are known as “Council Functions”.
 - (b) Schedule 2: Functions which may be the responsibility of the Cabinet or of the Council – these are known as “Local Choice” functions;
 - (c) Schedule 3: Functions which may not be the sole responsibility of the Cabinet; and
 - (d) Schedule 4: Circumstances in which functions which would normally be the responsibility of the Cabinet, are not to be the responsibility of the Cabinet.
- 3.3 As such, the Council has the discretion to decide which of those functions which fall under Schedule 2 of the Regulations will be the responsibility of the Council and which will be the responsibility of the Cabinet.
- 3.4 Where a function is not specified in the Regulations it is considered to be an executive function.

Executive Functions

- 3.5 Except those Council functions listed at in Schedule 1 of the Regulations the Council [has decided that all other functions, including local choice functions, are to be executive functions]. Executive functions include particularly:
- (a) Making “Key Decisions” in respect of executive functions;
 - (b) Recommending the rate of Council Tax and related policies to Council for approval (the Budget);
 - (c) Recommending the policies in the Key Policy Framework to Council for approval (the Policy Framework);
 - (d) Making decisions on local choice functions, unless these have been reserved by Council to itself;
 - (e) Exercising the Council's shareholder function in respect of companies wholly owned by the Council, or in which the Council has an interest.

- 3.6 Responsibility for executive functions rests with the Leader who will decide which functions they will perform personally and which will be delegated, if any, to:
- (a) The Cabinet as a whole;
 - (b) A Cabinet Committee;
 - (c) Individual Cabinet Members;
 - (d) Officers;
 - (e) Another local authority under 'joint arrangements' or any other body or person permitted by law.
- 3.7 A decision on any delegated executive function may be referred to the whole Cabinet when:
- (a) The Leader, Cabinet Committee, Cabinet Member or officer believes that due to the contentious or 'political' nature of the matter it should be considered and decided by the whole Cabinet; or
 - (b) The Cabinet Member takes a different view of the proposal in question and feels unable to be associated with it;
 - (c) The Cabinet Member or officer believes that they are conflicted or may be accused of bias;
 - (d) The decision covers two portfolio areas (known as cross-cutting).
- 3.8 Additionally, under the Localism Act 2011 a Cabinet member cannot deal with any matter in which they have a Disclosable Pecuniary Interest and must take no action other than referring the matter to the Monitoring officer and Leader.

4. THE CABINET

Composition

- 4.1 The Cabinet will comprise the Leader together with such number of elected councillors as they may appoint to the Cabinet subject to a minimum of two and a maximum of nine.
- 4.2 The Leader will also appoint a Cabinet Member as a Deputy Leader of the Council.
- 4.3 only elected councillors of the Council may be appointed to the Cabinet.
- 4.4 The Mayor and Deputy Mayor cannot be appointed to the Cabinet.
- 4.5 There shall be no co-opted members of the Cabinet and substitutes for Cabinet Members are not permitted.
- 4.6 The composition of the Cabinet is not subject to the political proportionality requirements set out in the Local Government and Housing Act 1989.

The Leader

- 4.7 The Leader will be a councillor elected as Leader by Council for a term not exceeding four years. The Leader will hold office until they:
 - (a) Resigns from the office of Leader; or
 - (b) Is no longer an elected councillor of the Council; or
 - (c) Removed from office by resolution of Council on receipt of a Notice of Motion in accordance with the requirements of the Council Procedure Rules set out under Part 2 of this Constitution; or
 - (d) Is removed from office by simple resolution of the Council at the meeting of Council following a change in political control of the Council, as signalled to the Monitoring officer. A change in political control is a change in the composition of the various Political Groups such that a different Political Group or combination of Political Groups now comprise a majority of the membership of the Council; or
 - (e) Is disqualified from being a councillor.
- 4.8 Where the Leader no longer holds office, the Deputy Leader will undertake the role of Leader until such time as Council elects a councillor to the office of Leader.

Deputy Leader

- 4.9 The Deputy Leader may not vary the executive arrangements made by the Leader or any other arrangements made by the Leader for the discharge of executive functions under this Constitution except:
 - (a) Changes consequent on the dismissal of the Leader from office until such time as a new Leader is elected;

- (b) Where, in the opinion of the Chief Executive, the Leader is incapacitated for such period of time that the efficient operation of the Council would be significantly impaired.

4.10 The Deputy Leader shall be appointed by the Leader annually and will hold office until:

- (a) The next annual meeting of the Council; or
- (b) They resign from office; or
- (c) Until end of the Leader's term of office and the new Leader has been elected; or
- (d) They are no longer an elected councillor of the Council; or
- (e) They are removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal will take effect two clear working days after receipt of the notice by the Chief Executive;
- (f) They are disqualified from being a councillor.

Cabinet Members

4.11 Cabinet Members are appointed by the Leader annually at the Annual Meeting and shall hold office until:

- (a) The next Annual Meeting of the Council; or
- (b) They resign from office; or
- (c) They are no longer an elected councillor of the Council; or
- (d) They are removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal will take effect immediately.

4.12 The Leader may appoint a Cabinet Member as a Portfolio Holder with or without individual decision making authority.

4.13 The Leader will appoint a Cabinet Member as the Lead Member for Children's Services in accordance with the Children Act 2004.

Deputy Cabinet Members

4.14 The Leader may appoint non-Cabinet Members as Deputy Cabinet Members to advise and assist the Cabinet Members.

4.15 The total number of Deputy Cabinet Members cannot exceed the number of Cabinet Members.

4.16 Deputy Cabinet Members are not authorised to make decisions which are the responsibility of Cabinet Members They also do not have automatic speaking rights at meetings of Cabinet or Scrutiny and cannot sit of a scrutiny committee which scrutinises the portfolio area they support.

4.17 Deputy Cabinet Members do not receive a special responsibility allowance.

Portfolios

4.18 The Leader may allocate areas of responsibility to a Portfolio and assign a Portfolio to an individual Cabinet Member.

4.19 The Leader may change a Portfolio in any way for any reason at any time.

4.20 The Leader may reassign a Portfolio for any reason at any time.

4.21 The Leader may retain a Portfolio which is not assigned to a Cabinet Member.

4.22 The Leader will provide details of Portfolios and Portfolio Holders to the Monitoring officer and shall notify the Monitoring officer of any changes to a Portfolio or Portfolio Holder as soon as reasonably practicable.

4.23 As soon as reasonably practicable the Leader will report the details and allocation of Portfolios and any subsequent changes thereto to Council and shall publish the details and allocation of the Portfolios on the Council's website.

4.24 The Portfolios and the areas of responsibility they contain are set out on the Council's website and are available here [[LIVE LINK](#)].

The Scheme of Delegation to Cabinet Members

4.25 The Leader may delegate executive functions on such terms as they consider appropriate to Cabinet Members in accordance with their Portfolios.

4.26 In cases of uncertainty the Monitoring officer in consultation with the Leader will decide which Cabinet Member should deal with a given matter.

4.27 The Leader's delegation to a Cabinet Member may include the following areas of responsibility:

- (a) To consider reports prepared by officers and to make any decisions in accordance with the requirements of this Constitution;
- (b) To consider draft reports to the Cabinet with the relevant Executive Director and/or other relevant senior officer;
- (c) To determine how expenditure on services should be undertaken within approved budgets;
- (d) To agree annual reports;
- (e) To develop and approve service plans of services, including future budget requirements;
- (f) To oversee the budget and performance for particular services in consultation with the relevant Executive Director;
- (g) To determine policies for particular services, which are consistent with the approved Policy Framework;

- (h) To agree responses to consultation papers (except for planning consultation papers) questions from councillor and the public at meetings;
- (i) To make payment of grants to outside bodies within the list approved by the Cabinet, except those which fall to the Cabinet itself to decide;
- (j) To approve decisions affecting a particular locality (i.e. which are not service-wide, council-wide or otherwise corporate).

The Scheme of Delegation to officers

4.28 The Leader may delegate executive functions on such terms as they consider appropriate to identified officers in accordance with the Scheme of Delegation to officers set out under Part 7 of this Constitution.

4.29 The Leader may change the Scheme of Delegation to officers for any reason at any time.

Cabinet Committees

4.30 The Leader or Cabinet may establish a Cabinet Committee at any time to:

- (a) Discharge executive functions on a single occasion or a continuing basis;
- (b) Advise the Leader and / or the Cabinet as a whole.

4.31 The composition and terms of reference of a Cabinet Committee shall be determined by the Leader or Cabinet in consultation with the Monitoring officer.

4.32 Details of any Cabinet Committee will be notified to Council and published on the Council's website.

Cabinet Meetings

4.33 Meetings of the Cabinet and any Cabinet Committee shall be conducted in accordance with the Cabinet Procedure Rules set out below under Section 5 and shall be open to the press and public in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

5. THE CABINET PROCEDURE RULES

Application

- 5.1 These Cabinet Procedure Rules (the Rules) apply to the proceedings and meetings of the Cabinet.
- 5.2 These Rules do not apply to meetings of Council, Council Committees or Sub-committees.

Delegations by the Leader

- 5.3 Each year the Leader will prepare a written record of the delegations of executive functions. The record of delegations will detail the executive functions which the Leader has delegated to the Cabinet, Cabinet Committees, specific Cabinet Members or officers. The record of delegations will be presented to the Council at the Council's Annual Meeting and set out in this Constitution. The record of executive functions delegations will include:
- (a) The names, contact details and electoral area of those councillors appointed to the Cabinet by the Leader;
 - (b) The executive functions to be performed by the Cabinet;
 - (c) The executive functions to be performed by a specific Cabinet Member / Portfolio Holder (including any limitations on their authority);
 - (d) The constitution and terms of reference of any Cabinet Committee appointed by the Leader or the Cabinet and the names of the Cabinet Members appointed by the Leader to serve on any Cabinet Committee;
 - (e) The nature and extent of any executive function delegated to any Joint Committee or any other local authority, body or person along with the names of the Cabinet Members appointed to any Joint Committee for the municipal year;
 - (f) Any changes to any of the delegations to officers, the job title of the officers to whom delegations are made and any limits on their authority.
- 5.4 The record of delegations may be amended by the Leader for any reason at any time. The Leader must provide notice of any amendment to the Monitoring officer, the as a whole Cabinet, or the Cabinet Committee, individual Cabinet Member or officer concerned. The notice must set out the extent of the amendment and whether it concerns the withdrawal of a delegation to the Cabinet as a whole, a Cabinet Committee, individual Cabinet Member or officer, a Joint Committee or joint working arrangement, or other body or person. Where the amendment concerns a change to a delegation to a Joint Committee or joint working arrangement, the Monitoring officer will report the amendments to the next meeting of the Council.

- 5.5 Where the Leader withdraws a delegation from a Joint Committee, notice to do so will be considered as having been provided to the Joint Committee when such notice has been provided by the Leader to the Chair of the Joint Committee.

Sub-delegations

- 5.6 Unless otherwise specified by the Leader or elsewhere under this Constitution the Cabinet or an individual Cabinet Member may sub-delegate to an officer the discharge of an executive function for which the Cabinet or the Cabinet Member is responsible.
- 5.7 Where an executive function has been sub-delegated, it may still be performed by the Cabinet or the Cabinet Member who made the sub-delegation.
- 5.8 An officer with delegated authority may refer back to the Cabinet or the Cabinet Member as applicable an executive function which they have been sub-delegated.

Conflicts of Interest

- 5.9 Where the Leader has a conflict of interest they must ensure and that the decision is taken by a Cabinet Member who does not have such a conflict of interest, that the Leader does not influence the decision to be taken.
- 5.10 If every Cabinet Member has a conflict of interest, consideration must be given to delegating the decision to the Chief Executive, appropriate Executive Director or a senior officer, or to seeking a dispensation to taking the decision.
- 5.11 Where a decision is being taken regarding a service which is commissioned by a Cabinet Member from an external service provider, Cabinet Members must be mindful of potential conflicts of interest arising if they also sit on the board of the service provider, or are otherwise involved in its governance. In such circumstances Cabinet Members should seek advice from the Monitoring officer before agreeing to sit on such a board or governance structure.

Cabinet Meetings

Applicable Rules

- 5.12 Cabinet meetings and meetings for Cabinet Committees are convened and conducted in accordance these Rules and the Access to Information Procedure Rules.
- 5.13 The Council Procedure Rules and the Committee Procedure Rules set out under Part 2 and Part 3 of this Constitution respectively do not apply to meetings of the Cabinet or Cabinet Committees.

Time and Place of Cabinet Meetings

- 1.3 The Cabinet will meet as required throughout the municipal year. The Monitoring officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Monitoring officer will send a summons signed by them to every councillor of the

Council. The summons will give the date, time and place of the meeting; specify the business to be transacted and will be accompanied by such reports as are available.

Quorum

5.14 The quorum for a Cabinet meeting is 50% of Cabinet Members, not including Cabinet Deputies. If the quorum is not present within ten minutes of the scheduled start of the meeting or such longer time as the Chair allows, the business of the meeting shall be adjourned to the next Cabinet Meeting.

Chair

5.15 The Leader, or in their absence the Deputy Leader shall chair a Cabinet Meeting. In the absence of both the leader and the Deputy Leader, the Cabinet Members present at the meeting will appoint from amongst themselves some to chair the meeting.

Attendance at Cabinet Meetings

5.16 Members of the press and public may attend all Cabinet Meetings in accordance with Access to Information Procedure Rules set out under Part 1 of this Constitution, except when:

- (a) The Cabinet has decided that the press and public should be excluded for all or part of the meeting because a matter to be considered is likely to result in the disclosure of exempt or confidential information; or
- (b) The person attending the meeting has been removed on the order of the Chair so as to prevent the disruption of the meeting.

5.17 A councillor who is not Cabinet Member may attend a Cabinet meeting as a member of the public in accordance with the Access to Information Procedure Rules, except where excluded in accordance with Rule 5.16 above.

5.18 A councillor who is not a Cabinet Member may only speak at a Cabinet meeting if invited to do so by the Chair and asking a question under Rule 5.27.

5.19 officers may attend Cabinet Meetings as follows:

- (a) The Chief Executive and the Deputy Chief Executive may attend Cabinet meetings. other Executive Directors may attend Cabinet meetings at the invitation of the appropriate Cabinet Member;
- (b) The Statutory officers of the Council or their nominees may attend Cabinet meetings and speak on issues affecting their statutory responsibilities as of right, or otherwise when requested to do so by the Chair.

5.20 Cabinet Members are not permitted to appoint substitutes to attend Cabinet meetings in their place. The absence of a Cabinet Member will not prevent the consideration or making of decisions in respect of a matter. If a matter has been delegated to an absent Cabinet Member, it may be referred to the Cabinet as a whole for consideration and

decisions to be made. An absent Cabinet Member may ask a Deputy Cabinet Member to speak on their behalf, if permitted by the Chair, but Deputy Cabinet Members are permitted to vote at Cabinet Meetings.

Order of Business

5.21 The following business will be conducted at each Cabinet meeting:

- (a) Elect a person to chair if the Leader and Deputy Leaders are not present to chair the meeting;
- (b) To approve the minutes of the last meeting;
- (c) To receive any apologies for absence;
- (d) To receive any declarations of interest;
- (e) To receive any statements from the Leader;
- (f) To consider petitions or motions referred by Council which relate to executive functions;
- (g) To consider other matters set out in the meeting agenda. The agenda will indicate any matters which are Key Decisions or matters which are exempt or confidential and require the exclusion of the press and / or public.

Minutes

5.22 The Chair will sign the minutes of the proceedings at the next Cabinet meeting. The Chair will move that the minutes of the previous Cabinet meeting be signed as a correct record. The only part of the minutes which can be discussed is their accuracy.

5.23 Where an extraordinary Cabinet meeting is, there is no requirement for the minutes of the previous Cabinet meeting to be signed at the extraordinary meeting.

Disturbance by the Public

5.24 If a member of the public interrupts the proceedings or otherwise interferes with the conduct of a Cabinet meeting the Chair will warn the person concerned. If that person continues to interrupt or interfere with the meeting the Chair will order their removal from the meeting room.

5.25 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part of the meeting room to be cleared.

Exclusion of the Press and Public

5.26 Members of the press and public may only be excluded from a meeting of the Cabinet in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

Questions

Questions on Notice

5.27 Subject to Rule 5.28 any councillor may ask a question of the Cabinet on any matter in relation to which the Council has powers or duties or which affects the administrative area of the Council.

Notice of Questions

5.28 A councillor may ask a question under Rule 5.27 if either:

- (a) They have given notice of the question in writing or by e-mail to the Monitoring officer no later than midday three clear working days before the day of the meeting; or
- (b) The question relates to urgent matters, the councillor has the consent of the Chair and the content of the question is received by the Monitoring officer in writing or by e-mail by 9.00 a.m. on the day of the meeting.

Content of Questions

5.29 All questions must, 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 of purely personal concern to an individual / family member.

Time Allowed for Questions

5.30 The number of questions asked under Rule 5.27 and the total time allowed for consideration of such questions shall be determined by the Chair.

5.31 At the conclusion of the response to the question under consideration or at the expiry of such time period as determined by the Chair from the time when the first questioner started to speak, the Chair shall conclude the meeting or proceed to the next item of business.

5.32 Any remaining questions shall be responded to in writing before the next ordinary meeting of the Cabinet.

Record of Questions

5.33 The Monitoring officer will send a copy of any question received under Rule 5.27 to the Chair. Copies of all questions will be available to all councillors and the public attending the meeting.

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

order of Questions

5.35 Questions from councillors will be asked in the order determined by the Chair except that if the largest opposition Group Leader has a question they will be invited to put it first.

Response

5.36 An answer to a question 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 clear working days after the meeting;
- (d) Copies of all questions and responses will be available on the Council's website with the minutes for the relevant meeting.

Suspension and Amendment of the Cabinet Procedure Rules

Suspension

5.37 Where permitted by law all of these Rules may be suspended by motion on notice or without notice if at least one half of the whole number of Cabinet Members are present. Suspension can only be for a single item or the duration of the Cabinet meeting.

Key Decisions

5.38 A "Key Decision" In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Key Decisions are decisions which:

- (a) Results in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) Is deemed to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Council's administrative area.

- 5.39 For the purpose of being a key decision, the Council has determined that the level of expenditure or saving (the Key Decision Financial Threshold) shall be £500,000.
- 5.40 Subject to Rule 5.46 below (general exception), Rule 5.47 below (special urgency) or Rule 5.48 below (major emergencies), a Key Decision may not be taken unless:
- (a) At least twenty-eight clear calendar days' notice has been published in connection with the matter in question (such notice shall be given by means of the Forward Plan); or
 - (b) At least five clear working days have elapsed since the publication of the notice of the decision, unless the decision taker has resolved that implementation of the decision is urgent in which case the decision can be implemented without delay; and
 - (c) Where the decision is to be taken at a meeting of the Cabinet or a Cabinet Committee, notice of the meeting has been given in accordance with Access to Information Procedure Rules.

The Forward Plan

- 5.41 The Leader will ensure that notice of all Key Decisions are given at least twenty-eight clear calendar days before they are due to be taken.
- 5.42 The Council will list all Key Decisions once a month in a Forward Plan indicating which decisions the Cabinet anticipate that they will take during the next four months, together with any particularly significant Key Decisions which are anticipated to be taken will take within the next four to twelve months. The Monitoring officer may also include in the Forward Plan reference to such other decisions, which are to be taken by the Council or any of its Committees or Sub-Committee or officers as they consider appropriate.
- 5.43 The Forward Plan will include the following information in respect of each Key Decision:
- (a) The matter in respect of which the decision is to be taken;
 - (b) The person or body by whom the decision is to be taken;
 - (c) The date on which, or the period within which, the decision is to be taken;
 - (d) A list of the documents which will be considered by the person or body taking the decision;
 - (e) Notice, if appropriate, that it is intended that a decision will be taken in a private session because the decision contains confidential or exempt information.
- 5.44 Where the Cabinet anticipate taking a Key Decision on a matter and inclusion of the matter within the Forward Plan would disclose confidential or exempt information the Cabinet may limit the entry in the Forward Plan to such information as may be disclosed without disclosing confidential or exempt information provided that notice under Rule 5.43 (e) above has been given.

5.45 The Cabinet shall normally review and update the Forward Plan at least once in every calendar month and shall make arrangements for the revised Forward Plan to be made available on the Council's website.

General Exception

5.46 Subject to Rule 5.47 (special urgency) or Rule 5.48 (major emergencies) if a matter which is likely to be a Key Decision has not been published for a minimum of twenty-eight clear calendar days on the Council's website, the decision may still be taken if:

- (a) The decision must be taken by such a date that it is impracticable to defer the decision until it has been possible for twenty-eight clear days' notice to be given;
- (b) The Monitoring officer has informed the relevant Scrutiny Committee Chair in advance in writing and made copies of that notice available to the public at the Council's offices and on the Council's website; and
- (c) At least five clear working days have elapsed since the Monitoring officer complied with (b) above.

Special Urgency

5.47 If Rule 5.48 (major emergencies) below does not apply and, by virtue of the date by which a decision must be taken, Rule 5.46 (general exception) above cannot be followed and the five clear working days' notice of the decision cannot be given, then the decision can only be taken if the agreement of the Chair of the relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred. Notice in writing of the application to the Chair of the appropriate Scrutiny Committee must be published on the Council's website and copies made available to at the Council's offices. If there is no Chair of a relevant Select Committee, or if the Chair of the relevant Scrutiny Committee is unable to act, then the agreement of the Mayor, or in their absence the Deputy Mayor will suffice.

Major Emergencies

5.48 In the event of an emergency as listed below, the Leader may take any immediate urgent decision required without consultation. In the event that the Leader cannot be contacted or is unavailable the Deputy Leader may take any immediate urgent decision required without consultation. In the event that neither the Leader or the Deputy Leaders can be contacted, or are unavailable to act for any reason, the Chief Executive may take any immediate urgent decisions required without consultation. A major emergency is any event or circumstance (happening with or without warning) that causes or threatens:

- (a) Death or injury; or
- (b) Disruption to the community; or

- (c) Damage to property or to the environment on such a scale that the effects cannot be dealt with by the emergency services, local authorities and other organisations as part of their normal, day-to-day activities.

Quarterly Reports on Special Urgency Decisions

5.49 The Leader will submit quarterly reports to the Council on the Key Decisions taken in accordance with Rule 5.47 (special urgency) above and / or Rule 5.48 (major emergencies) above in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken and the reasons for urgency.

Record of Executive Decisions

5.50 After any meeting of the Cabinet, the Monitoring officer, will produce a record of every executive decision taken at that meeting as soon as practicable. The record will include the decisions taken, the date the decisions were taken, a statement of the reasons for each decision and, where appropriate, any alternative options considered and rejected at that meeting with the reasons. The record will also include any conflicts of interest declared in relation to a decision, detail whether the Monitoring officer agreed to make a dispensation where a conflict of interest was declared before the decision was taken.

5.51 Where an individual Cabinet Member or officer takes an executive decision under delegated authority the Monitoring officer will produce a written record detailing the information specified in Rule 5.50 above.

5.52 A copy of a record produced in accordance with Rule 5.50 and Rule 5.51 and any report considered by the decision maker will be published on the Council's website and available at the Council's offices.

5.53 Nothing in Rules 5.50 – 5.52 requires the disclosure of confidential or exempt information.

Provision of Reports to Scrutiny Committee

5.54 on the provision of report in accordance with Rule 5.50, the person who prepared the report will also provide give a copy of it to the Chair of the relevant Scrutiny Committee as soon as reasonably practicable and make it publicly available at the same time, provided that such reports do not contain confidential or exempt information.

Record of Individual Decisions

5.55 As soon as reasonably practicable after any decision has been taken by a Cabinet Member, or an Executive Director or relevant senior officer, which would be an executive decision if taken by a Cabinet Member, the decision maker will prepare, or instruct the Proper officer to prepare and publish, a record of the decision; and, as appropriate, a statement of the reasons for it and any alternative options considered and rejected. This does not require the disclosure of exempt or confidential information.

Joint Arrangements

- 5.56 Southend-on-Sea City Council works with a wide range of organisations to promote the economic, social and environmental well-being of its residents and businesses. These arrangements can take a variety of forms including formal agreements, joint working, appointments, joint committees and cooperation with third parties.
- 5.57 The Council has entered into the joint authorities and joint committees set out below under Section 6 and Section 7.

6. JOINT AUTHORITIES

- 6.1 The Health and Wellbeing Board and related partnership arrangements.
- 6.2 Southend Community Safety Partnership.

7. JOINT COMMITTEES

- 7.1 Parking and Traffic Regulations outside London Adjudication Joint Committee (PATROLAJC).
- 7.2 Rochford and Southend-on-Sea Area Action Plan Committee (re Airport).
- 7.3 Essex Waste Partnership.
- 7.4 Essex and Southend Joint Waste Project Board.
- 7.5 South Essex Councils (SEC).

PART 5. OVERVIEW AND SCRUTINY

Section

- 1 overview and Scrutiny Arrangements
- 2 overview and Scrutiny Committee Procedure Rules
3. Call-In Procedure
4. Call-In and Urgency
- 5 Pre-decision Scrutiny

1. OVERVIEW AND SCRUTINY ARRANGEMENTS

Purpose

- 1.1 Every council operating an executive model must have an overview and scrutiny function (Scrutiny) At the annual meeting of the Council, the number of overview and Scrutiny Committees, their terms of reference and the number of seats required to perform Scrutiny for the forthcoming year will be approved.
- 1.2 The Council currently has appointed four overview and Scrutiny Committees: People, Place, Policy and Resources and Health.
- 1.3 Developing a constructive relationship between the Cabinet and Scrutiny is fundamental to effective scrutiny and will occur by;
 - (a) Facilitating the identification, prioritisation and delivery of key strategic issues Scrutiny Annual forward plans;
 - (b) Promoting early involvement in the decision-making process and avoiding the need for “Call-in”;
 - (c) Adopt a “cards on the table” approach with regular communication and sharing of information but balanced with a respect for confidentiality when required; and
 - (d) 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	9
Substitute Members Permitted	Yes
Political Proportionality Rules Apply	Yes
Appointment / Removal of Members	Group Leader or unaligned councillor

Restrictions on Membership	The Mayor and Cabinet Members may not be members Deputy Cabinet Members may not be appointed to an overview and Scrutiny Committee.
Restrictions on Chair and Vice Chair	Must be a member of the Committee (not a substitute)
Quorum for Meetings	¼ of membership subject to a minimum of 3 members
Number of ordinary Meetings Per Council Year	Subject to the overview and Scrutiny Committee's work plan
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 1.7 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;

- (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;
- (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 An 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 Health Committee 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 scrutinise NHS functions in the Council area.

1.16 The Health 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:

- (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;
 - (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 an 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;
- (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 Health Committee 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 or as soon as possible thereafter 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.

overview and Scrutiny Committee Pre-meetings

1.33 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.

1.34 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

1.35 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

1.36 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

1.37 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

- 1.38 Each overview and Scrutiny Committee Chair will submit an Annual Report on progress and outcomes to the Annual General Meeting.

Reports from overview and Scrutiny Committees to Cabinet

- 1.39 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.
- 1.40 Where an 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.
- 1.41 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

- 1.42 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.
- 1.43 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.
- 1.44 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.
- 1.45 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 the Council

- 1.46 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 Council business, as well as the Council's capacity to consider and respond in a timely manner. Such reports would supplement the annual report to the Council on the overview and Scrutiny Committee's activities and raise awareness of ongoing work
- 1.47 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

- 1.48 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.
- 1.49 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:
 - (i) The relevant Cabinet member or members;
 - (ii) The Chief Executive or relevant Chief officer or officers;
 - (iii) 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.

- 1.50 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

- 1.51 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

- 1.52 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

- 1.53 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 nine members. The composition of the overview and Scrutiny Committees will be politically proportionate.
- 2.2 All councillors except the Mayor, 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 Council the overview and Scrutiny Committee Chairs and Vice Chairs shall be appointed, all 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:

- (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 the Scrutiny Committee Arrangements set out above under Section 1 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 the overview and Scrutiny Committee Arrangements set out under Section 1 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 clear 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 Rule 2.20 the Cabinet must provide that document as soon as reasonably practicable and in any case no later than ten clear working 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 Rule 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 Rule 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 Rule 2.20, for a reason set out in Rule 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 clear 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

2.34 Questions under Rules 2.32 (insofar as is relevant) must be no longer than one hundred and fifty 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 anyone 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 two hundred and fifty 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 clear 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 an 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 5pm four clear 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;
- (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 detailed in the overview and Scrutiny Committee Arrangements set out under Section 1 above 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 overview and Scrutiny Committee if so requested by at least three councillors (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 3.5 of 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 available here [\[insert link\]](#) 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:
 - (a) the reason for call-in does not relate directly to the decision;
 - (b) the reason for call-in is answered by information already to be found in the report relating to the decision;
 - (c) 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;
 - (d) 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;
 - (e) 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;

- (f) 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 this call-in procedure;
- 3.10 If the call-in is valid:
 - (a) Cabinet to be formally notified in writing of the receipt of a call-in; and
 - (b) the Chair of the overview and 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 overview and Scrutiny Committee upon the matter.
- 3.12 Prior to the meeting of the overview and 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 overview and 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 overview and Scrutiny Committee.
- 3.16 The overview and Scrutiny Committee should normally meet within ten clear working days of the notice of call-in. Wherever possible scheduled meetings of the overview and Scrutiny 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 overview and 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 overview and Scrutiny Committee members with an outline of the case to be presented and any supporting evidence not less than three clear working days prior to the date of the overview and 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 overview and Scrutiny Committee will have the option of confirming the decision without any further discussion.

- 3.20 The Chair of the overview and 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 overview and 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 twenty-eight 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 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 a cabinet committee, portfolio holder or and officers However, in the latter case if the overview and 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 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 an overview and 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 Cabinet.

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 Cabinet.
- 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 Cabinet to account is a role that is carried out by the Council's overview and 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 overview and Scrutiny 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 overview and Scrutiny Committee will however have to manage its work to take into account referrals or requests for pre-decision scrutiny.

Impact on the Cabinet

- 5.13 The overview and Scrutiny Committee will depend on the co-operation of the Cabinet 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 pre-scrutiny process

- 5.14 The process for pre-decision scrutiny is summarised in the flow-chart below. The process is based on a selective approach through identification of items from the Forward Plan.
- 5.15 only one overview and Scrutiny Committee may undertake pre-decision scrutiny.

Identification / Selection

- 5.16 The Forward Plan is published 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 overview and 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:
- (a) The matter is not the subject of a Cabinet decision-making report;
 - (b) The matter has already been subject to extensive consideration by an overview and Scrutiny Committee;
 - (c) 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;

- (d) 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 Executive 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 Executive 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 relevant overview and Scrutiny Committee work plan.
- 5.21 At the same time the overview and Scrutiny 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

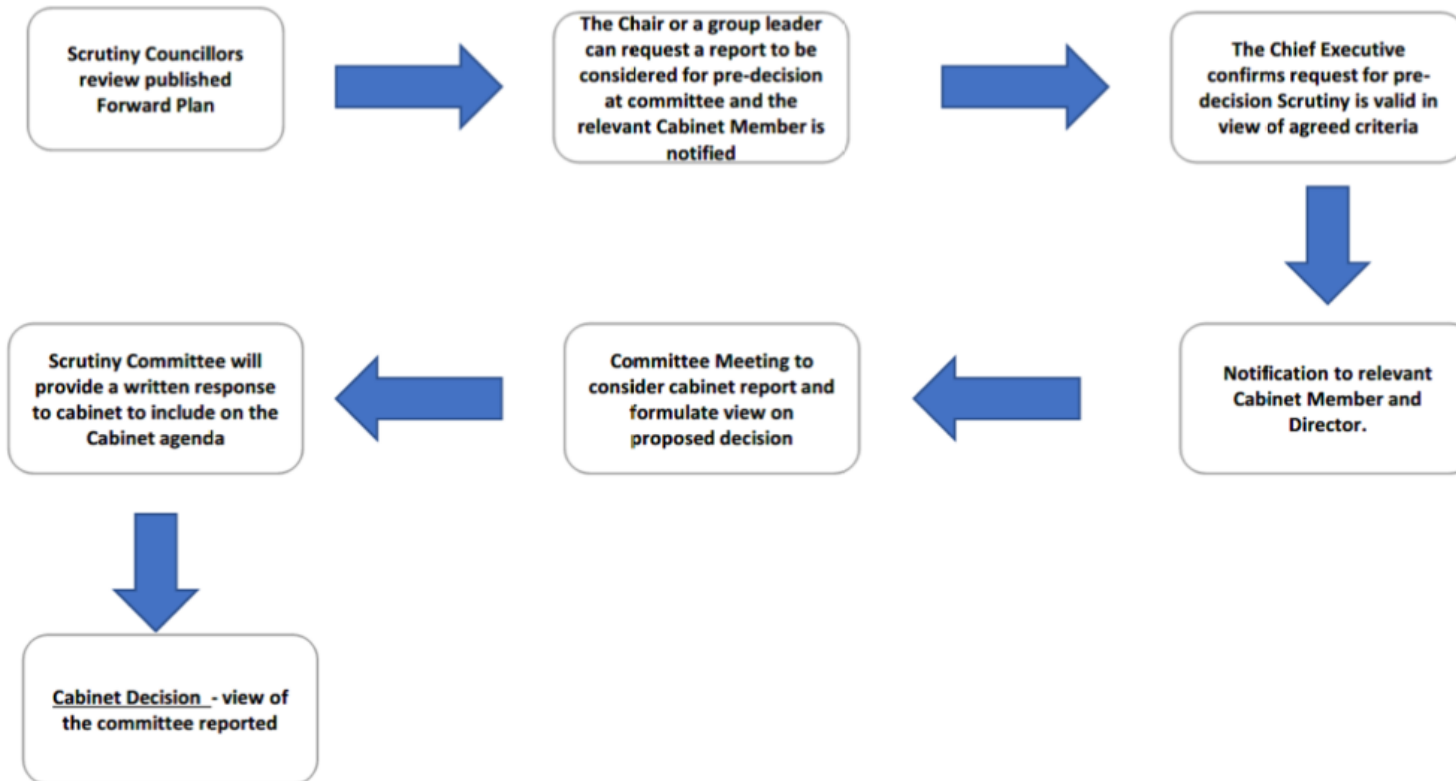
- 5.22 Pre-decision scrutiny will normally be based on the report which is to be submitted to Cabinet. The relevant Cabinet Member would be expected to attend the overview and Scrutiny Committee to answer questions / provide clarification on the report. The overview and Scrutiny Committee can request relevant officers to attend to provide advice and assist the overview and Scrutiny 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 overview and Scrutiny Committee would be expected to focus on:
 - (a) The reasons for the proposed decision and robustness of the process;
 - (b) Whether the report outlines all the known or potential implications (including policy/budget issues) and risks;
 - (c) Whether the report adequately examines all the available options;
 - (d) 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 overview and Scrutiny Committee will inform cabinet in writing of their considerations, this will be included on the Cabinet agenda. otherwise, the Chair of the overview and Scrutiny 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 overview and Scrutiny Committee meeting and if necessary, demonstrate how the views expressed by the overview and Scrutiny Committee have been addressed.

Pre-decision scrutiny



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 for councillor / officer Relations
- 5 The Scheme of councillors' allowances

DRAFT

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, policies, protocols and procedures and participate in those decisions and activities reserved for the 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 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 they are 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 – ie 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 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.

DRAFT

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.

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.
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.

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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 (the '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 the Council following an open recruitment process.
- 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.

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

Submitting a Complaint

- 3.9 The complaint must be:

- (a) Submitted in writing;
- (b) Include the identity of the person submitting the complaint (the Complainant) unless there are substantial reasons not to do so;
- (c) Clearly identify those elements of the Code alleged to have been breached;
- (d) Provide information and evidence that substantiates the allegations made; and
- (e) Outline the form of resolution the Complainant is seeking.

3.10 The Complainant should use the correct Complaint Form which is available from the Council's website or the Monitoring officer.

3.11 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.

3.12 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:

- (a) The Complainant has good reason to believe that they are at risk of physical harm if their identity is disclosed;
- (b) 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;
- (c) 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;
- (d) The Complainant has a serious health condition and there are medical risks associated with the disclosure of their identity;
- (e) The Monitoring officer will notify the Complainant of their decision.

3.13 The Monitoring officer may decline to progress the complaint if the Complainant does not agree to the disclosure of their identity.

Initial Assessment

3.14 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.

3.15 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.

- 3.16 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 to be dealt with in accordance with corporate complaints procedure and will not be considered under the Arrangements.
- 3.17 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.
- 3.18 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.

Stage 2: Informal Resolution

- 3.19 [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:
- (a) The Subject Councillor accepting that their conduct was unacceptable and providing an explanation and written apology;
 - (b) The Subject Councillor agreeing to undergoing relevant training;
 - (c) Mediation between the Subject Councillor and the Complainant facilitated by the Independent Person; or
 - (d) Any other form of remedial action considered appropriate.
- 3.20 If the Complainant and the Subject Councillor accept Local Resolution, informs no further action will be taken except that the Monitoring officer:
- (a) Will ensure any actions arising from the Local Resolution are completed; and
 - (b) 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.
- 3.21 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.

Stage 3: Investigation

The Public Interest

- 3.22 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:

- (a) The seriousness of the alleged breach;
- (b) 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;
- (c) What harm if any is alleged to have been caused to the Complainant or others;
- (d) What is the impact on the wider community of the alleged breach;
- (e) 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

3.23 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

3.24 The Monitoring officer will notify the Complainant and the Subject Councillor that the complaint has been referred for formal investigation, detailing:

- (a) The identify of the Investigating officer;
- (b) The investigation procedure;
- (c) 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.

The Conduct of the Investigation

3.25 The Investigating officer will:

- (a) Collate sufficient information to determine whether there is sufficient evidence upon which a finding may be made that:
- (b) The Code applies in the circumstances of the complaint and if so,
- (c) The Subject Councillor breached the Code as alleged.

3.26 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.

Production of Documents, Information And Explanations

3.27 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.

3.28 The Investigating officer (and any person authorised on their behalf) is authorised to:

- (a) 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;
- (b) 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;
- (c) 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.

Representation

3.29 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.

Additional Breaches of the Code

3.30 If, in the course of the investigation, the Investigating officer becomes aware of any other matter which appears to them 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.

3.31 In consultation with Independent Person, the Monitoring officer will decide:

- (a) Whether or not the additional matter should be investigated in accordance with these Arrangements;
- (b) 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;

- (c) If the additional matter is to be investigated, notify the Subject Member accordingly in accordance with these Arrangements.

Termination of the Investigation

3.32 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.

Draft Report

3.33 on completion of the investigation the Investigating officer will prepare a draft report setting out:

- (a) Details of the allegation;
- (b) The relevant provisions of the Code;
- (c) The relevant provisions of any statute or case law (if appropriate);
- (d) The Subject Member's initial response to notification of the allegation (if any);
- (e) The relevant evidence obtained during the investigation;
- (f) A list of any documents relevant to the matter;
- (g) Details of any persons interviewed and their account and any persons who otherwise provided information and details of any such information;
- (h) Details of those persons or organisations from whom information was sought but not obtained, or otherwise did not cooperate with the investigation;
- (i) 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:
 - (i) The Code applies in the circumstances of the complaint; and if so
 - (ii) The Subject Councillor breached the Code as alleged.

3.34 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.

3.35 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.

Final Report

3.36 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.

3.37 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

3.38 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.

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

3.40 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.

3.41 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

3.42 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, they will write to the Complainant and the Subject Councillor notifying them of the decision and will either:

- (a) 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
- (b) Refer the matter to for a hearing of the Hearing Sub-committee of the Standards Committee.

Stage 4: Referral to The Hearing Sub-Committee

3.43 Where the Monitoring officer has referred the matter to the Hearing Sub-committee of the Standards Committee for a hearing to determine the complaint.

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

- 3.45 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.
- 3.46 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:
- (a) The date, time and location of the hearing;
 - (b) The agreed facts of the complaint;
 - (c) The disputed facts of the complaint;
 - (d) The identify of any representative of the Subject Councillor or Investigating officer who will attend the hearing;
 - (e) The identify of any witnesses who will give evidence at the hearing;
 - (f) The decisions of the Hearing Sub-committee made at any pre-hearing meeting;
 - (g) Any proposed amendments to the hearing process set out below.

Stage 5: The Hearing

- 3.47 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.
- 3.48 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.
- 3.49 The Hearing Sub-committee shall make findings of fact on the 'balance of probabilities' which means something is more likely than not.
- 3.50 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.
- 3.51 As applicable the provisions of this Stage 5, The Hearing, shall take precedence over the Committee Procedure Rules set out under Part 3 of this Constitution.

Preliminary Matters

- 3.52 The preliminary matters of the hearing shall be:

- (a) Appointment of a chair;
- (b) Confirmation of quorum;
- (c) Declarations of interests;
- (d) Introductions;
- (e) Whether the hearing or any part of it is to be held in private;
- (f) If applicable, whether to proceed in the absence of the Subject Councillor.

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

3.53 The chair shall seek confirmation from the Monitoring officer as to:

- (a) The notification of the hearing to the Subject Councillor; Investigating officer, representative or witness;
- (b) Any indication received from the Subject Councillor, Investigating officer, representative or witness of their intention to attend or not attend the hearing; and
- (c) 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.

3.54 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

3.55 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.

3.56 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.

3.57 The Hearing Sub-committee may ask the Investigating officer clarification questions.

The Subject Member's Case

3.58 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.

3.59 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.

3.60 The Hearing Sub-committee may ask the Subject Member clarification questions.

Final Submissions

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

Introduction of New Evidence

3.62 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

3.63 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.

3.64 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.

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

- (a) Whether the Code applied to the Subject Councillor in the circumstances of the complaint; and if so
- (b) Whether the Subject Councillor breached the Code.

3.66 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

3.67 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

3.68 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.

3.69 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.

3.70 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

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

Recommendations to the Council

3.72 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

3.73 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.

3.74 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 1 of this Constitution.

Publicity

3.75 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

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

Appeal

3.77 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;
- 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 the 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), equipment provided to the Councillor by the Council 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 in appropriate 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:

- (a) The different roles of Councillors and officers;
- (b) The boundaries between Councillors and officer; and
- (c) 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	
Elected by residents every four years	Employees of the Council <ul style="list-style-type: none"> • Have a contract of employment; • Can resign or be dismissed.

<ul style="list-style-type: none"> • Can resign but cannot be dismissed; • Can be disqualified in limited circumstances; • 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 maintain an overview of finance, governance and risk; Councillors cannot make decisions individually. 	<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>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.
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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:

- (a) Valuing each other's different expertise and knowledge;
- (b) Avoiding a blame culture;
- (c) Avoiding tone and language in communications that is critical of individual officers or Councillors;
- (d) Zero tolerance of bullying or harassing behaviour;
- (e) Councillors understanding that officers, especially junior officers, cannot respond or "answer back" to a Councillor's criticism of them, especially in public;
- (f) Avoiding unreasonable deadlines or excessive demands on each other;
- (g) Remembering the importance of public perception. The public rightly expect high standards from Councillors and officers and do not expect them to be 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:

- (a) Not asking officers about their political views or discussing with them local or national party political matters;
- (b) Not attempting to draw officers into criticising a Councillor or Political Group;
- (c) Respecting officers' obligation to advise different Political Groups equally;
- (d) 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;

- (e) 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;
- (f) 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:

- (a) Providing balanced advice and equal facilities to all Political Groups and un-grouped Councillors;
- (b) 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;
- (c) Not bringing personal politics into their work;
- (d) 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;
- (e) 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, ie "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;
- 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:

- (a) officers using formal titles such as "Leader" or "Councillor" when addressing Councillors and in correspondence, especially in formal or public settings;
- (b) 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;
- (c) 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);

- (d) 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:

- (a) Councillors, including the Leader and Cabinet, accepting that they cannot direct the work of individual officers or manage services;
- (b) A Councillor who is concerned about an officer's performance or conduct, referring their concerns to the officer's line manager;
- (c) 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;
- (d) 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;
- (e) 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 the Access to Information Procedure Rules set out under Part 1 of this Constitution and as 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:

- (a) The common law right of access to information does not permit 'fishing expeditions' or the 'trawling' of information;
- (b) 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;
- (c) 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;
- (d) Councillors must be able to demonstrate their 'need to know' and must seek access to information in good faith;
- (e) Councillors can only use the information in pursuance of their official duties: they cannot use it for political or personal purposes;
- (f) The refusal of access to information may take into account the affect, or potential affect, on third parties of the disclosure of the information;
- (g) 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:

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

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

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

4.32 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.

- 4.33 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 above under section 2 and section 3 respectively.
- 4.34 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

- 4.35 Councillors should first seek to resolve any issues they have with officers, with officer's immediate line manager.
- 4.36 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;
- 4.37 Councillors should avoid 'copying-in' third parties on correspondence about problems with an officer – particularly other Councillors and external parties;
- 4.38 Councillors must not make unsubstantiated allegations against officers and must support their position with evidence;
- 4.39 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;
- 4.40 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.
- 4.41 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

- 4.42 Junior officers are not expected to seek to resolve issues with Councillors without the support of their line manager(s).
- 4.43 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.
- 4.44 If they are a member of a trade union, officers are entitled to seek advice and representation from their trade union.
- 4.45 officers should seek advice from the Monitoring officer.

Whistle-blowing and the Reporting of Wrongdoing

- 4.46 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 13 members, then this SRA is not payable.)

Chairs of Scrutiny Committees (x4)	£7,800
Vice-Chairs of Scrutiny Committees (x4)	£520
Chair of Planning Committee	£10,400
Vice-Chair of Planning Committee	£ 2,600
Chair of Audit & Governance Committee	£ 2,600
Chair of Licensing Committee Chair of Licensing Sub-committees	£6,240
Vice-Chair of Licensing Committee Vice-Chair of Licensing Sub-committees	£5,720
Chairs of Appeals Committee	£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>
<p>5.</p>	<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:

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

5.3 other Facilities:

- (a) 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;
- (b) 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 pass being withdrawn.

5.4 Pensions:

- (a) 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:

- (a) The Independent Review Panel (IRP) recommended that this revised scheme be applied from 1st August 2023;

5.6 Forgoing Allowances:

- (a) 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.

5.7.2 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:

- Childcare 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:

- (a) 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 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
- 4 Employee Code of Conduct
- 5 Staff Employment Procedure Rules
- 6 Contract Procedure Rules
- 7 Financial Procedure Rules
- 8 Property Procedure Rules

1. MANAGEMENT STRUCTURE

- 1.1 The corporate structure chart of Southend-on-Sea City Council and its Directorates is available here [[Live link](#)].

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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 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:
- (a) Part [] Section [] Responsibility for Functions;
 - (b) This Part 7 Section 3 List of Proper officers and Designated Posts;
 - (c) This Part 7 Section 5 Staff Employment Procedure Rules;
 - (d) This Part 7 Section 6 Contract Procedure Rules;
 - (e) This Part 7 Section 7 Financial Procedure Rules;
 - (f) 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:
- (a) Strategy and Change;
 - (b) Finance and Resources;
 - (c) Children and Public Health;
 - (d) Adults and Communities;
 - (e) 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 be 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.
- 2.7 The Monitoring officer in consultation with the Chief Executive may make typographical or grammatical amendments to a post title detailed in this Scheme of Delegation to officers where there has been a change to the post title following any reorganisation, restructure or similar process.

General Delegations

- 2.8 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 Law and Governance;
 - (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) Undertaking investigations;
 - (l) Taking enforcement action;
 - (m) Setting fees and charges;
 - (n) Writing-off debt;
 - (o) Appointing 'authorised officers' etc to carry out the duties and exercise the powers within the appointed officer's area of responsibility;

- (p) Exercising the Council's regulatory / licensing powers under the legislation detailed in Table B.

2.9 Any action taken under delegated powers shall be in accordance with:

- (a) The overall policies of the Council as approved by 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 Law and Governance / 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.

2.10 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 decisions 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.

2.11 Without prejudice to generality to the provisions of this Scheme of Delegation to officers, decision makers shall have regard to any resolution of the 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

- 2.12 The Chief Executive, Executive Directors and 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.
- 2.13 All delegations conferred in accordance with paragraph 2.12 must be formally recorded in writing by the Chief Executive or the relevant Executive Director, or Director as the case may be, with any restrictions or conditions on the delegation specified.
- 2.14 The Executive Directors and Directors shall each maintain for their directorate an accurate scheme of sub-delegations, including any restrictions or conditions on the sub-delegations.
- 2.15 Where the discharge of a function or power has been delegated to persons nominated by the Chief Executive or an Executive Director, or Director the discharge of a function or power under that authority shall remain the responsibility of the Chief Executive or relevant Executive Director, or Director as the case may be and the discharge of the function or power shall be taken in their name.
- 2.16 Where the Chief Executive or an Executive Director, or 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 or Director and the level of financial delegation specified in the nomination.

Emergencies

- 2.17 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 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.
- 2.18 Where paragraph 2.17 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.

- 2.19 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 2.17 and 2.18 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.
- 2.20 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 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

- 2.21 In accordance with The Local Authorities (Indemnities for Members and officers) order 2004, the Council will provide an indemnity to any councillors, employees, former councillors and former employees in relation to any neglect, act, error or omission committed by them in the course of undertaking their duties as a councillor 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 by the Council or with the approval of the Council. The indemnity will include costs awarded against the councillor or employee and the reasonable costs they incur.
- 2.22 The indemnity shall include where a councillor or employee of the Council is acting for other persons or bodies with the consent of the Council.
- 2.23 The indemnity shall not extend to loss or damage directly or indirectly caused by the Councillor 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 councillor or employee truly believed the actions they took were within the Council's legal powers.
- 2.24 The indemnity will not apply to the making of any claim by the councillor or employee, but will include an indemnity for the defence of a councillor or employee any claim against actions they took in their capacity as a councillor or employee of the Council. Where the councillor or employee 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.

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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.	Director of Policy & Customer Experience	
2.	To implement and lead on actions to support the Communications Strategy	Director of Policy & Customer Experience	
3.	To provide media spokesperson representation on individual issues, for both reactive and proactive media coverage.	Director of Policy & Customer Experience	
Information Governance			
4.	A senior information risk owner who will take overall ownership of the Council's [Information Risk Policy].	Director Digital and ICT	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
5.	Approving local settlements as suggested by and agreed with the ombudsman under section 92 Local Government Act 2000.	Relevant Director	
6.	Respond to complaints through co-ordinating response from responsible services.	Director Law and Governance	
7.	Act on behalf of the council to implement the [Unreasonable Behaviour policy].	Director Law and Governance	
8.	Review of information governance policies and implement proactive approach across the council.	Director Law and Governance	
9.	Authorised to conduct searches for subject access requests.	Director Law and Governance	
10.	To act on behalf of the council in respect of Freedom of Information Act 2000 to co-ordinate and issue responses.	Director Law and Governance	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
11.	Investigate data breaches and prepare reports for sharing with [Information Governance Steering Group].	Director Law and Governance	
12.	Report to the Information Commissioner's office on data breaches where decided.	Director Law and Governance	
13.	To commission investigation into suspected misuse of IT in accordance with the [Employee Code of Conduct and relevant policies].	Chief Executive, Director Law and Governance, Executive Director Finance and Resources (s151 officer)	
14.	Respond to requests from police and partners for information and data requirements within the sharing protocol.	Relevant Director	
15.	on behalf of the Council collate, produce and submit the [Information Governance Toolkit].	Director Law and Governance	
16.	Dispose of expired records held at the modern records unit.	Relevant Director	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
17.	Produce annual equality statement in accordance with Equality Act 2010.	Relevant Director	
18.	The officer to act as Local Registrar as defined in Section 3 of the Local Land Charges Act 1975.	Director Law and Governance	
Information Technology			
19.	Development and maintenance of an appropriate cyber security strategy and robust security approach.	Director Digital & ICT	
20.	Development and maintenance of an appropriate enterprise architecture.	Director Digital & ICT	
21.	Creation and Delivery of the agreed Technology and Data strategies.	Director Digital & ICT	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
Elections and Civic Duties			
22.	Section 52(2), Representation of the People Act 1983, Section 52(3), Representation of the People Act 1983.	Director Law and Governance	
23.	Section 28(5), of Representation of the People Act 1983.	Director Law and Governance	
24.	Section 35(4), Representation of the People Act 1983.	Director Law and Governance	
25.	Section 5(1), The Police and Crime Commissioners Elections (Functions of Returning officers) Regulations 2012 Section 7(1), European Parliamentary Elections Act 2001.	Director Law and Governance	
26.	Section 35(4), Representation of the People Act 1983.	Director Law and Governance	
27.	Deputy Electoral Registration officer.	Director Law and Governance	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
Democratic Services			
28.	Ensuring that all published decision reports conform/adhere to constitutional rules and procedures.	Director Law and Governance	
29.	Verify and agree members' expenses, over the £100 threshold, within the budget perimeters.	Director Law and Governance	
30.	Publish all public meeting papers five clear working days prior to the meeting.	Director Law and Governance	
31.	<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 in writing, of the matter about which the decision is to be made.</p>	Director Law and Governance	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
32.	Inspection of documents	Director Law and Governance	
33.	Signing of Ward Councillors' declaration of interest forms	Director Law and Governance	
34.	Signing register of Town Councillors' declarations of interest forms	Director Law and Governance	
35.	Recruitment of panel members to the Independent Remuneration Panel	Director Law and Governance	
Legal Services			
36.	To issue, defend, settle or take part in any legal proceedings on the Council's behalf.	Director Law and Governance	
37.	Waivers of the Contract Procedure Rules	Executive Director Finance & Resources (S151 officer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
38.	Signing any document and affixing the Council's seal on behalf of the Council	Chief Executive, Director Law and Governance, Head of Legal Services	
39.	Determination of complaints submitted under the Code of Conduct for Councillors	Director Law and Governance	
40.	To maintain the Register of Members'	Director Law and Governance	
Human Resources			
41.	Approval of HR and Health & Safety, policies	Executive Director Strategy and Change	
42.	Approval of HR and health and safety, procedures and guidance.	Director of People and Transformation	
43.	Application of HR and Health & Safety policies and procedures	Relevant Director	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
44.	Suspension of an employee	Chief Executive, Executive Director or Director	
45.	Appointment of consultant / interim manager	Chief Executive Director	Agreement to recruit to this type of role via Business World. Actioning approval line managers
46.	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)	Chief Executive Director	Final agreement for Fixed term or Agency via Workforce Panel
47.	Grading for jobs subject to other national agreements	Senior Managers Pay Panel	This is only for Chief officer posts who are not subject to national agreement.
48.	Approval of market pay supplements (including extensions)	Chief Executive Directors	All come to workforce panel
49.	Approval of revised staffing structures	Chief Executive Directors	All come to CLT for agreement

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
50.	Determination of employee grievances	Relevant Director	This will be dependant on the level of the grievance
51.	Dismissal on grounds of capability / conduct / some other substantial reason	Chief Executive Directors Executive, Director,	
52.	Dismissal on grounds of redundancy	Chief Executive Directors Executive, Director,	
53.	Approval of MERS applications, redundancy payments, ill health retirement and flexible retirement applications	Chief Executive Directors Executive, Director,	In consultation with Section 151 officer for flexible retirement
54.	Employer discretions under the official pension schemes	Chief Executive Directors Executive, Director,	In consultation with section 151 officer
55.	Approval of settlement agreements	Chief Executive Directors Executive, Director,	In consultation with Section 151 officer

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
56.	Meeting the cost of redundancies in schools etc. where the Council is the employer	Executive Director Finance & Resources (S151 officer)	
57.	Ensure appropriate arrangements are in place to carry out the Council's emergency planning functions in accordance with the Civil Contingences Act 2004	Executive Director Finance & Resources (S151 officer)	
58.	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	Relevant Director	
59.	Pay salaries, wages, performance related pay, honoraria and other gratuities	Executive Director of Strategy and Change	
60.	Approval of spend and the allocation of funds to providers from the Council's apprenticeship levy fund.	Director People and Transformation	

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	Executive Director Finance & Resources (S151 officer)	
2.	To send reminders/summons as required	Director of Financial Services	
3.	To commence recovery procedures as required for outstanding debts	Executive Director Finance & Resources (S151 officer)	
4.	Debt Collection enforcement arrangements for Council Tax/NNDR	Executive Director Finance & Resources (S151 officer)	
5.	Process Council Tax/NNDR refunds	Director of Financial Services	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
6.	Represent the Council at Magistrates' Court/Valuation Tribunals	Director of Financial Services	
7.	Liaise with [Valuation office] to maintain accurate banding of properties	Director of Financial Services	
8.	Prepare annual business rates briefing for consultation	Director of Financial Services	
9.	Determine entitlement to reliefs/discounts	Director of Financial Services	
10.	Submission of Government returns	Director of Financial Services	
11.	To approve Council Tax hardship applications	Director of Financial Services	
12.	Process Direct Debit claims/ runs	Director of Financial Services	
13.	Conduct periodic visits to properties to ensure revenue is maximised	Director of Financial Services	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
14.	Respond to complaints / Freedom of Information requests	Director of Financial Services	
Debtors			
15.	Raising invoices for sums due	Director of Financial Services	
16.	Effective collection and recording of all monies due to the Council	Director of Financial Services	
17.	Authorisation of new payment facility	Director of Financial Services	
18.	Debt collection enforcement arrangements for car park debts	Director of Financial Services	
19.	Process Direct Debit claims/ runs	Director of Financial Services	
20.	Respond to complaints / Freedom of Information requests	Director of Financial Services	
21.	Represent the Council at Court	Director of Financial Services	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
Housing and Council Tax Benefits			
22.	Process housing and council tax benefit applications	Director of Financial Services	
23.	Process change of circumstances	Director of Financial Services	
24.	Process benefits payment runs	Director of Financial Services	
25.	Administer the [Discretionary Housing Payments scheme (DHP)] and Household Support Fund	Director of Financial Services	
26.	Recovery of benefit overpayments	Director of Financial Services	
27.	Determine entitlement to free school meals		
28.	Complete the DWP data matching requirements	Director of Financial Services	
29.	Administer CTR Discretionary payment scheme	Director of Financial Services	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
30.	Represent the Council at appeal tribunals	Director of Financial Services	
31.	Respond to complaints / Freedom of Information requests		
32.	Fraud/NFI completion	Director of Financial Services	
33.	Prepare HB Subsidy calculations for Council sign off	Director of Financial Services	
34.	Maintain the revenues and benefits systems	Director of Financial Services	
35.	Implement and maintain online digital customer channels		
Payroll (This section under Strategy and Change ?)			
36.	Arrangement for the payment of salaries, wages, pensions to current and former employees of the Council and members of the Council		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
37.	Maintain records for compliance with HMRC and pension reporting		
38.	Process claims for payment for car allowances, subsistence allowances, travelling & incidental expenses		
39.	Process payroll BACS files		
40.	Authorise payments to Council (maintained) schools		
Creditor and Social Care Payments			
41.	Authorisation of payments (general)	Director of Financial Services	
42.	Payment of invoices and processing BACS/cheque payment runs through relevant systems	Director of Financial Services	
43.	Process regular periodical payments	Director of Financial Services	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
44.	Authorising the issue of Procurement cards and determining credit limits	Director of Financial Services	
45.	Process domiciliary care invoices (authorise [Abacus] payment run)	Director of Financial Services	
46.	Calculate and bill service users for care contributions	Director of Financial Services	
Debt write offs			
47.	Authorisation of debt write off	Executive Director Finance & Resources (S151 officer)	
Banking Arrangements			
48.	To approve the opening of new cash/bank interest account or change to limit	Director of Financial Services	
49.	To notify Bank of changes to authorised signatories	Director of Financial Services	
50.	To authorise cheques on behalf of the Council	Director of Financial Services	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
51.	To be a Primary Security Contact for BACS (including setting up new users to hold a BACS card)	Director of Financial Services	
Treasury Management			
52.	Investment of surplus funds	Executive Director Finance & Resources (S151 oofficer)	
53.	Borrowing decisions to meet Capital Programme or short-term cash flow requirements	Executive Director Finance & Resources (S151 oofficer)	
54.	Authorisation of Bankline payments (e.g. Faster payments / CHAPS)	Director of Financial Services	
Government Grants			
55.	To accept terms and conditions attached to any Government grants and complete grant returns	Executive Director Finance & Resources (S151 oofficer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
VAT			
56.	To submit VAT returns	Director of Financial Services	
Fixed Assets			
57.	Propose assets to be included in the valuation list	Director of Financial Services	
58.	Produce an asset management plan for approval by Council as part of the Capital Strategy	Executive Director Finance & Resources (S151 oofficer)	
Capital and Revenue Budgets			
59.	Propose a revenue budget for the coming year for approval by Council	Executive Director Finance & Resources (S151 oofficer)	
60.	Propose all capital project additions for the coming year for approval of an amended capital programme by Council	Executive Director Finance & Resources (S151 oofficer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
61.	Produce and maintain a Capital Strategy for approval by Council	Executive Director Finance & Resources (S151 oofficer)	
62.	Approval to move revenue budgets between cost centres	Executive Director Finance & Resources (S151 oofficer)	
63.	Approval of additions to Expenditure Budgets Funded from Government Grants, Developers Contributions, Revenue Reserves or other sources of external funding	Executive Director Finance & Resources (S151 oofficer)	
64.	Approval of the movement of Capital Budget between Programme Years	Executive Director Finance & Resources (S151 oofficer)	
65.	Authorisation for the carry forward of under or overspends	Executive Director Finance & Resources (S151 oofficer)	
66.	Processing journal transfers	Director of Financial Services	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
Insurance			
67.	Responsibility to ensure appropriate insurance arrangements are in place.	Director of Financial Services	
68.	Maintain record of all insurances, risks covered, premiums paid and of all self-funded risks and losses paid.	Director of Financial Services	
Internal Audit			
69.	Arrangement of internal audit activities in accordance with the Accounts & Audit Regulations	Executive Director Finance & Resources (S151 officer)	
70.	Give assurance on financial and management control systems	Executive Director Finance & Resources (S151 officer)	
71.	Undertake Value for Money reviews	Executive Director Finance & Resources (S151 officer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
Financial Procedure Rules			
72.	Maintain continuous review of the Financial Procedure Rules	Executive Director Finance & Resources (S151 oofficer)	
Cash Collection			
73.	Management of cash collection system	Director of Financial Services	
Procurement			
74.	Issuing procurement tenders; receive supplier bids; issue contract award notices.	Executive Director Finance & Resources (S151 oofficer)	
75.	Update, amend and publish the contracts register.	Executive Director Finance & Resources (S151 oofficer)	
Facilities Management			
76.	operational delivery of facility management undertakings, building maintenance, cleaning,	Executive Director Finance & Resources (S151 oofficer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
	construction and mechanical/ electrical works.		
77.	operational delivery of health & safety compliance to property assets and associated undertakings.	Executive Director Finance & Resources (S151 oofficer)	
78.	Procure and award of contracts to facilitate delivery of projects, goods and operational services identified in accordance with policy and allocated budget.	Executive Director Finance & Resources (S151 oofficer)	
79.	The opening and closure of Council property assets.	Executive Director Finance & Resources (S151 oofficer)	
80.	Have the authority to manage the day-to-day operation of facilities corporate Council buildings.	Executive Director Finance & Resources (S151 oofficer)	
81.	Set hire charges for corporate buildings.	Executive Director Finance & Resources (S151 oofficer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
82.	Authorise use of buildings in the event of an emergency and particular circumstances, including opening and closing sites.	Executive Director Finance & Resources (S151 oofficer)	
83.	Ensure the security of buildings.	Executive Director Finance & Resources (S151 oofficer)	
84.	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.	Executive Director Finance & Resources (S151 oofficer)	
Property Services / Estate Management			
85.	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.	Executive Director Finance & Resources (S151 oofficer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
86.	To negotiate, agree terms for and sign the grant of leases, licences, tenancies, agreement for lease, development agreements and legal consents.	Executive Director Finance & Resources (S151 oofficer)	
87.	To instruct Legal Services to serve legal notices. Sign Notices to Quit/Terminate Lease/ Seal Contracts.	Executive Director Finance & Resources (S151 oofficer)	
88.	To grant a wayleave easement or deed of access over Council owned land to a third party.	Executive Director Finance & Resources (S151 oofficer)	
89.	To approve listing of Assets of Community Value in accordance with legislation.	Executive Director Finance & Resources (S151 oofficer)	
90.	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.	Executive Director Finance & Resources (S151 oofficer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
91.	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.	Executive Director Finance & Resources (S151 oofficer)	
92.	To agree the release of restrictive Covenants on current or previously owned council land.	Executive Director Finance & Resources (S151 oofficer)	
93.	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.	Executive Director Finance & Resources (S151 oofficer)	
94.	To negotiate and settle schedules of dilapidation.	Executive Director Finance & Resources (S151 oofficer)	
95.	To agree and settle rent arrears and refer all property matters in	Executive Director Finance & Resources (S151 oofficer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
	dispute to arbitration/third party for determination.		
96.	To submit appeals in respect of the Rateable Value of council property in the interests of the council.	Executive Director Finance & Resources (S151 oofficer)	
97.	To make changes to the Commons Register.	Executive Director Finance & Resources (S151 oofficer)	
98.	To engage and instruct Insurance adjusters to negotiate and settle terms of adjustments.	Executive Director Finance & Resources (S151 oofficer)	
99.	To procure, engage and instruct consultants and agents to act on behalf of Property Services.	Executive Director Finance & Resources (S151 oofficer)	
100.	To procure, engage and instruct contractors and suppliers to act on behalf of Property Services.	Executive Director Finance & Resources (S151 oofficer)	
101.	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	Executive Director Finance & Resources (S151 oofficer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
	harm both staff and members of the public as well as protect continuity of Council Services.		
102.	Part 5 Chapter 3 of the Localism Act 2011 Assets of community value.	Executive Director Finance & Resources (S151 officer)	
Southend-on-Sea City Council Website			
103.	Notify web team of changes required to website for finance areas	Executive Director Finance & Resources (S151 officer)	
Emergency Planning and Business Continuity			
104.	Approval of business continuity and emergency planning policies, procedures and guidance		
105.	Ensuring appropriate arrangements are in place to discharge the Council's emergency planning functions in accordance with the Civil Contingencies Act 2004		

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 (DCS) appointed under the Children Act 2004.	Executive Director Children and Public Health	
Looked after Children (Children Act 1989)			
2.	Authority to apply for Secure orders up to 72 hours (pending an application to court)	This cannot be delegated	DCS approval required and in DCS's absence Chief Executive (CEX) to approve
3.	Authority to apply for Secure orders (via a court application)	This cannot be delegated	DCS approval required and in DCS's absence Chief Executive (CEX) to approve
4.	Authority to extend Secure orders (via a court application)	Director of Children's Social Work, Early Help and Youth Support	Need to inform the DCS

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
5.	Consent for children subject to care and placement orders to have a) A surgical operation (local or general anaesthetic) b) Emergency treatment c) Routine medical	Director of Children's Social Work, Early Help and Youth Support	Head of Service- approves this
6.	Acceptance of criminal injury compensation awards	Director of Children's Social Work, Early Help and Youth Support	
7.	Approval to place children at distance, outside the county of Essex can only be agreed by the DCS	Executive Director Children and Public Health (Statutory Director of Children's Services)	Delegated to Director of Children's Social Work, Early Help and Youth Support when DCS not available
8.	Placement with parents agreement (planned and emergency)	Director of Children's Social Work, Early Help and Youth Support	Delegated to the Head of Service when Director not available
9.	Decisions to give consent to the marriage of a young person in care	Director of Children's Social Work, Early Help and Youth Support	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
10.	Agreement to a young person remanded to local authority care being placed at home or with friends	Director of Children's Social Work, Early Help and Youth Support	
11.	Leave to invoke the inherent jurisdiction of the High Court.	Director of Children's Social Work, Early Help and Youth Support	
12.	Leave to place a child in accommodation restricting liberty under Section 25 of the Act.	Director of Children's Social Work, Early Help and Youth Support	
13.	Leave for a child in the care of the local authority to live abroad. (section 19)	Director of Children's Social Work, Early Help and Youth Support	
Permanence and Adoption			
14.	Approval of adopters	Director of Children's Social Work, Early Help and Youth Support	Cannot be delegated under the regulations

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
Fostering			
15.	Exercising all the powers and functions of the Authority in relation to the fostering of children under Part IX of the Children Act 1989, Section 48 of the Care Standards Act 2000, Part 5 of the Children Act 2004 and all other enabling powers.		
16.	Approving loans or other financial assistance under Section 23 of the Children Act 1989 and all other enabling powers for the provision of accommodation of children under foster care and to vary the terms of such loans or assistance.		
17.	Approval of foster carers	Director of Children's Social Work, Early Help and Youth Support	
18.	Decision to authorise placements under Reg 24 of the Foster Service Regulations	Director of Children's Social Work, Early Help and Youth Support	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
Youth Offending			
19.	Informing court that electronic monitoring is suitable when imposing bail on a person aged between 12 and 17	Director of Children's Social Work, Early Help and Youth Support	
20.	Submit plans/bids that the DfE or other Government Directorates may from time to time require, following appropriate consultation.	Director of Children's Social Work, Early Help and Youth Support	
21.	To authorise officers to appear on behalf of the Authority in proceedings being conducted in the Magistrates Court. (Local Government Act 1972 sections 222 & 223)	Director of Children's Social Work, Early Help and Youth Support	
22.	To decide, following a risk assessment, whether a complaint should be referred to an external investigator	Director of Children's Social Work, Early Help and Youth Support	
23.	Exercising any function of the Authority under 75 of the National Health Service Act 2006 (pooled budgets and commissioning) so far as those functions relate to children and young persons.	Director of Children's Social Work, Early Help and Youth Support	Cabinet agreement may be required

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
Education Skills and Development / Commissioning			
24.	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.	Director of Education, Early Years and Inclusion	
25.	<p>School Places and Admissions:</p> <p>To be responsible for securing sufficient education is available to meet the needs of the population in the area under the Education Act (EA) 1996 and subsequent education legislation including actions which: securing sufficient primary and secondary schools places, any actions taken to address shortfalls, implementing the School Admissions Code and School Admissions Appeal Code to provide fair opportunities to gain places in maintained schools for all children; to provide a national picture of admissions issues to appropriate bodies and reasonably consider parental representations regarding the provision of schools.</p>	Director of Education, Early Years and Inclusion	
26.	To undertake appropriate actions and measures in relation to exclusions from school including the provision of education for children permanently excluded from day 6 and to ensure funding follows the pupil in the case of Permanent exclusion as required under the Education Act 1996 and subsequent amendments and education acts related to exclusion.	Director of Education, Early Years and Inclusion	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
27.	To ensure that children who cannot (for whatever reason) be in mainstream education, continue to receive a suitable education under Education Act 1996 and that any pupil placed in alternative provision by the Council receive full-time education unless it is not in the child's interests.	Director of Education, Early Years and Inclusion	
28.	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.	Director of Education, Early Years and Inclusion	
29.	Under Education Act 1996 and subsequent education legislation the Council has the duty to identify children missing education.	Executive Director Children and Public Health	
30.	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.	Director of Education, Early Years and Inclusion, Executive Director of Finance and Resources	
31.	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.	Director of Education, Early Years and Inclusion, Executive Director of Finance and Resources	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
32.	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.	Director of Education, Early Years and Inclusion	
33.	To ensure that local authorities and schools provide Religious Education in accordance with the law under the School Standards and Framework Act 1998 Section 69/70, including all registered pupils attending a maintained school take part in a daily act of collective worship and the establishment of a Standing Advisory Committee for Religious Education	Director of Education, Early Year and Inclusion	
34.	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.	Executive Director of Finance and Resources and Director of Education, Early Years and Inclusion	
35.	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	Executive Director Finance and Resources and Executive Director Children and Public Health	
36.	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	Director of Education, Early Years and Inclusion Director of Finance	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
	approval of deficits, management of delegated budgets and banking arrangements.		
37.	To ensure children and young people with a learning difficulty or disability or Special Educational needs are able to secure appropriate education and training as defined under the Children and Family Act 2014 and associated legislation including arrangements for young people aged 16-25 with an EHCP.	Director of Education, Early Years and Inclusion	
38.	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.	Director of Education, Early Years and Inclusion	
39.	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.	Director of Education, Early Years and Inclusion	Maintained Community schools only
40.	School Governance (Constitution) (England) Regulations 2012 provides the authority to seal and make an instrument of governance for maintained schools.	Director of Education, Early Years and Inclusion	Maintained schools only

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
41.	To provide information they consider appropriate and training they consider necessary for governors of maintained schools to enable governors effectively to discharge their duties as set out in Section 22 of the Education Act 2002.	Director of Education, Early Years and Inclusion	
42.	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 assessment arrangements.	Director of Education, Early Years and Inclusion	
43.	To ensure effective performance management arrangements are put in place for teachers in community schools as set out in the Education Act 2002 Sections 21, 131 and 210. Secondary - 'The Education (School Teacher Performance Management) (England) Regulations 2006'.	Director of Education, Early Years and Inclusion	Maintained Schools only
44.	Under the Education Act 2002 Sections 79 (6) and (7) local authorities must have regard to statutory guidance issued by the Secretary of State when exercising any function that may affect the provision of education in maintained schools or arrangements where the LA holds statutory responsibility in relation to education safeguarding, attendance and SEND in all schools, including Academies.	Director of Education, Early Years and Inclusion	
45.	To facilitate the investigation, by ofsted, of a parental complaint about a maintained or an academy school as defined under Education Act 2005 and subsequent Education Acts and legislation	Director of Education, Early Years and Inclusion	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
46.	To ensure local authorities take action as described under the latest ofsted Inspection Framework, in regard to all elements of education provision, working with the regional DFE office where actions involve Academy Trusts.	Director of Education, Early Years and Inclusion	
47.	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 a Trust.	Director of Education, Early Years and Inclusion	
48.	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 in maintained schools receive their statutory entitlements regarding their terms and conditions.	Director of Education, Early Years and Inclusion	
49.	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.	Director of Education, Early Years and Inclusion	
50.	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.	Director of Education, Early Years and Inclusion	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
51.	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.	Director of Education, Early Years and Inclusion	
52.	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	Director of Education, Early Years and Inclusion	
53.	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.	Director of Education, Early Years and Inclusion	
54.	To ensure that all eligible children in the early years from 9 months of age can access their entitlement to high quality free education	Director of Education, Early Years and Inclusion	
55.	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) This includes providers in their area the necessary support to help deliver sustainable affordable and high quality childcare that meets the needs of the community	Director of Education, Early Years and Inclusion	
56.	Childcare Act 2006 Section 99. Secondary - the Childcare (Provision of Information about Young Children) (England) Regulations 2009 underpins various information collections and enables the Secretary of State to obtain	Director of Education, Early Years and Inclusion	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
	information collected by local authorities from childcare providers to help compile Early Years Foundation Stage Profile data and the Early Years Census returns.		
57.	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 and for the Council to provide data as required to the DFE	Director of Education, Early Years and Inclusion	
58.	To comply with duties relating to the publication of a composite schools prospectus and other miscellaneous information annually (including the making of educational grants, Special Educational Needs provision, school transport strategies, etc) as described in Education Regulations	Director of Education, Early Years and Inclusion	
59.	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	Director of Education, Early Years and Inclusion	
60.	To ensure that where a maintained 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.	Director of Education, Early Years and Inclusion	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
61.	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.	Director of Education, Early Years and Inclusion	
62.	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.	Director of Education, Early Years and Inclusion	
63.	In relations to community 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.	Director Education, Inclusion and Early years	
Public Health			
64.	Exercising the statutory function of Director of Public Health.	Director of Public Health	
65.	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: <ul style="list-style-type: none"> <li data-bbox="398 1238 1182 1270">• The annual report on the health of the local population; 	Director of Public Health	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
	<ul style="list-style-type: none"> • 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 public health; • 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. 		
66.	<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 measure programme; • 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. 	Director of Public Health	

Adults and Communities

Scheme of Delegation to officers

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
Social Care operations			
1.	Authorise a Deprivation of Liberty Standard Authorisation under the Deprivation of Liberty Safeguards MCA 2005	Director within Adults and Communities	
2.	Instruct an Independent Mental Capacity Advocate (IMCA) under Section 39A of MCA 2005 Not needed as set out in statute		
3.	Instruct an Independent Mental Capacity Advocate (IMCA) under Sections 39C or D of MCA 2005	Director within Adults and Communities	
4.	Extend the period of a 7 day Urgent authorisation the Deprivation of Liberty Safeguards MCA 2005 for a further period of 7 days Not a council function		
5.	Approach the court of Protection to ask it to rule in relation to a Deprivation of Liberty	Directors within Adults and Communities	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	Safeguards Authorisation where there is a dispute regarding if it is appropriate.		
6.	Approach the Court of Protection to ask it to rule in relation to a Deprivation of Liberty in a Community setting	Director within Adults and Communities	
7.	Undertake Mental Capacity Assessments and Best Interest decisions under the MCA 2005		
8.	Decision to instigate safeguarding concern under section 42 Care Act	Director within Adults and Communities	
9.	Decision to instigate safeguarding enquiry under section 42 Care Act	Director within Adults and Communities	
10.	Approval of care plans in Care Act assessments	Director within Adults and Communities	
11.	Ensure availability of Approved Mental Health Professionals to receive, consider and undertake Mental Health Act Assessments as and when required.	DASS	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
12.	Apply to the Magistrates Court for a section 135(1) warrant, MHA 1983.		
13.	Perform the function of a Social Supervisor.	Director within Adults and Communities	
14.	Authorise application under section 7 of the MHA for Guardianship.	DASS	
15.	Where required and following relevant court authority to act as the Nearest Relative for an individual as set out in the Mental Health Act 1983	DASS	
16.	Setting of charging policy for care. Sections 14,17, 69 and 70 of Care Act 2014	S151 oofficer	
17.	Care and Support Charging Policy Financial Assessment Appeal No appeal process need advice on this	Director within Adults and Communities	
18.	Care and Support Charging Policy Financial Assessment 2nd stage Appeal	Directors within Adults and Communities	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
19.	Care and Support charge Waivers These may be considered in exceptional circumstances	Directors within Adults and Communities	
20.	Authorisation for Deferred payment agreements under sections 34-36 Care Act 2014	Director within Adults and Communities	
21.	Deferred Payment Agreement (DPA) Appeal hearing and decision against refusal to award a DPA	Director within Adults and Communities	
22.	Agree top-up payments for residential/nursing care in accordance with Care Act 2014 – Annex A – choice of accommodation and additional payments.	Director within Adults and Communities	
23.	Approval to suspend a direct payment where the terms of the direct payment agreement are not met or where there is suspected fraud.	Director within Adults and Communities	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
24.	Approval of joint funded packages of care, including continuing health care and section 117 mental health aftercare services.	Director within Adults and Communities	
25.	Approve direct payment agreements and suitable person agreements (where applicable).	Director within Adults and Communities	
26.	Recall surplus funds from direct payment accounts.	Director within Adults and Communities	
27.	Provision of court deputy service	Director within Adults and Communities	
Libraries, Museums and Archives			
28.	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.	Director of Culture and Tourism	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
29.	Agreeing and levying charges for the use of library, archives and museum facilities / services.	Director of Culture and Tourism	
30.	Agree charging of overdue loans under Section 8 of the Public Libraries and Museums Act 1984.	Director of Culture and Tourism	
31.	To implement the charging policy for services, including fines, hire charges and fees.	Director of Culture and Tourism	
32.	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.	Director of Culture and Tourism	
33.	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).	Director of Culture and Tourism	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
34.	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, including the power to make charges.	Director of Culture and Tourism	
35.	To manage the social media accounts for libraries, museums and archives in accordance with communications protocols.	Director of Culture and Tourism	
36.	To provide training and supervision for volunteers. Not required		
37.	To work within the unreasonable behaviour policy to ban visits from sites.	Director of Culture and Tourism	
38.	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.	Director of Culture and Tourism	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
39.	Contribute in time or finance to voluntary organisations or parish / town councils in the operation of community libraries. Not applicable		
Culture and Tourism			
40.	<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. 	Director of Culture and Tourism	
Bereavement Services			
41.	To act on behalf of the Council in respect of the legislation specified in The Local Authorities' Cemeteries order 1977 – The	Director of Infrastructure and Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	Council is defined as a burial authority for the provision and maintenance of cemeteries.		
42.	To act on behalf of the Council in respect of the legislation specified in The Cremation (England and Wales) Regulations 2008 (amendment 2016).	Director of Infrastructure and Environment	

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Environment and Place

Scheme of Delegation to officers

Table A

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
Local Planning Authority Functions (including Strategic Planning and Development management)			
1.	Annual increases to preapplication advice charges for development management and listed buildings.	Director of Planning and Economy	
2.	Designation of a Neighbourhood Area Regulation 6/7 of the Neighbourhood Planning (General) Regulations 2012.	Director of Planning and Economy	
3.	Progression to examination Decision Document Regulation 15/16 of the Neighbourhood Planning (General) Regulations 2012.	Director of Planning and Economy	
4.	Proceed to referendum Decision Document Regulation 17/18 of the Neighbourhood Planning (General) Regulations 2012.	Director of Planning and Economy	
5.	Neighbourhood Plan Adoption/Made Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.	Director of Planning and Economy	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
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.	Director of Planning and Economy	
7.	Preparation of Supplementary Planning Documents (SPD). The Town and Country Planning (Local Planning) (England) Regulations 2012. Preparation of Draft SPD for consultation.	Director of Planning and Economy	
8.	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.	Director of Planning and economy	
9.	Power to make local development order Section 61A of the Town and Country Planning Act 1990.	Director of Planning and economy	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
10.	Power to modify an existing local development order Schedule 4A of the Town and Country Planning Act 1990.	Director of Planning and economy	
Regeneration			
11.	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 	Executive Director for Environment & Place Regeneration and promotion of Regeneration – Director for Regeneration, Housing and Regulatory Services Economic and business development - Director of Planning and Economy	Land and property transactions are reserved to the Executive Director of Finance and Resources other than in the case of transactions relating to the delivery of approved schemes of regeneration and housing development where such functions will be delegated to the Executive Director for Environment and Place and/or the Executive Director for Finance and resources.

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
Building Control – Functions/powers are exercised in accordance with the Building Safety Act 2022, Building Act 1984, The Public Health Act 1925, The Town and Improvement Clauses Act 1847 and The Public Health Act 1875 and other relevant legislation			
12.	To discharge the Council's Local Authority Building Control functions as identified under the above legislation, including but not limited to determining all consents, permissions and licences, taking enforcement action and dealing with dangerous structures	Director of Planning and Economy	
13.	To discharge the Council's Local Authority functions and responsibilities under the Safety of Sports Grounds Acts, including the issuing of certificates and serving of notices.	Director of Planning and Economy	
Parking			
14.	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.	Director of Infrastructure and Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
15.	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.	Director of Infrastructure and Environment	
16.	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.	Director of Infrastructure and Environment	
17.	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.	Director of Infrastructure and Environment	
18.	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.	Director of Infrastructure and Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
19.	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.	Director of Infrastructure and Environment	
20.	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 were made offences in the RTRA (1984), to be subject to civil enforcement.	Director of Infrastructure and Environment	
21.	Disabled Person Parking Badges Act 2013 – ability to seize blue badges and write witness statements, carry out background checks, write witness statements, investigate cases of blue badge misuse and produce prosecution files.	Director of Infrastructure and Environment	
Street Trading			
22.	Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 – Enabling street trading to be regulated	Director of Infrastructure and Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	within the county and adopted by the Council in 1998.		
23.	Section 115E of the Highways Act 1980 – Control of pavement cafes with Highways Amenity Licences.	Director of Infrastructure and Environment	
24.	Section 3 of the Business and Planning Act 2020 – Pavement Licences.	Director of Infrastructure and Environment	
Markets			
25.	Exercise the Council’s powers under section 50 of the Food Act 1984 to establish and operate street markets in the county. Setting up, operation, regulation or relocating of any market. The collection of charges made in relation to any market.	Director for Regeneration, Housing and Regulatory Services / Director for Infrastructure and Environment	
Environmental Health / Public Protection / Trading Standards			
26.	To discharge the Council’s functions, including but not limited to, the determination of	Director for Regeneration, Housing and	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<p>permissions, licences and consents and enforcement, in relation to:</p> <ul style="list-style-type: none"> • Environmental health and protection; • Health and safety; • Trading standards and consumer protection; • All licensing functions not reserved by law to the Licensing Committee or any Licensing Sub-Committee; • To act on behalf of the Council in respect of the legislation specified as Regulatory / Licensing Functions in Table B; • Markets and street trading. 	Regulatory Services	
Community Safety			
27.	<ul style="list-style-type: none"> • Public protection, clean neighbourhoods and community safety; • Reducing crime, disorder and anti-social behaviour; • operation, control and management of CCTV; 	Executive Director for Environment & Place and/or Head of Community Safety	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<ul style="list-style-type: none"> • Enforcement of relevant Public Space Protect orders and Byelaws. 		
Highways and Transport			
28.	<p>To act on behalf of the Council in respect of the legislation specified in the foregoing:</p> <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; • Town Police Clauses Act 1847; • Traffic Calming Act 1992; • Wildlife and Countryside Act 1981. 	Director of Infrastructure and Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
29.	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.	Director of Infrastructure and Environment	
30.	To manage the Council's functions in relation to flooding, drainage and sea defences in compliance with current legislation and policies of the Council (including without limitation: <ul style="list-style-type: none"> • Land Drainage Act 1991; • Flood Risk Regulations 2009; and • Flood and Water; • Management Act 2010). 	Director of Infrastructure and Environment	
31.	Transport Act 1985 clause 63 – duty to secure socially necessary transport. Transport Act 2000 Section 140 – duty to make information (on bus services) available. operational measures required to support local transport including:	Director of Infrastructure and Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<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. 		
32.	<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>	Director of Infrastructure and Environment	
33.	<p>Education Act 1996 Section 508/509 operational delivery of school transport and post 16 travel support services comprising:</p> <ul style="list-style-type: none"> • Assessment of eligibility for home to school transport with regard to legislation and local adopted policy; 	Executive Director Children and Public Health (DCS)	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<ul style="list-style-type: none"> Procurement of transport services required in accordance with the Council's home to school transport policy; operation of personal transport budgets in accordance with the Council's home to school transport policy; Review and update the home to school transport policy guidance. 		
34.	<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. 	Executive Director Children and Public Health (DCS)	
35.	Enter into Service Level Agreements with Leigh Town Council.	Director of Infrastructure and Environment	
36.	Setting and collecting charges in accordance with the Environmental Protection Act 1990 and the Controlled Waste Regulations 2012.	Director of Infrastructure and Environment	
37.	To provide written comments/ bids to organisations such as MHCLG for requisition of grants.	Director of Infrastructure and Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
Sustainability & Climate Change			
38.	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.	Director of Infrastructure and Environment	
39.	Signing of power purchase agreements with tenants relating to the sale of electricity generated from HC owned renewables.	Director of Infrastructure and Environment	
40.	Signing of ECo flex declaration	Director of Infrastructure and Environment	
41.	Management of maintenance and repairs of energy efficiency measures and renewable energy generation across the corporate estate.	Director of Infrastructure and Environment	
Built and Natural Environment			

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
42.	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.	Director of Planning and Economy	
Strategic Housing			
43.	Approval for the allocation of grant money to developers/ Registered Social Landlord's (RSL)'s/ applicants.	Director of Regeneration, Housing and Regulatory Services	
44.	Approval of grant monies.	Director of Regeneration, Housing and Regulatory Services	
45.	To negotiate/ renegotiate specialist accommodation on schemes with planning permission in lieu of a reduction in affordable housing.	Director of Regeneration, Housing and Regulatory Services	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
46.	Approval of RSL grant funding for purchase and repairs of properties off the open market.	Director of Regeneration, Housing and Regulatory Services	
47.	To provide written comments/ bids to organisations such as MHCLG for requisition of grants.	Director of Regeneration, Housing and Regulatory Services	
48.	Written consent to the RSL to allow for the disposal of their assets following investigation.	Director of Regeneration, Housing and Regulatory Services	
49.	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.	Director of Regeneration, Housing and Regulatory Services	
Housing Services			

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
50.	<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. 	Director of Regeneration, Housing and Regulatory Services	
Waste, Recycling and Environment Services			

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
51.	<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 (s.215 Town & Country Planning Act 1990); • Litter and fly tipping; • Abandoned vehicles; • Salting of and snow and debris removal from, public highways; • Clean / safe beaches; • Public toilets. 	Director of Infrastructure & Environment	
52.	<p>To discharge the Council's functions (including but not limited to maintenance and determining all consents, permissions and licences and taking enforcement action) in relation to:</p> <ul style="list-style-type: none"> • Parks, gardens and open spaces; 	Director of Infrastructure & Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<ul style="list-style-type: none"> • Parks Depots; • Dangerous trees, High Hedges; • Highways, Footpaths and rights of way (including adoption and closure and s.6 of the Essex Act re verges); • Lakes and waterways in Parks; • Highway verges and other areas ancillary to the public highway; • Street lighting; • Traffic Management, including the advertisement, implementation, revocation, consolidation and enforcement of Traffic Regulation orders and Emergency Traffic Regulation orders; • Naming and Numbering of Streets and premises. 		
53.	To act as the Traffic Manager for the purposes of Section 17 (2) of the Traffic Manager Act 2004 or to appoint a person to exercise the Network Management Duty under Section 16 of the Act.	Director of Infrastructure & Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<p>To discharge the Council's functions under the Highways Act 1980</p> <p>The functions of the Council as road traffic authority including its powers under the Road Traffic Regulation Act 1984.</p> <p>The Council's functions under New Roads and Street Works Act 1991.</p> <p>To sign the official traffic regulation orders (sealing is not required.)</p> <p>To be responsible for the management of the Council's highways contracts and the delivery of an annual programme of works agreed in consultation with the relevant Cabinet Member</p>		

Table B (planning and regulatory / licencing legislation [insert link to legislation])

DRAFT

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
Head of Paid Service (Section 4, Local Government and Housing Act 1989)	Chief Executive
Monitoring officer (Section 5, Local Government and Housing Act 1989)	Director, Law and Governance
Chief Finance officer (s.151 Local Government Act 1972)	Executive Director Finance and Resources
Electoral Registration officer Returning officer / Deputy Returning officer (ss.8,28 and 35 Representation of the People Act 1983)	Chief Executive

Director of Children’s Services (section18, Children Act 2004)	Executive Director, Children and Public Health
Director of Adult Social Services (section 6, Local Authority Social Services Act 1970)	Executive Director, Adult Social Services and Health
Director of Public Health (section 73A, National Health Service Act 2006)	Director, Public Health
Scrutiny oofficer (section 9FB Local Government Act 2000 as amended)	Principal Democratic oofficer (Scrutiny oofficer)
Data Protection oofficer (section 29 Data Protection Act 2018) (UKGDPR)	Information Governance and omplaints Manager
Qualified person for the purposes of section 36 of the Freedom of Information Act 2000	Director Law and Governance (Monitoring oofficer)

Proper officers

Introduction

- 3.4 The oofficers set out in the table below are appointed to be the Council’s Proper oofficer for the stated legislative provisions.
- 3.5 The appointed Deputy Proper oofficer is given in brackets. The Deputy Proper oofficer is appointed to act where the Proper oofficer is absent and / or unable to act for any reason.
- 3.6 In absence of the appointment of a Proper oofficer in this Constitution:
- (a) The Chief Executive will be the Council’s Proper oofficer and has power to delegate this power, until an appointment is made by Council; and
 - (b) The Monitoring oofficer is delegated authority to amend the list of Proper oofficers 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)	oofficer to whom persons elected as councillors shall make declaration of acceptance of office.	Director, Law and Governance (Chief Executive)
84	oofficer to whom councillors may give written notice or resignation.	Director Law and Governance (Chief Executive)
88(2)	oofficer who may convene a Council meeting to fill a vacancy in the office of Mayor	Chief Executive (Deputy Chief Executive)
89(1)(b)	oofficer who may receive notice in writing of a casual vacancy in the office of councillor from two local Government electors.	Chief Executive (Director Law and Governance)
100	All references to proper officer in connection with the access to information provisions of the Local Government Act 1972.	Director Law and Governance
115	oofficer 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)	oofficer 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)	oofficer with whom documents may be deposited pursuant to law to make notes or endorsements and give acknowledgements or receipts.	Director Law and Governance
229(4) and (5)	oofficer who shall certify that a document is a photographic copy of a document in the custody of the Council.	Director Law and Governance

Section 233 LGA 1972	Receive documents required to be served on the Council.	Director Law and Governance
234(1)	oofficer who may authenticate documents.	Director Law and Governance
238	oofficer who may endorse a copy of a byelaw.	Director Law and Governance
248	oofficer who will maintain a roll of freemen	Chief Executive
Sch.12, Part 1, para 4(1A)	oofficer 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 oofficer
30, 30 (5)	oofficer responsible for receiving and arranging publication in newspapers of notice of Local Commissioner's report on investigation of a complaint.	Director Law and Governance

Local Government (Miscellaneous Provisions) Act 1976

Section	Function / Description	Proper oofficer
16	Notices requiring details of interests in land	Any Chief oofficer
41	oofficer responsible for certifying copies of resolutions, minutes and other documents.	Director Law and Governance/Head of 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 Law and Governance

Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989

Regulation	Function / Description	Proper officer
23	Certification of the Local Non-Domestic List.	Executive Director Finance and Resources / Chief Finance officer (Director, Financial Services / Deputy Chief Finance officer)

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 Law and Governance

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 Law and Governance
11,13,14	To be the Proper officer for the receipt and validation of petitions.	Director Law and Governance

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 Law and Governance

Local Land Charges Act 1975

Section	Function / Description	Proper officer
	Maintenance of register of local land charges	Director Law and Governance

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 Law and Governance

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 Law and Governance

Local Authorities Cemeteries 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 Law and Governance
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 Law and Governance
11 (7) (c)	Provision to the press of other documentation supplied to members of the Cabinet in connection with item discussed	Director Law and Governance
81	Establish and maintain a register of members' interests	Director Law and Governance
	Except as regards the above, all references to the Proper officer in the Local Government Act and subordinate legislation	Chief Executive

4. EMPLOYEE CODE OF CONDUCT

Note: for the purpose of the Employee Code of Conduct, officers of the Council are referred to as employees.

Purpose of the Employee Code of Conduct

- 4.1 The Council aims to ensure the highest standards of conduct of its employees and to assist employees in performing their duties to the best of their ability. This Employee Code of Conduct (Code) supplements and should be read in conjunction with all HR and staff policies.
- 4.2 Employees are required, under the terms of their contract of employment with the Council to comply the Code and failure to do so may amount to a disciplinary matter.

Application of the Code

- 4.3 The Code applies to all employees of the Council, including casual and agency workers, volunteers, interim appointees and contractors.

General Principles

- 4.4 The Code of Conduct is founded on the following principles:
 - (a) To ensure the highest standards of conduct and integrity from all employees of the Council;
 - (b) To support the Council's visions and values, policies and guidance;
 - (c) To set out clear objectives and expectations for all employees;
 - (d) To ensure all employees treat colleagues and those they interact with during the course of their work with dignity and respect;
 - (e) To ensure that there is no unlawful discrimination against any individual in the application of this Code on the basis of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, maternity and pregnancy, race, religion or belief, sex, sexual orientation, or other grounds protected in law.

Safeguarding

- 4.5 The Council has a duty to safeguard and promote the well-being of children, young people and adults at risk of harm. This includes the need to ensure that all employees who work with or on behalf of children, young people and adults at risk of harm are competent, confident and safe to do so.
- 4.6 All employees who come into contact with children, young people and adults at risk of harm in their work have a duty of care to safeguard and promote their welfare.

4.7 Employees who work with or come into contact with children, young people or adults at risk of harm must refer to the following documentation in relation to their working practice:

- (a) [Safeguarding In Employment Guidance;
- (b) Guidance for Safer Working Practice for Adults for those working with Children and Young People in Education Settings;
- (c) Safeguarding Code of Conduct – For all those working with or Visiting Adults at Risk of Harm.]

Disclosure of Criminal Convictions

4.8 All employees owe a duty of trust and confidence to the Council. If at any time during the course of employment an employee is charged with or convicted of a criminal offence, this should be disclosed at the earliest possible opportunity. The Council will then assess whether or not the charge or conviction affects the employee's suitability to perform their role and their continued employment. Motoring offences that are dealt with by way of a fixed penalty notice do not need to be disclosed except where employees are required to drive Council vehicles as part of their role, or where it results in disqualification from driving and the employee is required to drive in order to perform their role or a substantial part of their role.

Equalities and Dignity at Work

4.9 The Council wishes to create an environment where all employees, casual and agency workers, volunteers, interim appointments and contractors are treated with dignity and respect.

4.10 The Council is committed to achieving equality of opportunity as an employer of people, provider of services, educator and community Leader.

4.11 All employees are expected to adopt the Council's vision of equality of opportunity and embrace the expectations outlined in the Council's [Equality in Employment Statement.]

Relationships

4.12 The Council will not interfere unduly in the private lives of employees but in order to balance the Council's obligations to act in the public interest, it will take legitimate action when close personal relationships at work have an actual or potential impact on Council business or services (for further guidance contact HR).

4.13 The Council regards as wholly unacceptable inappropriate close personal relationships between an employee and a child or young person who is under the age of 18 (19 if still at school), or an adult at risk of harm.

4.14 Issues involving close personal relationships at work will be approached sensitively and managed promptly, effectively, fairly and lawfully.

- 4.15 All employees must disclose in writing any relationship between themselves and an applicant for employment by the Council once it becomes known to them.
- 4.16 Employees involved in recruitment decisions must ensure that all appointments are made on the basis of merit alone. Employees must not be involved in appointments where they are related to an applicant or otherwise have a close personal relationship with them or have knowledge of them in another context e.g. a social connection or business association.
- 4.17 Employees should not be involved in decisions relating to discipline, promotion, recruitment or pay and conditions for any other employee who is a relative, partner, close friend or similar.
- 4.18 All applicants for a position with the Council will be asked to declare any relationship to any officer or councillor of the Council. Failure to do so could result in the withdrawal of the offer of appointment, or dismissal if already appointed.
- 4.19 Mutual respect between employees and councillors is essential for good local government. Some employees may need to work closely with Councillors. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

Conflict of Interest

- 4.20 Council employees, casual and agency workers, volunteers, interim appointees and contractors must not act or fail to act in such a way which may bring them into conflict with their employment or engagement by the Council, or allow any private interest or opinion to influence their decisions at work.
- 4.21 Employees must not use their position for personal gain or to further their own interests or the interests of others who may not have a right to benefit under the Councils' policies.
- 4.22 Employees or a close family member / friend may have a private interest which relates to the work of the Council. That interest may either be a financial one, or one which a member of the public might reasonably think could influence an employee's judgement.
- 4.23 Employees will be required to complete a declaration of interests proforma both as part of pre-employment checks and at regular intervals during their employment with the Council.
- 4.24 If an employee becomes aware of any interest in relation to themselves, any family member or person with whom they have a personal connection which may lead to a conflict of interest between them and the Council, this should be declared as soon as is possible using the declaration of interests proforma.

Prevention of Fraud and Corruption

- 4.25 The Council is committed to ensuring the highest standards of propriety in the delivery of its services and management of its resources and assets.

4.26 All employees are expected to act with integrity at all times and to comply with legal requirements, rules, procedures and good practice.

4.27 Further guidance can be obtained in the Council's Anti-Fraud and Corruption Strategy.

Commercial Practices Including Gifts and Hospitality

4.28 The principal aim of the Council's [Code of Conduct on Commercial Practices] is to ensure that Council business is conducted in accordance with the very highest standards.

4.29 Employees should never use their office for personal gain and should seek to uphold and enhance the reputation of the Council by:

- (a) Maintaining a high standard of integrity in all business and professional relationships;
- (b) Fostering the highest possible standards of professional competence amongst those for whom they are responsible;
- (c) Complying both with the letter and the spirit of:
 - (i) the law;
 - (ii) the Council's Gifts and Hospitality Policy, Standing orders and Financial Procedure Rules and Financial Instructions;
 - (iii) any additional guidance supplied by Executive Directors / senior managers;
 - (iv) the terms and conditions of their employment with the Council;
 - (v) rejecting any business practice which might reasonably be deemed improper.

Personal Transactions

4.30 Employees must not privately request or obtain goods or services from the Council's consultants, agencies, contractors, or suppliers except in a normal commercial way and no special terms must be asked for because of the Council's business relationship.

4.31 Employees must also advise their line manager before any work starts for them in a private capacity, which is being undertaken by consultants, agencies, contractors, or suppliers used by the Council. Employees should obtain evidence of paying a bill and obtaining quotes in order to avoid misinterpretation or any suggestion of preferential treatment.

4.32 Employees are not prevented from obtaining discounts as a result of professional memberships, trade union memberships, or any other employee discount arrangement that the Council has in place.

4.33 Council order forms, headed note paper and other formal documents must not be used to obtain private goods or services for non-Council or private purposes even where

reimbursement is made to the Council. The same applies to personal transactions made using the internet or external email.

- 4.34 Sales and purchases of personal goods between employees and the Council should only take place in exceptional circumstances and may require approval from an appropriate level of management.

Political Neutrality & Politically Restricted Posts

- 4.35 Employees must be politically neutral in the performance of their duties and must not allow personal or political opinions to influence their work. Employees are required to implement the decisions and policies of the Council irrespective of their personal political views. The Council respects the rights of employees to hold political views or opinions, however, employees must ensure that any expression of such views does not constitute a conflict of interest, nor should employees seek to influence the work of others through such expressions.
- 4.36 Under the Local Government and Housing Act 1989 a number of the Council's posts are politically restricted. Individual employees will be notified by their Executive Director / a senior manager if their post is affected.
- 4.37 A person holding a politically restricted post is disqualified from becoming or remaining a member of a local authority (excluding a parish council) or of the House of Commons.
- 4.38 In addition, the terms of employment of individuals holding a politically restricted post are deemed to incorporate various other restrictions, including prohibition on:
- (a) Announcing, or causing or permitting the announcement of the employee's candidature for election to the House of Commons, or a local authority;
 - (b) Speaking to the public or publishing written work with the apparent intention of affecting public support for a political party;
 - (c) Acting as an election agent;
 - (d) Canvassing on behalf of a political party;
 - (e) Being an officer or member of a committee of a political party or branch of a political party if the duties would require the employee to participate in the general management of the party or branch, or act on behalf of the party or branch with persons outside the party.

- 4.39 There is an opportunity to appeal against designation as a politically restricted postholder. Further details of this process can be obtained from the Monitoring officer.

Confidentiality, Security and the Disclosure of Information

- 4.40 Employees may, in the course of their employment become aware of personal or other confidential information, some of which may fall within the scope of data protection legislation. The Council requires that the confidentiality of such information is respected

and the information is kept secure in accordance with the [Council's Data Protection Policy] and the law complied with where applicable.

- 4.41 Any particular information received by an employee from a councillor that is personal to that Councillor should not be divulged by the employee without the prior approval of the Councillor, except where such disclosure is required by law.
- 4.42 Employees must not use information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way unless it is necessary and within the law to do so, for example where there is a police investigation.
- 4.43 Employees are required to comply with both data protection and access to information legislation.
- 4.44 Any meeting recorded without the consent of all those present (covert recordings) will be treated as a conduct matter. If employees have any misgivings about either the process or the managers leading it, they should raise them with the Monitoring officer.
- 4.45 Information concerning an employee's private affairs will not be supplied to any person outside of the Council unless the consent of the employee is obtained first.
- 4.46 on commencing employment with the Council all employees are required to sign a confidentiality statement as part of their contract of employment. The principles of this statement should be read in conjunction with this document but do not prevent employees from making a protected disclosure within the meaning of section 43A of the Employment Rights Act 1996 as further referred below at paragraphs 4.68 and 4.69 below.

Communication, Computer Usage and the Internet

- 4.47 Use of the Council's information and communication technology (ICT), systems and network is provided as part of an individual's work role.
- 4.48 Employees should make themselves familiar with the Council's ICT policies outlined in the [ICT Information Security Framework.]
- 4.49 Violation of the ICT policies may be grounds for disciplinary action, which, if found to constitute gross misconduct, may result in sanctions up to and including dismissal.
- 4.50 Use of technology to contact individuals can suggest an informality which may be inappropriate. Great care should be exercised over the use of communications technology such as mobile phones, text messaging, emails, digital cameras, videos, web cams, websites and blogs.
- 4.51 Communication that may cause offence or detriment to individuals may be subject to action under the Council's [Conduct and Discipline Procedures.]

Social Media Use

- 4.52 Social media is a type of interactive online media that allows parties to communicate instantly with each other or to share data in a public forum. This includes online social forums such as X (formerly Twitter), Facebook and LinkedIn. Social media also covers blogs and video-and image-sharing websites such as YouTube.
- 4.53 Employees must follow the Council's policy on the use of social media which is available as part of the [Internet Use Standard] within the [ICT Information Security Framework].
- 4.54 Employees should be aware that they owe a duty of trust and confidence to the Council as employer which may be breached if unsuitable material is posted on a social media platform, including posts made outside of working hours.
- 4.55 Posts that may cause offence or detriment to individuals may be subject to action under the Council's [Conduct & Discipline Procedures.]

Alcohol and Drugs Misuse

- 4.56 The Council is committed to ensuring a safe, healthy and productive working environment and to minimising problems arising from the misuse of alcohol and drugs at work.
- 4.57 Employees and those representing the Council are personally liable for their conduct, specifically in relation to their consumption of alcohol or drugs. Employees must avoid the consumption of alcohol, illegal drugs or any substance where it may affect their work or which might place them at risk of accidents, loss of efficiency or effectiveness.
- 4.58 Anyone working on behalf of the Council must not possess, consume, sell or give away illegal drugs especially whilst on duty or undertaking work on behalf of the Council.
- 4.59 Inappropriate behaviour as a result of either alcohol or drug misuse will be dealt with under the appropriate Council policy.
- 4.60 Further information regarding the Council's approach to alcohol and drug misuse and testing may be found in the [Alcohol and Drugs Misuse Guidance for Managers and Employees.]

Work for other organisations

- 4.61 Applicants for employment with the Council will be asked to disclose any employment or work in any capacity they may have with other organisations and failure to do so could result in the withdrawal of the offer of appointment, or dismissal if already appointed.
- 4.62 Employees may undertake other work outside of the Council with the written agreement of their line manager but must notify their manager of any additional employment or work in any capacity for other organisations.
- 4.63 In all instances where additional work is undertaken, the work must not conflict with, or be to the detriment of, an individual's employment with the Council. If conflict or

detriment is caused by additional work, the Council reserves the right to take appropriate disciplinary action.

- 4.64 Managers will take appropriate advice from HR when considering whether to agree to the request by reference to the Council's [Working Time Regulation Guidelines] when considering additional appointments or employment.

Intellectual Property

- 4.65 Intellectual property includes, but is not limited to, patents, rights to inventions, copyright and related rights, trademarks and trade names. Inventions includes but is not limited to ideas and improvements. Intellectual property may be recorded in any medium such as drawing, records, papers and any other documents or files, in hardcopy, electronic or digital format. In so far as the law allows, all intellectual property made wholly or partially by employees at any time during the course of their employment with the Council which relates to or is reasonably capable of being used in the Council's business or services will remain the property of the Council.
- 4.66 Knowledge and information held by the Council is the intellectual property of the Council and must not be used by employees, or any other person engaged by the Council to carry out services for any other purposes than those that are necessary for the effective performance of their duties. Where the sharing of intellectual property with other public sector organisations would benefit public sector improvement the Council will share such intellectual property appropriately.

Raising Concerns – Whistleblowing & Grievances

- 4.67 The Council is committed to employees being able to report any significant concern they may have about any aspect of the Council's business, service provision, or the conduct of employees, members of the Council, or others acting on behalf of the Council without fear of victimisation.
- 4.68 To enable employees to address such concerns the Council has a [Whistleblowing Policy and Procedure], which incorporates the provisions of the Public Interest Disclosures Act 1998 and the related provisions of the Employment Rights Act 1996.
- 4.69 If an employee has a concern regarding their own employment this should be raised under the Council's [Grievance Policy and Procedure].

Breach of the Employee Code of Conduct and other Policies

- 10.4 Failure to comply with this and all other Council policies affecting or to be followed by employees may result in disciplinary action being taken.
- 10.5 The Council reserves the right to take legal action against employees where breaches of the Code or other policies warrant such action.

5. STAFF EMPLOYMENT PROCEDURE RULES

Application

- 5.1 The Staff Employment Procedure Rules (Rules) apply to the recruitment and employment of all officers unless otherwise indicated.

Employment Law

- 5.2 The recruitment and employment of officers is subject to compliance with employment law and all applicable legislation.

Appointment, Dismissal and Disciplinary Action

- 5.3 The function of the appointment and dismissal of and taking disciplinary action against, an officer of the Council must be discharged by the Chief Executive (as the Council's Head of Paid Service) or by their nominated officers.
- 5.4 Rule 5.3 shall not apply to appointment, disciplinary action or dismissal in relation to the Statutory officers detailed above under section 3.

Recruitment

Candidate's Declarations of Relationships with Councillors or officers

- 5.5 All applicants for appointment as an officer must declare in writing whether they are a relative or partner of a current councillor or officer of the Council.
- 5.6 An applicant related to, or the partner of, a Councillor or an officer of the Council will not be appointed without the approval of the Chief Executive and may be approved on such conditions as are necessary and proportionate, to avoid or mitigate the risk of any actual or perceived conflict of interest arising from the candidate's appointment.

Prohibition on Seeking Councillor Support for Appointment

- 5.7 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this Rule 5.7 is included in all recruitment information.
- 5.8 Councillors will not seek to support for any applicant for any appointment with the Council or seek to otherwise influence the decision to appoint.
- 5.9 Councillors shall not provide written references for an applicant in respect of any appointment with the Council.

Appointment on Merit

- 5.10 In accordance with section 7 of the Local Government and Housing Act 1989, all officers shall be appointed on merit, except that the appointment of political assistants under section 9 of the Local Government and Housing Act 1989 may have regard to the applicant's political activities or affiliations.

Dismissal and Disciplinary Action Against officers Below Deputy Chief officers

- 5.11 The Senior Appointments and Pay Committee, Council and Councillors shall not be involved in the dismissal of, or disciplinary action taken against, any officer below the level of Deputy Chief officer, except where a Councillor can provide evidence as a witness of fact in the proceedings.
- 5.12 Notwithstanding Rule 5.11, the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Councillors in respect of disciplinary action or dismissal.

Annual Pay Policy Statement

- 5.13 Section 38 of the Localism Act 2011 Act requires the Council to prepare and publish a pay policy statement for the following financial year. The statement will set out the Council's policies relating to the remuneration of Chief officers and its lowest paid officers; and the relationship between the remuneration of its Chief officers and that of its employees who are not Chief officers.
- 5.14 The annual pay policy statement will be adopted by the Council before the end of March in each year. The Council may amend the statement in-year.

6. CONTRACT PROCEDURE RULES

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Contracts Procedure Rules

1. INTRODUCTION

- 1.1 The Council is accountable to the public for the way it spends public funds. Professional Procurement activities contribute to the efficient, effective and economic delivery of services to the public, maximising the benefits available from the budgets and supporting the Council's strategic objectives and the National Procurement Policy Statement.
- 1.2 The Council is publishing these CPRs in line with their obligations under the Local Government Act 1972. In setting out how the Council will contract; it is essential that the Council complies with the Relevant Procurement Legislation. This document sets out how officers should do this. Should there be any conflicts between this document and the Relevant Procurement Legislation and its supporting guidance, legislation takes precedence. In contracting for the Council requirements, officers must note that the Council's reputation is of the utmost importance and should be safeguarded from any suggestion of dishonesty, corruption, or failure to meet its legal obligations. (Acting and being seen to act with integrity).

2. PURPOSE OF THE CONTRACTS PROCEDURE RULES

- 2.1 These Contracts Procedure Rules (CPRs) have been designed to ensure these accountabilities and objectives are addressed, they set out the principles and objectives of any procurement, roles and responsibilities, rules and processes to be applied when purchasing services, supplies and works contracts across the Council. They should be read in conjunction with the Council's Financial Procedure Rules, Part 4(f), as well as the Council's Procurement and Contract Management Strategy and Procedures.
- 2.2 These CPRs are supported by detailed guidance included within the Council's Procurement policies and procedures. These policies and procedures explain in more detail how officers should conduct their procurement and Contract Management activities; however, nothing within those policies and procedures override these CPRs. All procurement activity needs to adhere to the Scheme of Delegation and Financial Limits as set out in the Council's Constitution.
- 2.3 All officers must comply with these CPRs, the Council's Constitution, the Relevant Procurement Legislation and all relevant UK Legislation. Any non-compliance shall be reported to the Head of Corporate Procurement, who will decide in conjunction with the relevant Chief officer what further action needs to be taken. Any misuse or failure to comply with any of these CPRs may result in disciplinary action and legal proceedings. Where any misconduct that has been identified during any procurement process (or previous procurement related activity), the Corporate Procurement Team reserve the right to request to remove any officer from any procurement.
- 2.4 These CPRs will be reviewed by the Head of Corporate Procurement at least every 12 months and urgent proposed amendments (In response to new guidance or updates to the regulations will be brought to Members and Chief officers as required, which could be less or more frequently than 12 months).

3. PRINCIPLES AND OBJECTIVES

- 3.1 All procurement processes must be transparent in their intentions and proportionate to the subject matter, value and complexity of the Contract and should not discriminate against any UK or Treaty State Suppliers.
- 3.2 In addition, officers must have regard to the following objectives.
- (a) Delivering Value for Money;
 - (b) Maximising public benefit (such as delivering Social Value);
 - (c) Sharing Information;
 - (d) Equal Treatment (non-discrimination), unless justified and does not amount to unfair treatment;
 - (e) Removing Barriers for Small and Medium Enterprises SMEs;
 - (f) Acting (and being seen to act with) Integrity (inc. accountability);

4. PROCUREMENT THRESHOLDS & EXEMPTIONS

- 4.1 These rules cover the whole life cycle of purchasing in services, supplies and works; from the initial assessment of the business need to Contract Award and any extension, through to Contract Management and close out.
- 4.2 Exempt Contracts:*
- (a) The following types of expenditure/ procurements are exempt from the Relevant Procurement Legislation;
 - (b) Council to Council (Subsidiary) arrangements:
 - (i) Vertical - The Council exercises a parent or similar control or joint control with other Authorities on the entity as it does with its own departments, the entity conducts more than 80% of its activities for the controlling Contracting Authorities and there is no private sector money in the entity;
 - (ii) Horizontal – The Council and another authority co-operate – to achieve objectives which the authorities have in common, through an arrangement that is solely for the public interest and the parties perform less than 20% of the services covered by the arrangement on the open market;
 - (c) Subject matter exemptions:
 - (i) Certain types of legal advice e.g., relating to judicial proceedings and/ or dispute resolution, (Legal advice on a project is not exempt);
 - (d) Certain types of financial advice e.g., funding or financing arrangements, investment services, lending or borrowing money;

- (e) Employment Contracts - direct employment of permanent or fixed-term employees;
- (f) Purchases made at public auction or of goods sold due to insolvency;
- (g) Land Contracts - the purchase or lease of property, land acquisition, interest in land, transaction in land or disposal. This rule does not extend to any service, supplies, or works contracts that may be required to make the land, existing buildings, or immovable property ready for acquisition, disposal or leasing;
- (h) Grants of money, (payments to external organisations) these are not Contracts; they do not include consideration and they are not services required to be delivered by the Council. See paragraph 9.10.2 below.

4.3 Common Permitted Direct Awards:

- (a) The following types of expenditure/ procurements may have grounds for direct award under the Procurement Legislation:
 - (i) Contracts for the execution of either mandatory works or provision of goods or services which must be provided by a Statutory Provider (monopoly) other than the Council, e.g., to a public utility, to Ofsted;
 - (ii) Spot care placements which may include special educational needs (i.e. individual placements that fall outside of any block Contracting arrangements), either under User Choice or the Provider Selection Regime;
 - (iii) The acquisition or exhibiting of unique works of art or artistic performance where they are only available from a single source.

**officers must ensure that any procurement conducted in relation to any of these listed exemptions/ common permitted direct awards, that the purchase is consistent with the Council's duty to obtain value for money, as well as the current procurement and Contract Management strategy and other relevant policies of the Council. The Council maintains a list of Exemptions which is reviewed on a regular basis. This can be found at: <https://5058.sharepoint.com/sites/Procurement-1/SitePages/Exemption-Codes-&-Corporate-Contracts.aspx>*

4.4 Thresholds:

- (a) Calculating the total Contract value means the estimated/aggregate spend or recurring value payable over the entire Contract period including any extensions of Contract and/ or potential additional requirements. Paragraph 7.4 below provides further details on how to calculate Contract value;
- (b) The table below sets out the different procurement processes available and their financial thresholds; this has been designed to support open, fair and transparent competition whilst also balancing the aims of achieving Value for Money and delivering public benefits;

	CPR Level 1	CPR Level 2	CPR Level 3	CPR Level 4	CPR Level 5
Category/ Sector (Regime) and Process Rules	<ul style="list-style-type: none"> one written or verbal quote or Purchase Card. Local Supplier if possible*. 	<ul style="list-style-type: none"> one written quote. Local Supplier if possible*. 	<ul style="list-style-type: none"> Request a minimum of three quotes in writing. Include two local Suppliers where possible*. 	<ul style="list-style-type: none"> Regulated Below Threshold Tender. Either by invitation to selected local supplier or advertised on Find a Tender Service and E-Procurement System. May include a discrete Conditions of Participation stage for Works Contracts above the G&S threshold. 	<ul style="list-style-type: none"> Covered Procurement/ Public Contract (above threshold) advertised on Find a Tender Service and E-Procurement System. Procedure to be designed in line with PA23. Regulated Below Threshold Tender – Works (all regimes) - £500k up to Works threshold. advertised on Find a Tender Service and E-Procurement System. May include a discrete Conditions of Participation stage.
	Service led.	Service led.	Service led.	Service area or Procurement Team led.	Procurement Team led.
	N/A	Po required	Po required	Po required	Po required
Quote(s) & justification to be attached	N/A	Yes	Yes	Yes	Yes
Goods and Services (G&S),				£75,000- G&S threshold	Above G&S Threshold
Light Touch Regime	£0-£999.99	£1,000 to £9,999.99	£10,000 to £74,999.99		
Works (All regimes)				£75,000 to £499,999.99	£500k and above
Concession (ALL)	£0-£499,999.99 in agreement with procurement				£500k and above
Utilities Contracts	£0 – Threshold – in agreement with procurement				Above Threshold
Approved Framework Agreements	In accordance with Framework Rules and where permitted, Direct Award for Goods or Services and Light Touch up to the Goods and Services threshold AND for Works and Concessions up to £500k led by service area in agreement with procurement. Competitive Selection Process for requirements that exceed the above thresholds, led by procurement				
DPS	In accordance with Dynamic Purchasing System rules, up to £499,999.99, in agreement with procurement				£500k and above
Dynamic Markets	Not permitted for G&S below threshold.				£500k and above
	Not permitted for Works below £500k				
Healthcare services**	In agreement with Procurement (under the PSR)				

(*) The use of Local Suppliers is promoted and encouraged for CPR levels 1 to 3, thresholds but should not supersede the primary requirement of Council officers to deliver value for money/ best value.

(**) these services are to be procured in line with the Provider Selection Regime rules of Direct Awards A, B or C, or Most Suitable Provider or Competitive Process.

Healthcare services that fall under the Provider Selection Regime (PSR) and are classified within one or more of the adopted CPV codes, as outlined in the NHS England statutory guidance on the Provider Selection Regime, NHS England » The Provider Selection Regime: statutory guidance, will need to adhere to a distinct procurement process and therefore the procurement approach will need to be agreed with Procurement.

- (c) Value for Money should be defined and measured in terms of Price, Quality and any potential Social Value benefits that can be achieved by using Local Businesses, to create local jobs and support local economic growth;
- (d) Local Suppliers should ensure they are included in and thereby can be sourced via the Local Business Directory at <http://www.itslocalsouthend.co.uk>. A Local Supplier is defined as a Supplier who has a local presence/ an address with a Southend postcode; specifically, SS0, SS1, SS2, SS3 and SS9;
- (e) For the avoidance of doubt the Council would like to pro-actively increase the level of money it spends within the city. However, it is noted that delivery of Value for Money may prevent this and, in such cases, procurement which are not able to secure local quotes will not be subject to delay because of this;
- (f) Further detailed information on the Procurement Processes detailed in this table is contained within paragraph 7 below.

4.5 Procurement Reporting and Governance:

- (a) The Corporate Procurement Team will issue regular reports to the relevant Governance Boards as well as Executive Director Leadership Teams;
- (b) This reporting process will ensure there is scrutiny and monitoring of the Council's expenditure in the context of procurement activity;
- (c) The Corporate Procurement Team will also report on compliance with the CPRs, delivery of the Procurement and Contract Management Strategy, progress against the Annual/Pipeline Procurement Plan and all Exceptions Approvals over the previous period.

5. ROLES AND RESPONSIBILITIES

5.1 The following paragraphs set out key roles and responsibilities for The Corporate Procurement Team, the Project Team and Chief officers in the context of procurement.

(a) The Chief officers shall:

- (i) Agree their annual departmental procurement plans during November/December with the Head of Corporate Procurement so they are in place before the start of each financial year. The plans should accurately detail existing Contracts / spend, pending Contract renewals and any new Contract / spend identified for the next two years (as a minimum) as well as the confirmed budget;
- (ii) Appoint officers in their departments as Designated Procurement officers who are trained in the administration of purchasing services, supplies and works;
- (iii) Appoint officers in their departments as Contract Managers who are trained in Contract Management and Supplier Relationship Management;
- (iv) Ensure Designated Procurement officers and Contract Managers are appropriately trained, supervised, appraised and have access to the necessary systems and understand the importance of following these rules;
- (v) Be responsible for approving and delegating approval of Contracts / spends in their department, including any variations to Contracts where there are financial, legal, or commercial implications, this in line with the Council's Key Decision-making Process;
- (vi) Collaborate with the Head of Corporate Procurement and Head of Internal Audit and Counter Fraud on an Annual/Pipeline Procurement Plan to ensure compliance within their departments;
- (vii) Completion of any relevant procurement training available (either face to face or via the e-learning platform).

(b) Designated Procurement officers must:

- (i) Appraise purchases, in a manner commensurate with their complexity and value to identify the permitted and optimal procurement methodology in line with these CPRs;
- Check whether a suitable Corporate Contract or Framework agreement already exists that could be used for the purchase, or whether a specific procurement is required;
- Develop a clear and precise set of purchasing requirements, including (but not limited to) written specification / scope, evaluation

criteria and assessment methodology, drawings, seasonal trends, historical data, benchmark data, timescales and delivery details;

- Conduct the evaluation and award in line with these CPRs and the Council's Procurement and Contract Management Strategy and Procedures;
 - Maintain an appropriate record of all decisions and their reasons throughout the design and delivery of the procurement process;
- (ii) Collate a report/ recommendation to purchase the services, supplies and works in accordance with these CPRs; this to demonstrate Value for Money and ensure no commitment is made without written authorisation;
 - (iii) Create purchase requisitions in advance of the supply of services, supplies and works except where a Purchase Card (P-Card) Transaction or Payment without a Purchase order (PWPO) request applies. All purchase requisitions should be under the Council's agreed Terms and Conditions;
 - (iv) Notify the Head of Corporate Procurement of any perceived, potential, or actual conflict of interest immediately and complete the relevant documents. This declaration must also be detailed via the Business World System so that appropriate approval is sought and provided;
 - (v) Ensure advice is sought where required and/or relevant from the Corporate Procurement Team on the application of these CPRs, Relevant Procurement Legislation or the identified procurement procedure;
 - (vi) Completion of any relevant procurement training available (either face to face or via the e-learning platform).
- (c) Contract Managers shall:
- (i) Hold ultimate responsibility for the creation of the procurement/ Associated Tender Documents, including working with external consultants, leading on market engagement and ensuring that the outcome will deliver the Council's requirements;
 - (ii) Ensure appropriate approvals are in place ahead of decisions and the commencement of the procurement process;
 - (iii) Lead on responding to technical Clarification questions from Suppliers, organising suitably qualified and experience individuals are available to support the evaluation process and where negotiations are permitted/ included, that the appropriate resources are available to facilitate the process;

- (iv) Managing the Contract and collating all information needed to comply with the various transparency obligations under the Contract and in line with the Relevant Procurement Legislation, eg direct awards, managing performance, publishing notices, managing changes;
 - (v) Ensure all necessary Tender Records are collated and maintained in line with the Relevant Procurement Legislation and these CPRs;
 - (vi) Ensuring appropriate forward planning for cyclical and capital Contracts, including informing the Head of Corporate Procurement so that Contracts are included on the Annual/Pipeline Procurement Plan where CPR levels 4 or 5 and in the Pipeline Notice where the Contract has a value in excess of £2m;
- (d) Head of Corporate Procurement shall:
- (i) Deliver Contracts in a manner that maximises the opportunities to achieve key objectives such as Value for Money, Public Benefit and Integrity; whilst also ensuring compliance with the relevant Public Procurement Legislation and all relevant supporting guidance as published from time to time by the Cabinet office;
 - (ii) Ensure these CPRs, the Council's Procurement and Contract Management Strategy and related documentation remains up to date with Relevant Procurement Legislation, including providing a regular report to that effect;
 - (iii) Allocate resource to key procurement projects to ensure delivery of the Annual/Pipeline Procurement Plan and ensure that the Annual Pipeline Notice is published in line with the Relevant Procurement Legislation;
 - (iv) Ensure Procurement Advisors keep up to date with these CPRs, the Council's Financial Procedure Rules, the procurement policies and procedures, other relevant Procurement Guidelines and Procurement Legislation;
 - (v) Report to cabinet on an annual basis, the Council's Annual/Pipeline Procurement Plans - these plans will provide details of all future Level 4 and 5 procurements;
 - (vi) oversee procurement reporting and governance, directly or by delegation to a Procurement Advisor:
 - Ensure scrutiny and monitoring of the Council's expenditure in the context of procurement activity;
 - Monitor compliance against all procurement activity and notably the CPRs;

- Provide information as to those exceptions requested and approved/rejected;
 - Monitor progress against the annual and future Annual/Pipeline Procurement Plan and the Corporate Procurement and Contract Management Strategy;
 - Record any unplanned CPR Level 4 or 5 procurement activity reported to it and the course of action taken to address any such unplanned procurement processes (subject to the normal approvals set out in paragraph 6 below);
 - Consider opportunities across departments and service areas where joint initiatives can be investigated and implemented, which in turn may deliver best value;
 - Provide information and evidence for internal audit and the fraud team which is contrary to the practices set out in the CPRs.
- (e) Corporate Procurement Team (inc. Procurement Advisors) shall:
- (i) Provide procurement advice and support to Chief officers, Designated Procurement officers, Contract Managers and other officers on how to purchase services, supplies and works in accordance with these CPRs. This advice includes administering adverts / frameworks, developing specifications / Tenders, conducting evaluation processes, publishing awards and operating procurement systems;
 - (ii) Ensure that procurement requirements are properly defined; procurement activity is competitive, transparent, fair and complies with the Relevant Procurement Legislation and demonstrates value for money;
 - (iii) Support the Designated Procurement officers with all necessary Record Keeping;
 - (iv) Support each department to proactively performance manage Supplier Contracts as part of an agreed Contract Management plan;
 - (v) Support the procurement reporting and governance requirements set out in paragraph 5.1.4(f) above;
 - (vi) Ensure the timely publication of notices in line with the Relevant Procurement Legislation;
 - (vii) Maintain and update the Public Contracts Register.

5.2 Code of Conduct (All CPR Levels):

- (a) All officers, regardless of role or title, must always comply with the Council's Employee Code of Conduct (See Part 5c of the Constitution) which means that where their role involves procuring, managing, or using the Council's Contracts they must comply with these CPRs and Financial Procedure Rules on the award of Purchase orders and Contracts;
- (b) officers must also not offer, promise, give or receive any gift, loan, fee, reward, regard, or advantage from or to contractors or potential contractors in respect of the award or performance of any Contract;
- (c) Breaches of the Council's Employee Code of Conduct (inside or outside of work) will be reported, investigated and may result in disciplinary action. Serious breaches of the code may be considered gross misconduct and result in dismissal without notice;

5.3 Conflicts of Interest (Any CPR Level):

- (a) officers must declare any perceived, potential, or actual conflicts of interest (financial or non-financial) or relationships that may impact on their involvement in procuring, managing, or using the Council's Contracts:
 - (i) CPR Levels 1 – 3:
 - This declaration must be made at the initial point of involvement, within the Council's ERP system (Business World) and will be reviewed by their manager;
 - (ii) CPR Levels 4 – 5:
 - This declaration must be made at the initial point of involvement, to the Head of Corporate Procurement and recorded within the Council's ERP system (Business World) which will be reviewed by their manager;
- (b) This process is an essential step in managed fairly and with integrity, this applies to all individuals (officers and Members) and Suppliers involved in any stage of the Contract life cycle and will require the nominated Procurement Advisor to carry regularly update the Conflict Assessments whenever anyone new gets involved in the procurement, the approval process and/ or the management of the Contract. The assessment must also include details of any mitigations taken/ to be undertaken to mitigate potentially unfair outcomes, e.g., use of Ethical Wall agreements, use of alternative evaluators, etc.

6. APPROVAL TO SPEND & AWARD

6.1 Before commencing any procurement activity, or awarding a Contract, officers must check that they have the required approvals in place: This to include budgetary approval and the authorisation of the relevant officer, Head of Service, Director of Chief officer in accordance with the Scheme of Delegation.

Threshold	Approval to procure	Approval to Award
£0 - £9,999.99	Line Manager	
£10,000 - £74,999.99	Contracts up to £24,999.99* - Business Unit Manager Contracts up to £74,999.99 - Head of Service, Group Manager/ Assistant Director	
£75,000 up to £249,999.99	Contracts up to £249,999.99 - Director	
Contracts over £250,000	<p>For Contracts <i>not included in the approved Annual Procurement Plan</i> - Cabinet Approval/ Schools Governing Bodies</p> <p><i>For Contracts that were included in the approved Annual Procurement Plan can be commenced with the following approval</i></p> <p>Contracts Up to £500k – Director.</p> <p>Contracts up to £1m - Executive Directors</p> <p>Contracts over £1m - Chief Executive or Chief Financial office</p>	All awards over £500k must get Cabinet Approval (Key Decision) before award.

6.2 For Schools, in all cases, Head Teachers and their Authorised officers may procure and/ or award in accordance with the delegated powers stipulated by the relevant Board of Governors.

6.3 Contracts which are Capital Contracts must be included in the Capital Programme in accordance with the Financial Procedure Rules.

6.4 Contracts which have external funding must comply with the external funding rules in the Financial Procedure Rules. The Corporate Procurement Team must also be made fully aware of all related conditions and requirements around the compliant use of the external funding.

**Note: Contracts which have a value below £1m, but for which a longer limitation period is considered necessary to protect the Council's interests (e.g. design Contracts, construction Contracts) shall be executed under seal as well as all Contracts with a value over £1M.*

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7. DETAILED PROCUREMENT RULES

7.1 To ensure the purpose and principles set out earlier in CPRs are met, the following detailed rules must be adhered to at all times.

7.2 Contract Types & Regimes (All CPR Levels):

- (a) All spend must be classified by type and regime before a procurement process can be designed; this is due to different types and regimes having different financial thresholds and obligations. The types and regimes include;
- (b) Types:
 - (i) Goods (e.g., supplies, products, software, purchase of gas/ electric by the Council);
 - (ii) Services (e.g., labour, consultants, IT advisors/ support, or technical resources); or
 - (iii) Works (e.g., Construction Projects – including consultant if procured with the works).
- (c) Regimes:
 - (i) Utilities (provision of fixed networks for Gas, electric, Water, transport e.g., Buses on a fixed network);
 - (ii) Light Touch (e.g., social Care, legal services, education, catering, hospitality);
 - (iii) Concession (e.g., contracts that involve real Supplier risk and the services are paid for by service users);
 - (iv) Exempt/ Excluded (Not covered).

7.3 Contract Durations (All CPR Levels):

- (a) Before calculation the Contract value or determining the route to market (procurement CPR level), officer must decide both the initial and maximum Contract durations (including any optional extensions) and what might be the justification to apply those extensions;
- (b) The Council's general position is that when setting an initial contract period, any planned extension (individually or cumulatively) should not be longer than the initial contract period without express permission from the Corporate Procurement Team (with this to be agreed as part of the options Appraisal when CPR Level 4 or 5 or using the Exceptions Approval Process for CPR Levels 2 & 3.);
- (c) For CPR Level 5 procurement, this option to extend must be included in the Tender Notice and Contracts Details Notice.

7.4 Calculating Contract Value (All CPR Levels):

- (a) Before commencing any procurements, the correct estimated Contract value must be calculated;
- (b) The estimated Contract value must include ALL monies that could be paid over the maximum life span of the Contract (or Framework/ Dynamic Market), to the successful Suppliers(s) regardless of the source; e.g., all planned and potential costs, additional requirements, fees/ commissions, contract extensions and/ or prizes/ participation costs plus any contingencies, whether funded by the authority, other grants or paid for by service users (concession contract e.g., operation of leisure centres, bus contracts, community cafes). The total must also include Value Added Tax (VAT) at 20% (*Where buying from outside the UK, officers should seek advice from the Corporate Procurement Team*);
- (c) officers must not underestimate or split the Contract into multiple short Contracts or into multiple small Contracts (Disaggregation) to artificially avoid certain procurement thresholds; doing so could result in future requests to modify or extend the Contract being declined;
- (d) Where the Council is unable to estimate the value of a procurement, it should be advertised in line with the rules for a Covered Procurement to ensure it is accessible to Treaty Suppliers.

7.5 Duty to Consider Lots (All CPR Levels):

- (a) In determining the CPR Level and the rules that apply, officers must consider whether the Council could deliver the requirements through a number of Lots. This being a balance of removing barriers for SMEs and Council capacity to manage multiple smaller Contracts. officers should consult with their Procurement Advisor in deciding this and the decision must be noted in the Tender Record (see paragraph 7.34 below) and in the Tender Notice (CPR Level 5 Covered Procurements only);

7.6 Risk Assessments (CPR Level 4 & 5):

- (a) Contract Managers, with their Procurement Advisors, must conduct a risk assessment in the following situations;
 - (i) where the procurement is a Covered Procurement; and
 - is establishing a new Framework or Dynamic Market with multiple Suppliers;
 - includes a Special Purpose Vehicle;
 - is for a Contract duration in excess of five years;
 - includes design liabilities and/ or collateral warranties;
 - involves intellectual property;
 - involves a significant Health & Safety consideration;

- is likely to be subject to significant inflation risks; or
- where the spend relates to substantial direct awards or contract extensions that carry risks under the Relevant Procurement Legislation.

(b) The outcome of the risk assessment must both be:

- (i) documented in the Invitation to Tender as it will feed into the process design and governance/ approval process; and
- (ii) added to the Corporate Risk Register for monthly monitoring by the Contract Manager.

7.7 Market Research (CPR Levels 4 & 5):

- (a) CPR Level 4 Procurement - officers are encouraged to conduct soft market testing for all CPR Level 4 procurements to ensure the most appropriate route to market is selected;
- (b) CPR Level 5 Procurement – officer must agree with their nominated Procurement Advisor whether Preliminary Market Engagement is required to design/ inform the route to market. Where Preliminary Market Engagement is used, a Preliminary Market Engagement Notice must be published, all information must be carefully collated for sharing and the Conflict Assessment referenced in paragraph 5.3 above must be updated.

7.8 Approval to Procure:

- (a) Before any procurement process can commence, approval must be demonstrated in line with Paragraph 6 above;

7.9 Contract Documentation (CPR Levels 2 to 5):

- (a) Standard Contracts:
 - (i) The Council has a standard set of terms and conditions to be used for all CPR Level 1 to 3 procurements that do not have complex requirements and are not to be varied, these are to be sent to the Suppliers as part of the procurement documentation;
- (b) Industry or Complex Contracts:
 - (i) Where more complex procurement requirements need tailored or specific terms and conditions (i.e., NEC, JCT, performance related incentives, payment terms, data protection requirements, safeguarding) usually within Tender requirements for CPR Level 4 and 5 Contracts, written approval must be sought from the Head of Corporate Procurement and / or Executive Director (Legal and Democratic Services) to vary the Council's terms and conditions. In

all cases, irrespective of value, Purchase orders and Contracts shall clearly specify as a minimum:

- Details of what is to be supplied (i.e., the works, materials, services, deliverables, or description of works);
 - Payment terms (i.e., the price to be paid and when (noting the obligation to pay Suppliers within 30-days of a valid invoice)) this can be a schedule of multiple payments and / or milestone payments;
 - The dates, or times, within which the Contract is to be performed; and the provisions for the Council to terminate the Contract;
 - The Contract Management process and information to be published (where a Public Contract over £5m).
- (c) Parent Company Guarantee & Performance Bond:
- (i) All Contracts over £250k may include an option for the Council to request a Performance Bond and/ or a Parent Company Guarantee. The requirement is likely to be applied where the project or a Contractor is deemed as a high risk for failure (likelihood and/or impacts). This requirement to be agreed with the Corporate Procurement Team and the relevant Director;
 - (ii) Where a bond or guarantee is deemed necessary – this should be in a form acceptable to the Council and in consideration of the form of Contract being used;

7.10 Procurement Process & Documentation:

- (a) Paragraph 4.4 above set out the threshold and processes rules (CPR levels) available. Further guidance on the process and documentation requirements for the different CPR Levels is included below;
- (b) CPR Level 1:
 - (i) In circumstances where an officer does not have a P-Card or the Supplier does not accept a P-Card, a CPR Level 2 process must be followed;
 - (ii) officers must retain all receipts for purchases made using a purchase card; these to be provided to finance;
- (c) CPR Level 2:
 - (i) officers must explain their requirements to the identified Supplier and the Supplier must provide a proposal that can be attached to the Council's Standard Terms and Conditions;
 - (ii) officers must raise a Po, attach the Quote(s) and include a spend justification in the appropriate part of the P2P system;

- (iii) Details of the Contract and an electronic copy, must be added to the Contract Register;
- (d) CPR Level 3:
 - (i) officers must create a specification detailing the Contract requirements, this to be accompanied by the Council Standard Terms and Conditions;
 - (ii) officers must raise a Po, attach the Quote(s) and include a spend justification in the appropriate part of the P2P system;
 - (iii) A Below Threshold Contract Details Notice must be published for all Contracts with a value of £30k inc. VAT, as soon as reasonably practicable after the award;
 - (iv) Details of the Contract and an electronic copy, must be added to the Contract Register.
- (e) CPR Level 4:
 - (i) officers must consult with their nominated Procurement Advisor to agree the optimal route to market for their requirement, e.g. a corporate Contract, approved Framework, advertised or non-advertised opportunity. This decision should consider how the Council can remove barriers for SMEs or include Local Suppliers and open up opportunities for them to deliver Council Contracts. Equally, officers should consider whether it is practical and appropriate to include social value in line with the Corporate Social Value Policy within the Award Criteria;
 - (ii) officers will need to develop a specification and Award Criteria and must detail how the Tenders received will be assessed; plus, appropriate Conditions of Tendering, along with a suitable Contract and amendments, as advised by the Procurement Advisor;
 - (iii) Where the procurement relates to works and the opportunity is being advertised and the value exceeds the threshold for goods and services, officers may use a discrete Conditions of Participation Stage to limit Suppliers to invite to submit Tenders. These Conditions of Participation must detail whether Excluded Suppliers and/ or Excludable Suppliers will be excluded and if so, which grounds apply;
 - (iv) An advert (Below Threshold Tender Notices) must be published to invite Tenders unless using an approved framework or corporate Contract;
 - (v) A Below Threshold Contract Details Notice must be published as soon as reasonably practicable;

- (vi) Details of the Contract and an electronic copy, must be added to the Contract Register;
- (f) CPR Level 5:
- (i) Officers must liaise with their nominated Procurement Advisor to agree the optimal route to market for their requirement, eg including but not limited to use of an existing corporate Contract, a Competitive Tendering Procedure (open Procedure or Competitive Flexible Procedure), use of an approved Framework, Dynamic Market, Dynamic Purchasing System, or Direct Award (in line with this paragraph);
 - (ii) Officers will need to develop an Invitation to Tender and Associated Tender Documents, this to include:
 - A Specification (including Key Performance Indicators for Public Contracts with a value over £5m inc. VAT);
 - Conditions of Participation – legal, financial and technical capacity and capability requirements the Suppliers must meet, (including details on Mandatory Exclusion Grounds and Discretionary Exclusion Grounds, Debarment and excluding Suppliers);
 - Award Criteria and Assessment Methodology, including criteria relating to cost/ price (and Value for Money), technical requirements and social value (in line with the Corporate Social Value Policy);
 - A detailed description of the Competitive Tendering Procedure being used and Conditions of Tendering. Where using the Competitive Flexible Procedure, this must include details of if and when Supplier numbers may be limited, all and any Tender rounds, any Negotiations/ Dialogues/ Presentations/ Demonstrations etc., and any options to refine the Award Criteria);
 - A suitable Contract and if needed, Council Amendments; and
 - Any other documents as advised by the Procurement Advisor.
 - (iii) A Tender Notice is required to launch/ advertise the procurement; the Associated Tender Documents should all be published at the same time. Officers must consult with their nominated Procurement Advisor to agree timescales for this notice and subsequent stages in the procurement process;
 - (iv) A Contract Award Notice and Standstill Period will be required in most cases; advice should be obtained from the nominated Procurement Advisor as part of the initial process design;
 - (v) A Contract Details Notice will need to be published within 30 days of entering into the Contract;

- (vi) Details of the Contract and an electronic copy, must be added to the Contract Register;
- (vii) Public Contracts must be managed in line with paragraph 9 below.

7.11 Procurements under an Approved Framework:

- (a) Where a Contract is to be let under an existing/ approved Framework then any Competitive Selection Process or Direct Award must be made in line with the rules of the Framework, paragraph 4.4 above and the Relevant Procurement Legislation;

7.12 Procurements under a Dynamic Market:

- (a) Where a procurement is to be conducted under an existing/ approved Dynamic Market then a Competitive Flexible Procedure must be used in line with the rules of the Dynamic Market and the Relevant Procurement Legislation;
- (b) Dynamic Markets cannot be used for Below Threshold Contracts for Goods & Services Contracts. However, it can be used for Works contracts in line with paragraph 4.4 above and the Relevant Procurement Legislation.

7.13 Procurements under a Dynamic Purchasing System (DPS):

- (a) Where a Contract is to be awarded under an existing DPS, the procurement is to be conducted in line with the DPS agreement, paragraph 4.4 above and the Relevant Procurement Legislation;

7.14 Procurement under the Provider Selection Regime:

- (a) Apply to health care services provided to individuals;
- (b) Direct Award A:
 - (i) The Council must be used where there is an existing Provider and there is no realistic alternative;
 - (ii) Can only be used where there are existing Contracts.
- (c) Direct Award B:
 - (i) The Council must be used where patients are offered a choice, the number of Providers is not restricted, there is an advert and Providers can express an interest and all suitable Providers that can provide the service are offered a contract;
 - (ii) Can be used where there are existing Contracts or new requirements.
- (d) Direct Award C:

- (i) The Council may use this option where there is an existing Provider, the services required are not changing considerably, the Provider is satisfying the requirements of the existing Contract and are likely to satisfy the requirements of the new Contract;
 - (ii) Can be used where the Council is not required to use options A or B.
- (e) Most Suitable Provider:
- (i) The Council may use this option where, based on the information available, the Council is of the view that they can identify the Most Suitable Provider;
 - (ii) Can be used where the Council is not required to use options A or B and does not want to use option C.
- (f) Competitive Process:
- (i) This process requires an advert and a formal Procurement process;
 - (ii) This is the option that can be used to establish a Framework;
- (g) All above procurements/ contracts must be let in line paragraph 4.4 above and the Relevant Procurement Legislation;
- (h) Further guidance on process and notices must be obtained from the Corporate Procurement Team.

7.15 Mixed Procurements:

- (a) Where a Contract involves spend under more than one Regime or Relevant Procurement Legislation and it is not possible to award the Contracts separately, then the Contract should be procured in line with the rules in these CPRs and the Relevant Procurement Legislation which amount to the largest share of the cost;
- (b) Further guidance on process and rules must be obtained from the Corporate Procurement Team.

7.16 Clarification Process (All CPR Levels):

- (a) The Council reserves the right to clarify any incomplete, inaccurate, or misleading information provided to it by a Supplier and to request an explanation and evidence if doing so would not put that Supplier at an unfair advantage;
- (b) All Clarification (by Suppliers and the Council) must be raised and managed through the E-Procurement System;
- (c) Where a Supplier asks a question, the questions and responses will be shared with all Suppliers; an exception being where the Supplier specifies that the question relates to sensitive commercial information and the Council accepts this;

- (d) A record of all Clarification must be maintained.

7.17 Negotiation and/ or Dialogue Process (CPR Level 5 - Covered Procurement):

- (a) Where the Council uses a Competitive Flexible Procedure and includes a Negotiation or Dialogue stage(s) these will be conducted in accordance with the Relevant Procurement Legislation Guidance and the Invitation to Tender;
- (b) only Suppliers who have not previously excluded or disregarded will be invited to participate in such activities/ Tender rounds;
- (c) The Council reserves the right to update Associated Tender Documents following such activities/ Tender rounds.

7.18 Presentation and Demonstrations (CPR levels 4 & 5):

- (a) Where the Council uses Competitive Flexible Procedure and includes any of these requirements, the Council reserves the right to score the information shared during these activities and to Limit the number of Suppliers to proceed to the next stage if permitted by the Invitation to Tender;
- (b) Where the Councils uses any other procurement process, they reserve the right to include scored demonstrations and/ or presentations as deemed appropriate to the nature, complexity and value of the contract.

7.19 Submitting Tenders (CPR Levels 4 and 5):

- (a) In most cases, Tenders will need to be submitted electronically; however, the Council reserves the right to receive Tenders, in part or in full, hard copy, where examples or other products, samples or models are required. In all situations, details of how Tenders are to be submitted will be clearly set out in the Invitation to Tender;
- (b) It is the responsibility of Supplier to submit their Tenders in time and in line with the instructions included in the Invitation to Tender and/ or on the E-Procurement System;
- (c) The Council accepts no responsibility for Tenders that are disregarded for being late or non-compliant.

7.20 Late Tenders (CPR Levels 4 and 5):

- (a) The Council is unlikely to accept late Tenders; however, where it is a fault with the Council's IT/ e-procurement portal that can be independently evidenced, that prevented the Supplier submitting their Tender on time/ in the required format, then the Council may accept the Tender.

7.21 opening Tenders (CPR Levels 4 and 5):

- (a) Where Conditions of Participation and/ or Tenders are submitted electronically through the E-Procurement System, these will be opened/

released by a member of the Corporate Procurement Team (or a designated independent verifier). That individual must not be part of the project team charged with the delivery of the procurement or any part thereof;

- (b) Where a Tender or part thereof is submitted hardcopy/ physical items are submitted, the Tender must be received and open by an independent individual in the presence of a witness and the documents/ items submitted recorded, dated and signed in the Tender Record.

7.22 Compliance Checks & Corrections (CPR Levels 4 and 5):

- (a) Suppliers may not amend or request an amendment to their Tender after the date and time for receipt of Tenders;
- (b) The Council will conduct an initial compliance check to ensure that all documents requested have been submitted and that they have been submitted in line with the Invitation to Tender. Any Tender failing this check, who upon clarification, still fails this check (in line with the Relevant Procurement Legislation and the obligation to treat all suppliers fairly and the same) will be deemed non-compliant and the Supplier excluded from further consideration;
- (c) Following this, where there are inconsistencies or errors, the Council may seek Clarification in line with paragraph 7.16 above; these Clarification may include confirming the resolution of any arithmetical error or that of another clear, self-evident and obvious errors that has been identified during the initial review and compliance check. Where the resolution of the error is agreed by at least two officers and can be resolved without the need for additional information, the Council reserves the right to resolve this error and deem the Tender compliant;
- (d) The Clarification process may not be used to seek any amendments and/ or request information that changes or enhances a Supplier's Tender, where that change/ amendment would amount to an unfair advantage and/ or where this might undermine the integrity of the procurement process;
- (e) Where a Supplier is excluded for a non-compliant Tender or where a correction is made, this must be included in the Tender Record.

7.23 Training (CPR Levels 4 and 5):

- (a) It is the responsibility of the appropriate Chief officer of each department or establishment involved in the procurement process to ensure that all relevant Members of staff are trained in the correct procedures in line with these CPRs;

- (b) The Corporate Procurement Team will support officers by providing training, advice and any necessary templates to enable them to understand and adhere to these CPRs and Tender effectively.

7.24 Evaluation (CPR Level 3):

- (a) Before participating in an evaluation and moderation process, all officers must complete/ update their Conflict-of-Interest Declaration;
- (b) Where an officer invites quotes, they will identify the preferred Supplier based on the lowest price compliant quote that meets the technical and legal requirements (without negotiation) as set out in the Specification and delivers Value for Money;
- (c) The above decision to be approved by a senior officer or the budget holder.

7.25 Evaluation & Moderation (CPR Levels 4 and 5):

- (a) Before participating in an evaluation and moderation process, all officers must complete/ update their Conflict-of-Interest Declaration;
- (b) Where officers invite Tenders in response to an advert, they are required to identify the Most Advantageous Tender (MAT), this to be a balance of quality and price;
- (c) Before an evaluation process commences, the nominated Procurement Advisor will check whether a Supplier is on the Debarment List, is and Excluded Supplier or is and Excludable Supplier and must, in line with the Invitation to Tender, be excluded from participation in/ the award of the Contract. (where the procurement is a CPR Level 5 - Covered Procurement, this decision must be notified to the Cabinet office);
- (d) The Contract Manager, along with other suitably qualified and experienced individuals will then be required to carry out an individual evaluation of any Conditions of Participation, Initial/ Intermediate/ Final Tenders received and/or any score demonstrations or presentation; to make notes in line with the Award Criteria and Assessment Methodology and to highlight any incomplete, inaccurate, or misleading information that needs to be clarified and to share this with the nominated Procurement Advisor;
- (e) The Procurement Advisor may, at their discretion and in line with the Relevant Procurement Legislation, request an explanation and/ or evidence if doing so would not put that Supplier at an unfair advantage;
- (f) The responses to such Clarification requests will be shared with evaluators and discussed as part of the moderation meeting;
- (g) Final scores and their reasons will be agreed by consensus in line with the Invitation to Tender document.

7.26 Limiting Suppliers (CPR Levels 4 and 5):

- (a) Where the Council is using a discrete Conditions of Participation stage and or multiple Tender rounds, the Council may, where indicated in the Invitation to Tender (and the Tender Notice) limit the number of Suppliers to proceed from one round to another following a fair and transparent evaluation of the information provided for that stage.

7.27 Internal Approval – All CPR Levels:

- (a) Before notifying any Suppliers of an intention to award, approval must be obtained in line with Paragraph 6 and the Scheme of Delegation.

7.28 Assessment Summaries (CPR Level 5 - Covered Procurement):

- (a) once a decision has been made internally, all Suppliers who had their only/ final Tenders assessed will be issued with an Assessment Summary;
- (b) The assessment summary will include the scores and the reason for those scores against each of the Award Criteria in consideration of the Assessment Summary and the Supplier's bid;
- (c) For Unsuccessful Suppliers, they will receive the information at paragraph 7.28.2 above for themselves and for the Successful Supplier (less any Sensitive Commercial Information);
- (d) This document does not start the Standstill Period.

7.29 Contract Award Notice & Standstill (CPR Level 5 - Covered Procurement):

- (a) Following the issuance of the Assessment Summary, the Council must, in line with the Relevant Procurement Legislation, publish a Contract Award Notice;
- (b) Where a Mandatory Standstill Period is required by Competitive Tendering Procedure or where a discretionary Standstill Period is being applied, this must be at least eight clear working days;
 - (i) Under the PA23, – this starts on the day the Contract Award Notice was published);
 - (ii) Under the PSR23, PCR15, CCR16, – this starts on the day after the Contract Award Notice was published) and ending on a working day;
- (c) once the Standstill Period has expired, the Council may enter into a Contract with the Successful Supplier at their convenience. (Noting that until the Contract is signed, the Council may terminate the procurement at their sole discretion with any costs incurred to be borne by the party incurring them.

7.30 Contract Approval & Execution (All CPR Levels):

- (a) Contract execution to be completed in line with paragraph 6 above.

7.31 Signing of Non-Disclosure Agreements and Letters of Intent (LoI) (All CPR Levels):

- (a) Non-disclosure agreements can only be signed by approved signatories detailed in paragraph 6 above or by the Head of Corporate Procurement;
- (b) Generally, it is the Council's policy not to enter into discussions with Suppliers based on Letters of Intent (LoI), other than in cases of extreme urgency.

7.32 Contract Details Notice & Publication of Contracts (CPR Levels 3, 4 and 5):

- (a) Regulated Below Threshold Procurements:
 - (i) All Contracts with a value over £30k inc. VAT require a Below Threshold Contract Detail Notice to be Published.
- (b) Covered Procurements:
 - (i) All Public Contracts must have a Contract Details Notice published. Where the Contract value exceed £5m inc. VAT, this notice must set out the three most important KPIs;
 - (ii) All Public Contracts with a value in excess of £5m inc. VAT must be published (Sensitive Commercial Information and personal data (Data Protection Act) may be redacted).

7.33 The Contracts Register and Storage of Contracts (CPR Levels 2 to 5):

- (a) The Council is required to publish the following information:
 - (i) Maintaining a Contract Register of all ongoing Council Contracts with a value of £5,000;
 - (ii) Storing an electronic copy of all Contracts over £5,000 on that Contract Register;
 - (iii) Ensuring that the original copy of all Contracts executed under seal are passed to the Legal Department for storage.
- (b) For levels 1 – 3 – this information must be collated and recorded by the Service Area;
- (c) For Levels 4 & 5 – this information must be collated and recorded on the Council's E-Tendering System by the service which led of the procurement;
- (d) The service areas and allocated Contract Managers must retain a duplicate/ their own copy of the Contract to ensure it is effectively managed throughout the lifetime of the Contract.

7.34 Record Keeping (CPR Levels 4 and 5):

- (a) The Designated Procurement officers (CPR Level 4) and/or the Procurement Advisor (CPR Level 5) shall record and retain details of all

decisions made, using the appropriate template/ in the Council's E-Procurement System. These decisions to include the following information as a minimum;

- (b) Procurement Stage:
- (i) Budgetary approval and delegated authority information;
 - (ii) Pre-tender market research/ Preliminary Market Engagement;
 - (iii) Reason for the selected procurement process/ route to market/ exception;
 - (iv) A summary of the Procurement/ Associated Tender Documents and key Contract terms and conditions;
 - (v) The Award Criteria & Assessment Methodology;
 - (vi) A summary of the Tender received from Suppliers (with actual Tenders included as appendices) including:
 - Date and Time received;
 - Details of individuals that opened/ released the Tenders;
 - Number of SMEs;
 - Number of Local Suppliers;
 - Number/ Details of Excluded Suppliers;
 - Number/ Details of Disregarded Tenders;
 - Details of any corrections to arithmetical errors, etc;
 - Details of any Suppliers excluded for unfair advantage/ Conflict of Interest.
 - (vii) Supplier Clarifications;
 - (viii) Evaluation and moderation notes;
 - (ix) Council Clarifications;
 - (x) Tender negotiation (incl. minutes) (where permitted by the route to market);
 - (xi) Tender decision/ recommendation;
 - (xii) Records relating to Conflicts of Interest/ Conflict Assessment;
 - (xiii) Internal governance;
 - (xiv) Assessment Summaries information;
 - (xv) Contract Award Notice & Standstill Period information;
 - (xvi) Any other decision/ information as deemed necessary to justify the proposed approach and award.

- (c) Contract Stage:
 - (i) Copies of the Contract documents;
 - (ii) Contract Details Notice Information;
 - (iii) Records relating to Conflicts of Interest;
 - (iv) Communications with the successful Supplier throughout the period of the Contract;
 - (v) Quality Assurance, Health & Safety and Environmental Management of the Contract;
 - (vi) Post award Contract documentation such as variations, extensions, reviews, breaches and Performance Notices (please note that is the primary responsibility of the Contract Manager but in collaboration with the nominated Procurement Advisors on CPR level 5 Public Contracts.);
 - (vii) Full guidance is contained in the procurement policies and procedures and Contract Management tools and training;

7.35 Record Retention (CPR Levels 4 and 5):

- (a) The Designated Procurement officers (CPR Level 4) and/or the Procurement Advisor (CPR Level 5) shall retain:
 - (i) Successful Supplier Contract files executed under seal must be kept for twelve (12) years after the end of the Contract;
 - (ii) Successful Supplier Contract files executed under hand must be kept for six (6) years after the end of the Contract;
 - (iii) All other files (including the Records to be kept in paragraph 7.34 above, must be kept for three years from the date on which the Council enters into the Contract;
 - (iv) Within the Council's E-Procurement System electronic copies of successful and unsuccessful Tenders and documents may be retained for an indefinite period (even if under archive);

7.36 Purchase Requisitions and Purchase orders (CPR Levels 2 to 5):

- (a) All purchases made under these CPRs require a method to transact with/ pay the Supplier, the default system being to raise a requisition and Purchase order on the Council's P2P and to issue this to the Supplier with a copy of the Council's agreed terms and conditions;
- (b) When using P2P, officers must raise the requisition for approval and enter details of their purchasing requirements (to be supported by quotes) in advance of the supply of services, supplies or works, manage authorisation and then once approved, manage the Contract and make payments to Suppliers in line with the Contract. This system provides a

mechanism to report on the Council's expenditure, which is an essential part of effective Contract Management;

- (c) Alternative options/ exceptions include:
 - (i) Procurement Purchase Card (P-Card); or
 - (ii) Payment Without Purchase order (PWPo).
- (d) P-Cards should only normally be used for purchases under £1k and should not be used to circumvent these rules. This being more efficient than setting up a Supplier on the P2P for single/ low value requirements. Receipts must be maintained and stored for all such purchases;
- (e) PWPo should only be used where it would not be practical to raise a purchase requisition in advance of supplying services, supplies or works;
- (f) Under no circumstances should purchase requisitions be raised retrospectively to cover any invoiced services, supplies or works. If, however exceptional circumstances apply then a PWPo form would need to be attached to any retrospective order raised on Business World;

7.37 Contract Management (All CPR Levels).

- (a) officers is responsible for accepting the services, supplies or works received from the Supplier; and ensuring it meets the standards set in the Purchase order or Contract;
- (b) In addition to the above, all Contracts that are CPR level 4 or 5 must be managed via the Council's Contract Management system in line with paragraph 9 below unless agreed otherwise by the Corporate Procurement Team;
- (c) All CPR Level 5 Covered Procurement/ Public Contracts must also be managed in accordance with the Relevant Procurement Legislation.

8. EXCEPTIONS TO THE CONTRACTS PROCEDURE RULES

8.1 In exceptional circumstances, an officer may request an exception to one or more of the CPRs to award a Contract without competition:

- (a) Exceptions are reserved for exceptional circumstances and can only be granted where there are very good reasons that be sufficiently evidenced;
- (b) For Below Threshold (and Exempt) Procurements, the decision to allow the Exception is for the Council to decide, subject to their Key Decision rules (insert reference to scheme of delegation) and the contract value being below £499,999.99 (or for Goods & Services, the Goods & Services Threshold), the request can be approved by the Head of Corporate Procurement alone or with an Executive Director in line with the table below;

- (c) Where the request relates to a Public Contract, approval must be in line with the Relevant Procurement Legislation; and lack of planning or convenience are not acceptable grounds;
- (d) Before any exception is sought, the requesting officer must ensure the budget allocation for the exception is in place. Where a Direct Award of a Public Contract is agreed, the relevant notices must be published;

8.2 Exception Request Approval Process for each Procurement Threshold:

- (a) officers must complete a Tender/Procedural Exception Request Form and submit for approval in line with the following requirements;

Threshold	Exception Approval Requirements
£0 - £999.99	Not required if best value is ascertained.
£0 - £9,999.99	Not required if best value is ascertained.
£10,000 - £74,999.99	Head of Corporate Procurement (or senior Procurement Advisor)
£75,000 up to £499,999.99	Head of Corporate Procurement (or senior Procurement Advisor) AND Executive Director or Director (<i>except Goods and Services which is capped at the Goods and Services threshold, in line with paragraph 4.4</i>)
Above £500,0000	Cabinet Approval (Key Decision)

- (b) Any Exception Request made against any of the CPRs Levels must be sought in advance of any contractual agreement. Exception Requests cannot be made or granted retrospectively;
- (c) A request to seek quotes rather than advertise a requirement (CPR Levels 4) must also follow the above process;
- (d) Where an award of a new contract is agreed for contracts in excess of £30,000 (inclusive of VAT), the relevant notices must be published. In respect of contracts relating to healthcare services that fall within the Provider Selection Regime, the relevant notices must be published in agreement with the Corporate Procurement Team;
- (e) It is unlawful for officers or councillors to seek to avoid or circumvent the Relevant Procurement Legislation. Therefore, approval of any Exception Requests equal to or over the Public Contract threshold will only be permitted where the Head of Corporate Procurement has been consulted and identified a lawful justification under the Relevant Procurement Legislation;
- (f) All Exception Requests to these CPRs will be reported to the relevant governance board/s as required;

- (g) Note: Where the Corporate Procurement Team believe it to be prudent; an exception will be referred to internal audit for further action.

8.3 Emergencies - Immediate (direct) awards:

- (a) These CPRs allow for both “immediate” and “urgent” action to be taken by the Council under separate and differing circumstances and approvals. The immediate action permissible under an emergency situation by designated officers are set out below:
- (i) Designated Procurement officers may make an immediate (direct) award in the case of unforeseeable emergencies which represent or without action would result in:
- Immediate danger to life or health;
 - Immediate severe damage to property;
 - Any other circumstance where the consequences of which would be equal to or greater than those above.
- (b) Designated Procurement officers/ Contract Managers may make immediate, potential multiple (direct) awards where the total Contract Value equates to a CPR Level 3 procurement or below. The emergency circumstances must require the Council to respond immediately to events which are beyond the genuine control of the Council. This includes but is not limited to natural or manmade disasters such as flooding, fires, or civil unrest. Any emergency procurement must be reported to the Head of Corporate Procurement, by the officer who put in place the emergency procurement as soon as practically possible and in any event, within 72 hours;
- (c) Any such Contract entered into on this emergency basis by the Council must not be for a term of more than four weeks: during which time, the Council must procure all further contracts needed to deal with any outstanding issues related to, or originating from, an Emergency Situation via a compliant procurement process. This includes, but is not limited to, the appropriate use of the “urgent” action permitted as part of the Exception Process.

8.4 Emergencies - Urgent (Direct) Award:

- (a) All Procurement Legislation include an option for Direct Award where the works or the supply of either goods or services are strictly necessary for reasons of extreme and unavoidable urgency and this urgency is not attributable to any act or omission of the Council and it was not foreseeable;
- (b) Where such an option is being relied upon, this must be agreed with the Head of Corporate Procurement before a Contract is awarded;

- (c) Where such award is agreed, a Transparency Notice detailing the intention to award the Contract and this must be followed by a Contract Award Notice (applying a voluntary Standstill Period) and a Contracts Details Notice in line with the Relevant Procurement Legislation.

8.5 other Grounds for Direct Award:

- (a) User Choice Contracts:
 - (i) Award of Light Touch Contracts that are supplied for the benefit of a particular Individual.
- (b) Single Supplier:
 - (i) Where there is a monopoly/ single Supplier due to Intellectual Property rights or competition is absent for technical reasons and there are no reasonable alternatives to these goods, services or works;
 - (ii) Creation of unique pieces of art or artistic performance;
- (c) Prototype or Development:
 - (i) Where the Council is seeking a prototype or novel goods or services to be developed for the Council;
- (d) Additional or Repeat goods, services or works:
 - (i) Where the use of an alternative Supplier would be incompatible with existing good, services or works, or alternatives would result in disproportionate technical difficulties in operation or maintenance; or
 - (ii) Where the additional requirements were expressly allowed for as part of a Competitive Tendering Procedure and a Transparency Notice detailing the award is published within 5 years of the original Tender Notice.
- (e) Provider Service Regime direct awards under Process A, B or C:
 - (i) Where the purchase relates to Health Care Services, these being defined in *The Health Care Services (Provider Selection Regime) Regulations 2023, Schedule 1* – relevant CPV codes.
- (f) In all of the above circumstances, the officer must complete Tender/Procedural Exception Request Form; this to detail the proposed grounds for the Direct Award and a justification, eg where proposing there is a single Supplier, the market research/ testing that has been conducted to evidence this justification.

9. CONTRACT MANAGEMENT

9.1 For a Contract classified as a CPR level 4 and 5, the Chief Executive, Executive Directors, Directors, Contract Managers, Designated Procurement officers and nominated Procurement Advisors must ensure that the Council's Contract Management processes as set out below are adhered to.

9.2 Definition and Scope of Contract Management Activities within the Council:

- (a) Contract Management is the active management of the relationship between the Council and a Supplier over the term of the Contract for the provision of services, supplies and works to a set of agreed standards;
- (b) Contract Management activities should be proportionate to the value, duration, risk and complexity of the Contract;
 - (i) Simple purchase Contracts (i.e., an item of office furniture) will usually only require inspection on receipt and payment of the invoice whilst for complex or high value Contracts;
 - (ii) Contracts that are complex or high value and assessed at Level 1 (risk) or Level 2(risk) will need to appoint a full-time Contract Manager and follow the Contract Management Framework and use documents sourced from the Contract Management Framework;
- (c) The following are the Council's key Contract Management principles and are also set out within the Corporate Contract Management Framework, Contract Management Manual and other tools available within the Teams Channels for Contract Managers.

Principle	Meaning of Principle
Governance.	Contract governance refers to the framework and processes established by organisations to oversee and control their Contracts effectively. It involves defining policies, procedures and standards for creating, negotiating, executing and monitoring Contracts to ensure alignment with organizational goals and objectives. Contract governance aims to minimize risks, enhance compliance and optimize Contract outcomes by providing clear guidelines and accountability mechanisms for managing Contracts.
Monitoring and reporting.	Involves tracking the performance and compliance of Contracts throughout their lifecycle. Collecting, analysing and presenting data related to Contract performance. This helps in making informed decisions and maintaining transparency.
Financial controls.	Effective financial controls help organizations manage their Contracts more efficiently, reduce financial risks and ensure that Contractual obligations are met within budget.

Relationship management.	Ensuring that all parties involved in a Contract maintain a positive and productive working relationship. This involves fostering trust, open communication and mutual respect to achieve the Contract's objectives effectively.
Risk and continuity Management.	Essential for ensuring that Contracts are executed smoothly and that any disruptions are minimised.
Change and exit management.	Effective change and exit management help organisations adapt to new circumstances, minimise risks and maintain strong business relationships.

9.3 Contract Manager will be responsible for:

- (a) Managing relationships with Suppliers, including arranging and attending all necessary meeting, ensuring all necessary Management Information is provided and all necessary reporting is completed. This includes;
- (b) Monitoring performance against the Contract requirements/ Key Performance Indicators (where the Contract is a Public Contract with a value in excess of £5m inc. VAT);
- (c) Managing all and any modifications (variations or extensions) to the Contract in line with the Contract, the Relevant Procurement Legislation and the rules set out in these CPRs;
- (d) Forward planning for renewals, termination and exit management;
- (e) Publishing Contracts, modified Contract and notices relating to Contract Management activities:
 - (i) Contract Change Notice – used to publish detail of a proposed modification to a Contract where there is an increase of decrease in the estimated Contract value over a specific value;
 - (ii) Contract Performance Notice – used to report on KPIs (depending on value of Contract) and whether the Contract is being delivered to the required standards/ there has been a Breach of Contract;
 - (iii) Contract Termination Notice - used where the Council terminates a Contract in full.

9.4 Procurement Advisors will, in collaboration with the Contract Manager(s):

- (a) Attend Contract meetings with our key strategic (those Contracts assessed at CPR level 4 or level 5) Suppliers to review performance and compliance against the Contract;
- (b) Assist in managing any contractual issues raised by either the Contract Manager or Supplier;
- (c) Assist in managing any non-conformance identified by the Contract Manager or Supplier;

- (d) Review any proposed contract variations and/or extensions for compliance with the Relevant Procurement Legislation and these CPRs;
- (e) Ensure the Council complies with its obligations to publish various Contract Management notices including:
 - (i) those listed in paragraph 9.3.(d)(iii) above; and
 - (ii) Payment Compliance Notice – used to publish the Councils payment performance;
- (f) Ensure that key Contract documentation is retained on file as set out in paragraphs 7.34 and 7.35 above;
- (g) Promote the potential use of the ECMS.

9.5 Variations and Extensions Modifications:

- (a) Below Threshold Contracts;
- (b) Where the Council wishes to modify (vary or extend) this type of contract, officers should liaise with the Supplier to mutually agree the modification and this must then be documented in writing;
 - (i) Where the modification relates to an extension of time, if included in the original contract this can be mutually agreed, where no such option exists, this must be approved using the Exceptions Approval Process above. Unplanned extensions should not be longer than the duration of the original contract (except in exceptional circumstances and must be agreed with the Corporate Procurement Team);
 - (ii) Where the modification relates to a variation to the scope (more of the same) this modification is limited to a cumulative increase of 50% of the original contract value (except in exceptional circumstances and must be agreed with the Corporate Procurement Team). This applies to planned and unplanned changes equally;
 - (iii) If a proposed modification will increase the contract value to a value that exceeds the relevant threshold/ turns the contract into a Public Contract, then officers will need approval from the Corporate Procurement Team;
 - (iv) The resultant modification/ updated Contract must be added to the Contract Register.
- (c) Public Contracts:
 - (i) Where the Council wishes to modify (vary or extend) this type of contract, officers will need to comply with the Relevant Procurement Legislation and only where the modification is deemed permitted by that Relevant Procurement Legislation, will

the modification be approved. Modifications can be planned or unplanned, these are set out below;

- (ii) Planned Modifications – this includes modifications that have been expressly provided for within the initial procurement process and the resultant contract eg planned extensions, additional works and/or stages, known risks;
 - (iii) Unplanned Modification – these are changes that were not foreseen and therefore not expressly provided for in the Contract. There will likely be some restriction on what will be permitted for such changes. This could include the introduction of annual inflationary uplift, unexpected additional requirements.
- (d) In both of the above cases, officers should consult with the Corporate Procurement Team to ensure the proposed modification (variations and extension) are compliant with not just with the Relevant Procurement Legislation but also the [insert reference] in the Financial Procedure Rules. This assessment must consider both the cost of the proposed modification and any previous modifications and the initial Contract value and duration to ensure that the proposed modification does not breach the limits set out in the Relevant Procurement Legislation;
- (e) Depending on which of the Relevant Procurement Legislation the contract was awarded under and the nature of the modification, there may be a requirement to publish a Contract Change Notice before or after implementing a modification. Officers should seek advice from the Corporate Procurement Team as to which legislation applies and what processes and notices are required and when.

9.6 Contract Manager must ensure the following:

- (a) A budget is approved in line with the Financial Procedure Rules ((i.e. Key Decision-making process) before the modification is agreed;
- (b) The modification is being made in the best interests of the Council;
- (c) The modification does not amount to a Material/ Substantial change to the scope, value, or duration of the Contract;
 - (i) The relevant notices are published in accordance with the Relevant Procurement Legislation.

9.7 Approval of Contract Modifications:

- (a) Planned Modification:
 - (i) If the option to extend/ vary the contract was expressly and unambiguously included in the original contract as approved in line with paragraph 6 above, then subject to the proposed modification being in line with what was included in the contract, the modification

can be applied subject to budget and Chief officer/ Director approval in line with paragraph 6.1 above;

(b) Unplanned Modifications:

- (i) If no express option to vary and/ or extend the contract was allowed for in the original/ approved contract, the modification will fall under the exception process (para 8):
 - Where the total value of this and any cumulative modifications is less than £500,000 *and the modification is permitted by the Relevant procurement legislation* and there is available budget, the modification can be approved in line with paragraph 6 above;
 - Where the total value of this and any cumulative modifications is more than £500,000 and subject to *the modification being permitted by the Relevant procurement legislation*, it will need both budget and cabinet approval;
 - If the initial contract value when awarded was below £500,000 and the modification(s) takes the total/ cumulative contract value above £500,000 then subject to budget, it will need cabinet approval.

9.8 Collaborative Procurements:

- (a) Where the Council is required under its own powers or at the request of a partner authority to procure on its behalf, those procurements must comply with Relevant Procurement Legislation and other relevant legislation more generally;
- (b) Each Council must comply with their own rules with regards financial, procurement and delegated authority requirements and then equally, their own Scheme of Delegation for Contract signature.

9.9 Community Right of Challenge:

- (a) Section 81 of the Localism Act 2011 permits relevant bodies (charities, community bodies, town and parish Authority Services and Staff) to submit Expressions of Interest to provide Council Services. Corporate Services shall maintain and publish a timetable for the submission of interest.

9.10 Grants:

- (a) Application Process:
 - (i) The Council is the recipient and administrator of substantial funding from central government and potentially, other funders;
 - (ii) Where the funding received is being used to purchase goods, services, or works on behalf of the Council and in line with the

Council's specific requirements, the requirements must be procured in line with these CPRs;

(iii) Where this funding is to be granted to organisation to deliver aims and objectives in a manner decided by the recipient, for the local community, this needs be administered through a fair and formal process;

(iv) Further guidance on accessing grants can be found at insert link

(b) Grant Agreements:

(i) Where a grant is issued, it must be awarded in accordance with the Council process for advertising, selecting and awarding grants;

(ii) All grants must include:

- Details of what the applicant has committed to provide for the funding;
- Payment details including any payment conditions and frequency; and
- Any flow-down requirements relating to obligations that apply to the Council, including where relevant, reporting and clawback options;
- All grants which include clawback options MUST be executed as a Deed.

(c) Monitoring & Reporting:

(i) A register of all grants issued must be maintained, this to include details of the recipient, the value, the funder and the purpose;

(ii) Where the funding including reporting or other delivery/ payment obligations, this information must also be included in the register, eg conditions, monies paid and delivery against the funding;

(iii) Where the grant includes reporting obligations, periodic meetings (as agreed as part of the grant agreement) must be held between the recipient and the Council to ensure the recipient is both delivering as per their application and providing the required information. Notes and data from these meetings must be stored against the Grant Register.

(d) Further detail is available in Part X of the Constitution.

10. GLOSSARY OF TERMS

10.1 For the purpose of these Rules the following terms have the meanings as set out below:

Term	Meaning of Term
Annual Procurement Plan(s) or Future Pipeline Plan(s)	A plan that sets out the approach to the procurement of Contracts that exceed a lifetime value of £74,999.99 (CPR Level 4 and 5 Contract). All Contracts with a value of £500,000 and above must be reported to cabinet.
Approved Dynamic Market or DPS	A Dynamic Market approved for use by the Corporate Procurement Team
Approved Framework	A Framework (including open Frameworks) approved for use by the Corporate Procurement Team
Assessment Summary(aries)	<p>A letter detailing the outcome of the assessment of any Tenders received. For the winning Supplier it will include their scores and reasons for those scores against each of the published Award Criteria.</p> <p>For all losing Suppliers, the letter will include their scores and the reason for those scores against each of the published Award Criteria and the same information for the winning Supplier</p>
Associated Tender Documents	Means the documents that set out all the information a Supplier needs to submit an informed and compliant Tender; including but not limited to a Specification and a Contract and the Invitation to Tender, Award Criteria and Assessment Methodology.
Authorised officer(s)	P2P role- the Authorised officer is accountable for approving purchases made in

	accordance with the Council's Scheme of Delegation.
Award Criteria/ Assessment Methodology	<p>criteria set in accordance with section 23 of PA23 against which Tenders may be assessed for the purpose of awarding a Public Contract; these criteria must.</p> <ul style="list-style-type: none"> (a) Relate to the subject-matter of the Contract, (b) Be sufficiently clear, measurable and specific, (c) Not break the rules on technical specifications in section 56; and (d) Be a proportionate means of assessing Tenders, having regard to the nature, complexity and cost of the Contract. <p>And where there are more than one, their weighting or relative importance must be stated.</p> <p>Officers are also required to describe how the Tenders will be assessed (a scoring matrix) and the document must state whether failing to meet a specific score could amount to a Supplier being excluded from the procurement</p>
Best Value	The Best Value Duty relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in Part 1 of the Local Government Act 1999 (the 1999 Act) to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness"
Breach of Contract	Failure to meet any of the conditions of the Contract
Business World System	Means the software system used by the Council to store and manage information
Capital Contracts	Contracts for Works or Transformation projects.
Capital Expenditure	Expenditure involves acquiring or enhancing fixed assets with a long-term value to the

	authority, such as land, buildings and major items of plant, equipment, or vehicles.
Capital Programme	The programme of Capital expenditure agreed by Cabinet.
Categories	Where establishing a dynamic market, the Council may divide the DM into categories (Lots/ specialism) to facilitate access by SMEs and effective competition
Chief officer(s) (Executive)	The Chief Executive, the Chief Financial officer, the Executive Directors, Directors and the holders of any other post which may be designated for this purpose.
Clarification	Means the request for additional/ missing information and/ or an explanation regarding information that is incomplete, inaccurate, or misleading. Where the clarification relates to the Council seeking a clarification from a Supplier, this may only occur where it is not unfair to do so.
Code of Conduct	The code of conduct binding on all officers of the Council and being within [insert location] of the Council's Constitution and viewable on the Council's website.
Competitive Flexible Procedure (open Procedure or Competitive Flexible Procedure)	This is a multi-staged procurement which can include a discrete Conditions of Participation stage, limiting Suppliers (following the SQ or other assessments), one or more Tender rounds (and intermediate assessments), refinement of the Award Criteria, modification of the Tender procedure, interaction with the Suppliers (e.g., negotiations, presentations, site visits) and then following a final submission, there is a potential to finesse the submission and subsequent staged awards – all this being subject to what was specified in the Invitation to Tender document.
Competitive Selection Process	A procurement process where all of the Suppliers on the Framework (or a specific Lot)

	are invited to submit a Tender in line with the Framework rules and in line with the Specification for the Contract to be let and the Specification of the Framework.
Competitive Tendering Procedure(s)	This includes the open Procedure and the Competitive Flexible Procedure
Concession Contracts	<p>a Contract for the supply, for pecuniary interest, of works or services to a Contracting Authority where—</p> <p>a) at least part of the consideration for that supply is a right to exploit; and</p> <p>b) under the Contract the Supplier is exposed to a real operating risk.</p> <p>(it may also be paid for by service users rather than the Council).</p>
Conditions of Participation	<p>this is a condition that a Supplier must satisfy if the Supplier is to be awarded the Public Contract. These conditions must be a proportionate means of assuring that a Supplier has.</p> <p>(a) the legal and financial capacity to perform the Contract, or</p> <p>(b) the technical ability to perform the Contract.</p>
Conditions of Tendering	The rules/ conditions by which a competitive procurement process will be conducted and with which a Supplier must comply if they are not to be excluded from the procurement process.
Conflict Assessments	Means an assessment that has been carried out by the Council and in which, it identifies all and any potential or actual conflicts and the actions taken/ to be taken to mitigate them to ensure equal treatment.
Conflict of Interest	<p>There is a Conflict of Interest in relation to a Covered Procurement if—</p> <p>(a) A person acting for or on behalf of the contracting authority in relation to the Procurement has a Conflict of Interest, or</p>

	(b) A Minister acting in relation to the Procurement has Conflict of Interest
Contract(s)	an agreement to be made in writing between the Council and a Supplier
Contract Award Notice	<p>A notice that is published on the Central Digital Platform and that informs the market of and intent to award and where a Mandatory Standstill Period (or Voluntary Standstill Period) is required, this notice initiates that Standstill Period.</p> <p>There is a different form of notice for below and above threshold procurements.</p>
Contract Change Notice	<p>For Contracts let under the Procurement Act 2023 (after 24th February 2025)</p> <p>A notice that must be published before a Contract modification is applied, where that modification</p> <p>increases or decreases the estimated value of the Contract by—</p> <ul style="list-style-type: none"> (a) in the case of a Contract for goods or services, 10 per cent or less, (b) in the case of a Contract for works, 15 per cent or less, or (c) the modification increases or decreases the term of the Contract by 10 per cent or less of the Issued in accordance with section 75. <p>For Contracts let under the Public Contracts Regulations 2015</p> <p>A modification notice must be published where a modification is made under Regulation 72(b) or 72(c).</p>
Contract Details Notice	<p>A notice that confirms that the Contract has been entered into within the previous 30 days.</p> <p>There is a different form of notice for below and above threshold procurements.</p>
Contract Management	Contract Management is the active management of the relationship between the

	Council and the Supplier over the term of the Contract for the provision of services, supplies and works to a set of agreed standards.
Contract Management Framework	Means the Council's processes for managing contracts
Contract Management Manual	Means the Council's rule book for managing contracts
Contract Management Notice(s)	<p>For Contracts let under the Procurement Act 2023 (PA23) (after 24th February 2025)</p> <p>The Council will be required to publish the following in line with the PA23.</p> <p>(a) Contract Performance Notice – required for all Public Contracts over £5m and used to report on KPIs and whether the Contract is being delivered to the Council's required standards e.g., satisfactory performance against the KPIs and/ or a breach of Contract which resulted in, partial termination and/ or damages.</p> <p>(b) Payment Compliance Notice – used to publish the Contracting Authorities payment performance.</p> <p>(c) Contract Termination Notice – used where the Contracting Authority terminates a Contract in full.</p>
Contract Management Strategy	Means the Councils approach to managing contracts
Contract Manager(s)	<p>An officer that manages the Contract and ensure day to day activities are conducted in accordance with its terms and conditions. Full duties are detailed in paragraph 9 of the CPRs.</p> <p>These are officers within service areas across the Council that manage and oversee Contracts and would consult with The Corporate Procurement Team when re-Tendering or procuring new Contracts.</p>
Contract Modification	For Contracts let under the Procurement Act 2023 (PA23) (after 24 th February 2025)

	<p>A modification permitted under section 74 and schedule eight of the PA2023 or is not a substantial modification or is a below-threshold modification.</p> <p>For Contracts let under the Public Contracts Regulations 2015 (PCR2015)</p> <p>A modification permitted under Regulation 72.</p>
Contract Performance Notice	<p>Means a notice setting out.</p> <p>(a) An assessment of performance against Key Performance Indicators;</p> <p>or</p> <p>(b) Details of poor performance against a specified standard and/ or a breach which is sufficiently serious enough to result in the payment of damages, partial termination, or a settlement agreement.</p>
Contracts Procedure Rules (CPRs)	<p>This document setting out the principles of procurement, roles and responsibilities, Contract procedure rules and processes involved in purchasing services, supplies and works Contracts.</p>
Contract Register	<p>A register of Council Contracts that exceed £5k held by The Corporate Procurement Team and made publicly available via the Council website.</p>
Contract Termination Notice	<p>Is a notice setting out that a Contract has been terminated</p>
Contract Value	<p>The estimated total monetary value of a Contract over its full duration and any extensions or potential variations. (N.B. not just the annual value.) Where the duration of a Contract is indeterminate, this will be taken to be the estimated value of the Contract over a period of four years.</p>
Corporate Contract	<p>A Contract let by the Council for use by the whole Council</p>

Corporate Procurement Team	Central team responsible to managing corporate procurements, maintaining procurement standards and controls and providing advice and guidance to service areas.
Corporate Risk Policy	Means the Corporate Approach to Risk Management – the Risk Management tool kit is available on the Intranet Risk Management Toolkit.doc (sharepoint.com)
Corporate Risk Register	The risk register held by the Council which includes all high profile/ high risk contracts
Corporate Services	A department within the Council
Corporate Social Value Policy	The Social Value Policy
Council	Southend-on-Sea City Council.
Council Amendments	The amendments/ additional contract requirements identified by the Council as being needed to make an industry standard contract suitable for their and a specific project/ contract requirement.
Councillor/ Member	An elected Member of the Council.
Covered Procurement	Means an above threshold procurement that is intended to result in a Public Contract. PPN-11_23-New-Thresholds.pdf (publishing.service.gov.uk) These values apply for 2024 and 2025.
Data Protection Act 2018	Means the legislation that controls how personal information is used by organisations, businesses and/ or the government.
Debarment List	Means a list kept by a Minister of the Crown for the purposes of identifying Suppliers to whom a Public Contract is not to be awarded.
Deed	A document executed under common seal
Dialogue	Means a discussion between the Council and Suppliers about any aspect of the procurement.

Direct Award	Means the award of a Contract without a competitive process.
Discretionary Exclusion Grounds	Schedule 7 (a) Labour market misconduct (b) Environmental misconduct (c) Insolvency, bankruptcy, etc (d) Potential competition infringements (e) Professional misconduct (f) Breach of Contract and poor performance (g) Acting improperly in procurement (h) Threat to national security
Disregarded Tenders	A Tender that is not evaluated due to it not meeting the procedural or other published requirements.
Dynamic Market	a list of Suppliers who have met the published Conditions of Membership and are eligible to submit a Tender against a competition let under the market. These markets can be set up to purchase any requirements that a Contracting authority may wish to purchase and require the use of the competitive flexible procedure to award a Contract.
Dynamic Purchasing System (DPS)	A completely electronic system used by a Contracting Authority (buyer) to purchase commonly used goods, works or services. Unlike a traditional framework, Suppliers can apply to join at any time.
E-Procurement System	A system for the end-to-end Tendering process, both Suppliers and buyers submit and respond to Tenders electronically removing the need for paper submissions.
Equalities Act	Protects individuals from various forms of discrimination and harassment relating to disability, age, gender, religion / belief and sexuality.
Estimated Contract Value	Means the value being estimated by a contracting authority for the entire possible scope and duration of the potential Contract

	<p>Requirements including all options, premiums, fees etc as may become due under the contract.</p>
<p>Excludable Supplier(s)</p>	<p>An Excludable Supplier is a Supplier.</p> <p>(a) To whom a discretionary exclusion ground applies and such exclusion ground circumstances are continuing/ likely to occur again; or</p> <p>(b) They are on the debarment list by virtue of a discretionary exclusion ground.</p> <p>Tenders from excludable Suppliers may be disregarded in any Competitive Tendering Process (s.26(2)) and Contracting Authorities may exclude an Excludable Supplier from participating in a Competitive Flexible Procedure (s.27(1)(b)).</p> <p>The Council may also terminate a Contract with a Supplier who becomes an excluded Supplier after the award of the Contract or where one of their sub-Contractors is an excludable Supplier and they fail to replace them when instructed.</p>
<p>Excluded Supplier(s)</p>	<p>An excluded Supplier is a Supplier.</p> <p>(a) To whom a Mandatory Exclusion Ground applies to and such exclusion ground is continuing/ likely to occur again; or</p> <p>(b) They are on the Debarment List by virtue of a Mandatory Exclusion Ground.</p> <p>Tenders from excluded Suppliers must be disregarded in any competitive Tendering process and Contracting Authorities must exclude an Excluded Supplier from participating in a Competitive Flexible Procedure.</p> <p>Supplier must be removed from a Dynamic Market if it is on the Debarment List by virtue of a Mandatory Exclusion Ground and may be removed if otherwise an Excluded Supplier or an Excludable Supplier.</p> <p>The Council may also terminate a Contract with a Supplier who becomes an Excluded Supplier after the award of the Contract or where one of their Sub-Contractors is an Excluded Supplier and they fail to replace them when instructed.</p>

Exempt Contract(s)	The kind of Contract listed in Schedule 2 of the Procurement Act 2023 and for which the rules of the PA23 do not apply.
Framework	An agreement with Suppliers which sets out terms and conditions under which specific purchases can be made throughout the term of the agreement and which has been Tendered in accordance with UK Directives.
Freedom of Information Act	Freedom of Information Act 2000 is an act defining the ways in which the public may obtain access to government-held information.
Financial Procedure Rules	The rules on how Council funds is to be received, spent and reported, as set out in [insert location] of the council's constitution and being available on the council's website.
Grant Agreements	an agreement by the Council to pay a recipient funding for a specific set of aims and objectives.
Head of Corporate Procurement	Means the lead for the Corporate Procurement Team.
Head of Internal Audit and Counter Fraud	Means the lead for the internal audit team.
Health Care Services (Provider Selection Regime) Regulations 2023, Schedule 1	The Health Care Services (Provider Selection Regime) Regulations 2023 - whole act. The Health Care Services (Provider Selection Regime) Regulations 2023 - Schedule 1
Intellectual Property	This refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.
Invitation to Tender (IIT)	The document that invites Suppliers to submit a Request to Participate or a Tender in response to a Tender Notice. It must include clear instructions of what is required, a description of the procurement process, the Conditions of Tendering and the Award Criteria/ Assessment Methodology as a minimum.

Key Decision	A decision as defined within [insert location] the Constitution. Includes transactions above £499,99 in value.
Key Performance Indicator (KPIs)	a factor or measure against which a Supplier's performance of a Contract can be assessed during the life cycle of the Contract.
Late Tenders	Means a response to a Tender Notice or invitation to submit an intermediate/ final tender that is not submitted by the specified deadline
Light Touch Regime	These are Contracts/procurements which cover Health, Social Care, legal and Education related requirements.
Limit Suppliers	Means the reduction of the number of Suppliers to progress from one stage to the next in a procurement process, based on the evaluation of the submission of a response to Conditions of Participation and/ or Tender Rounds
Local Business Directory	The Council's list of Local Suppliers
Local Government Act 1972	Local Government Act 1972 (legislation.gov.uk)
Local Supplier(s)	A Supplier who has a local presences / an address with a Southend postcode; specifically, SS0, SS1, SS2, SS3 and SS9.
Lots.	Means splitting the goods, services or works to be supplied into more than one Contract to make them accessible to SME and facilitate effective competition. This is not to be done to circumvent the PA23.
Management Information	Mean data relating to the delivery of the contract such as, but not limited to, delivery volumes, spend, progress, performance, or other measures that enable the Council to assess whether the Contract is being delivered to their satisfaction/ in line with the Contract.
Mandatory Exclusion Grounds	Schedule 6 - Part 1 (a) Corporate manslaughter or corporate homicide (b) Terrorism (c) Theft, fraud, bribery, etc

	<ul style="list-style-type: none"> (d) Labour market, slavery and trafficking offences (e) organised crime (f) Tax offences. (g) Cartel offences (h) Ancillary offences <p>Schedule 6 - Part 2</p> <ul style="list-style-type: none"> (i) National Security, (j) Tax Misconduct, (k) Competition Law Infringements, or the Equivalent for Conduct outside The UK, (l) Failure To Cooperate with An Investigation
MAT	<p>Most Advantageous Tender –</p> <p>Is the Tender that the Council considers—</p> <ul style="list-style-type: none"> a) Satisfies the Council’s requirements; and b) Best satisfies the Award Criteria when assessed against them
National Procurement Policy Statement	[Withdrawn] National Procurement Policy Statement - GoV.UK (www.gov.uk)
Negotiation	Means a discussion between the Council and a Supplier with a view to improving the content of Tenders
Non-disclosure Agreements	Means an agreement that information shared by the Council with a Supplier will not be shared/ disclosed with a third party
oofficer(s)	Means an employee of the Council involved in the procurement and/ or management of a Council Contract.
open Framework	A scheme of Frameworks where the initial Framework is open for 3 years or less and the subsequent Frameworks cannot last for more than 5 years before it must be re-opened. The maximum overall term being 8 years and how Suppliers are appointed onto the Framework will depend on how the open Framework is established.

open Procedure	This is a single stage procedure where any interested Supplier can submit a Tender; and a Supplier's suitability, capacity and capability and their Tender response are all evaluated together.
opening Tenders	Means the rules by which a Tender is received and open for sharing with the evaluators.
originating officer	P2P role the originator officer is the nominated contact who understands the business and/or technical need and can develop the technical specification or statement of work
Payment Compliance Notice	Means a bi-annual notice that sets out the timescales in which the Council has made payments against Public Contracts and its performance against the requirement to pay valid invoices within 30 days
Performance Bond	A performance bond is issued to by a Supplier to the Council as a guarantee against the failure of the other party to meet the obligations of the Contract. A performance bond is usually issued by a bank or an insurance company.
Poor Performance Notice(s)	<p>A notice issued in line with Regulation 39 Procurement Regulations 2024 detailing that.</p> <ul style="list-style-type: none"> • There has been a breach of contract and that breach has resulted in. <ul style="list-style-type: none"> ○ Payment of damages, ○ partial termination ○ A settlement agreement <p>The Supplier has failed to perform the contract to the satisfaction of the Contracting Authority (this needing to be a holistic assessment and not just based on performance of the KPIs.</p>
Pipeline Notice	Means the annual notice to be published by the Council to inform the market of the Contracts to be procured/ awarded in the coming reporting period. This to include all Contracts with a value of £2m or above.

Preliminary Market Engagement	Analysis of the market prior to formal Tender
Preliminary Market Engagement	This can be used for the purpose of— (a) developing the authority's requirements and approach to the procurement. (b) designing a procedure, Conditions of Participation or Award Criteria. (c) preparing the Tender notice and Associated Tender Documents. (d) identifying Suppliers that may be able to supply the goods, services or works required. (e) identifying likely Contractual terms. (f) building capacity among Suppliers in relation to the Contract being awarded.
Preliminary Market Engagement Notice	Means a notice setting out that the Council intends to conduct, or has conducted, Preliminary Market Engagement,
Presentation, Demonstration	Mean a meeting with a Supplier where they present their proposed delivery methodology or demonstrate a specific element/ product within their proposal to aid the Council in understanding the proposed solution and how it meets the Specification. These may be scored and may also lead to the Council limiting the number of Suppliers to participate in the next Tender Round.
Procurement	Means the process by which the Councils identifies and purchases goods, services and works.
Procurement Advisor(s)	Officers appointed by Chief Officers in consultation with the Head of Corporate Procurement to undertake procurement activities in accordance with the CPR.
Procurement Card (P-Card)	Corporate credit card used for low value procurements
Procurement Exemptions	Means a procurement that does not need to follow the usual rules within this document/ Procurement Legislation for its nature, value and complexity.

Procurement Guidance	Legislation	<p>Means the guidance issued by the Cabinet office that is to be considered in the development and delivery of the procurement process.</p> <p>Procurement Act 2023 - Guidance documents - GoV.UK (www.gov.uk)</p> <p>Procurement policy notes - GoV.UK (www.gov.uk)</p>
Procurement objectives		<ul style="list-style-type: none"> (a) Value for Money (b) Sharing information (c) Public Benefit (d) Acting with integrity (e) Removing barriers to SMEs (f) Equal treatment
Procurement Procedures	Policies and	Guides detailing the application of these rules (for officers and Contract Managers)
Procurement Thresholds		the values that determine which route to market to use
Project Team		Means the group of individuals who will support the procurement process and management of the resultant Contract.
Public Contract(s)		All Contract Values which are Covered Procurement (above threshold) under the Relevant Procurement Legislation (this value to be inclusive of VAT)
Public Services (Social Value) Act 2012		Act places a requirement on procurers to consider the economic, environmental and social benefits. Please refer to the Corporate Social Value Policy and toolkit
Purchase to Pay (P2P)		A system to enter purchasing requirements, manage authorisation, confirm receipt of goods and make payments to Suppliers
Quotation		The provision of a price to deliver the Council's requirements (may include a method statement too), without the conduct of a formal (advertised) procurement process.

Receiving officer	P2P Role receiver is responsible for accepting the goods and/or services received from the Supplier; checking that it meets the standards set in the original requirement
Record Keeping	Means the report that the Council must collate that details all decisions made about the design and administration of the procurement process
(Regulated/ Notifiable) Below Threshold Contract Detail Notice(s)	Means a notice detailing that a Below Threshold Procurement has resulted in the Council entering into a contract with a value in excess of £30k inc. VAT.
(Regulated/ Notifiable) Below Threshold Procurement(s)	A procurement which is below the Covered Procurement threshold and not exempt from the PA23. PPN-11 23-New-Thresholds.pdf (publishing.service.gov.uk) These values apply for 2024 and 2025.
(Regulated/ Notifiable) Below Threshold Tender Notice(s)	Means an advert inviting tenders from Suppliers where the Contract value is below that of a Covered Procurement
Regulated Below Threshold Procurements G& S or Works	Means a contract with a value less than that of a covered procurement but to which Part 6 of the Procurement Act 2023 applies; specifically, the requirement to publish notices, procedural rules (for G&S this means a single stage process and for Works, this includes an option for a two stage process), implied payment terms and a duty to consider SMEs
Relevant Procurement Legislation	Public Contracts Regulations 2015 (PCR15) or Concession Contracts Regulations 2016 (CCR16) – the legislation that applies to Contracts let under one of these regimes where the Contract continues to be used/ delivers post 24th February 2025 Procurement Act 2023 (PA23), Procurement Regulations 2024 (PR24)– for Contract that are to be or were procured post 24th February 2025

	Provider Services Regime 2023 (PSR23) where the procurement relates to health care services.
Request to Participate	The submission of a response to the Conditions of Participation published with a Tender Notice where this Conditions of Participation are a discrete stage in a Competitive Flexible Procedure.
Requesting officer	P2P Role requester enters the purchase requirement in the P2P system, attaching requirements and justifications where appropriate
Sensitive Commercial Information	Means information which. (a) Constitutes a trade secret, or (b) Would be likely to prejudice the commercial interests of any person if it were published or otherwise disclosed.
Scheme of Delegation	The rules as to who has the authority to make which decisions, as set out in [insert location] of the council's constitution and being available on the council's website.
Site Visit	Means a visit to an office, or project location to aid a Supplier in understanding the Contract requirements/ Specification and to aid in putting in an effective and compliant Tender.
Special Purpose Vehicle	Means a legal arrangement/ entity that is set up solely for the purpose of delivering the contract.
Specification	Means the document that sets out the Councils specific requirements for a specific contract/ project.
SME	Small to Medium Enterprise – fewer than 250 employees; and annual turnover not exceeding approximately £50 million
Standstill Period	Means period of eight clear working days commencing on the day that the Contract

	<p>Award Notice was published on the Central Digital Platform.</p> <p>Mandatory for all Covered Procurement other than for the following exception, for which a Voluntary Standstill Period of eight clear working days may still be applied.</p> <ul style="list-style-type: none"> ▪ Direct Award under sections 41 or 43 ▪ Award under a Framework. ▪ Award by reference to a Dynamic Market ▪ A light touch Contract
Successful Supplier(s)	Means the Supplier with which the Council intends to award/ enter into a Contract to deliver the published requirements.
Supplier(s)	Means all or any of economic operators, tenderers, bidders, contractors (or subcontractors) supplying goods, services or works to the Council
Supplier Management Relationship	Means the processes and activities to be applied to ensure an effective outcome from the procurement and resultant Contract
Tender(s)	Means the response against which a Contract may be awarded
Tender Notices	<p>Regulated Below Threshold Tender Notice - A call for competition (advert) where a Below Threshold Contract which is published on the Central Digital Platform/ FTS.</p> <p>Tender Notice (separate forms for open Procedure, Competitive Flexible Procedure, Frameworks and Dynamic Markets) - A call for competition (advert) for a Public Contract which is published on the Central Digital Platform/ FTS.</p>
Tender Record(s)	Means a record of all decisions made during the life of a Covered Procurement
Tender Rounds	Means an initial, intermediate and/ or final Tender stage, in a Competitive Flexible Procedure.

Transparency Notice	Means a notice setting out that the Council intends to award a contract directly to a Supplier
Thresholds	PPN-11_23-New-Thresholds.pdf (publishing.service.gov.uk) The values which determine the procurement process that is required and whether a Contract amount to being a Covered Procurement
Treaty State Supplier(s)	Means a Supplier that is entitled to the benefits of an international agreement (part of the WTO or other formal arrangement)
Unsuccessful Supplier(s)	Means a Supplier who submitted a Tender, but which was not the Most Advantageous Tender and therefore will not be accepted
User Choice Contracts	Contracts that are supplied for the benefit of a particular Individual
Utilities Contracts	a Contract for the supply of goods, services or works wholly or mainly for the purpose of a utility activity. (Gas, electric, Water, transport e.g., buses on a fixed network).
Value for Money	Means the balance of quality and price deemed representative of the Most Advantageous Tender

FINANCIAL PROCEDURE RULES

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7. FINANCIAL PROCEDURE RULES

Status of Financial Procedure Rules

- 7.1 Financial Procedure Rules provide the framework for managing the Authority's financial affairs. These Financial Procedure Rules apply to every Councillor and officer of the Authority and anyone acting on its behalf. These Financial Procedure Rules supercede all other Financial Procedure Rules and financial standing orders issued previously.
- 7.2 Nothing in these Financial Procedure Rules shall be construed as overriding the provisions of legislation or any subordinate regulations from time to time in force.
- 7.3 The Financial Procedure Rules identify the financial responsibilities of the Council, Cabinet Members, Scrutiny Committee members, the Chief Executive (Head of Paid Service), Deputy Chief Executive and the Executive Directors (hereinafter called "**the CE & Executive Directors**") This also includes the Executive Director Legal & Democratic Services (the Monitoring officer) and Executive Director Finance & Resources (the Chief Finance officer), who also have their specific statutory responsibilities to administer as identified in these Financial Procedure Rules.
- 7.4 The CE & Executive Directors should maintain a written record where decision making has been delegated to members of their staff, including seconded and interim staff. Where decisions have been delegated or devolved to other responsible officers, such as nominated Budget Holders, references to the CE & Executive Directors in the Financial Procedure Rules should be read as referring to them.
- 7.5 All Councillors and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 7.6 All Councillors and staff must conduct themselves with the highest standards of integrity and must do their utmost to ensure that suspicions do not arise concerning improper motivation and avoid conflicts of interest.
- 7.7 The Chief Finance officer is responsible for maintaining a continuous review of the Financial Procedure Rules and submitting any additions or changes necessary to the Council for approval. The Chief Finance officer is also responsible for reporting, where appropriate, breaches of the Financial Procedure Rules to the Council and / or to the Cabinet.
- 7.8 The issuing of these Financial Procedure Rules does not preclude the issuing of further instructions on financial matters by the Chief Finance officer who must be consulted on any aspects of financial administration not contained within these Financial Procedure Rules.
- 7.9 The Authority's financial procedures, setting out how the Financial Procedure Rules will be implemented, are contained in the appendices to the Financial Procedure Rules. Detailed procedure notes issued by the Chief Finance officer in accordance with these Financial Procedure Rules have the same status as the Financial Procedure Rules and therefore must be complied with as if they were contained within the Financial Procedure Rules.

- 7.10 The CE & Executive Directors are responsible for ensuring that all staff in their service areas are aware of the existence and content of the Authority's Financial Procedure Rules and other internal regulatory documents and that they comply with them.
- 7.11 The Chief Finance officer is responsible for issuing advice and guidance to underpin the Financial Procedure Rules that Councillors, officers and others acting on behalf of the Authority are required to follow.

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Financial Procedure Rule A: Financial Governance

Introduction

- A1** Financial governance covers all financial accountabilities in relation to the running of the Authority, including the policy framework and budget.

The Council

- A2** The Council is responsible for adopting the Authority's Constitution and Members' Code of Conduct and for approving the policy framework and budget within which the Cabinet operates.

- A3** The Council is responsible for approving and monitoring compliance with the Authority's overall framework of accountability and control and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. The framework is set out in its Constitution. Decisions should be referred to the Council by the Monitoring officer and / or the Chief Finance officer. The Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework.

- A4** The Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the Council and its committees. These delegations and details of who has responsibility for which decisions are set out in the Constitution. The Council is also responsible for monitoring compliance with the agreed policy and related Cabinet decisions.

The Cabinet

- A5** The Cabinet is responsible for proposing the policy framework and budget to the Council and for discharging Executive functions in accordance with the policy framework and budget.

- A6** The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits and in accordance with the scheme of virement set by the Council.

Scrutiny Committee(s)

- A7** The Scrutiny Committee(s) are responsible for scrutinising Cabinet decisions before or after they have been implemented and for holding the Cabinet to account. The Scrutiny Committee(s) are also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the Authority.

Audit Committee

- A8** The Audit Committee is an advisory body and reports to the Council. It has right of access to all the information it considers necessary and can consult directly with internal and external auditors. The Committee is responsible for reviewing the external auditor's reports and the annual audit letter and internal audit's annual report. It is also responsible

for adopting the annual statement of accounts. It is also responsible for scrutinising the annual treasury management strategy.

Standards Committee

- A9** The Standards Committee is established by the Council and is responsible for promoting and maintaining high standards of conduct amongst Councillors. In particular, it is responsible for advising the Council on the adoption and revision of the Members' Code of Conduct and for monitoring the operation of the code.

other Regulatory Committees

- A10** Planning and licensing are not Cabinet functions but are exercised through the multi-party Development Control Committee and the Licensing Committee under powers delegated by the Council. The Development Control Committee and the Licensing Committee reports to the Council.

The Statutory officers

Head of Paid Service (Chief Executive)

- A11** The Head of Paid Service is responsible for the corporate and overall strategic management of the Authority as a whole. They must report to and provide information for the Cabinet, the Council, the Scrutiny Committee(s) and other committees. They are responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring officer, for the system of record keeping in relation to all the Council's decisions (see below).

Monitoring officer (Executive Director (Legal & Democratic Services)).

- A12** The Monitoring officer is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the Standards Committee. The Monitoring officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the Council and / or to the Cabinet and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- A13** The Monitoring officer must ensure that Cabinet decisions and the reasons for them are made public. They must also ensure that Councillors are aware of decisions made by the Cabinet and of those made by officers who have delegated Executive responsibility.
- A14** The Monitoring officer is responsible for advising all Councillors and officers about who has Authority to take a particular decision.
- A15** The Monitoring officer is responsible for advising the Cabinet or Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.
- A16** The Monitoring officer (together with the Chief Finance officer) is responsible for advising the Cabinet or Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget.

A17 The Monitoring officer is responsible for maintaining an up-to-date Constitution.

Chief Finance officer (Executive Director (Finance & Resources))

A18 The Chief Finance officer has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Local Government Act 2003
- The Accounts and Audit Regulations 2015

A19 The Chief Finance officer is responsible for:

- the proper administration of the's financial affairs;
- monitoring compliance with financial management standards;
- determining the accounting procedures and records for the Authority and advising on the key financial controls necessary to secure sound financial management;
- signing and dating the annual statement of accounts, to certify that it represents a true and fair view of the financial position of the Council;
- confirming the robustness of the budget and adequacy of reserves.

A20 **Section 114** of the Local Government Finance Act 1988 requires the Chief Finance officer to report to the Council, Cabinet and external auditor if the Authority or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure;
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Authority;
- is about to make an unlawful entry in the Authority's accounts

Section 114 of the 1988 Act also requires:

- the Chief Finance officer to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under section 114 personally
- the Authority to provide the Chief Finance officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114

A21 The Chief Finance officer is also responsible for:

- setting financial management standards
- advising on the corporate financial position

- providing financial information
- preparing the revenue budget and capital programme
- treasury management
- selecting accounting policies and ensuring that they are applied consistently

A22 The Chief Finance officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting In The United Kingdom: A Statement of Recommended Practice* (CIPFA / LASAAC).

A23 In these Rules “the Chief Finance officer” means the Council’s Chief Finance officer appointed under S.151 Local Government Act 1972, namely the Executive Director (Finance & Resources).

A24 For the avoidance of doubt in the absence of the Chief Finance officer, the authorities, responsibilities and duties set out in these Financial Procedure Rules transfer to the nominated Deputy Chief Finance officer (Head of Corporate Finance).

The CE & Executive Directors

A25 The CE & Executive Directors are responsible for:

- ensuring that Cabinet are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance officer
- signing contracts on behalf of the Authority

A26 The CE & Executive Directors are responsible for agreeing in-year virements within delegated limits, in consultation with the Chief Finance officer where required. They must notify the Chief Finance officer of all virements.

A27 It is the responsibility of the CE & Executive Directors to consult with the Chief Finance officer and seek approval on any matter liable to affect the Authority’s finances materially, before any commitments are incurred.

Financial Procedure Rule B: Financial Planning and Management

Introduction

B1 The Council is responsible for agreeing the Authority's policy framework and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:

- the annual revenue budget
- the annual capital programme
- the medium term (four year) revenue and capital financial forecast

These will be produced in conjunction with the Corporate Plan as set by Council.

Budgeting

Budget Format

B2 The general format of the budget will be approved by the Council and proposed by the Cabinet on the advice of the Chief Finance officer. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and housing rent levels, the prudential indicators, treasury management strategy and the capital programme.

Revenue and Capital Budget Preparation

B3 The Chief Finance officer is responsible for ensuring that revenue and capital budgets are prepared together with a medium term (four year) revenue and capital financial forecast on an annual basis, for consideration by the Cabinet, before submission to the Council. The budget will be prepared within the framework procedure rules as set out in the Council's Constitution.

B4 It is the responsibility of the CE & Executive Directors to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with any guidance issued by the Cabinet.

B5 It is the responsibility of the Cabinet to ensure that there is proper consultation on the proposed budget prior to its submission to Council. The Council may then amend the budget or ask the Cabinet to reconsider it before approving it.

B6 The inclusion of items in approved revenue and capital estimates shall constitute Authority to incur such expenditure, save to the extent to which the Council or the Cabinet shall have placed a reservation on any such item. Expenditure on any such reserved items may be incurred only when and to the extent that such reservation has been removed.

Budget Monitoring and Control

B7 The Chief Finance officer is responsible for providing appropriate financial information to the CE & Executive Directors to enable budgets to be monitored effectively. They must monitor and control expenditure against budget allocations and report to the Cabinet on the overall position on a regular basis.

B8 It is the responsibility of the CE & Executive Directors to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Finance officer. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Chief Finance officer to any problems.

Emergency and Urgent Expenditure

B9 Nothing in these Financial Procedure Rules will prevent expenditure outside of the budgetary framework in the event of an emergency situation or one of overriding urgency, subject to certain criteria and actions being satisfied.

Guidelines

B10 Guidelines on budget preparation may be issued to Councillors and the CE & Executive Directors by the Cabinet following agreement with the Chief Finance officer. Such guidelines will take account of, amongst other things:

- legal requirements
- medium-term planning prospects
- the corporate plan
- available resources
- spending pressures
- joint working with partners
- other internal policy documents
- cross-cutting issues (where relevant)

and any appropriate statutory plans and strategies that form part of the policy framework of the Authority.

Maintenance of Reserves

B11 It is the responsibility of the Chief Finance officer, to propose to the Cabinet and / or the Council prudent levels of reserves for the Authority.

Financial Procedure Rule C: Risk Management and Control of Resources

Introduction

- C1** It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.

Risk Management

- C2** The Cabinet is responsible for approving the Authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management and for promoting it throughout the Authority. The Cabinet is responsible for ensuring that proper insurance exists where appropriate.
- C3** The Executive Director (Transformation) is responsible for preparing the Authority's risk management policy statement and strategy.
- C4** The Chief Finance officer is responsible for advising the Cabinet on proper insurance cover where appropriate.

Internal Control

- C5** Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.
- C6** The Chief Finance officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently and in accordance with the statutory and other authorities that govern their use.
- C7** It is the responsibility of the CE & Executive Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Audit Requirements

- C8** The Accounts and Audit Regulations 2015 issued by the relevant Secretary of State require every local Authority to maintain an adequate and effective internal audit.
- C9** The Audit Commission (subsequently Public Sector Audit Appointments Limited) is responsible for appointing external auditors to each local Authority. The basic duties of the external auditor are governed by the Code of Audit Practice issued by the Comptroller and Auditor General.

- C10** The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

Preventing Fraud and Corruption

- C11** The Chief Finance officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

Assets

- C12** The CE & Executive Directors should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

Staffing

- C13** The Council is responsible for determining how officer support for Executive and non-Executive roles within the Authority will be organised.
- C14** The Head of Paid Service is responsible for providing overall management to staff. They are also responsible for ensuring that there is proper use of an evaluation or other agreed system for determining the remuneration of a job.
- C15** The CE & Executive Directors are responsible for controlling total staff numbers by:
- advising the Cabinet on the budget necessary in any given year to cover estimated staffing levels
 - adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
 - the proper use of appointment procedures

Financial Procedure Rule D: Treasury Management and Bank Arrangements

Treasury Management

D1 The Council, in adopting these Financial Procedure Rules, has adopted the key recommendations of CIPFA's Code of Practice on Treasury Management.

D2 The key recommendations are:

Key Recommendation 1 – the Council shall put in place formal and comprehensive objectives, policies and practices, strategies and reporting arrangements for the effective management and control of its' treasury management activities.

Key Recommendation 2 – the Council's policies and practices shall make clear that the effective management and control of risk are prime objectives of its treasury management activities.

Key Recommendation 3 – the Council shall acknowledge that the pursuit of best value in treasury management and the use of suitable performance measures, are valid and important tools for the Council to employ in support of its business and service objectives; and that within the context of effective risk management, its treasury management policies and practices shall reflect this.

Key Recommendation 4 – in order to achieve the above, the Council shall:

- Adopt a treasury management policy statement, as recommended by the Code
- Follow the recommendations in the Code concerning the creation of Treasury Management Practices

D3 The Council shall create and maintain, as cornerstones for effective treasury management:

- A treasury management policy statement, including the policies and objectives of its treasury management activities
- Suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives and prescribing how it will manage and control those activities

D4 The Council is responsible for approving the Treasury Management Policy Statement, the Treasury Management Strategy and the Annual Investment Strategy. The documents are proposed to the Council by the Audit Committee which has responsibility for their scrutiny. The Chief Finance officer has delegated responsibility for implementing and monitoring the statement.

D5 All money in the hands of the Authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972.

D6 All decisions on borrowing, investment or financing shall be delegated to the Chief Finance officer, who is required to act in accordance with CIPFA's *Code of Practice for Treasury Management*.

- D7** The Chief Finance officer is responsible for reporting to the Cabinet not less than four times in each financial years on the activities of the treasury management operation and on the exercise of their delegated treasury management powers. one such report will comprise an annual report on treasury management for presentation by 30th September of the succeeding financial year.

Leasing and other Financial Facilities

- D8** The Chief Finance officer and officers nominated by them are the only officers authorised to enter into and sign agreements for leasing and other financial facilities.

Banking Arrangements

- D9** The Chief Finance officer and officers nominated by them are the only officers authorised to open, operate and close a bank account on behalf of the Council.
- D10** The Chief Finance officer and officers nominated by them are the only officers authorised to sign cheques and instigate or arrange other methods of payment.

Financial Procedure Rule E: Financial Systems and Procedures

Introduction

- E1** Sound systems and procedures are essential to an effective framework of accountability and control.

General

- E2** The Chief Finance officer is responsible for the operation of the Authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by the CE & Executive Directors to the existing financial systems or the establishment of new systems must be approved by the Chief Finance officer. However, the CE & Executive Directors are responsible for the proper operation of financial processes in their own service areas.
- E3** Any changes to agreed procedures by the CE & Executive Directors to meet their own specific service needs should be agreed with the Chief Finance officer.
- E4** The CE & Executive Directors should ensure that their staff receive relevant financial training that has been approved by the Chief Finance officer.
- E5** The CE & Executive Directors must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. The CE & Executive Directors must ensure that staff are aware of their responsibilities under freedom of information legislation.

Income and Expenditure

- E6** It is the responsibility of the CE & Executive Directors to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on their behalf, or on behalf of the Cabinet, in respect of payments, income collection and placing orders, together with the limits of their Authority. The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

Payments to Employees Councillors

- E7** The the CE & Executive Directors are responsible for all payments of salaries and wages to all staff, including payments for overtime and for payment of allowances Councillors.

Taxation

- E8** The Chief Finance officer is responsible for advising the CE & Executive Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Authority.

- E9** The Chief Finance officer is responsible for maintaining the Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading Accounts / Business Units / Local Authority Trading Companies

- E10** It is the responsibility of the Chief Finance officer to advise on the establishment and operation of proper financial arrangements for trading accounts, business units and Local Authority Trading Companies.

DRAFT

Financial Procedure Rule F: External Arrangements

Introduction

- F1** The Authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

Partnerships

- F2** The Cabinet is responsible for approving delegations, including frameworks for partnerships. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- F3** The Cabinet can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the Authority's Constitution. Where functions are delegated, the Cabinet remains accountable for them to the Council.
- F4** The Head of Paid Service and officers nominated by them represent the Authority on partnership and external bodies, in accordance with the scheme of delegation.
- F5** The Monitoring officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Authority.
- F6** The Chief Finance officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. They must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- F7** The CE & Executive Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External Funding

- F8** The Chief Finance officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority's accounts.

FINANCIAL GOVERNANCE

1. FINANCIAL GOVERNANCE STANDARDS

Why is this important?

- 1.1 All staff and Councillors have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

Key controls

- 1.2 The key controls and control objectives for financial governance standards are:
- (a) their promotion throughout the Authority.
 - (b) a monitoring system to review compliance with financial standards and regular comparisons of performance indicators that are reported to the Cabinet and Council.

Responsibility of the Head of Paid Service (Chief Executive)

- 1.3 To establish a framework for management direction, style and standards and for monitoring the performance of the organisation.

Responsibility of the Monitoring officer

- 1.4 To promote and maintain high standards of financial conduct.
- 1.5 To advise (together with the Chief Finance officer) the Cabinet or Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be “contrary to the budget” include:
- (a) initiating a new policy;
 - (b) committing expenditure in future years to above the budget level;
 - (c) incurring interdepartmental transfers above virement limits;
 - (d) causing the total expenditure financed from council tax, grants and corporately held reserves to exceed the approved budget.

Responsibilities of the Chief Finance officer

- 1.6 To ensure the proper administration of the financial affairs of the Authority.
- 1.7 To set the financial management standards and to monitor compliance with them.

- 1.8 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the Authority.
- 1.9 To advise on the key financial controls necessary to secure sound financial management.
- 1.10 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.
- 1.11 To complete all grant claims and other financial returns required by government departments and other bodies.

Responsibilities of the CE & Executive Directors

- 1.12 To promote the financial management standards set by the Chief Finance officer in their service areas and to monitor adherence to the standards and practices, liaising as necessary with the Chief Finance officer.
- 1.13 To promote sound financial practices in relation to the standards, performance and development of staff in their service areas.
- 1.14 To maintain such records as are required to enable the Chief Finance officer to complete all grant claims and other financial returns required by government departments and other bodies.

2. ACCOUNTING POLICIES

Why is this important?

- 2.1 The Chief Finance officer is responsible for the preparation of the Authority's statement of accounts, in accordance with proper practices as set out in the format required by the *Code of Practice on Local Authority Accounting in the United Kingdom* (CIPFA / LASAAC), for each financial year ending 31st March.

Key controls

- 2.2 The key controls for accounting policies are:
 - (a) systems of internal control are in place that ensure that financial transactions are lawful.
 - (b) suitable accounting policies are selected and applied consistently.
 - (c) proper accounting records are maintained.
 - (d) financial statements are prepared which present a true and fair view of the financial position of the Authority and its expenditure and income.

Responsibilities of the Chief Finance officer

- 2.3 To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31st March each year.

Responsibilities of the CE & Executive Directors

- 2.4 To adhere to the accounting policies and guidelines approved by the Chief Finance officer.

3. ACCOUNTING RECORDS AND RETURNS

Why is this important?

- 3.1 Maintaining proper accounting records is one of the ways in which the Authority discharges its responsibility for stewardship of public resources. The Authority has a statutory responsibility to prepare its annual accounts to present a true and fair view of its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Authority's resources.

Key controls

- 3.2 The key controls for accounting records and returns are:
- (a) all finance staff and budget holders operate within the required accounting standards and timetables.
 - (b) all the Authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.
 - (c) procedures are in place to enable accounting records to be reconstituted in the event of systems failure.
 - (d) reconciliation procedures are carried out to ensure transactions are correctly recorded.
 - (e) prime documents are retained in accordance with legislative and other requirements.

Responsibilities of the Chief Finance officer

- 3.3 To determine the accounting procedures and records for the Authority and to arrange for the compilation of all such accounts and accounting records under their direction. Where these are maintained outside the finance department, the Chief Finance officer should consult the CE or Deputy concerned.

- 3.4 To make proper arrangements for the audit of the Authority's accounts in accordance with the Accounts and Audit Regulations 2015.
- 3.5 To comply with the following principles when allocating accounting duties:
 - (a) separating the duties of providing information about sums due to or from the Authority and calculating, checking and recording these sums from the duty of collecting or disbursing them.
 - (b) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- 3.6 To ensure that all claims for funds including grants are made by the due date.
- 3.7 To prepare and publish the audited accounts of the Authority for each financial year, in accordance with the statutory timetable and with the requirement for the Audit Committee to approve the statement of accounts before the statutory deadline.
- 3.8 To administer the Authority's arrangements for under- and overspendings to be carried forward to the following financial year.
- 3.9 To ensure the proper retention of financial documents in accordance with the requirements set out in the Authority's document retention schedule.

Responsibilities of the CE & Executive Directors

- 3.10 To consult and obtain the approval of the Chief Finance officer before making any changes to accounting records and procedures.
- 3.11 To comply with the principles outlined in paragraph 3.5 when allocating accounting duties.
- 3.12 To maintain adequate records to provide a management trail leading from the source of income / expenditure through to the accounting statements.
- 3.13 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Chief Finance officer.

4. THE ANNUAL STATEMENT OF ACCOUNTS

Why is this important?

- 4.1 The Authority has a statutory responsibility to prepare its own accounts to present a true and fair view of its operations during the year. The Audit Committee is responsible for approving the annual statutory statement of accounts.

Key controls

- 4.2 The key controls for the annual statement of accounts are:
 - (a) the Authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs.

- (b) the Authority's statement of accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom* (the Code) (CIPFA / LASAAC).

Responsibilities of the Chief Finance officer

- 4.3 To select suitable accounting policies and to apply them consistently.
- 4.4 To make judgements and estimates that are reasonable and prudent.
- 4.5 To comply with the Code.
- 4.6 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.
- 4.7 To sign and date the statement of accounts by the statutory deadline, stating that it presents a true and fair view of the financial position of the Authority at the accounting date and its income and expenditure for the year ended 31 March 20xx.

Responsibilities of the CE & Executive Directors

- 4.8 To comply with accounting guidance provided by the Chief Finance officer and to supply the Chief Finance officer with information when required.

Financial Planning and Management

1. BUDGETING

Format of the Budget

Why is this important?

- 1.1 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

Key controls

- 1.2 The key controls for the budget format are:
 - (a) the format complies with all legal requirements.
 - (b) the format reflects the accountabilities of service delivery.

Responsibilities of the Chief Finance officer

- 1.3 To advise the Cabinet on the format of the budget that is approved by the Council.

Responsibilities of the CE & Executive Directors

- 1.3 To comply with accounting guidance provided by the Chief Finance officer.

Budget Monitoring and Control

Why is this important?

- 1.4 Budget management ensures that once the Council has approved the budget, allocated resources are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.
- 1.5 By continuously identifying and explaining variances against budgetary targets, the Authority can identify changes in trends and resource requirements at the earliest opportunity. The Authority itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the Authority in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.
- 1.6 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary

control may take place at a more detailed level if this is required by the scheme of delegation of the CE & Deputy concerned.

Key controls

1.7 The key controls for managing and controlling the revenue budget are:

- (a) Budget Holders should be responsible only for income and expenditure that they can influence.
- (b) there is a nominated Budget Holder for each cost centre heading.
- (c) Budget Holders accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities.
- (d) Budget Holders follow an approved certification process for all expenditure.
- (e) income and expenditure are properly recorded and accounted for.
- (f) performance levels / levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

Responsibilities of the Chief Finance officer

1.8 To establish an appropriate framework of budgetary management and control that ensures that:

- (a) budget management is exercised within annual cash limits unless the Council agrees otherwise.
- (b) each Department has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities.
- (c) expenditure is committed only against an approved budget head.
- (d) all officers responsible for committing expenditure comply with relevant guidance and the Financial Procedure Rules.
- (e) each cost centre has a single named Budget Holder, determined by the CE or Deputy concerned. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure.
- (f) significant variances from approved budgets are investigated and reported by Budget Holders regularly.

1.9 To administer the Authority's scheme of virement.

1.10 To submit reports to the Cabinet and to the Council, in consultation with the CE or Deputy concerned, where they are unable to balance expenditure and resources within existing approved budgets under their control.

1.11 To prepare and submit reports on the Authority's projected income and expenditure compared with the budget on a regular basis.

Responsibilities of the CE & Executive Directors

- 1.12 To maintain budgetary control within their service areas, in adherence to the principles in 1.9 and to ensure that all income and expenditure are properly recorded and accounted for.
- 1.13 To ensure that an accountable Budget Holder is identified for each item of income and expenditure under the control of the CE or Deputy concerned (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- 1.14 To ensure that spending remains within the service's overall cash limit and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- 1.15 To ensure that a monitoring process is in place to review performance levels / levels of service in conjunction with the budget and is operating effectively.
- 1.16 To prepare and submit in conjunction with the Chief Finance officer reports to Cabinet on the service's projected expenditure compared with its budget.
- 1.17 To ensure compliance with the scheme of virement.
- 1.18 To agree with the CE or Deputy concerned where it appears that a virement proposal may impact materially on another service area or Department's level of service activity.

Budget Preparation and Medium-Term Planning

Why is this important?

- 1.19 The Authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the Authority's plans and policies.
- 1.20 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Council. Budgets (spending plans) are needed so that the Authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an Authority to budget for a deficit.
- 1.21 Medium-term planning (or a three to five-year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the Authority is always preparing for events in advance.

Key controls

- 1.22 The key controls for budgets and medium-term planning are:
 - (a) specific budget approval for all expenditure.

- (b) Budget Holders are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Cabinet for their budgets and the level of service to be delivered.
- (c) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Responsibilities of the Chief Finance officer

- 1.23 To prepare and submit reports on budget prospects to the Cabinet, including resource constraints set by the Government, in accordance with the approved budget timetable. Reports should take account of medium-term prospects, where appropriate.
- 1.24 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Council and after consultation with the Cabinet and the CE & Executive Directors
- 1.25 To prepare and submit reports to the Cabinet and Council on the aggregate spending plans of the Council and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax or housing rent levels to be levied in accordance with statutory timetables.
- 1.26 To advise on the medium-term implications of spending decisions.
- 1.27 To encourage the best use of resources and value for money by working with the CE & Executive Directors to identify opportunities to improve economy, efficiency and effectiveness and by encouraging good practice in conducting financial appraisals of development or savings options and in developing financial aspects of service planning.
- 1.28 To advise the Council on Cabinet proposals in accordance with their responsibilities under section 151 of the Local Government Act 1972.

Responsibilities of the CE & Executive Directors

- 1.29 To prepare estimates of income and expenditure, in consultation with the Chief Finance officer, to be submitted to the Cabinet, in accordance with statutory deadlines.
- 1.30 To prepare budgets that are consistent with any relevant cash limits, with the Authority's annual budget cycle and with guidelines issued by the Cabinet. The format should be prescribed by the Chief Finance officer in accordance with the Council's general directions.
- 1.31 To ensure prior approval by the Council for new proposals that:
 - (a) increase the budgetary requirement in current or future years, or
 - (b) change existing policies, initiate new policies or cease existing policies, or
 - (c) materially extend or reduce the Authority's services.

A report on new proposals should explain the full financial implications, following consultation with the Chief Finance officer. Unless the Council has agreed otherwise,

the CE & Executive Directors must plan to contain the financial implications of such proposals within their cash limit.

- 1.32 To agree with the CE & Deputy concerned where it appears that a budget proposal may impact materially on another service area or Department's level of service activity.
- 1.33 To integrate financial and budget plans into service planning, so that service plans are fully costed and can be incorporated into medium term budget forecasts.
- 1.34 In consultation with the Chief Finance officer and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the Cabinet, including proposals for the setting of fees and charges.
- 1.35 When drawing up draft budget requirements, to have regard to:
 - (a) Spending patterns and pressures revealed through the budget monitoring process.
 - (b) Legal requirements.
 - (c) Policy requirements as defined by the Council in the approved policy framework.
 - (d) Initiatives already under way.

Resource Management

Why is this important?

- 1.36 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need / desire. It is therefore imperative that needs / desires are carefully prioritised and that resources are utilised to fulfil all legal responsibilities and minimise the level of waste, inefficiency or loss. Resources may include staff, money, equipment, goods and materials.

Key controls

- 1.37 The key controls for resource management are:
 - (a) resources are acquired in accordance with the law and using an approved authorisation process.
 - (b) resources are used only for the purpose intended, to achieve the approved policies and objectives and are properly accounted for.
 - (c) resources are securely held for use when required.
 - (d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities of the Chief Finance officer

- 1.38 To advise on methods available for the funding of resources, such as grants from central government and borrowing.

1.39 To assist in the allocation of resources to Budget Holders.

Responsibilities of the CE & Executive Directors

1.40 To work within budget limits and to utilise resources allocated in the most efficient, effective and economic way.

1.41 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

Capital Programmes

Why is this important?

1.42 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Authority, such as land, buildings and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

1.43 The Government places strict controls on the financing capacity of the Authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key controls

1.44 The key controls for capital programmes are:

- (a) Sufficient regard being given to the Capital Strategy adopted by the Council.
- (b) Specific approval by the Council for the programme of capital expenditure following recommendation by the Cabinet.
- (c) A scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for approval by the CE & Executive Directors.
- (d) Proposals for improvements and alterations to buildings must be approved the CE or Deputy concerned.
- (e) Capital procurements should be in accordance with Contract Procedure Rules.
- (f) The development and implementation of asset management plans.
- (g) Accountability for each proposal is accepted by a named manager.
- (h) Monitoring of scheme progress in conjunction with expenditure and comparison with approved budget.

Responsibilities of the Chief Finance officer

1.45 To prepare capital estimates jointly with the CE & Executive Directors and to report them to the Cabinet for approval. The Cabinet will make recommendations on the capital estimates and on any associated financing requirements to the Council.

- 1.46 To prepare and submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.
- 1.47 To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Chief Finance officer, having regard to government regulations and accounting requirements.

Responsibilities of the CE & Executive Directors

- 1.48 To comply with guidance concerning capital schemes and controls issued by the Chief Finance officer.
- 1.49 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Chief Finance officer.
- 1.50 To ensure that all capital procurements are added to the annual procurement plan.
- 1.51 To ensure that adequate records are maintained for all capital contracts.
- 1.52 To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Chief Finance officer, where required.
- 1.53 To obtain authorisation from the Cabinet for individual schemes where the estimated expenditure exceeds the capital programme provision.
- 1.54 To prepare and submit reports, jointly with the Chief Finance officer, to the Cabinet, of any variation in contract costs greater than the approved budget. The Cabinet may meet cost increases by virement from savings elsewhere within their capital programme, save that there can be no transfer of approved budgets between the General Fund and the Housing Revenue Account.
- 1.55 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Chief Finance officer and, if applicable, approval of the scheme through the capital programme.

Emergency and Urgent Expenditure (Council Procedure Rule 46)

- 1.56 Nothing in these Financial Procedure Rules shall prevent the Chief Executive, the Deputy Chief Executive, an Executive Director or Director from incurring expenditure outside of the budgetary framework which is essential to meet any immediate needs created by a sudden emergency, or which is referable to Section 138 of the Local Government Act 1972, or which is outside the Council's control (e.g. by order of the Courts or any other body with an equivalent power), or which has some other overriding urgency, subject to:
 - (a) It not being practical to convene a quorate meeting of the Council.
 - (b) The Chair of the relevant Scrutiny Committee, or in their absence the Mayor, or in their absence the Deputy Mayor, agreeing that the expenditure is a matter of urgency.

- (c) The matter has first been discussed with the Head of Paid Service and the Chief Finance officer.
- (d) The reasons why it was impractical to convene a quorate meeting of the Council under 1.57(a) and the consent under 1.57(b) being noted on the record of the decision.

1.57 Following the decision to incur expenditure outside of the budgetary framework on the grounds of urgency, the relevant Cabinet Member will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency. The report will also set out the level of expenditure incurred or likely to be incurred under the decision and proposals for the mitigation of the expenditure by the deferment of other expenditure where possible.

2. MAINTENANCE OF RESERVES

Why is this important?

2.1 The Authority must decide the level of general reserves it wishes to maintain, based on the advice of the Chief Finance officer, before it can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the Authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

Key controls

- 2.2 To maintain reserves in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom* (CIPFA / LASAAC) and agreed accounting policies.
- 2.3 For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- 2.4 Authorisation of appropriation to and from reserves by the CE or Executive Director concerned in consultation and agreement with the Chief Finance officer.

Responsibilities of the Chief Finance officer

2.5 To advise the Cabinet and the Council on prudent levels of reserves for the Authority.

Responsibilities of the CE & Executive Directors

2.6 To ensure that resources are used only for the purposes for which they were intended.

3. MANAGING EXPENDITURE

Scheme of Virement

Why is this important?

- 3.1 The scheme of virement is intended to enable the Cabinet, the CE & Executive Directors and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Council and therefore to optimise the use of resources.
- 3.2 The scheme of virement empowers the CE & Executive Directors to manage the resources under their control and therefore to be accountable to the Cabinet and Council for their financial performance.

Key controls

- 3.3 Key controls for the scheme of virement are:
 - (a) it is administered by the Chief Finance officer within guidelines set by the Council. Any variation from this scheme requires the approval of the Council.
 - (b) the overall budget is agreed by the Cabinet and approved by the Council. The CE & Executive Directors and their nominated Budget Holders are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching revenue resources between approved portfolio service budgets or between pay and non-pay budget headings, or capital expenditure between approved capital projects. For the avoidance of doubt, the Chief Finance officer will maintain a list of approved portfolio service headings and approved capital projects.
 - (c) virement does not create additional overall budget liability. The CE & Executive Directors are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. The CE & Executive Directors must plan ahead to fund such commitments from within their own budgets.
 - (d) virement between budgets of the Housing Revenue Account and the General Fund and between revenue and capital budgets is prohibited.
- 3.4 Where an approved budget is a lump-sum budget, earmarked reserve or contingency under the control of the Chief Finance officer, intended for allocation during the year, its allocation will not be treated as a virement, provided that the amount is used in accordance with the purposes for which it has been established.

Responsibilities of the Chief Finance officer

- 3.5 To prepare jointly with the CE & Executive Directors a report to the Cabinet where cumulative virements on any single approved portfolio service budget, between pay and

non-pay budgets within any single approved portfolio service budget, or on any single approved capital project, in excess of £250,000 are proposed.

- 3.6 To maintain a list of approved portfolio service headings.
- 3.7 To maintain a list of approved capital projects.
- 3.8 To maintain a register of approved virements.
- 3.9 To monitor that any allocation of an approved budget that is a lump-sum budget or contingency intended for allocation during the year is in accordance with the purposes for which it was established and the Cabinet approved scheme for its release. Where any proposed allocation falls outside of these conditions, the allocation will be deemed to be a virement and treated accordingly.

Responsibilities of the CE & Executive Directors

- 3.10 The CE & Executive Directors may exercise virement on budgets under their control for amounts up to £100,000 following notification to the Chief Finance officer.
- 3.11 The CE & Executive Directors may exercise virement on budgets under their control for amounts between £100,000 and up to £250,000 subject to the approval of the Chief Finance officer.

Risk Management and Control of Resources

1. RISK MANAGEMENT

Why is this important?

- 1.1 All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.
- 1.2 It is the overall responsibility of the Cabinet to approve the Authority's risk management policy statement and strategy and to promote a culture of risk management awareness throughout the Authority.

Key controls

- 1.3 The key controls for risk management are:
 - (a) Procedures are in place to identify, assess, prevent or contain material known risks and these procedures are operating effectively throughout the Authority.
 - (b) A monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis.
 - (c) Managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives.
 - (d) Provision is made for losses that might result from the risks that remain.
 - (e) Procedures are in place to investigate claims within required timescales.
 - (f) Acceptable levels of risk are determined and insured against where appropriate.
 - (g) The Authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

Responsibilities of the Head of Paid Service (Chief Executive)

- 1.4 To promote the Authority's risk management policy statement and strategy.

Responsibilities of the Executive Director (Transformation)

- 1.5 To prepare the Authority's risk management policy statement and strategy in conjunction with the CE & Executive Director and the Chief Finance officer.

Chief Finance officer

- 1.6 To include all appropriate employees of the Authority in a suitable fidelity guarantee insurance.
- 1.7 To effect corporate insurance cover, through external insurance and internal funding and periodically review the same.
- 1.8 To negotiate all claims in consultation with other officers, where necessary.

Responsibilities of the CE & Executive Director

- 1.9 To notify the Chief Finance officer immediately of any loss, liability or damage that may lead to a claim against the Authority, together with any information or explanation required by the Chief Finance officer or the Authority's insurers. Only the Chief Finance officer may negotiate settlement of claims.
- 1.10 To take responsibility for risk management, having regard to advice from the Chief Finance officer and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
- 1.11 To ensure that there are regular reviews of risk within their service areas.
- 1.12 To notify the Chief Finance officer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances. In particular notice shall be given of the following:
 - (a) The acquisition of property or other assets whether by ownership, lease agreement, hiring or loan. The CE or Deputy concerned is responsible for maintaining current valuations.
 - (b) Any matters arising from the Council's position as an employer or enabler of voluntary labour.
 - (c) Any matters arising from the carrying out of the Council's functions and services or those in which the Council has an interest.
- 1.13 To consult the Chief Finance officer and the Monitoring officer on the terms of any indemnity that the Authority is requested to give.
- 1.14 To ensure that employees, or anyone covered by the Authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

Responsibilities of the Audit Committee

- 1.15 To assess and approve the corporate risk arrangements and monitor the effective development and operation of good practice risk management and corporate governance arrangements across the Council.

2. INTERNAL CONTROLS

Why is this important?

- 2.1 The Authority is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.
- 2.2 The Authority has statutory obligations and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- 2.3 The Authority faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- 2.4 The system of internal controls is established in order to provide measurable achievement of:
 - (a) Efficient and effective operations.
 - (b) Reliable financial information and reporting.
 - (c) Compliance with laws and regulations.
 - (d) Risk management.

Key controls

- 2.5 The key controls and control objectives for internal control systems are:
 - (a) Key controls should be reviewed on a regular basis and the Authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively.
 - (b) Managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities.
 - (c) Financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems.

An effective internal audit function that is properly resourced. It should operate in accordance with the United Kingdom Public Sector Internal Audit Standards and

Responsibilities of the Chief Finance officer

- 2.6 To assist the Authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

Responsibilities of the CE & Executive Directors

- 2.7 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- 2.8 To review existing controls in the light of changes affecting the Authority and to establish and implement new ones in line with guidance from the Chief Finance officer. The CE & Executive Directors should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- 2.9 To ensure staff have a clear understanding of the consequences of lack of control.

3. AUDIT REQUIREMENTS

Internal Audit

Why is this important?

- 3.1 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2015, more specifically require that a “relevant Authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance”.
- 3.2 Accordingly, internal audit is an independent and objective appraisal function established by the Authority for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

Key controls

- 3.3 The key controls for internal audit are:
- (a) That it is independent in its planning and operation.
 - (b) The Chief Internal Auditor has direct access to the Head of Paid Service, all levels of management and directly to Councillors.
 - (c) The internal auditors comply with the United Kingdom Public Sector Internal Audit Standards.

Responsibilities of the Chief Finance officer

- 3.4 To ensure that internal auditors have the Authority to:
- (a) Access Authority premises at reasonable times.
 - (b) Access all assets, records, documents, correspondence and control systems.
 - (c) Receive any information and explanation considered necessary concerning any matter under consideration.
 - (d) Require any employee of the Authority to immediately account for cash, stores or any other Authority asset under their control.
 - (e) Access records belonging to third parties, such as contractors, when required.
 - (f) Directly access the Head of Paid Service, the Cabinet and the Audit Committee.
- Pursuant to this regulation, the same access rights apply to the Chief Finance officer in relation to the internal control of the Council.
- 3.5 To approve the strategic and annual audit plans prepared by the Chief Internal Auditor, which take account of the characteristics and relative risks of the activities involved.
- 3.6 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

Responsibilities of the Head of Internal Audit

- 3.7 Whenever appropriate, to consult with the CE or Deputy concerned on the timing and nature of audits to avoid unnecessary service disruption.
- 3.8 To consult with the CE & Executive Directors on the findings and recommendations of an audit relating to their Department or service area prior to publication.

Responsibilities of the CE & Executive Directors

- 3.9 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- 3.10 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 3.11 To consider and respond promptly to recommendations in audit reports.
- 3.12 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 3.13 To notify the Chief Finance officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources. Pending investigation and reporting, the CE or Deputy concerned should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

- 3.14 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Head of Internal Audit prior to implementation.
- 3.15 To arrange for procedural and operational notes to be issued to all members of staff operating financial systems or procedures, such notes to be subject to the approval and retention of the Chief Finance officer.
- 3.16 To ensure that the duty of providing information, calculating, checking and recording sums due to or from the Council shall be separated as completely as possible from the duty of collecting or disbursing those sums.

External Audit

Why is this important?

- 3.17 The external auditor has rights of access to all documents and information necessary for audit purposes.
- 3.18 The Local Audit and Accountability Act 2014 makes the Comptroller and Auditor General responsible for the preparation, publication and maintenance of the Code of Audit Practice. The Code sets out what local auditors are required to do to fulfil their statutory responsibilities under the Act.
- 3.19 The Authority's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts gives a 'true and fair view' of the financial position of the Authority and its income and expenditure for the year in question and complies with the legal requirements.

Key controls

- 3.20 External auditors are appointed by the Audit Commission (subsequently Public Sector Audit Appointments Limited), normally for a minimum period of five years. The Comptroller and Auditor General prepares a code of audit practice, which external auditors follow when carrying out their audits.

Responsibilities of the Chief Finance officer

- 3.21 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work, including records belonging to third parties, such as contractors, when required
- 3.22 To ensure there is effective liaison between external and internal audit.
- 3.23 To work with the external auditor and advise the Council, Cabinet, Audit Committee and the CE & Executive Directors on their responsibilities in relation to external audit.

Responsibilities of the CE & Executive Directors

- 3.24 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
- 3.25 To ensure that all records and systems are up to date and available for inspection.

4. PREVENTING FRAUD AND CORRUPTION

Why is this important?

- 4.1 The Authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Authority.
- 4.2 The Authority's expectation of propriety and accountability is that Councillors and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- 4.3 The Authority also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the Authority with integrity and without thought or actions involving fraud and corruption.

Key controls

- 4.4 The key controls regarding the prevention of financial irregularities are that:
- (a) The Authority has an effective anti-fraud and corruption policy and strategy and maintains a culture that will not tolerate fraud or corruption.
 - (b) The Authority has an effective anti-money laundering policy and strategy.
 - (c) All Councillors and staff act with integrity and lead by example.
 - (d) Senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Authority or who are corrupt.
 - (e) High standards of conduct are promoted amongst Councillors and Co-opted Members by the Standards Committee.
 - (f) The maintenance of a register of interests in which any hospitality or gifts accepted must be recorded.
 - (g) Whistle blowing procedures are in place and operate effectively.

Responsibilities of the Chief Finance officer

- 4.5 To develop and maintain an anti-fraud and anti-corruption policy.
- 4.6 To maintain adequate and effective internal control arrangements.
- 4.7 To ensure that all suspected irregularities are reported to the Head of Internal Audit, the Head of Paid Service, the Audit Committee and the Cabinet.

Responsibilities of the CE & Executive Directors

- 4.8 To actively apply the requirements of the Anti-Fraud & Corruption Policy and Strategy, the Anti-Money Laundering Policy and Strategy and Whistleblowing Policy.
- 4.9 To ensure that all suspected irregularities are reported to the Head of Internal Audit.
- 4.10 To instigate the Authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- 4.11 To ensure that where financial impropriety is discovered, the Chief Finance officer is informed and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.
- 4.12 To maintain a departmental register of interests on Business World (the Hospitality Book).

5. ASSETS

Security

Why is this important?

- 5.1 The Authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Key controls

- 5.2 The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:
 - (a) Resources are used only for the purposes of the Authority and are properly accounted for.
 - (b) Resources are available for use when required.
 - (c) Resources no longer required are disposed of in accordance with the law and the Financial Procedure Rules of the Authority so as to maximise benefits.
 - (d) An asset register is maintained for the Authority, assets are recorded when they are acquired by the Authority and this record is updated as changes occur with respect to the location and condition of the asset.
 - (e) All staff are aware of their responsibilities with regard to safeguarding the Authority's assets and information, including the requirements of the Data Protection Act as set out in the Council's Data Protection Policy and software copyright legislation.

- (f) All staff are aware of their responsibilities with regard to safeguarding the security of the Authority's computer systems, including maintaining restricted access to the information held on them and compliance with the Authority's computer and Internet security policies.

Responsibilities of the Chief Finance officer

- 5.3 To ensure that an asset register is maintained in accordance with good practice for all fixed assets. The function of the asset register is to provide the Authority with information about fixed assets so that they are:
 - (a) Safeguarded.
 - (b) Used efficiently and effectively.
 - (c) Adequately maintained.
- 5.4 To receive the information required for accounting, costing and financial records from the CE & Executive Directors.
- 5.5 To ensure that assets are valued in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom* (CIPFA / LASAAC).

Responsibilities of the CE & Executive Directors

- 5.6 The CE & Executive Directors (and the Directors in their service areas) shall maintain a property database in a form approved by the Chief Finance officer for all properties, plant and machinery and moveable assets currently owned or used by the Authority. Any use of property by a department or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.
- 5.7 To ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the CE or relevant Deputy in consultation with the Chief Finance officer, has been established as appropriate.
- 5.8 To ensure the proper security of all buildings and other assets under their control.
- 5.9 Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the CE or relevant Executive Director and the Chief Finance officer.
- 5.10 To pass title deeds to the Executive Director (Legal and Democratic Services) who is responsible for custody of all title deeds.
- 5.11 To ensure that no Council asset is subject to personal use by an employee without proper Authority.
- 5.12 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Authority.

- 5.13 To ensure that the department maintains a register of moveable assets in accordance with arrangements defined by the Chief Finance officer.
- 5.14 To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- 5.15 To consult the Chief Finance officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 5.16 To ensure cash holdings on premises are kept to a minimum.
- 5.17 To ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the Chief Finance officer as soon as possible.
- 5.18 To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the Chief Finance officer, the Cabinet agrees otherwise.
- 5.19 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value and its disclosure or loss could result in a cost to the Authority in some way.

Inventories

Responsibilities of the CE & Executive Director

- 5.20 To maintain inventories and record an adequate description of furniture, fittings, equipment, tools, plant and machinery above £500 in replacement value used by their service area.
- 5.21 To carry out an annual check of all items on the inventory in order to verify location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Any deficiencies identified must be notified to the Chief Finance officer promptly, indicating where possible the reasons for such deficiency (e.g. theft, loss). Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Authority.
- 5.22 To make sure that property is only used in the course of the Authority's business, unless the CE or Deputy concerned has given permission otherwise.

Stocks and Stores

Responsibilities of the CE & Executive Director

- 5.23 To make arrangements for the care and custody of stocks and stores in their service area, in consultation with the Chief Finance officer.
- 5.24 To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to

the satisfaction of the Chief Finance officer. Certified records of such stocktaking shall be maintained. The CE & Executive Directors shall certify and forward promptly to the Chief Finance officer a statement of stockholding as at the 31 March of each year.

- 5.25 To investigate and remove from the Authority's records (i.e. write off) discrepancies as necessary, or to obtain Cabinet approval if they are in excess of a predetermined limit.
- 5.26 To authorise for write off and disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the Chief Finance officer, the Cabinet decides otherwise in a particular case. In all cases disposal should ensure that the best price is obtained, bearing in mind other factors, such as environmental issues
- 5.27 To seek Cabinet approval to the write-off of redundant stocks and equipment in excess of a predetermined sum.

Intellectual Property

Why is this important?

- 5.28 Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.
- 5.29 Certain activities undertaken within the Authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

Key controls

- 5.30 In the event that the Authority decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the Authority's approved intellectual property procedures.

Responsibilities of the Chief Finance officer

- 5.31 To develop and disseminate good practice through the Authority's intellectual property procedures.

Responsibilities of the CE & Executive Directors

- 5.32 To ensure that controls are in place to ensure that staff do not carry out private work in Council time and that staff are aware of an employer's rights with regard to intellectual property.

Moveable Asset Disposal

Why is this important?

5.33 It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the Financial Procedure Rules of the Authority.

Key controls

5.34 Assets for disposal are identified and are disposed of at the most appropriate time and only when it is in the best interests of the Authority and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.

5.35 Procedures protect staff involved in the disposal from accusations of personal gain.

Responsibilities of the Chief Finance officer

5.36 To issue guidelines representing best practice for disposal of assets.

5.37 To ensure appropriate accounting entries are made to remove the value of disposed assets from the Authority's records and to include the sale proceeds if appropriate.

Responsibilities of the CE & Executive Directors

5.38 To seek advice from purchasing advisors on the disposal of surplus or obsolete materials, stores or equipment.

5.39 To ensure that income received for the disposal of an asset is properly banked and coded.

6. STAFFING

Why is this important?

6.1 In order to provide the highest level of service, it is crucial that the Authority recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

Key controls

6.2 The key controls for staffing are:

- (a) An appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched.
- (b) Procedures are in place for forecasting staffing requirements and cost.
- (c) Controls are implemented that ensure that staff time is used efficiently and to the benefit of the Authority.
- (d) Checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

Responsibilities of the Chief Finance officer

- 6.3 To ensure that budget provision exists for all existing and new employees.
- 6.4 To act as an advisor to the CE & Executive Directors on areas such as National Insurance and pension contributions, as appropriate.

Responsibilities of the CE & Executive Directors

- 6.5 To produce an annual staffing budget consistent with the approved staff establishment.
- 6.6 To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).
- 6.7 To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.
- 6.8 To ensure that the staffing budget is not exceeded without due Authority and that it is managed to enable the agreed level of service to be provided.
- 6.9 To ensure that the Chief Finance officer is immediately informed if the staffing budget is likely to be materially over- or underspent.

Treasury Management and Bank Arrangements

1. TREASURY MANAGEMENT

Why is this important?

- 1.1 Many millions of pounds pass through the Authority's books each year. This led to the establishment of codes of practice. These aim to provide assurances that the Authority's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Authority's capital sum.

Key controls

- 1.2 That the Authority's borrowings and investments comply with the CIPFA *Code of Practice on Treasury Management* and with the Authority's treasury policy statement.

Responsibilities of the Chief Finance officer

- 1.3 To arrange the borrowing and investments of the Authority in such a manner as to comply with the CIPFA *Code of Practice on Treasury Management* and the Authority's treasury management policy statement and strategy.
- 1.4 To advise the CE & Executive Directors on the Treasury Management Policy Statement, the Treasury Management Strategy and the Annual Investment Strategy to be proposed to the Audit Committee for scrutiny before adoption by Council.
- 1.5 To advise the CE & Executive Directors on suitable Treasury Management Practices to be proposed to the Audit Committee for adoption.
- 1.6 To report four times a year on treasury management activities undertaken and results achieved to the Cabinet.
- 1.7 To ensure that all investments of money are made in the name of the Authority or in the name of nominees approved by the Council.
- 1.8 To ensure that all securities that are the property of the Authority or its nominees and the title deeds of all property in the Authority's ownership are held in safe custody.
- 1.9 To effect all borrowings in the name of the Authority and in accordance with the approved borrowing limits.
- 1.10 To act as the Authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Authority.

Responsibilities of the CE & Executive Directors

- 1.11 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Council, following consultation with the Chief Finance officer.

- 1.12 To propose to the Audit Committee, on the advice of the Chief Finance officer, the Treasury Management Policy Statement, The Treasury Management Strategy and the Annual Investment Strategy for scrutiny before adoption by Council before the commencement of each forthcoming years.
- 1.13 To propose to the Audit Committee, on the advice of the Chief Finance officer, revisions to the Treasury Management Policy Statement, The Treasury Management Strategy and the Annual Investment Strategy for scrutiny before adoption by Council from time to time as necessary during the financial year.
- 1.14 To propose to the Audit Committee for adoption, on the advice of the Chief Finance officer, suitable Treasury Management Practices.
- 1.15 To propose, on the advice of the Chief Finance officer, the Prudential Indicators in accordance with the Prudential Code, before the commencement of each forthcoming financial year.
- 1.16 To report annually to the Cabinet on treasury management activities undertaken and results achieved and the outturn Prudential Indicators in the preceding financial year.

2. LEASING AND OTHER FINANCIAL FACILITIES OR CREDIT ARRANGEMENTS

Key Controls

- 2.1 The Chief Finance officer and officers nominated by them are the only officers authorised to enter into an agreement for leasing and other financial facilities or credit arrangements.

Responsibilities of the Chief Finance officer

- 2.2 To evaluate and arrange all leasing and other financial facilities, excluding the short term hiring of equipment for periods of less than one year.

Responsibilities of the CE & Executive Directors

- 2.3 To ensure that credit arrangements, such as leasing agreement, are not entered into without the prior approval of the Chief Finance officer or their nominated officer and, if applicable, approval of the scheme through the capital programme.

3. BANK ACCOUNTS AND CHEQUE SECURITY

Key Controls

- 3.1 The key controls for bank accounts and cheque security are:
 - (a) The Chief Finance officer and officers nominated by them are the only officers authorised to open, operate and close a bank account.
 - (b) The Chief Finance officer and officers nominated by them are the only officers authorised to sign cheques and instigate or arrange other methods of payment.

Responsibilities of the Chief Finance officer

- 3.2 To make arrangements for the opening, operation and closing of Bank, Building Society or other appropriate accounts in respect of Council monies.
- 3.3 To make arrangements for the ordering, safe custody and issue of all cheque stationery. All cheques issued shall be crossed "Account Payee" unless otherwise agreed by the Chief Finance officer.
- 3.4 To make suitable arrangements for the electronic signature of all computer generated cheques.
- 3.5 To nominate officers responsible for the hand countersigning of any cheque over £100,000.

Responsibilities of the CE & Executive Directors

- 3.6 To follow the instructions on banking issued by the Chief Finance officer.

4. TRUST FUNDS AND UNOFFICIAL FUNDS

Responsibilities of the CE & Executive Directors

- 4.1 To arrange for all trust funds to be held, wherever possible, in the name of the Authority. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Chief Finance officer, unless the deed otherwise provides.
- 4.2 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.
- 4.3 To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Chief Finance officer and to maintain written records of all transactions.
- 4.4 Unofficial funds (for example contributions towards the Mayor's Charity) shall be accounted for and kept separately from all Council monies.
- 4.5 Bank accounts for unofficial funds shall be operated through the Chief Finance officer.
- 4.6 Receipts shall be issued for all sums collected for any unofficial fund except where deemed unnecessary after consultation with the Chief Finance officer.
- 4.7 The Chief Finance officer may consult with the CE & Executive Directors on the form of records and the arrangements for the preparation of accounts for any unofficial fund and may carry out an audit thereon.
- 4.8 The Chief Finance officer shall be consulted where there is doubt about the utilisation or operation of any unofficial fund.

Financial Systems and Procedures

1. GENERAL

Why is this important?

- 1.1 Service areas have many systems and procedures relating to the control of the Authority's assets, including purchasing, costing and management systems. Service areas are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- 1.2 The Chief Finance officer has a professional responsibility to ensure that the Authority's financial systems are sound and should therefore be notified of any new developments or changes.

Key controls

- 1.3 The key controls for systems and procedures are:
 - (a) Basic data exists to enable the Authority's objectives, targets, budgets and plans to be formulated.
 - (b) Performance is communicated to the appropriate managers on an accurate, complete and timely basis.
 - (c) Early warning is provided of deviations from target, plans and budgets that require management attention.
 - (d) operating systems and procedures are secure.

Responsibilities of the Chief Finance officer

- 1.4 To make arrangements for the proper administration of the Authority's financial affairs, including to:
 - (a) Issue advice, guidance and procedures for officers and others acting on the Authority's behalf.
 - (b) Determine the accounting systems, form of accounts and supporting financial records.
 - (c) Establish arrangements for audit of the Authority's financial affairs.
 - (d) Approve any new financial systems to be introduced.
 - (e) Approve any changes to be made to existing financial systems.

Responsibilities of the CE & Executive Directors

- 1.5 To ensure that accounting records are properly maintained and held securely.
- 1.6 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Chief Finance officer.
- 1.7 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document and vice versa, is maintained.
- 1.8 To incorporate appropriate controls to ensure that, where relevant:
 - (a) All input is genuine, complete, accurate, timely and not previously processed.
 - (b) All processing is carried out in an accurate, complete and timely manner.
 - (c) output from the system is complete, accurate and timely.
- 1.9 To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- 1.10 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- 1.11 To ensure that systems are documented and staff trained in operations.
- 1.12 To consult with the Chief Finance officer before changing any existing system or introducing new systems.
- 1.13 To establish a scheme of delegation identifying officers authorised to act on behalf of the CE or Deputy concerned in respect of payments, purchase orders, contracts and agreements and showing the limits of their Authority, in accordance with the scheme of delegation table below:

Role	Chief Finance officer and Head of Paid Service	Chief Finance officer or Head of Paid Service	Deputy Chief Executive, Executive Director	Director	Assistant Director, Head of Service, Group Manager	Business Unit Manager	Line Manager
Limit	Unlimited	£10M	£1M	£500,000	£75,000	£25,000	£10,000

The business unit manager and line manager roles are to be determined by the CE or Deputy concerned or Executive Director / Director as appropriate.

- 1.14 To supply lists of authorised officers, with delegated limits, to the Chief Finance officer, together with any subsequent variations.
- 1.15 Where a role is covered by the employment of an interim, that interim will be able to inherit the delegated Authority limits of the substantive post being covered, at the discretion of the CE or Deputy concerned.

- 1.16 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 1.17 To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation and the Data Protection Policy.
- 1.18 To ensure that relevant standards and guidelines for computer systems are observed.
- 1.19 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 1.20 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
 - (a) only software legally acquired and installed by the Authority is used on its computers.
 - (b) Staff are aware of legislative provisions.
 - (c) In developing systems, due regard is given to the issue of intellectual property rights.

2. INCOME

Why is this important?

- 2.1 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Authority's cash flow and also avoids the time and cost of administering debts.

Key controls

- 2.2 The key controls for income are:
 - (a) All income due to the Authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed.
 - (b) All income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery.
 - (c) The method(s) of payment for all systems is determined in conjunction with the Chief Finance officer.
 - (d) All money received by an employee on behalf of the Authority is paid without delay to the Chief Finance officer or if so directed, to the Authority's bank account(s) and properly recorded. The responsibility for cash collection should be separated from that for:

- identifying the amount due
 - reconciling the amount due to the amount received
- (e) Effective action is taken to pursue non-payment within defined timescales.
- (f) Formal approval for debt write-off is obtained.
- (g) Appropriate write-off action is taken within defined timescales.
- (h) Appropriate accounting adjustments are made following write-off action.
- (i) All appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule.
- (j) A person who is not involved in the collection or banking process reconciles money collected and deposited to the bank account.

Responsibilities of the Chief Finance officer

General

2.3 To order and supply to service areas all receipt forms, books or tickets and similar items and to satisfy themselves regarding the arrangements for their control.

Billing

2.4 To ensure that all debts to be written off of £25,000 or over are approved by Cabinet.

2.5 To issue procedures for the write off of debts below £25,000 and to keep a record of all sums written off up to the approved limit.

2.6 To ensure that appropriate accounting adjustments are made following write-off action.

Income Collection

2.7 To agree arrangements for the collection of all income due to the Authority and to approve the procedures, systems and documentation for its collection.

Banking

2.8 To arrange facilities for the banking and / or collection by a security courier of income as is deemed necessary. Money deposited and collected must be reconciled to the bank account on a regular basis.

Responsibilities of the CE & Executive Directors

2.9 To establish a charging policy for the supply of goods or services in consultation with the Chief Finance officer, including the appropriate charging of VAT and to review it regularly, in line with corporate policies.

2.10 To ensure that only Council employees, or where appropriate agents working to a formal contract, are authorised to bill, collect, bank or otherwise handle council monies, unless prior agreement is obtained from the Chief Finance officer. Each authorised officer or

agent shall use such systems, make such returns and keep such records as the Chief Finance officer requires or approves.

- 2.11 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.

Billing

- 2.12 To raise accounts for any sums due as soon as possible unless otherwise agreed with the Chief Finance officer.
- 2.13 To notify the Chief Finance officer promptly of all monies due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of monies by the Council.
- 2.14 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly. In circumstances in which legal action for recovery is necessary the matter shall be referred to the Executive Director (Legal and Democratic Services) for appropriate action. The CE & Executive Directors have a responsibility to assist the Chief Finance officer and the Executive Director (Legal and Democratic Services) in collecting debts that they have originated, by providing promptly any evidence required for the recovery process to proceed. The CE & Executive Directors similarly should not unreasonably withhold any further information requested by the debtor.
- 2.15 To recommend to the Chief Finance officer all debts to be written off and to keep a record of all sums written off up to the approved limit. once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. An adjustment to a debt can only be made to correct a factual inaccuracy or administrative error in the calculation and / or billing of the original debt.
- 2.16 To notify the Chief Finance officer of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Chief Finance officer.

Income Collection

- 2.17 To issue official receipts or to maintain other documentation for all income collection. In no circumstances must any form of receipt be used which has not been approved by the Chief Finance officer.
- 2.18 To ensure that at least two employees are present when post is opened so that money received by post is properly identified, recorded and banked. The form of these systems is to be agreed with the Chief Finance officer.
- 2.19 To ensure that no unsolicited business cheques (excepting those from financial institutions) are accepted for personal debts unless there is prior individual agreement with the Chief Finance officer.
- 2.20 To hold securely receipts, tickets and other records of income for the appropriate period.

- 2.21 To lock away all income to safeguard against loss or theft and to ensure the security of cash handling. only up to approved levels of cash can be held on the premises.
- 2.22 To ensure income is not used to cash personal cheques or make any other payments.
- 2.23 To ensure the separation of all monies collected from the collecting officer's personal monies and from other official funds.

Banking

- 2.24 To ensure that each authorised officer or agent who prepares money for banking to the credit of the Council's account shall enter on the paying-in slip particulars of such payments including, in the case of each cheque paid in, the amount of the cheque and suitable reference to identify the payee and the account for which the cheque was received. The name of the receiving establishment shall be recorded on the back of each cheque received.
- 2.25 Unless otherwise authorised by the Chief Finance officer, collecting officers or agents shall bank, pass to an authorised security courier or pay over to the Chief Finance officer at agreed intervals, all monies collected to the time of banking, collection or payment over.
- 2.26 To keep a record of every transfer of money between employees of the Authority and / or any security courier. The receiving officer must sign for the transfer and the transferor must retain a copy.

3. EXPENDITURE

ordering and Paying for Work, Goods and Services

Why is this important?

- 3.1 Public money should be spent with demonstrable probity and in accordance with the Authority's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The Authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the Authority's Contract Procedure Rules.

General

- 3.2 Every officer and Councillor has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and / or contractors if they are engaged in contractual or purchasing decisions on behalf of the Authority, in accordance with appropriate codes of conduct.
- 3.3 official orders must be in a form approved by the Chief Finance officer. official orders must be issued for all work, goods or services to be supplied to the Authority, except for payment types specified by the Chief Finance officer as listed in section 8.6 (Payment without Purchase order) of the Contract Procurement Rules. Where due to an emergency situation goods are supplied or works are executed without the Authority of

an official order, a confirmatory order shall be issued as soon as is practical after the verbal order.

- 3.4 Where items of similar work require to be undertaken, similar goods to be purchased or similar services to be provided, individual elements may not be placed by the issue of orders without consideration of the total sum with reference to Contract Procedure Rules.
- 3.5 Apart from petty cash and schools' own bank accounts the normal method of payment from the Authority shall be by electronic transfer or other instrument or approved method, drawn on the Authority's bank account by the Chief Finance officer. The use of direct debit shall require the prior agreement of the Chief Finance officer.
- 3.6 The use of Corporate procurement cards shall be in accordance with the guidance and rules issued by the Chief Finance officer.
- 3.7 official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Authority contracts.

Key controls

- 3.8 The key controls for ordering and paying for work, goods and services are:
 - (a) All goods and services are ordered only by appropriate persons and are correctly recorded.
 - (b) All goods and services shall be ordered in accordance with the Authority's Contract Procedure Rules.
 - (c) Except in the case of emergency or extreme urgency, orders will only be made where there is sufficient uncommitted budgetary provision to fund the proposed purchase.
 - (d) Goods and services received are checked to ensure they are in accordance with the order. Goods should not be received by the person who placed the order.
 - (e) Payments are not made unless goods have been received by the Authority to the correct price, quantity and quality standards.
 - (f) All payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method.
 - (g) All appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule.
 - (h) All expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected.
 - (i) In addition, the effect of e-business / e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

Responsibilities of the Chief Finance officer

- 3.9 To approve the form of official orders and associated terms and conditions.
- 3.10 To make payments from the Authority's funds on the authorisation of the CE or Deputy concerned that the expenditure has been duly incurred in accordance with Financial Procedure Rules.
- 3.11 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- 3.12 To make payments to contractors on the certificate of the CE or Deputy concerned, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- 3.13 To provide advice and encouragement on making payments by the most economical means.
- 3.14 To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.
- 3.15 To ensure that all the Authority's financial systems and procedures are sound and properly administered.
- 3.16 To approve any changes to existing financial systems and to approve any new financial systems before they are introduced.
- 3.17 To issue and maintain guidance and rules in relation to the use of Corporate Procurement Cards.

Responsibilities of the CE & Executive Directors

- 3.18 To ensure that all expenditure incurred and committed is in accordance with the Council's standing orders, Contract Procedure Rules and these Financial Procedure Rules.
- 3.19 To ensure that official orders as approved by the Chief Finance officer are used for all goods and services, other than the exceptions specified in 3.3.
- 3.20 To ensure that orders are only used for goods and services provided to the department. Individuals must not use official orders to obtain goods or services for their private use.
- 3.21 To ensure that only those staff designated by them authorise orders. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and the order is correctly coded and that quotations or tenders have been obtained if necessary. Best value principles should underpin the Authority's approach to procurement. Value for money should always be achieved.

- 3.22 To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. A different officer from the person who authorised the order should where possible, carry out this check.
- 3.23 To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:
- (a) Receipt of goods or services.
 - (b) That the invoice has not previously been paid.
 - (c) That the invoice has been prepared by the supplier and not by any employee of the Council.
 - (d) That the invoice shall not be altered in any way, such as handwriting of Po number or cost centre.
 - (e) That discounts have been taken where available.
- 3.24 Where any invoice is received directly in departments, to ensure that it is passed for payment to the Chief Finance officer in a timely fashion.
- 3.25 To ensure that two authorised members of staff are involved in the ordering, receiving and payment process. A different officer from the person who authorised the order shall goods receive against the order.
- 3.26 For payments, other than for goods, services and work, for which an invoice is not available (for instance the payment of grant aid) an expenditure voucher form shall be duly completed and certified and dealt with as an invoice under these Financial Procedure Rules.
- 3.27 To encourage suppliers of goods and services to receive payment by the most economical means for the Authority. It is essential, however, that payments made by direct debit have the prior approval of the Chief Finance officer.
- 3.28 To ensure that the department obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the best practice guidelines contained in the Authority's Contract Procedure Rules.
- 3.29 To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Chief Finance officer. This is because of the potential impact on the Authority's borrowing powers, to protect the Authority against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
- 3.30 To notify the Chief Finance officer of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Chief Finance officer.
- 3.31 To arrange for any supplier that falls within the "Construction Industry Scheme" (CIS) to be set up on the financial system as a CIS supplier with their Unique Tax Reference (UTR). To arrange for all requisitions to CIS suppliers to include the appropriate split of labour and materials. The Chief Finance officer shall arrange for the UTRs to be verified

by HM Revenue & Customs and for the appropriate CIS returns and payments to be made.

- 3.32 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule.

Contract Payments

- 3.33 Contracts within the scope of this section are defined as those that require completion of formal contract documentation to enable compliance with Contract Procedure Rules. This section should be read in conjunction with those rules. This includes work under a schedule of rates and those instances where individual items of work or services placed by orders require a formal contract for the totality of the services or works. Excluded are instances where the Council is the contractor.

Responsibilities of the Chief Finance officer

- 3.34 To keep a register of contracts entered into by the Council and of payments made under such contracts.
- 3.35 To comment on the financial viability of the potential contractor and recommend if appropriate contract and / or annual limits, unless otherwise determined by some other method adopted by the Council.
- 3.36 To issue appropriate guidelines concerning the calculation of bonds and liquidated damages.

Responsibilities of the CE & Executive Directors

- 3.37 To comply with the requirements of the Contract Procurement Rules.
- 3.38 To adhere to any guidelines issued by the Chief Finance officer concerning the calculation of bonds and liquidated damages.
- 3.39 To inform the Chief Finance officer without delay and in any case before the first payment of monies becomes due, of every contract entered into.

4. PETTY CASH ACCOUNTS AND CASH FLOATS

Why is this important?

- 4.1 There are a number of petty cash accounts and cash floats used throughout the Council that facilitate the smooth operation of services and enable the local collection of cash. These accounts and floats must have proper controls to prevent loss.

Key Controls

- 4.2 The Key controls for petty cash accounts and cash floats are:
- (a) Defined procedures are in place for the operation and reconciliation of petty cash accounts and cash floats.

- (b) only designation employees will hold and operate petty cash accounts.
- (c) Cash floats are only provided to designated cash collection points.

Responsibilities of the Chief Finance officer

- 4.3 To issue defined procedures for the operation and reconciliation of petty cash accounts and cash floats.
- 4.4 To provide designated employees of the Authority with petty cash accounts to meet minor expenditure on behalf of the Authority and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount.
- 4.5 To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made and periodically to review the arrangements for the safe custody and control of these advances.
- 4.6 To reimburse petty cash account holders as often as necessary to restore the account, but normally not more than monthly.
- 4.7 To provide cash floats to designated cash collection points.

Responsibilities of the CE & Executive Directors

- 4.8 To designate the employees within their service who will hold and operate each petty cash account and cash float.
- 4.9 Follow the defined procedures for the operation of petty cash accounts and cash floats as issued by the Chief Finance officer
- 4.10 To ensure that designated employees operating a petty cash account:
 - (a) obtain and retain vouchers to support each payment from the petty cash account. Where appropriate, an official receipted VAT invoice must be obtained.
 - (b) Make adequate arrangements for the safe custody of the account.
 - (c) Produce upon demand by the Chief Finance officer cash and all vouchers to the total value of the petty cash amount.
 - (d) Record transactions promptly.
 - (e) Reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the petty cash account holder.
 - (f) Provide the Chief Finance officer with a certificate of the value of the account held at 31 March each year.
 - (g) Ensure that the petty cash account is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the account and change relating to purchases where an advance has been made.
 - (h) on leaving the Authority's employment or otherwise ceasing to be entitled to hold a petty cash account, an employee shall account to the Chief Finance officer for the amount advanced to them.

5. PAYMENTS TO EMPLOYEES AND COUNCILLORS

Why is this important?

5.1 Staff costs are the largest item of expenditure for most Authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Councillors' allowances are authorised in accordance with the scheme adopted by the Council.

Key controls

5.2 The key controls for payments to employees and Councillors are:

- (a) Proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to starters, leavers, variations and enhancements and that where appropriate payments are made on the basis of timesheets or claims.
- (b) Frequent reconciliation of payroll expenditure against approved budget and bank account.
- (c) All appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.
- (d) That Inland Revenue regulations are complied with.

Responsibilities of the Chief Finance officer

- 5.3 To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by them, on the due date.
- 5.4 To record and make arrangements for the accurate and timely payment of tax, pension and other deductions.
- 5.5 To make arrangements for payment of all travel and subsistence claims.
- 5.6 To make arrangements for paying Councillors travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- 5.7 To ensure that there are adequate arrangements for administering pension matters on a day-to-day basis.

Responsibilities of the CE & Executive Directors

- 5.8 To ensure appointments are made in accordance with the regulations of the Authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- 5.9 To notify the Executive Director (Transformation) promptly, in the form and to the timescale required, of:
 - (a) All appointments, resignations, dismissals and suspensions.

- (b) Absences from duty for sickness or any other reason.
- (c) Changes in remuneration other than normal increments and pay awards and agreements of general application.
- (d) Information necessary to maintain records of services and benefits for Income Tax, National Insurance, etc.

which may affect the pay or pension of a Councillor, an employee or a former employee

- 5.10 To ensure that adequate and effective systems and procedures are operated, so that:
- (a) Payments are only authorised to bona fide employees.
 - (b) Payments are only made where there is a valid entitlement.
 - (c) Conditions and contracts of employment are correctly applied.
 - (d) Employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- 5.11 To send an up-to-date list of the names of officers authorised to sign records, timesheets and claims to the Executive Director (Transformation), together with specimen signatures.
- 5.12 To ensure that payroll transactions are processed only through the payroll system. The CE & Executive Directors should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status and in all cases, advice should be sought from the Chief Finance officer.
- 5.13 To certify travel and subsistence claims and other allowances and expenses. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred and that allowances are properly payable by the Authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Chief Finance officer is informed where appropriate.
- 5.14 To ensure that the Executive Director (Transformation) is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- 5.15 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

Responsibilities of Members

- 5.16 To submit claims for Councillors' travel and subsistence allowances on a monthly basis and, in any event, within one month of the year-end.

6. TAXATION

Why is this important?

6.1 Like all organisations, the Authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

Key controls

6.2 The key controls for taxation are:

- (a) Budget managers are provided with relevant information and kept up to date on tax issues.
- (b) Budget managers are instructed on required record keeping.
- (c) All taxable transactions are identified, properly carried out and accounted for within stipulated timescales.
- (d) Records are maintained in accordance with instructions.
- (e) Returns are made to the appropriate authorities within the stipulated timescale.

Responsibilities of the Chief Finance officer

6.3 To complete a monthly return of VAT inputs and outputs to HM Revenue and Customs.

6.4 To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.

6.5 To maintain up-to-date guidance for Authority's officers on taxation issues in the accounting manual and the tax manual.

6.6 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations.

6.7 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.

Responsibilities of Executive Director (Transformation)

6.8 To complete all Inland Revenue returns regarding PAYE.

6.9 To ensure that all persons employed by the Authority are added to the Authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

Responsibilities of the CE & Executive Directors

To follow the guidance on taxation issued by the Chief Finance officer in the Authority's accounting manual and VAT manual.

7. TRADING ACCOUNTS, BUSINESS UNITS AND LOCAL AUTHORITY TRADING COMPANIES

Why is this important?

- 7.1 Trading accounts, business units and Local Authority Trading Companies have become more important as local authorities have developed a more commercial culture.

Responsibilities of the Chief Finance officer

- 7.2 To advise on the establishment and operation of proper financial arrangements for trading accounts, business units and Local Authority Trading Companies.

DRAFT

External Arrangements

1. PARTNERSHIPS

Why is this important?

- 1.1 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.
- 1.2 Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

General

- 1.3 The main reasons for entering into a partnership are:
 - (a) the desire to find new ways to share risk.
 - (b) the ability to access new resources.
 - (c) to provide new and better ways of delivering services.
 - (d) to forge new relationships.
- 1.4 A partner is defined as either:
 - (a) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project, or
 - (b) a body whose nature or status give it a right or obligation to support the project.
- 1.5 Partners participate in projects by:
 - (a) acting as a project deliverer or sponsor, solely or in concert with others.
 - (b) acting as a project funder or part funder.
 - (c) being the beneficiary group of the activity undertaken in a project.
- 1.6 Partners have common responsibilities:
 - (a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation.
 - (b) to act in good faith at all times and in the best interests of the partnership's aims and objectives.
 - (c) be open about any conflict of interests that might arise.

- (d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors.
- (e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature.
- (f) to act wherever possible as ambassadors for the project.

Key controls

1.7 The key controls for Authority partners are:

- (a) if appropriate, to be aware of their responsibilities under the Authority's Financial Procedure Rules and the code of practice on tenders and contracts.
- (b) to ensure that risk management processes are in place to identify and assess all known risks.
- (c) to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise.
- (d) to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences.
- (e) to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

Responsibilities of the Chief Finance officer

1.8 To advise on effective controls that will ensure that resources are not wasted.

1.9 To advise on the key elements of funding a project. They include:

- (a) a scheme appraisal for financial viability in both the current and future years.
- (b) risk appraisal and management.
- (c) resourcing, including taxation issues.
- (d) audit, security and control requirements.
- (e) carry-forward arrangements.

1.10 To ensure that the accounting arrangements are satisfactory.

Responsibilities of the CE & Executive Directors

1.11 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified in Contract Standing orders.

1.12 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared.

1.13 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Authority.

1.14 To ensure that all agreements and arrangements are properly documented.

1.15 To provide appropriate information to the Chief Finance officer to enable a note to be entered into the Authority's statement of accounts concerning material items.

2. EXTERNAL FUNDING

Why is this important?

2.1 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery and Government departments provide additional resources to enable the Authority to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Authority's overall plan.

Key controls

2.2 The key controls for external funding are:

- (a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood.
- (b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Council.
- (c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

Responsibilities of the Chief Finance officer

2.3 To ensure that all funding notified by external bodies is received and properly recorded in the Authority's accounts.

2.4 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.

2.5 To ensure that audit requirements are met.

Responsibilities of the CE & Executive Directors

2.6 To ensure that all claims for funds are made by the due date.

2.7 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

3. WORK FOR THIRD PARTIES

Why is this important?

- 3.1 Current legislation enables the Authority to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

Key controls

- 3.2 The key controls for working with third parties are:
- (a) to ensure that proposals are costed properly in accordance with guidance provided by the Chief Finance officer.
 - (b) to ensure that contracts are drawn up using guidance provided by the Chief Finance officer and that the formal approvals process is adhered to.
 - (c) to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibility of the Chief Finance officer

- 3.3 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of the CE & Executive Directors

- 3.4 To ensure that the approval of the Cabinet is obtained before any negotiations are concluded for any material work for third parties.
- 3.5 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Chief Finance officer.
- 3.6 To ensure that appropriate insurance arrangements are made.
- 3.7 To ensure that the Authority is not put at risk from any bad debts.
- 3.8 To ensure that no contract is subsidised by the Authority.
- 3.9 To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- 3.10 To ensure that the department / unit has the appropriate expertise to undertake the contract.
- 3.11 To ensure that such contracts do not impact adversely upon the services provided for the Authority.
- 3.12 To ensure that all contracts are properly documented.
- 3.13 To provide appropriate information to the Chief Finance officer to enable appropriate disclosures to be included in the statement of accounts.

8. PROPERTY PROCEDURE RULES

Application of the Property Procedure Rules

- 8.1 These Property Procedure Rules (Rules) apply to the acquisition and disposal of land and property owned by the Council corporately. The Rules apply to the leases which are for a fixed term of more than seven years and where considered appropriate by the Executive Director, Environment and Place, to the granting of, or entering into, of a licence agreement.
- 8.2 These Rules must be read in conjunction with any relevant Council policy and / or the applicable rules and provisions set out elsewhere in this Constitution, including without limitation, the Scheme of Delegation to officers and the Financial Procedure Rules set out respectively under section 2 and section 7 above, [and the Cabinet Scheme of Delegation set out under Part 4 of this Constitution].

The Disposal of Land

Duty to obtain Best Consideration

- 8.3 The Council is under a statutory duty to obtain best consideration (best value) when it disposes of land and property unless:
- (a) The disposal is of a short tenancy; or
 - (b) An exemption applies pursuant to Circular 06/3: Local Government Act 1972 general disposal consent (England) 2003 disposal of land for less than the best consideration that can be reasonably obtained;
- a short tenancy means either the grant of term not exceeding seven years, or the assignment of a term which at the date of the assignment has not more seven years left to run.
- 8.4 The duty to obtain best consideration is also subject to any other applicable statutory requirements, which may include, without limitation, consultation, notice and obligations concerning open spaces and playing fields.

The Disposal as a Key Decision

- 8.5 If the estimated capital value, or the annual rental value of the land (or buildings), or their estimated combined value (if applicable), is £500,000 or more (the Key Decision Financial Threshold), the decision to dispose of the land or building shall be approved by the Leader and / or the Cabinet pursuant to the Key Decision making procedure set out under Part 4 of this Constitution.

Reports

- 8.6 No land or property shall be disposed of unless the body or individual responsible for approving of the disposal has been provided with a report which includes the following information:

- (a) A complete description of all the land and/or property to be included in the disposal;
- (b) Confirmation from the Monitoring officer that the title of the land and/or property is owned by the Council (or in the case of a licence, that the licence is still extant and capable of being subject to a disposal);
- (c) The reason for the disposal and any restrictions which the reason may impose upon the disposal;
- (d) A report on any information which is held by the Council on the previous use of the land which may affect its value (e.g. if land is / may be contaminated);
- (e) The estimated value of the land and/or property;
- (f) Evidence of appropriate consultation (including with relevant Ward Councillors);
- (g) Recommendations on the following:
 - (i) Issues which need to be resolved before the marketing of the land and/or property can commence;
 - (ii) The preferred method of disposal (i.e., sale by auction, sale by informal tender / expression of interest, sale by formal tender or sale by private treaty);
 - (iii) The title to be transferred;
 - (iv) The steps which need to be undertaken to maximise the value of the asset prior to disposal (e.g. planning applications);
 - (v) The minimum price that the Council is prepared to receive together with an asking price.

Achieving Best Consideration in Disposals

8.7 To achieve best consideration in the disposal of land or property will be advertised on the open market disposals by way of:

- (a) Sale by auction; or
- (b) Sale by informal tender/expressions of interest; or
- (c) Sale by formal tender.

3.14 The disposal of land or property by formal tender must comply with the relevant Contract Procedure Rules set out above in section 6.

Private Treaty Sales

3.15 The Council may consider disposing of land or property by private treaty sale, subject to the duty to obtain best consideration, in the following circumstances:

- (a) Where a proposed development opportunity will, in the opinion of the [Leader / Executive Director, Environment and Place] [in consultation with the Chief Finance

oofficer Monitoring oofficer / Chief Executive], contribute to the delivery of the Council's priorities and policies in respect of its land and other property;

- (b) Existing lessees purchasing the freehold or re-negotiating or extending the terms of an existing lease;
- (c) Disposals of property under the Right to Buy legislation;
- (d) Disposal of property under the provisions of the Leasehold Reform Act 1967;
- (e) "Special purchaser status" where the adjoining land or property owner wishes to purchase the Council's land or property interests. In these circumstances an additional premium will be payable as the land or property has added benefit to the purchaser above its market value.

8.8 Except where in the opinion of the Monitoring oofficer, the Council is subject to an existing statutory or other legal obligation the Council is under no obligation to dispose of land in the circumstances above if it is not in the Council's interests and / or does not provide best consideration.

The Disposals of other Assets

8.9 Prior to the disposal of assets other land or buildings checks must be undertaken to ascertain whether or not the disposal of the particular asset is subject to corporate policy, a contract or other arrangement and if it is, the asset must be disposed of accordingly.

8.10 Subject to Rule 8.11, office equipment and furniture should be advertised internally in the first instance and thereafter disposed of by way of a public auction, or by seeking three quotes from interested external parties.

8.11 The disposal must aim to achieve value for money and be in accordance with Scheme of Delegation to oofficers and the Financial Procedure Rules set out above under section 2 and section 7 respectively, [and the Cabinet Scheme of Delegation set out under Part 4 of this Constitution].

8.12 Disposals of other assets with a value of or above the Key Decision Financial Threshold shall be approved by the Leader and Cabinet.

8.13 Records of disposals must be retained in accordance with the Council's records retention policy.

Reports for Disposals

8.14 No land or property shall be disposed of by the Council unless the body or individual responsible for approving of the disposal has been provided with a report which includes the following information:

- (a) A complete description of all the land and/or property to be included in the disposal;

- (b) Confirmation from the Monitoring officer that the title of the land and/or property is owned by the Council (or in the case of a licence, that the licence is still extant and capable of being subject to a disposal);
- (c) The reason for the disposal and any restrictions which the reason may impose upon the disposal;
- (d) A report on any information which is held by the Council on the previous use of the land which may affect its value (e.g. if land is / may be contaminated);
- (e) The estimated value of the land and/or property;
- (f) Evidence of appropriate consultation (including with relevant Ward Councillors);
- (g) Recommendations on the following:
 - (i) Issues which need to be resolved before the marketing of the land and/or property can commence;
 - (ii) The preferred method of disposal (i.e., sale by auction, sale by informal tender / expression of interest, sale by formal tender or sale by private treaty);
 - (iii) The title to be transferred;
 - (iv) The steps which need to be undertaken to maximise the value of the asset prior to disposal (e.g. planning applications);
 - (v) The minimum price that the Council is prepared to receive together with an asking price.

The Acquisition of Land

8.15 The Council may acquire land inside or outside of the Council's area for money or money's worth, as a purchaser by:

- (a) Agreement for the purposes of discharging any of the Council's functions or for the benefit, improvement or development of the Council's area; or
- (b) By compulsory purchase where the Council is authorised by legislation to do so and in accordance with the relevant statutory requirements.

8.16 The Council may purchase land on behalf of one or more other authorities acting together and under arrangements for the acquisition, including in relation to the use and occupation of the land.

8.17 The Council may acquire land for any statutory purpose even if the land is not immediately required for that purpose and until the land is required for that purpose, it may be used for the purpose of any of the Council's functions.

Reports for Acquisition

8.18 No land or property shall be acquired by the Council unless the body or individual responsible for approving of the acquisition has been provided with a report which includes the following information:

- (a) A complete description of the land or property that is being considered for purchase;
- (b) Evidence that the seller of the land or property is its legal owner, or otherwise entitled / has the owner's consent to make the disposal;
- (c) A full business case or similar report detailing the reasons for the purchase;
- (d) Any information that may affect the value of the land or property, including structural and environmental reports;
- (e) The proposed purchase price or rental value together with evidence of the prices for similar land or properties in the location;
- (f) Evidence of appropriate consultation (including with relevant Ward Councillors);
- (g) The terms and conditions to which the land or property and its disposal is subject.

8.19 The information detailed and all of supporting evidence must be retained for twelve years after the acquisition has been completed.

Valuations

8.20 All valuations undertaken in respect of the disposal or acquisition of land or buildings shall be carried out by a qualified member of the Royal Institute of Chartered Surveyors (RICS) with 'Registered Valuer' status.

8.21 Land or property with value of or above the Key Decision Financial Threshold, or high profile land or property an external franking "Red Book" valuation (the RICS Valuation Global Standard) must be obtained from a qualified member of RICS.

8.22 Valuations should be based on existing and alternative uses for the land or buildings to ascertain the most valuable use within planning parameters.

Due Diligence

8.23 All prospective purchasers of Council land and buildings are required to undertake and satisfy the Council's due diligence procedures prior to any disposal.

8.24 The approval of any due diligence checks shall be the responsibility of an officer with the appropriate delegated authority under the Scheme of Delegation to officers. The officer shall consult with such other officers as may be required or they deem appropriate.

Land Registry

8.25 All land or building disposals and acquisitions must be registered with the Land Registry as required.

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Appendices to the Constitution

RESPONSIBILITY FOR FUNCTIONS

1. Council Functions

- 1.1 Table A below details the Functions listed in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Regulations) that are the responsibility of the Council (column 1) and any arrangements for the general delegation of the function by Council (column 2).

Table A: Council Functions and General Delegations

	Column 1 Details of Council Function	Column 2 Discharge of Function
1	Adopting and changing the Constitution the Standing orders	Audit and Governance Committee (Contract Procedure Rules and Financial Procedure Rules) Employee Code of Conduct (Chief Executive in consultation with Employment Panel) Monitoring officer (technical changes or those required by law only)
2a	Budget and Policy Framework Policy The adoption of the following plans and strategies: Annual library plan (if secretary of state requests) under s1(2) of the Public libraries and museums Act 1964 Children and young people's plan under the children and young people's plan (England) regulations 2005 Crime & disorder reduction strategy under s5 & 6 of the Crime and Disorder Act 1998 Development plan documents under s15 of the Planning and Compulsory Purchase Act 2004	Council on recommendation from Cabinet

	<p>Local transport plan under s108(3) of the Transport Act 2000</p> <p>Youth justice plan under s40 of the Crime and Disorder Act 1998</p> <p>And additionally, any plan or strategy adopted by the Council as part of the Policy Framework, including without limitation:</p> <p>[The Corporate Plan]</p> <p>[The Economic Development Strategy]</p> <p>[The Sustainable Community Strategy]</p> <p>[Southend 2050 Ambitions, Themes & outcomes and Five Year Road Map]</p> <p>[Annual Report]</p> <p>[The official Fee and Food Controls Service Plan]</p> <p>[Corporate Support, Finance and Information Technology Polices]</p> <p>[Highways Infrastructure Asset Management Plan]</p> <p>[Health and Wellbeing Strategy]</p> <p>Taxi and Private Hire Vehicle Licensing Policy</p>	
2c	<p>Budget</p> <p>Approve a balanced Revenue Budget and specifically</p> <ul style="list-style-type: none"> • Approve the Council Tax Base • Approve the rate of Council Tax and relevant precepts • Approve the Gross Revenue Budget • Approve the net spending limit for each major service element (Directorate) 	Council on recommendation from Cabinet

	<p>And in doing so adopt the following plans or strategies to support the delivery of council budget -</p> <ul style="list-style-type: none"> • Revenue Budget for the next financial year • Capital Investment Budget for the next financial year • Medium Term Financial Strategy • Reserves Strategy • Statutory council tax calculations • Treasury Management Policy, Treasury Management Practices and prudential indicators including the Minimum Revenue Provision • Capital strategy (including an asset management plan) 	
3	<p>Amending the Budget and Policy Framework can be an Executive / Cabinet Function if full Council agree see 2000/2853 reg 4 a (ii) which requires a specific delegation per adoption</p>	<p>When approving a policy or strategy full Council will specify the degree of in-year changes to the document which may be undertaken by the Cabinet</p>
3a	<p>other Polices</p> <p>Licensing Authority Policy Statement under s5 Licensing Act 2003</p> <p>Licensing Authority Policy Statement under s349 Gambling Act 2005</p> <p>Pay Policy Statement under s38 of the Localism Act 2011</p>	<p>Council</p> <p>Council on recommendation of Employment Panel</p> <p>Delegation to Monitoring officer, following consultation with the Chief Executive, to make in year technical updates to the statement to reflect changes to post holder details or approved changes to local or national pay policy</p>

4	Approving or amending any application to the Secretary of State in respect of any housing land transfer	Council
5	Consider the review of the effectiveness of the system of internal control required and approve the annual governance statement	Audit and Governance Committee
6	Subject to the urgency procedure in the Access to Information Procedure Rules, making a decision contrary to the Policy Framework or the Budget, or part of it	Council
7	Electing the Mayor of the Council	Council
8	Appointing the Deputy Mayor of the Council Appointing Chairs and Vice-chairs of the Council Committees Health and Wellbeing Board	Council Council The Leader of the Council appoints the Chair of the Health and Wellbeing Board from the Cabinet Members appointed to the Board, the Board appoints the Vice-chair
9	Appointing the Leader of the Council	Council
10	Setting the terms of reference of Council Committees, deciding on their size, composition and allocating seats proportionately to the Political Groups	Council
11	The appointment by the Council of at least one independent person under the Localism Act 2011	Council
12	Discharge of Council functions by another local authority	Council
13	Arrangements for the joint exercise of Council Functions or a mix of Council and Executive / Cabinet functions	Council

14	Agreeing the Councillors' Scheme of Allowances	Council
15	Functions relating to name and status of Southend-on-Sea City Council or parish / town councils within its area in schedule 1 section E of the Regulations	Council
16	Functions relating to community governance reviews as listed in schedule 1 section EB of the Regulations	Council
17	Confer title of honorary alderman or to admit a person as an honorary freeman	Council
18	Functions relating to town and country planning and development control as listed in schedule 1 section A of the Regulations including enforcement	See Appendix 1
19	Powers relating to the protection of important hedgerows and preservation of trees	Chief Executive
20	Rights of way functions as listed in schedule 1 section I i of the Regulations	Chief Executive
21	Licensing and registration functions as listed in schedule 1 section B of the Regulations	See Appendix 1
22	Functions relating to smoke free premises as listed in schedule 1 section FA of the Regulations	Chief Executive
23	Health and safety at work enforcement functions as listed in schedule 1 section C of the Regulations	Chief Executive

24	Elections functions as listed in schedule 1 section D of the Regulations	<p>Chief Executive</p> <p>Employment Panel for appointment of Returning officer and Electoral Registration officer</p> <p>Monitoring officer for making temporary appointments to parish / town councils. If a polling station cannot be used the Returning officer has delegated powers to use another polling station as a temporary solution.</p>
25	Make, amend, revoke, re-enact or enforce byelaws	Council
26	Power to promote or oppose local or personal bills	Council
27	Approval of the appointment of Chief Executive	Council
28	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	<p>Chief Executive for all staff other than those within the remit of the Employment Panel</p> <p>Employment Panel will also be a consultee for all terms and conditions (including policies).</p> <p>Employment Panel for officers listed within the Panel's remit</p>
29	Approval of pay and severance packages in excess of £100,000	Council
30	Duty to make arrangements for the proper administration of financial affairs	Chief Finance officer
31	Power to appoint officers for particular purposes (otherwise called the appointment of proper officers)	Chief Executive

32	Duty to designate posts to fulfil the functions of: <ul style="list-style-type: none"> • Head of Paid Service • Monitoring officer • Chief Finance officer • Statutory Scrutiny officer and to provide staff etc.	Council
33	To adopt revise or replace the Code of Conduct for Councillors	Council
34	Power to make a limestone pavement order	Chief Executive
35	Duty to approve the Council's statement of accounts, income and expenditure and balance sheet, or record of payments	Audit and Governance Committee
36	Power to make closing order in respect to take away food shops	Chief Executive
37	Permit a co-opted member of an overview and Scrutiny committee to vote at meetings of that Committee	Council
38	Recruitment of panel members to the Independent Remuneration Panel	Monitoring officer
39	Powers relating to complaints about high hedges	Chief Executive
40	Powers to make an order identifying a place as a designated public place in relation to alcohol consumption	Chief Executive
41	Power to make or revoke an order designating a locality as an alcohol disorder zone	Chief Executive

42	Power to apply for an enforcement order against unlawful works on common land	Chief Executive
43	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference including instituting proceedings	Chief Executive
44	The appointment of a local auditor under Section 7 of the Council meeting only Local Audit and Accountability Act 2014	Council
45	Power to make payments or provide other benefits in cases of maladministration	Chief Executive
46	Functions relating to pensions as listed in schedule 1 section H of the Regulations	Chief Executive
47	All other matters which by law, must be the responsibility of the Council as set Table B below.	Council only unless Council has given a specific delegation as detailed in Table B below.

1.2 Table B below details those other functions not specified in the Regulations which by law must be the responsibility of the Council, and the delegation arrangements for the discharge of those functions.

Table B: Council Functions and Express Delegations

	Column 1 Details of the Function	Column 2 Discharge of the Function
47A	Adoption of neighbourhood development plans, and to approve any consequential amendments to the countywide policies map.	Cabinet Member for Planning, Housing and the Local Plan
47B	Granting of dispensations under s33 (2) Localism Act 2011	Subsection (b) (d) and (e): Audit and Governance Committee Subsection (a) and (c) Monitoring officer with appeal to Audit and Governance Committee

47C	Council tax reduction scheme under S13A, Local Government and Finance Act 1992, as amended	Council
47D	Recruitment of up to three independent persons pursuant to Section 28 (7) of the Localism Act 2011	Monitoring officer
47E	Make in year amendments to the capital programme to reflect additional external funding secured in year	Chief Finance officer following consultation with the Cabinet Member for Finance, Assets and Investments

2. Local Choice Functions

2.1 Table C below details the local choice functions which shall be discharged by the Council and the delegation arrangements for the discharge of the local choice functions.

Table C: Local Choice Functions and General Delegations

To follow