

SOUTHEND-ON-SEA CITY COUNCIL

CONSTITUTION

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CONSTITUTION OF THE COUNCIL

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Part 1 – The Council’s Constitution

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Part 1 – The Council’s Constitution

The Southend-on-Sea Borough Council (“the Council”) has agreed this Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into “Articles” which set out the basic rules governing the Council’s business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What’s in the Constitution?

Article 1 of the Constitution commits the Council to provide clear Community Leadership and to ensure that it operates with transparency, efficiency and accountability. Further articles explain how the key points of the Council operate. Articles 2–16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Members of the Public and the Council (Article 3)
- The Council meeting (Article 4)
- Chairing the Council (Article 5)
- Scrutiny of decisions (Article 6)
- The Executive (Article 7)
- Regulatory and other committees (Article 8)
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- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

How the Council operates

The Council is comprised of 51 Councillors elected for four years. Councillors are democratically accountable to residents of their wards. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them. The names and addresses of all Councillors together with membership of political groups are published on the internet.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee arranges training and advises on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader of the Council for a period of four years (subject to the provisions set out in Part 2 – Article 7.03 (a) – (c)) and agrees the decision making processes. The Council holds the Executive to account by appointing Scrutiny Committees to question decisions and to propose policy changes.

How decisions are made

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader, who is chosen by the Full Council in a ballot. The Leader appoints up to 9 other Councillors to form the Cabinet (one of whom may be appointed Deputy Leader). When major decisions are to be discussed or made, these are published in the Executive's Forward Plan in so far as they can be anticipated. If these major decisions, or indeed any decisions, are to be dealt with by the Executive, this will be at a Cabinet meeting open to the public to attend except where personal or confidential matters are being discussed. The Council has adopted the principle of openness as far as reasonably possible in operating this Constitution and accordingly expects the Executive to hold its meetings in public except when confidential or exempt business is to be discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the Budget or Policy Framework, this must be referred to the Council as a whole to decide.

Scrutiny

There are three scrutiny committees who support the work of the Executive and the Council as a whole. They hold public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Scrutiny committees also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

Advisory Forums and Panels

In order to give members of the public and external organisations a greater say in Council affairs, the Council has established a number of Advisory Forums and Panels with a remit to advise and report to the Executive.

The Council's Staff

The Council has people working for it (called "officers") to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between Councillors and Officers (**Part 5d**).

Public Rights

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

Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- have access to the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Executive (a referendum may only be held once every five years);
- members of the public resident in the Council's area may participate in the Council's question time;
- find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- attend meetings of the Executive which will normally be held in public unless in confidential session in accordance with the Executive Procedure Rules in **Part 4(d)**;
- see reports and background papers, and any record of decisions made by the Council and Executive unless in confidential session in accordance with the Access to Information Procedure Rules in **Part 4(b)**;
- use the Council's Complaints Procedure regarding any action by the Council. The Procedure is on the Council's website and leaflets are available at the Civic Centre;
- complain to the Local Government & Social Care Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Members' Code of Conduct in **Part 5(a)**;
- inspect the Council's accounts (subject to certain limitations) and make their views known to the external auditor; and
- access the following information via the Council website for all elected Councillors: name, correspondence address, political group, contact telephone number and e-mail address.

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Part 2 – Articles of the Constitution

Article 1 – The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Southend-on-Sea Borough Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. Enable the Council to provide clear Leadership to the community in partnership with citizens, businesses and other organisations;
2. Support the active involvement of citizens in the process of local authority decision-making;
3. Help Councillors represent their constituents more effectively;
4. Enable decisions to be taken efficiently and effectively;
5. Provide a means of improving the delivery of services to the community;
6. Create a powerful and effective means of holding decision-makers to public account;
7. Ensure that no one will review or scrutinise a decision in which they were directly involved; and
8. Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions.

1.04 Review of the Constitution

The Council will monitor and evaluate the operation of the Constitution with the assistance of its Standards Committee if necessary.

Article 2 – Members of the Council

2.01 Composition and Eligibility

(a) Composition

The Council will comprise 51 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission.

(b) Eligibility

Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor. Any person who holds paid office or employment with the Council, or has been adjudged bankrupt or has made a composition with creditors or has in the last five years had passed on him a sentence of imprisonment of not less than three months, is disqualified from being a member of a local authority.

2.02 Election and Terms of Councillors

All out elections were held in June 2001 and one third of Councillors elected retired in May 2002, one third in May 2003 and one third in May 2004. New Councillors elected in May 2002 and at elections thereafter will serve for terms of 4 years. There will be no elections in the fourth year (May 2005, May 2009, etc). The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and Functions of all Councillors

(a) Key Roles

All Councillors will:

- (i)** Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii)** Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (iii)** Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv)** Balance different interests identified within the ward and represent the ward as a whole;
- (v)** Be involved in decision-making;
- (vi)** Be available to represent the Council on other bodies; and
- (vii)** Maintain the highest standards of conduct and ethics.

(b) Rights and Duties

- (i)** Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii)** Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii)** For these purposes, “confidential” and “exempt” information are defined in the Access to Information Procedure Rules in **Part 4(b)**.

2.04 Conduct

Councillors will at all times observe the Members’ Code of Conduct in **Part 5(a)** and the Protocol on Councillor / Officer Relations set out in **Part 5(d)**.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Councillors’ Allowances Scheme set out in **Part 6** of this Constitution.

Article 3 – Members of the Public and The Council

3.01 Rights of Members of the Public

Members of the public have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in **Part 4(b)**:

(a) Voting and Petitions

Members of the public on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution. This does not restrict members of the public from signing any other petition they wish to support.

(b) Information

Members of the public have the right to:

- (i) Attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) Subject to matters which may be taken in confidential session, attend meetings of the Executive;
- (iii) Find out from the Forward Plan what key decisions will be taken by the Executive and when;
- (iv) Excluding confidential matters, see reports and background papers and any records of decisions made by the Council and the Executive; and
- (v) Inspect the Council's accounts, subject to certain restrictions, and make their views known to the external auditor.

(c) Participation

Members of the public have the right to participate in the Council's question time.

(d) Complaints

Members of the public have the right to complain to:

- (i) The Council itself under its complaints scheme
- (ii) The Local Government & Social Care Ombudsman after using the Council's own complaints scheme
- (iii) The Council's Monitoring Officer about a breach of the Member's Code of Conduct in **Part 5(a)**

3.02 Citizens' Responsibilities

Citizens must not be violent, abusing or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers. They must not speak, sing or otherwise create a disturbance when attending any meeting of the Council, its Committees and the Executive.

Article 4 – The Full Council

4.01 The Role of the Council

- To act as a forum where all Councillors can meet on a regular basis to discuss and debate issues of importance to the Borough.
- To decide the Council's Policy Framework and Budget.
- To be responsible for regulatory, audit and other non-executive functions.
- To carry out the Local Choice functions in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
- To hold the Executive to account.

4.02 Functions of the Council and Terms of Reference

(1) Council Policy Framework

To approve and adopt the following plans and strategies which together make up the Council's Policy Framework:

(a) Those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (and any further or amendment regulations which may be made from time to time under s.13 of the 2000 Act) to be adopted by the Council:

- Children & Young People's Plan
- Sustainable Community Strategy
- Crime and Disorder Reduction Strategy
- Local Transport Plan
- Plans and strategies which together comprise the Development Plan
- Youth Justice Plan
- Licensing Authority Policy Statement (Licensing Act 2003 and Gambling Act 2005)
- Pay Policy Statement

(b) The following plans and strategies which the Council has adopted as part of the Policy Framework:

- Southend 2050 Ambitions, Themes & Outcomes and Five Year Road Map
- Annual Report
- The Official Feed and Food Controls Service Plan
- Corporate Support, Finance and Information Technology Policies which have major financial or organisational implications
- Highways Infrastructure Asset Management Plan
- Health and Wellbeing Strategy

(c) Any plan or strategy required by law to be sent to a Minister of the Crown for approval.

(2) The Budget

To approve and adopt the Council's Budget

[The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting fees and charges (save that fees and charges, other than parking charges, can be set by Chief Officers in accordance with paragraph 3.2(k) in **Part 3 Schedule 3**) the Council Tax Base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, investments, the control of capital expenditure and the setting of virement limits.]

(3) Other Functions of the Full Council

- (a)** Adopting and changing the Constitution (subject to **Part 2 – Article 15.02(b)**).
- (b)** Subject to the urgency procedure contained in the Access to Information Procedure Rules in **Part 4(b)**, making decisions about any matter in the discharge of an Executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to / or not wholly in accordance with the Budget.
- (c)** Appointing the Mayor, electing a Leader for a four year term and approving the delegation of functions.
- (d)** Determining which committees, sub-committees, working parties, Boards, Panels etc. shall be established from time to time, the terms of reference of each body, the number of members (voting and non-voting) that each consists of and to make the necessary appointments to the bodies, including Chair and Vice Chair provided that Scrutiny Committees can appoint Working Parties / Panels in accordance with Article 6 of **Part 2**.
- (e)** Appointing representatives to outside bodies (unless the appointment is an Executive function or has been delegated by the Council).
- (f)** Adopting a scheme for Councillors' allowances under **Article 2.05**.
- (g)** Changing the name of the area, conferring the title of Honorary Alderman, Honorary Alderwoman or Freedom of the Borough.
- (h)** Confirming the appointment of the Head of Paid Service and designating the Monitoring Officer, Chief Finance Officer and Proper Officers. (The appointment of Chief Officers and Deputy Chief Officers and also interviewing and recommending a person for the post of Head of Paid Service is delegated to the Appointments and Disciplinary Committee – subject to the Officer Employment Procedure Rules in **Part 4(h)**).
- (i)** Taking the decision to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer in accordance with the Officer Employment Procedure Rules in **Part 4(h)**.
- (j)** Making, amending, revoking, re-enacting or enforcing byelaws and promoting or opposing the making of local legislation or personal Bills.
- (k)** Adopting a Code of Conduct for Councillors and Co-opted Members.

- (l) All local choice functions set out in **Part 3** of this Constitution which the Council decides should be undertaken by itself rather than the Executive and not delegated to any of its committees or sub-committees or officers.
- (m) Taking decisions in respect of functions which are not the responsibility of the Executive and which have not been delegated by the Council to committees, sub-committees or officers; (**Note:** In accordance with S101(4) of the Local Government Act 1972, the arrangements for the discharge of non-executive functions by Committees, Sub-Committees or officers shall not prevent the Council from exercising those functions).
- (n) In relation to Parishes, the following powers:
 - (i) to dissolve small Parish Councils
 - (ii) to make orders for grouping Parishes, dissolving groups and separating Parishes from groups
 - (iii) to make temporary appointments to Parish Councils
 - (iv) to change the name of the District or a Parish
- (o) The submission of proposals to the Secretary of State for an Order under Section 10 (pilot schemes for local elections in England and Wales) Representation of the People Act 2000.
- (p) Making compulsory purchase orders.
- (q) Discharging all licensing functions and such other matters which must be reserved to the Council as specified in the Licensing Act 2003 and the Gambling Act 2005 or any Regulations published in relation to either Act or any other legislation or any statute or Regulations amending consolidating or replacing them.
- (r) To provide a means whereby Councillors may ask questions of matters relevant to the Council's purview and to bring forward motions for debate.
- (s) To receive reports from Committees on matters which have been delegated to them and providing opportunity for Councillors to ask questions thereon.
- (t) To receive and confirm or otherwise the recommendation of Committees on non-Executive functions not within their delegation or which a committee has referred to the Council for decision, to enable Councillors to ask questions, propose amendments, or to pass such resolutions or resolutions thereon may be deemed appropriate.
- (u) To approve any application to the Secretary of State in respect of any Housing Land Transfer.

[Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.]
- (v) All other matters which, by law, must be reserved to the decision of the Council as a whole.

4.03 Council Meetings

There are three types of Council meeting:

- (a)** the annual meeting
- (b)** ordinary meetings
- (c)** extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in **Part 4(a)**.

Article 5 – Chairing the Council

Ceremonial Role

The Mayor is the ceremonial head of the Council and its representative at civic and social occasions. The role is separate from that of the Leader of the Council who speaks for the Council on all aspects of policy and Executive business.

Chairing the Council Meeting

The Mayor (or in their absence, the Deputy Mayor) will be the person presiding over Council meetings.

The Mayor will be elected by the Council annually from among the Councillors and will receive regular briefings by the Chief Executive, and Leader on current issues. The Mayor will have the following responsibilities:

1. To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Executive or the Chair of a Committee are able to hold the Executive and committee chairs to account;
4. To promote public involvement in the Council's activities;
5. To attend such civic and ceremonial functions as the Council and they determine appropriate; and
6. To decide whether or not to agree that a key decision is required at short notice as a matter of urgency and cannot reasonably be deferred. (The Chair of the relevant Scrutiny Committee also has this power). See paragraph 16 of the Access to Information Procedure Rules in **Part 4(b)** of the Constitution.

Article 6 – Scrutiny Committees

6.01 Terms of Reference

The Council will appoint the following scrutiny committees to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

Committee	Scope
Policy & Resources Scrutiny Committee	Full details are set out in Part 3, Schedule 2
People Scrutiny Committee	Full details are set out in Part 3, Schedule 2
Place Scrutiny Committee	Full details are set out in Part 3, Schedule 2

6.02 General Role

Within their terms of reference, scrutiny committees will:

- (i) Review and / or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.
- (ii) Make reports and/or recommendations to the full Council and/or the Executive and / or any policy, joint or area committee in connection with the discharge of any functions.
- (iii) Consider any matter affecting the area or its inhabitants.
- (iv) Exercise the right to call-in, for reconsideration:
 - decisions made but not yet implemented by the Cabinet; and
 - key decisions made but not yet implemented by officers under delegated powers.
- (v) Deal with best value reviews jointly with the Executive.

6.03 Specific Functions

(a) Policy Development and Review

Scrutiny committees may:

- (i) assist and advise the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;

- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the Executive and / or committees and chief officers about their views on issues and proposals affecting Southend-on-Sea;
- (v) 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
- (vi) initiate public inquiries into matters of concern.

(b) Scrutiny

Scrutiny committees may:

- (i) review and scrutinise the decisions made by and performance of the Executive and/or committees and council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and / or particular service areas including budgets;
- (iii) question members of the Executive and / or committees and the Chief Executive, Deputy Chief Executives, Strategic Directors and Directors 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;
- (iv) make recommendations to the Executive and / or appropriate committee and / or Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance;
- (vi) question and gather evidence from any person (with their consent);
- (vii) undertake Select Committee style inquiry into aspects of Council policy and performance or issues of concern to the Borough (the Council expects this normally to be limited to a maximum of 2 per annum);
- (viii) establish Working Parties / Panels on the basis of political proportionality but without delegated powers to undertake elements of the inquiries referred to in (vii) above and small-scale scrutiny work within parameters set by the Scrutiny Committee; and
- (ix) in the case of the People Scrutiny Committee, appoint members and substitute(s) to Joint Health Scrutiny Committees.
- (x) in case of the People Scrutiny Committee, consider referrals made to it by Healthwatch Southend.

(c) The key functions of all the Scrutiny Committees is to hold the Executive to account for the discharge of functions in the following principal ways:

- (i) Scrutinising Key Decisions which the Executive in planning to take, as set out in the Forward Plan or of which proper notice is given;

- (ii) Scrutinising Cabinet decisions and Key Decisions made by Officers after they are made but before they are implemented, under the “Call-in” arrangements;
- (iii) Scrutinising Executive decisions after they have been implemented, as part of a wider policy review.

(d) Finance

Scrutiny committees will exercise overall responsibility for the finances made available to them.

6.04 Proceedings of Scrutiny Committees

Scrutiny committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in **Part 4(e)** including, where necessary, consulting other committees, stakeholders or community groups.

Article 7 – The Executive

The Role of the Executive

7.01 Role

The Executive will carry out all of the local authority's functions which are not the responsibility of the Council, whether by law or under this Constitution. The Cabinet will take all decisions collectively; no individual Cabinet Member shall have any executive powers.

The Executive, in exercising these functions will do so within the Policy Framework and Budget set by the Council in accordance with these arrangements.

The Executive also has a key role in proposing the Budget and Policy Framework to the Council.

The Executive and its members will lead the Community Planning Process and the drive for Best Value, lead the preparation of the Council's Policies and Budget, take in year decisions on resources and priorities, and be the focus for forming partnerships with other local public, private and voluntary and community sector organisations to address local needs.

The Executive will also respond to any recommendations and reports from the Scrutiny Committees, Regulatory and other Committees (including the Audit Committee) Advisory Forums and Panels, Working Parties and the Standards Committee.

7.02 Form and Composition

- (a) The Executive will consist of the Leader appointed by the Council together with up to nine other Councillors including a Deputy Leader appointed to the Cabinet by the Leader.
- (b) The Leader may reduce or increase (up to a maximum of 9) the number of such other Cabinet Members at some future date and also amend the responsibilities of the Cabinet Members from those set out in **Part 3 – Schedule 1(a)** – see 7.04(4) below.
- (c) The Leader will also appoint three Cabinet Members to the Cabinet Committee (see **Part 3 – Schedule 2** paragraph 2.6(b))
- (d) The Leader's decisions re (a) (b) and (c) are at their discretion and cannot be called in under the Scrutiny Procedure Rules.

7.03 Leader

The Leader will be a Councillor elected for a term of four years (subject to (a) – (d) below) to the position of Leader by the Council and they shall not be the Mayor or Deputy Mayor or a member of a Scrutiny Committee. The Leader shall appoint one of the members of the Executive to be their Deputy Leader for the same term. The Leader shall notify the Chief Executive of this appointment. Notice of the appointment is made public within two working days, whereupon the appointment becomes effective.

The Leader shall hold office until:

- (a) they resign from the office; or
- (b) they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer a Councillor; or

- (d) they are removed from office by a resolution of the Council. If the Council passes such a resolution, a new Leader is to be elected:
 - (i) at the meeting at which the Leader is removed from office; or
 - (ii) at a subsequent meeting.

In the event that the Leader no longer holds office as described above, the Deputy Leader will carry out the role and duties of the Leader until the new Leader is elected by the Council.

The Deputy Leader, unless they resign as Deputy Leader or is suspended from being a Councillor (although they may resume office at the end of the period of suspension) or ceases to be a member of the Council or is removed by the Leader if they think fit, is to hold office until the end of the term of office of the Leader.

Note: There is no limit on the number of terms that the Leader or Deputy Leader may serve.

7.04 Other Cabinet Members

- (1) Only Councillors may be appointed to the Executive. There may be no co-optees and no deputies or substitutes for Cabinet Members except in accordance with the Standing Order 31. Neither the Mayor nor Deputy Mayor of the Council shall be appointed to the Executive¹ and members of the Executive shall not be members of a Scrutiny Committee.
- (2) The Leader appoints the other Cabinet Members and notifies the Chief Executive of their appointments. Notice of the appointment is made public within two working days, whereupon the appointment becomes effective.
- (3) Such other Cabinet Members shall hold office until:
 - (a) they resign from office; or
 - (b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
 - (c) they are no longer Councillors; or
 - (d) the conclusion of the next Annual Meeting at the end of the municipal year, save that they may be removed from office at an earlier date, either individually or collectively, by the Leader who must give written notice to the Chief Executive. The removal will take effect two working days after the receipt of the notice by the Chief Executive – who will promptly notify all Councillors.
- (4) The Leader may at any time amend the responsibilities of the Cabinet Members (including the Deputy Leader) from those set out in **Part 3, Schedule 1(a)** and will notify the Chief Executive – who will promptly notify all Councillors.

7.05 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in **Part 4(d)**.

¹ S.11(7) of the 2000 Act

7.06 Functions of the Executive and Terms of Reference

- (a) To carry out **all** the Council's functions except for those functions specified in **Part 2 – Article 4** and **Part 3** that are reserved to the Council and that are undertaken by full Council or delegated by the Council to Committees, sub-committees or officers.

In exercising these functions, the Cabinet must do so within the Policy Framework and Budget set by the Council and all decisions of the Cabinet will be subject to the call-in arrangements set out in the Constitution.

- (b) To propose the Budget and Policy Framework to the Council.

Article 8 – Regulatory and Other Committees

8.01 Regulatory and Other Committees

The Council will appoint the committees set out in the left hand column of the table “Responsibility for Council Functions” in **Part 3** of this Constitution to discharge the functions described in column 3 of that table.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) specify those functions which are not to be the responsibility of the Executive. Some of these are non Executive functions are reserved to full Council in Article 4. The remaining non Executive functions are delegated to committees or officers in **Part 3** of this Constitution.

Article 9 – The Standards Committee

9.01 Standards Committee

The Council will establish a Standards Committee and a Standards Hearing Sub-Committee.

The Constitution and Terms of Reference of the Standards Committee and the Sub-Committee are set out in **Part 2, Schedule 3** of the Constitution.

9.02 Composition

Following the changes in the Localism Act 2011, the Standards Committee is now an ordinary committee of the Council appointed under S.101 of the Local Government Act 1972.

The membership of the Standards Committee is set out in **Part 2, Schedule 3** of the Constitution.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) To promote and maintain high ethical standards of conduct for elected Councillors and Co-opted Members.
- (b) To help elected Councillors and Co-opted Members to observe the Members' Code of Conduct in **Part 5a**.
- (c) To give the Council advice on adoption or revision of the Members' Code of Conduct and on informal codes / protocols covering matters such as planning and Councillor / Officer relations.
- (d) To monitor the effectiveness of the Members' Code of Conduct.
- (e) To train or arrange training for elected Councillors and Co-opted Members on matters relating to the Members' Code of Conduct.
- (f) To deal with complaints that elected Councillors and Co-opted Members have breached the Members' Code of Conduct and in connection with this function:
 - (i) To develop and adopt:
 - Assessment Criteria for dealing with complaints;
 - Policies for dealing with vexatious, persistent and anonymous complaints and requests by complainants for confidentiality;
 - Arrangements for dealing with complaints and publicising the arrangements;
 - Procedures for dealing with local investigations; and
 - Such other provisions and procedures as may be required.
 - (ii) To establish and maintain a Hearing Sub-Committee.
- (g) To grant dispensations under S.33 Localism Act 2011.

- (h) To conduct Hearings and make determinations in respect of complaints that elected Councillors and Co-opted Members have breached the Members' Code of Conduct in accordance with relevant statutory and Constitutional requirements and in connection with this function:
 - (i) To develop and adopt procedures for dealing with such Hearings; and
 - (ii) To establish and maintain a **Hearing Sub-Committee** with its own terms of reference.
- (i) To undertake the functions set out above in respect of Leigh-on-Sea Town Council.

Note: The procedures for dealing with Complaints against Councillors and Co-opted Members alleging a breach of the Members' Code of Conduct are set out **Part 4(i)** of the Constitution.

Article 10 – Forums and Working Parties

10.01 Form, Composition and Function

The Council will appoint a series of Working Parties, Forums, Panel and Bodies as set out in **Part 3, Schedule 2**.

10.02 Conflicts of Interest

See the Code of Conduct in **Part 5(a)**.

10.03 Cabinet Members on Working Parties and Forums

A member of the Executive may serve on a Working Party or Forum if eligible to do so as a Councillor.

Article 11 – Joint Arrangements

11.01 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local or public authorities and / or their Executives to exercise functions which are not Executive functions. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Executive may establish joint arrangements with one or more local or public authorities to exercise functions which are Executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Executive may only appoint Cabinet Members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Executive may appoint members to a joint committee from outside the Executive where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the joint committee any Councillor who is a member for an electoral ward which is wholly or partly contained within the area.

The political balance requirements do not apply to such appointments.

- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in **Part 3, Schedule 1(b)**.

11.02 Access to Information

- (a) The Access to Information Procedure Rules in **Part 4(b)** apply.
- (b) If all the members of a joint committee are members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c) If the joint committee contains members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.03 Delegation to and from other Local Authorities

- (a) The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Executive may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.04 Contracting Out

The Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 12 – Officers

12.01 Management Structure

(a) General

The Council may engage such employees (referred to as officers) as it considers necessary to carry out its functions.

(b) Head of Paid Service, Deputy Chief Executives, Strategic Directors and Directors

The Senior Management Structure of the Council and the duties of the Officers are set out in **Part 7**.

(c) Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Council has designated the following posts as shown:-

Post	Designation
Chief Executive	Head of Paid Service
Strategic Director (Legal & Democratic Services)	Monitoring Officer
Strategic Director (Finance & Resources)	Chief Finance Officer (S.151 Officer)

Such posts will have the functions described in Article 12.02–12.04 below.

(d) Structure

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at **Part 7** of this Constitution.

12.02 Functions of the Head of Paid Service

(a) Discharge of Functions by the Council

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) Restrictions on Functions

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

The list of functions below reflects the statutory duties and powers of Monitoring Officers and those set out in Chapters 8 and 9 of the DETR Guidance.

(a) Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Councillors, staff and the public. They will advise the Council from time to time on necessary or desirable changes.

(b) Ensuring Lawfulness and Fairness of Decision Making

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an Executive function if they consider that any proposal, decision or omission would give rise to unlawfulness. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered. They will also report where the Local Government & Social Care Ombudsman has carried out an investigation.

(c) Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee and its Sub-Committee. The Monitoring Officer will also carry out the responsibilities assigned under the Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007, The Localism Act 2011 and Regulations made thereunder in respect of complaints against Councillors and Co-opted Members.

(d) Proper Officer for Access to Information

The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(e) Advising whether Executive Decisions are within the Budget and Policy Framework

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Budget and Policy Framework.

(f) Providing Advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

(g) Restrictions on Posts

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

(h) The Monitoring Officer will contribute to the corporate management of the Council in particular through the provision of legal advice.

12.04 Functions of the Chief Finance Officer

(a) Ensuring Lawfulness and Financial Prudence of Decision Making

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an Executive function and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) Administration of Financial Affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) Contributing to Corporate Management

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) Providing Advice

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

(e) Give Financial Information

The Chief Finance Officer will provide financial information to the media, members of the public and the community, subject to the rules of the Council.

12.05 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in the opinion of those officers reasonably sufficient to allow their statutory duties to be performed.

12.06 Conduct

Officers will comply with the Employee Code of Conduct in **Part 5(c)** and the Protocol on Councillor / Officer Relations set out in **Part 5(d)**.

12.07 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in **Part 4(h)**.

Article 13 – Decision Making

13.01 Responsibility for Decision Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in **Part 3** of this Constitution.

13.02 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights (see below for further details);
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) reasoned decision making on the basis of options considered.

13.03 Types of Decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.
- (b) Key decisions
 - (i) A key decision which must be included in the Forward Plan is an Executive decision which is likely:
 - (a) to 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 (the Council has decided that any decision involving expenditure in excess of £250,000, excluding any decisions relating to investment of Council monies as part of Treasury Management procedures, will be a key decision); or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral wards in Southend-on-Sea.
 - (ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules in **Part 4(d)** and the Access to Information Procedure Rules set out in **Part 4(b)**.

13.04 Decision Making by the Full Council

Subject to Article 13.08 the Council meeting will follow the Council Procedures Rules set out in **Part 4(a)** when considering any matter.

13.05 Decision Making by the Executive

Subject to Article 13.08, the Executive will follow the Executive Procedures Rules set out in **Part 4(d)** when considering any matter.

13.06 Decision Making by Scrutiny Committees

Scrutiny committees will follow the Scrutiny Procedures Rules set out in **Part 4(e)** of this Constitution when considering any matter.

13.07 Decision Making by Other Committees and Sub-Committees Established by the Council

Subject to Article 13.08, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in **Part 4(a)** of this Constitution as apply to them.

13.08 Decision Making by Council Bodies acting as Tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining / considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 14 – Finance and Contracts

14.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in **Part 4(f)** of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in **Part 4(g)** of this Constitution.

Article 15 – Review and Revision of the Constitution

15.01 Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for Monitoring and Review of Constitution by Monitoring Officer

The Monitoring Officer will keep under review the strengths and weaknesses of the Constitution adopted by the Council, and will make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the Councillor and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with them by Councillors, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.02 Changes to the Constitution

(a) Approval

Subject to **(b)** below, changes to the Constitution will only be approved by the full Council on a report from the Monitoring Officer.

- (b)** The Chief Executive in consultation with the Monitoring Officer and the Group Leaders shall have the power to make minor amendments to the Constitution to correct errors or to comply with any legal requirement or to reflect changes in the Council's structure or to make minor adjustments to the duties under the portfolios in **Part 3, Schedule 1(a)**.

(c) Change from a Leader and Cabinet form of Executive to alternative Arrangements, or vice versa

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

(a) Limit to Suspension

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.

(b) Procedure to Suspend

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

(c) Rules Capable of Suspension

- In respect of business at Council meetings the Council Procedure Rules set out in **Part 4(a)** – except those of statutory effect, may be suspended in accordance with Article 16.01(b).
- The Executive or any of the Council's committees with delegated authority for contracts or a relevant officer (using S.O.46) may waive the rules for specific contracts as provided for in the Contracts Procedure Rules in **Part 4(g)**.

16.02 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

- (a)** The Monitoring Officer will provide a copy of this Constitution to each Councillor upon delivery to them of that Councillors declaration of acceptance of office on first being elected to the Council.
- (b)** The Monitoring Officer will ensure that the Constitution is available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c)** The Monitoring Officer will ensure that the summary of the Constitution (namely **Part 1** of the Constitution) is made widely available within the area and is updated as necessary.

Schedule 1: Description of Executive Arrangements

The parts of this Constitution which constitute the Executive arrangements are:

1. Article 6 (Scrutiny committees and the Scrutiny Procedure Rules in **Part 4(e)**)
2. Article 7 (The Executive and the Executive Procedure Rules in **Part 4(d)**)
3. Article 10 (Working Parties and Forums)
4. Article 11 (Joint Arrangements see also **Part 3, Schedule 1(a)**)
5. Article 13 (Decision making and the Access to Information Procedure Rules in **Part 4(b)**)
6. Part 3 (Responsibility for Functions)

Part 3 – Responsibility for Functions

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Part 3 – Responsibility for Functions

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and subsequent Regulations give effect to section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Executive, which may (but need not) be the responsibility of the Executive (the “local choice functions”) and which are to some extent the responsibility of the Executive. All other functions not so specified are to be the responsibility of the Executive. These Executive arrangements make clear how these distinctions are given effect by setting out the local choice functions identifying:

- (a) the responsibilities of the Council and / or its committees; and
- (b) the responsibilities of the Executive; and
- (c) those functions which are not the responsibility of the Executive to a specified extent.

Those functions which are delegated on to an officer are included in the Scheme of Delegation to Officers in this **Part 3 Schedule 3**.

1. Responsibility for local choice functions

	Function	Decision Making Body
1.	Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Functions Regulations	Council
2.	The determination of an appeal against any decision made by, or on behalf, of the Authority	Appeals Committee A and B
3.	Making arrangements for appeals against exclusion of pupils.	Council
4.	Making arrangements for admission appeals	Council
5.	Making arrangements for appeals by governing bodies	Council
6.	Questions on Police matters (Section 20 Police Act 1996)	Council
7.	The conducting of Best Value Reviews in accordance with the provisions of any Order for the time being having effect under Section 5 (Best Value Reviews) of the Local Government Act 1999	Executive and relevant Scrutiny Committee (see detailed protocol in Part 5)
8.	Any function relating to contaminated land	Council
9.	The discharge of any function relating to the control of pollution or the management of air quality	Council
10.	The service of an Abatement Notice in respect of a statutory nuisance	Council
11.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority’s area	Council
12.	The inspection of the Authority’s area to detect any statutory nuisance.	Council

	Function	Decision Making Body
14.	The investigation of any complaint as to the existence of a statutory nuisance.	Council
15.	The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	Council
16.	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council
17.	Making agreements for execution of highway works.	Council
18.	The appointment of any individual: To any office other than an office in which they are employed by the Authority. To anybody other than: (i) the Authority (ii) a Joint Committee of two or more Authorities To any committee or joint committee of such a body and the revocation of any such appointment.	Council

2. Responsibility for Council Functions

Committee	Functions	Delegation of Functions
Development Control Committee	Planning and conservation Functions relating to town and country planning and development control as specified in Part A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (“the Functions Regulations”). These functions are specified in detail in Part 3 Schedule 2 .	Functions which are delegated on, to an officer, and the limits on that delegation are set out in this Part 3 Schedule 3 .
Licensing Committee (and Sub-Committees A, B & C).	All the functions of the Council set out in Part B of Schedule 1 of the Functions Regulations. These functions are specified in detail in Part 3 Schedule 2 .	Functions which are delegated on, to an officer, and the limits on that delegation are set out in this Part 3 Schedule 3 .
General Purposes Committee	All the functions in the Functions Regulations relating to Health and Safety, Public Rights of Way, non-executive functions re trees, hedgerows and pavements, elections and Bye-laws and all other non-Executive Functions not assigned to any other Committee or reserved to Council. These functions are specified in detail in Part 3 Schedule 2 .	

Committee	Functions	Delegation of Functions
Appointments and Disciplinary Committee	See Part 3 Schedule 2	
Appeals Committees (A and B)	See Part 3 Schedule 2	
Audit Committee	See Part 3 Schedule 2	
Standards Committee	<p>The promotion and maintenance of high standards of conduct within the Council.</p> <p>To advise the Council on the adoption or revision of its Members' Code of Conduct. These functions are specified in detail in Part 3 Schedule 2.</p>	
Independent Remuneration Panel	<p>To make recommendations to the Council on Councillors' remuneration and allowances and any proposals for amendments to the Councillors' Allowances Scheme including:</p> <ul style="list-style-type: none"> ▪ The amount of basic allowances ▪ The duties of Councillors that should be the subject to a special responsibility allowance ▪ Whether child care and dependent care allowances should be available for Councillors ▪ Travel & Subsistence Allowance <p>These functions are specified in detail in Part 3 Schedule 2.</p>	

3. Responsibility for Executive Functions

- 3.1** All the functions of the Council not allocated above are the responsibility of the Executive provided those functions are not determined contrary to or not wholly in accordance with the Council's Budget or Policy Framework.
- 3.2** The scope of individual portfolios of the Cabinet Members are set out in this **Part 3 Schedule 1(a)**.
- 3.3** **Part 3 Schedule 2** (the Constitution and Terms of Reference of Cabinet, Committees, etc) sets out the extent to which the functions of the Cabinet may be discharged by a Committee of the Cabinet, appointed by the Cabinet
- 3.4** The Scheme of Delegation to officers in **Part 3 Schedule 3** sets out the extent to which the functions of the Council, Executive and Committees may be discharged by officers.
- 3.5** In exercising the following functions, the Executive will make decisions only within the Policy Framework and Budget set by the Council in accordance with these arrangements. The Executive also has a key role in proposing the Budget and Policy Framework to the Council. The Executive and its members will lead the community planning process and the drive for Best Value, lead the preparation for the Council's policies and budget, take in year decisions on resources and priorities, and be the focus for forming partnerships with other local public, private and voluntary and community sector organisations to address local needs. The Executive will also respond to any recommendations and reports from Scrutiny Committees, Regulatory and other Committees (including the Audit Committee) Advisory Forums and Panels, Working Parties and the Standards Committee.
- 3.6** The portfolios set out in **Part 3 Schedule 1(a)** may be amended by the Leader as necessary from time to time.

Schedule 1(a) – The Portfolios

1. INFRASTRUCTURE AND CORPORATE STRATEGY (LEADER)

- Car Parks and All Car Parking Matters
- Highways, Structures, Sea Defences, and Engineering
- Passenger Transport / Vehicle Fleet
- Transport (Including Transport Policy and Licensing)
- Emergency Planning & Business Continuity
- Oversight of Joint Ventures and Companies
- Corporate Planning and Strategic Direction
- Transformation and Corporate Project Management
- Corporate Governance
- Democratic Services, Civic Affairs, and Constitutional Matters
- Media and Communications
- Digital and Technology
- National and Regional Affairs

2. PLANNING, HOUSING AND THE LOCAL PLAN (DEPUTY LEADER)

- Development Management and Building Control
- Local Plan and Planning Policy
- Homelessness and Rough Sleeping
- Housing Strategy, Management and Development
- Regional Housing Boards and RSLs
- Conservation and Heritage

3. CHILDREN, YOUNG PEOPLE AND SEND

- Statutory Lead for Children's Services
- Home to School Transport Contract
- SEND
- A Better Start Southend
- Children's Safeguarding
- Children's Services
- Family Centre, Early Years and Childcare
- Schools, Education and Learning
- Youth and Connexions
- Youth Justice Service
- Youth Offending Service

4. CLIMATE, ENVIRONMENT AND WASTE

- Air Quality Improvement
- Parks, Open Spaces, and Grounds Maintenance
- Street scene and cleansing
- Climate action and carbon reduction
- Marine and Maritime Affairs
- Recycling and waste management
- Cemeteries and Crematoria

5. COMMUNITY SAFETY

- Public Toilets
- Community Safety, CCTV, Police Liaison, and PSPOs
- Adult and Community Learning
- Councillor Development
- Health and Safety (Internal)
- Customer Contact
- Human Resources
- Learning And Workforce Development

6. CULTURE, TOURISM AND BUSINESS

- Business Growth and Economic Development
- Tourism, place branding, and marketing
- Pier And Foreshore
- Sport Development
- Town Centre Management
- Museums, Galleries, Theatres, and Libraries
- Community Assets, Cohesion and Engagement

7. FINANCE, ASSETS AND INVESTMENTS

- Public Transport and Concessionary Fares
- Corporate Procurement
- Corporate Budget and Resources Planning
- Risk Management
- Audit
- Council Tax and Business Rates
- Financial Services
- Housing Benefit
- Property and Asset Management
- Grants and Inward Investments

8. REGENERATION, MAJOR PROJECTS AND REGULATORY SERVICES

- Queensway Development
- Major Capital Programmes
- Levelling Up Fund
- Regulatory Services, Private Sector Housing Standards and Grants
- Regeneration
- Registration Services
- Performance Delivery
- Legal Services and Land Charges
- Partnership Performance Delivery

9. SOCIAL CARE AND HEALTHIER COMMUNITIES

- Adult Social Care
- Commissioning
- Mental Health Services
- Occupational Therapy
- Health and Well-being Board / Partnership
- Health Inequalities (Strategic Lead)
- Health Integration (SE Essex Alliance)
- Domestic Abuse
- Drugs and Alcohol Service
- Public Health
- Equality & Diversity

Schedule 1(b) – Joint Arrangements

1. The Council has entered into the following joint arrangements:
 - (a) The Health & Wellbeing Board and related partnership arrangements
 - (b) Southend Community Safety Partnership
 - (c) South East Local Enterprise Partnership
 - (d) Parking & Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC)
 - (e) Rochford & Southend-on-Sea Area Action Plan Committee (re Airport)
 - (f) Essex Waste Partnership
 - (g) Essex and Southend Joint Waste Project Board
 - (h) South Essex Councils (SEC)

2. The Cabinet has delegated power to enter or vary any joint arrangements dealing with executive functions.

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Part 3 Schedule 2 – The Constitution and Terms of Reference of Cabinet, Committees, etc.

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Part 3 Schedule 2 – The Constitution and Terms of Reference of Cabinet, Committees, etc

1. The Council

1.1 Role of the Council

See **Part 2 – Article 4**

1.2 Functions of the Council

See **Part 2 – Article 4**

2. The Cabinet – Constitution and Terms of Reference

2.1 Membership

The Leader appointed by the Council and up to 9 other Councillors called “Cabinet Members” appointed by the Leader, one of whom must be appointed as the Deputy Leader (see **Part 2 – Article 7**). Neither the Mayor nor the Deputy Mayor may be appointed to the Cabinet.

Substitutes: Permitted in accordance with Standing Order 31.7
Proportionality: Not applicable

2.2 Appointment and Removal of the Leader and Cabinet Members

See **Part 2 – Article 7**

2.3 Portfolios

Cabinet Members shall have the portfolios set out in **Part 3 Schedule 1(a)** – although these can be amended by the Leader in accordance with **Part 2 – Article 7**, paragraph 7.04(5).

2.4 Quorum

3

2.5 Terms of Reference

See **Part 2 – Article 7**

2.6 Delegation of Executive Functions

(a) The Scheme of Delegation of executive functions to any Committee of the Executive or to an officer (including delegation of some functions to officers to be exercised in consultation with the appropriate Cabinet Members) will be determined by the Council and will be contained in the Constitution. If and to the extent that any executive functions are not included in the delegation scheme then in cases of urgency the Leader may arrange for the discharge of those functions by delegating them to the Chief Executive or the appropriate Executive Director (Neighbourhoods & Environment) to act in consultation with the Leader under Section 15 (3) and (4) of the 2000 Act, subject to review by the Council at the next Annual Council meeting.

(b) Cabinet Committee

There shall be a Cabinet Committee consisting of 3 Cabinet Members appointed by the Leader to carry out the following executive functions in respect of Traffic Regulation Orders and to consider the comments and recommendations made by the Traffic Regulations Working Party on the highways issues referred to it by the Executive Director (Neighbourhoods & Environment)

- To consider the recommendations of the Traffic Regulations Working Party regarding the implementation of Traffic Regulation Orders in circumstances where there are a majority of responses to the Statutory Notice against the proposals and the Council is of the view that the proposals should move forward.
- In such circumstances, the Cabinet Committee will immediately meet to consider the Traffic Regulations Working Party’s recommendation to overrule objections and to decide whether to authorise the Executive Director (Neighbourhoods & Environment) to make the Order (with or without modification) or to decide that the Order be not made. This decision will be published in a Digest and will be available for call-in.

Substitutes

Permitted in accordance with Standing Order 31.7

Quorum

The quorum of the Cabinet Committee shall be 2

2.7 Status of Meetings

Open to the public

2.8 Reports To

The Council

3. Cabinet Working Parties

3.1 Adult Social Care and Health Integration Working Party

3.1.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply to the 5 Councillors who are not Cabinet Members.

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

3.1.2 Quorum

3

3.1.3 Terms of Reference

- (a) To consider policy matters that support delivery of the Council's Ambition and Outcomes as set out in the Southend 2050 Road Map and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Adult Social Care and Health Integration portfolio.

3.1.4 Status of Meetings

Private

3.1.5 Reports to

The Cabinet

3.2 Asset Management & Inward Investment Working Party

3.2.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

3.2.1 Quorum

3

3.2.2 Terms of Reference

- (a) To consider policy matters that support delivery of the Council's Ambition and Outcomes as set out in the Southend 2050 Road Map and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Asst Management & Inward Investment portfolio.

3.2.4 Status of Meetings

Private (save as in respect of 3.4.3(e))

3.2.5 Reports to

The Cabinet

3.3 Children & Learning and Inclusion Working Party

3.3.1 Membership

8 Councillors

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

3.3.2 Quorum

3

3.3.3 Terms of Reference

- (a) To consider policy matters that support delivery of the Council's Ambition and Outcomes as set out in the Southend 2050 Road Map and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Children & Learning and Inclusion portfolio
- (b) To review the provision of primary and secondary school places across the City taking into account all relevant factors and to make recommendations to Cabinet.

3.3.4 Status of Meetings

Private

3.3.5 Reports to

The Cabinet

3.4 Corporate Matters and Performance Delivery Working Party

3.4.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

3.4.2 Quorum

3

3.4.3 Terms of Reference

- (a) To consider policy matters that support delivery of the Council's Ambition and Outcomes as set out in the Southend 2050 Road Map and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Corporate Matters and Performance Delivery portfolio.
- (b) To monitor and manage performance against agreed action plans and targets within the People Management Strategy.
- (c) To make recommendations on Corporate People Management issues.
- (d) To monitor, review and make recommendations on a Digital Strategy for the Council.
- (e) To make recommendations on an Accommodation Strategy necessary to deliver the Council's services in the future together with proposals for the implementation of such strategy.
- (f) To review usage of existing accommodation and to recommend ways to maximise such use in the interests of economy and the most effective delivery of service.

3.4.4 Status of Meetings

Private

3.4.5 Reports to

The Cabinet

3.5 Economic Recovery, Regeneration and Housing Working Party

3.5.1 Membership

8 Councillors (by convention political proportionality shall apply)

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

3.5.2 Quorum

3

3.5.3 Terms of Reference

- (a) To consider policy matters that support delivery of the Council's Ambition and Outcomes as set out in the Southend 2050 Road Map and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Economic Recovery, Regeneration and Housing portfolio.
- (b) To advise the Cabinet on strategic housing policy issues relating the provision and improvement of affordable and social housing in the City.

- (c) To keep under review progress the management of the Council's housing stock and the performance of South Essex Homes.
- (d) To advise Cabinet on the strategic approach to the prevention, alleviation and eradication of homelessness issues (including rough sleepers) in the City.

3.5.4 Status of Meetings

Private (save as in respect of 3.4.3(e))

3.5.5 Reports to

The Cabinet

3.6 Environment, Culture and Tourism Working Party

3.6.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31

Proportionality: By convention political proportionality shall apply

Other non-voting members will be invited to attend as appropriate to the item, and will include representatives from:

- Leigh Society
- Southend Society
- Shoebury Society
- Milton Society
- S.E. Essex Archaeological Society
- Southend & District Building Restoration Trust
- RIBA
- Chamber of Commerce.
- Natural England
- South Essex Natural History Society
- Essex Wildlife Trust – Rochford and Southend Local Group
- British Trust for Conservation Volunteers One representative of Royal Society for the Protection of Birds – Southend Members Group
- Friends of Hadleigh Castle Country Park
- Southend Ornithological Group
- Butterfly Conservation (Cams and Essex Branch)
- Leigh Town Council
- Essex Amphibian and Reptile Group
- Essex Biodiversity Partnership
- The Site Manager – Hadleigh Castle Country Park
- The Southend Environmental Project Manager – Essex Wildlife Trust

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair will be appointed by the Leader.

3.6.2 Quorum

3 Councillors

3.6.3 Terms of Reference

- (a) To consider policy matters that support delivery of the Council's Ambition and Outcomes as set out in the Southend 2050 Road Map and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Environment, Culture and Tourism portfolio.
- (b) To identify conservation issues of importance to the City and make recommendations to the Cabinet.
- (c) To consider conservation policy and monitor changes in Conservation Areas and make recommendations to the Cabinet.
- (d) To consider practical conservation projects in the City, including partnerships with other organisations and to make recommendations thereon to the Cabinet.
- (e) To consider major planning applications with conservation implications referred to it by the Development Control Committee and to make comments to the Development Control Committee.
- (f) To make recommendations on the collection, removal and disposal of all excreta, refuse, litter (including abandoned vehicles and trolleys), and for the recycling of waste (including the preparation of waste recycling plans), for the Civic Amenity sites within the City and all matters relating to cleansing of the City including all paved roads, areas of open land and foreshore.
- (g) To make recommendations on matters relating to the review of the Local and Structure Plans and the provision of a comprehensive up to date planning policy framework for the City.
- (h) To make recommendations to Cabinet on local listing on an annual basis and on an ad hoc basis in case of urgency.
- (i) To provide advice to the Southend Strategic Partnership about environmental and biodiversity issues, and to assist in the delivery of the Community Plan.
- (j) To identify environmental and biodiversity issues of importance to the City and the Council.
- (k) To consider environmental and biodiversity projects in the City including partnerships with other organisations and seek funding from non-Council sources and promote collaboration and support with funding agencies.
- (l) To consider and where appropriate participate in local and national environmental and biodiversity campaigns.
- (m) To encourage, assist and promote biodiversity in the City and to increase awareness and publicity of environmental and biodiversity issues.
- (n) To keep under review the development of environmental and biodiversity policies.
- (o) To support sustainable development and improvements in the local environment.
- (p) To carry out study work and formulate proposals and recommendations in respect of cultural projects.
- (q) To review the current programme of events in Southend and the funding thereof, and to consult stakeholders on improvements which could be made.

- (r) To develop and recommend a new events strategy for Southend.
- (s) To formulate proposals and recommendations in respect of the pier and foreshore.
- (t) To develop and recommend a new tourism strategy for Southend.

3.6.4 Status of Meetings

Private

3.6.5 Reports to

The Cabinet (save in respect of 3.6.3(e) and (i) above)

3.7 Highways Transport & Parking Working Party

3.7.1 Membership

8 Councillors

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

Substitutes: Permitted in accordance with Standing Order 31
 Proportionality: By convention political proportionality shall apply

Interested Parties (to be invited in a non-voting capacity on an ad-hoc basis as appropriate to the item):

- 1 representative from First Group
- 1 representative from Arriva
- 1 representative from Stephensons
- 1 representative of the rail operators (dependent upon franchise)
- 1 representative of Southend Area Bus Users Group
- 1 representative of the Rail Users Group

Advisory Capacity:

- 1 representative of Essex County Council

3.7.2 Quorum

3 Councillors

3.7.3 Terms of Reference

- (a) To consider policy matters that support delivery of the Council's Ambition and Outcomes as set out in the Southend 2050 Road Map and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Highways, Transport and Parking portfolio.
- (b) **Access to the City:** This will include considering improvements to access options for visitors to the City including changes to road layouts and reducing access traffic on roads within the core of the town centre to provide easier, direct and more intuitive access to car parks and key visitor destinations.

- (c) **Parking:** This will include:
 - (i) the development of a parking guidance system and vehicle messaging system covering the main car parks across the City; and
 - (ii) appropriate changes to parking tariffs for periods of high demand for example summer weekends and bank holidays to better balance the demand for parking between the seafront and town centre car parks.
- (d) **Transport:** This will include:
 - (i) how public transport, including bus services, in the City might be improved;
 - (ii) ensuring synergy of public transport services for the City; and
 - (iii) the provision of improved travel information pre-travel and pre-arrival to the City through a range of media and systems and to encourage travel behaviour change by residents of the City and visitors.
- (e) To monitor the on-going operation of the London Southend Airport in the context of the environmental controls recorded in the leases and S.106 Agreements. To respond to concerns regarding air traffic movements.

3.7.4 Status of Meetings

Private (save as in respect of 3.7.3(e) above).

3.7.5 Reports to

The Cabinet

3.8 Public Protection Working Party

3.8.1 Membership

8 Councillors

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

Substitutes: Permitted in accordance with Standing Order 31
 Proportionality: By convention political proportionality shall apply

3.8.2 Quorum

3 Councillors

3.8.3 Terms of Reference

- (a) To consider policy matters that support delivery of the Council's Ambition and Outcomes as set out in the Southend 2050 Road Map and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Public Protection portfolio.

3.8.4 Status of Meetings

Private

3.8.5 Reports to

The Cabinet

3.9 Traffic Regulations Working Party

3.9.1 Membership

12 Councillors¹, comprising the 3 Cabinet Members who sit on the Cabinet Committee (one of whom shall be appointed Chair and another Vice-Chair) and 9 Councillors who are not Cabinet Members.

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply to the 9 Councillors who are not Cabinet Members.

3.9.2 Quorum

3 (including at least 2 of the Cabinet Members)

3.9.3 Terms of Reference

- (a) To consider written objections and also to hear oral representations by objectors and supporters (if any) to proposed Traffic Regulation Orders and to make a recommendation to the Cabinet Committee on such proposed Orders, but only in circumstances where there are a majority of responses to the Statutory Notice against the proposals and the intention is for the proposals to move forward. (See Section 6D of **Part 4(a)** of the Council's Constitution regarding public speaking on Traffic Regulation Orders.)
- (b) To consider requests for Traffic Regulation Orders referred to the Working Party by the Council, Cabinet or the Executive Director (Neighbourhoods & Environment) and make appropriate recommendations to the Cabinet Committee on those requests.
- (c) To act as the project board in respect of the Parking Review and undertake a strategic role in the overview and direction of the Traffic and Highway Service.

3.9.4 Status of Meetings

Open to the public

3.9.5 Reports to

The Cabinet

3.10 Holocaust Memorial Day Working Party

3.10.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

¹ **Note:** No Councillor shall sit on the Traffic Regulations Working Party (whether for the first time or returning to the Working Party after a period of absence), including as a substitute Councillor, without having first attended a training session on the principles of Traffic Regulation Orders.

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

3.10.2 Quorum

3

3.10.3 Terms of Reference

To recommend arrangements to commemorate Holocaust Memorial Day, 27th January each year.

3.10.4 Status of Meetings

Private

3.10.5 Reports to

The Cabinet

3.11 The ASELA and Local Government Reform Working Party

3.11.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31

Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader, or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

3.11.2 Quorum

3

3.11.3 Terms of Reference

1. To monitor and have oversight of the on-going work of the Association of South Essex Local Authorities (ASELA).
2. To consider and advise on matters relating to local government reform, including issues arising from the anticipated White Paper on Devolution.

3.10.4 Status of Meetings

Private

3.11.5 Reports to

The Cabinet

3.12 Armed Forces Working Party

3.12.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader, or such other Cabinet Member as the Leader shall appoint.
The Vice-Chair shall be appointed by the Leader.

Interested Parties (to be invited in a non-voting capacity on an ad-hoc basis as appropriate to the items on the Agenda):

1 representative from Southend branch of SSAFA
1 representative from Naval and Military Association/Royal Naval Association/British Legion
1 representative from Essex Army Cadets Force Southend Detachment

Advisory Capacity:

1 representative of Essex County Council
1 representative of Essex Armed Forces Covenant – liaison officer

3.11.2 Quorum

3 Councillors

3.11.3 Terms of Reference

- (a) The Working Party will act as the City lead for the promotion and fulfilment of its commitment to the Armed Forces Covenant.
- (b) To further the standard of the Armed Forces Covenant response at Southend-on-Sea City Council to improve to Gold Standard, to integrate throughout the organisation the recognition of the Covenant and the obligations it places on the City Council and to encourage businesses and organisations in Southend to support the Covenant.
- (c) To seek to work with and through voluntary, faith, social enterprise, community and business sector organisations to develop multi-agency, holistic and inclusive interventions and other support to the Armed Forces Community.
- (d) To assist where appropriate, external organisations in connection with Armed Forces Day events and other events as are appropriate

4. Advisory Forums and Panels (Advising and Reporting to the Cabinet)

4.1 Local Consultative Forum

4.1.1 Membership

Chief Executive
Executive Director (Strategy, Change & Governance)
Executive Director (Finance & Resources)
Leader of the Council
Cabinet Member appointed by the Leader
Other Executive Directors or their representatives as may be appropriate
Unison Official
GMB Official

Substitutes: Not permitted
Proportionality: Does not apply

4.1.2 Quorum

2 members from the management side (one being a Councillor)
2 members from the Union side

4.1.3 Terms of Reference

A forum for discussion and consultation between the Council and its employees (represented by 2 local union officials) on agreed topics so that good industrial relations can be fostered and for further action (if required) to be identified and initiated.

4.1.4 Status of Meetings

Private

4.1.5 Reports to

The Cabinet

4.2 Southend Business & Tourism Partnership

4.2.1 Membership

The Leader or their nominee and 7 other Councillors (by convention proportionality shall apply).
Substitutes: permitted in accordance with Standing Order 31.

The Chief Executive and the Director of Regeneration & Growth.

All persons owning, operating or representing businesses or organisations/bodies in Southend-on-Sea with an interest in promoting and developing the economic regeneration of Southend-on-Sea are entitled to attend meetings of the Partnership.

Castle Point Borough and Rochford District Councils:

- Chair of appropriate Committee from each Council
- Chief Executive of each Council

4.2.2 Quorum

Not less than 10 persons

4.2.3 Terms of Reference

- (a) To act as a vehicle for improved liaison between the Council and private sector business, town centre and tourism interests.

- (b) To act as a mechanism for the exchange of ideas between the Council, local business and relevant organisations with the aim of enhancing the economic success and viability of the City, including the City Centre and facilities for visitors and residents.
- (c) To make recommendations on future improvements which may be provided within the constraints of the Council's budgetary provision or which may be provided by the private sector.
- (d) To consider reports on principles and key ideas for development of the City's Economic Development Statement.

4.2.4 Status of Meetings

Private

4.2.5 Reports to

The Cabinet

4.3 The Senior Managers' Pay Panel

4.3.1 Membership

- Leader (Chairman)
- Deputy Leader
- 1 other Cabinet Member
- The Leaders of the 2 largest Opposition Groups (or the Leader and one other Councillor from the Opposition Group)

(Advisor – Chief Executive, save that in the case of their own employment it will be an independent consultant - as agreed with the Chief Executive.)

Substitutes: Permitted in accordance with Standing Order 31
 Proportionality: Does not apply

4.3.2 Quorum

3

4.3.3 Terms of Reference

- To consider and moderate objectives set for the following Senior Managers: the Chief Executive, Deputy Chief Executive, Executive Directors and Directors.
- To consider recommendations from end of year reviews and agree pay awards within the parameters of the Council's Senior Managers' Pay Scheme.

4.3.4 Status of Meeting

Private

4.3.5 Reports to

The Cabinet

4.4 Rochford & Southend-on-Sea Area Action Plan Committee

4.4.1 Membership

4 Councillors (by convention proportionality will apply) and at least one Councillor shall represent a ward adjacent to the airport.
 4 Councillors from Rochford District Council

Substitutes: Permitted in accordance with Standing Order 31

4.4.2 Quorum

2 Councillors from each Council

4.4.3 Terms of Reference

To make recommendations to Southend-on-Sea and Rochford Councils on the preparation and adoption of a Joint Area Action Plan for land to the west of Rochford incorporating London Southend Airport and the Aviation Way Industrial Estate.

4.4.4 Status of Meeting

Private

4.4.5 Reports to

The Cabinet

4.5 Planning & Development Forum

4.5.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader or such other Councillor as the Leader shall appoint.

The Executive Director (Growth & Housing), the Director of Planning and other planning officers as required.

The Executive Director (Neighbourhoods & Environment) (or nominee).

The Executive Director (Adults & Communities) (or nominee).

Developers operating or proposing to operate in the Borough and their architects / agents.

4.5.2 Quorum

3

4.5.3 Terms of Reference

To provide a Forum to discuss:

- (a) Strategic Planning issues
- (b) Planning Policy – notably the Local Development Framework (LDF)
- (c) Government Planning Policy
- (d) Local development issues and pressures
- (e) Other planning issues, such as design, sustainability and the procedures for dealing with applications BUT NOT any proposed or existing planning applications.

4.5.4 Status of Meetings

Private

4.5.5 Reports to

The Cabinet

4.6 Shareholder Board

4.6.1 Membership

8 Councillors including the Leader, Deputy Leader and one other Cabinet Member

No Councillor who sits on the board of a Corporate Vehicle (as defined below) can attend a Shareholder Board meeting considering that particular Corporate Vehicle.

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint.

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention proportionality shall apply.

4.6.2 Quorum

3

4.6.3 Terms of Reference

- a) To provide an effective means of governance for Corporate Vehicles and to oversee their activities.
(A “Corporate Vehicle” will include any wholly or partly owned Council company or a limited liability partnership whereby the Council is a partner (equal or otherwise); but this definition shall not include any Trust (charitable or otherwise) whereby the Council is the Trustee.)
- b) To represent the Council’s interests as shareholder or partner and to communicate the Council’s views to the Corporate Vehicles, including the contribution the Corporate Vehicle can make to the achievement of the Council’s strategic objectives.
- c) To safeguard the Council from excessive risk taking or poor performance by the Corporate Vehicles.
- d) To provide assurance that the Council and the Corporate Vehicles are following their legal obligations, the strategic direction and objectives which have been agreed and the Corporate Vehicles are delivering their service and appropriate financial performance, in accordance with their reported results compared to their stated business plan.
- e) To make recommendations to Cabinet as to any action which needs to be taken as shareholder or partner of any Corporate Vehicle.
- f) To consider the implications of management information that will be prepared for each Shareholder Board meeting to include:
 - Year to date Corporate Vehicle’s performance report, financial report and details of significant events compared to the targets previously agreed; and
 - Any significant commercial and legal risks to the Council as shareholder or partner, highlighting the potential impact and likelihood of occurrence.
- g) To consider points (a) to (f) in relation to each Corporate Vehicle, taking into account the degree of control and influence of the Council within the Corporate Vehicle and such guidance and advice provided by Officers in relation to that Corporate Vehicle.

4.6.4 Status of Meetings

Open to the public – save in respect of Part 2 Business.

4.6.5 Reports to

Cabinet

5. The 3 Scrutiny Committees (Policy & Resources, People and Place)

Each of these Scrutiny Committees is appointed by the Council under S.102 of the Local Government Act 1972. The party whip system shall not operate in relation to the Scrutiny Committees.

5.1 Membership of Each Scrutiny Committee

- (a) 17 Councillors. Neither the Mayor nor any Cabinet Member¹ may be a member of a Scrutiny Committee. The Chair and Vice-Chair may only come from the members of the opposition groups represented on the Council.

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

- (b) The People Scrutiny Committee shall also have the following additional Co-opted Members:

- (i) 2 diocesan representatives pursuant to the Secretary of State for Education and Employment's Direction. These co-optees have voting rights, but on education matters only, and cannot vote on the determination of the LEA's total revenue expenditure on education or the determination of its capital programme in accordance with paragraph 17 of the DFEE Circular 19/99. In addition such co-optees should limit speaking to education topics and topics which have a clear link to education, in accordance with paragraph 14 of DFEE Circular 19/99.
- (ii) 2 elected parent governor representatives pursuant to the Parent Governor Representatives (England) Regulations 2001 (SI 478/2001). These co-optees shall have voting rights, but on education matters only, in accordance with Regulation 10. In addition, as with the diocesan representatives, such co-optees should limit speaking to education topics and topics which have a clear link to education.
- (iii) 3 non-voting members: one appointed by SAVS, one appointed by Healthwatch Southend and the other appointed by the Carers Forum. Such co-optees should limit speaking to social services and health topics or topics which have a clear link to social services or health matters.

Note: In addition 2 observers representing Southend Youth Council shall be entitled to attend the People Scrutiny Committee and may speak on the matters under consideration.

5.2 Quorum

As per Standing Order 38.1

5.3 Terms of Reference

The Scrutiny Committees shall deal with the following general areas, although many issues will cut across boundaries and consequently the Terms of Reference of the Scrutiny Committees are not to be construed restrictively:

Policy & Resources Scrutiny Committee

- Corporate Planning & Policy
- Asset Management
- Corporate Services (ICT, Data Protection, Human Resources)
- Corporate Finance Matters e.g. Localisation of benefits; Localisation of business rates
- Customer Services
- Crime and Disorder issues (S.19 Police & Justice Act 2006)
- Corporate Procurement
- Core Client Housing Responsibilities, including Commissioning / Procurement

¹ Standing Order 3.11 and Part 2 Section 7.04(1)

People Scrutiny Committee

- All Child and Adult Education
- Youth Services
- Children’s Social Services
- Adult Social Services
- Public Health
- Commissioning / Procurement for Children, Adults and Public Health
- Health Scrutiny Role: (conferred on Councils with Social Services responsibilities):
 - In particular to exercise the powers contained in the Health and Social Care Act 2012 relating to the scrutiny of health services within the Council’s area (including the Local Authority (Public Health, Health & Wellbeing Boards and Health Scrutiny) Regulations 2013). Where a local NHS body consults more than one Scrutiny Committee on a proposal it has under consideration for a substantial development of the health service or a substantial variation in the provision of such a service, the local authorities of these Scrutiny Committees shall appoint a mandatory Joint Health Scrutiny Committee for the purpose of the consultation.

Membership of any such Joint Health Scrutiny Committee is drawn from the voting members on the People Scrutiny Committee, including the appointment of a named substitute(s). Where the Joint Health Scrutiny Committee covers a number of Local authority areas, each participating authority will nominate one member and one substitute or a different number to be agreed between the authorities concerned. Each Joint Health Scrutiny Committee will operate under Terms of Reference agreed by it.

The People Scrutiny Committee shall be responsible for the appointment of such members and political proportionality will not apply to any such appointment.
 - The Scrutiny Committee may also appoint a discretionary Joint Health Scrutiny Committee to carry out all or specified health scrutiny functions, for example health scrutiny in relation to health issues that cross local authority boundaries.

Place Scrutiny Committee

- Planning, Highways & Transportation and Engineering
- Environmental, Waste Management and Public Protection (Regulatory Services)
- Regeneration and Economic Development
- Tourism and Events
- Leisure, Culture and Sport
- Foreshore
- Flood & Waste Management
- All aspects of the Better Queensway Regeneration Project (including housing)

For details of the full role of the Scrutiny Committees – particularly the Call-in procedures – see **Part 2 – Article 6** of the Constitution and the Scrutiny Procedure Rules in **Part 4(e)**

5.4 Powers of Each Scrutiny Committee

Each Scrutiny Committee shall have powers to:

- Require the attendance of the Cabinet Member(s) whose portfolio covers the matter under consideration.
- Request and receive reports from officers
- Require the Chief Executive, Deputy Chief Executives, Strategic Directors and Directors to attend meetings to provide information
- To obtain (as a last resort) professional advice from outside the Council
- Consider Councillor Call for Action (CCfA) in accordance with the Local Protocol on CCfA in **Part 5 (g)** of the Constitution and also to request information from partners who have a responsibility to have regard to Scrutiny recommendations.

5.5 Status of Meeting

Open to the Public

5.6 Reports To

The Council

Note

Chairs' Scrutiny Forum

The Chairs' Scrutiny Forum shall comprise the Chair and Vice-Chair of each of the Scrutiny Committees. The Forum shall meet on an ad hoc basis to discuss common issues, problem areas, good practice and the development of the scrutiny function and from time to time, undertake reviews of previous in-depth scrutiny projects.

6. Regulatory and Other Non-Executive Committees of the Council

6.1 Development Control Committee

6.1.1 Membership

17 Councillors¹

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

6.1.2 Quorum

As per Standing Order 38.1

6.1.3 Terms of Reference

To exercise the powers and duties of the Council in all matters of Development and Building Control as specified in Part A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) including:

- (a) All applications for planning permission, listed building consent, advertisement consent, conservation area consent, and hazardous substances consent (including the Council's own development proposals);
- (b) Tree Preservation Orders;
- (c) Enforcement Notices, Breach of Condition Notices and Stop Notices;
- (d) To undertake as necessary visits to sites prior to the determination of applications.

6.1.4 Status of Meeting

Open to the public.

6.1.5 Reports to

Council

¹ **Notes:**

- (a) No Councillor shall sit on the Development Control Committee (whether for the first time or coming back to the Committee after a period of absence) without having first attended a training session on the principles of determining planning applications. Such Councillors shall also attend at least two further planning training sessions in accordance with (b) below;
- (b) All members of the Development Control Committee and substitutes (if they are to sit on the Committee) must attend at least two planning training sessions in each Municipal Year; and
- (c) The Chief Executive shall keep a register of attendance of Councillors on the training sessions referred to in (a) and (b).

6.2 Licensing Committee

6.2.1 Membership

15 Councillors¹

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

6.2.2 Quorum

As per Standing Order 38.1

6.2.3 Terms of Reference

(a) To consider and determine all applications relating to the Licensing, Certification and Registration functions of the Council as set out in Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), including:

- the licensing of sex establishments
- the control, care and treatment of animals and birds and the licensing of all premises relating to the same including slaughterhouses, knackers yards, pet shops, zoos, riding establishments and premises for the boarding of animals
- the regulation of Hackney Carriages and Hackney Carriage Drivers and private Hire Cars and Private Hire Car drivers
- the ordering, control, registration, licensing and regulation (including the provision of all necessary facilities and ensuring the safety of persons using the same) of all premises (including clubs) to which members of the public are admitted including safety or sports grounds
- the licensing of street and house to house collections and the control of and licensing of street trading, including permits under the Essex Act 1987
- the issue of Pawnbrokers Certificates and Moneylenders Licences
- the licensing and regulation of persons, premises and the carrying on of any trade or business not within the Terms of Reference of any other Committee
- the licensing of caravan sites
- The Licensing Act 2003
- The Gambling Act 2005

(b) To hear appeals against decisions made by officers carrying out delegated licensing functions.

(c) To determine all aspects of licensing policy/procedure (excluding the determination of the Council's Statement of Licensing Policy)

6.2.4 Status of Meetings

Open to the public (in part)

6.2.5 Procedure at Meetings

Meetings of the Licensing Committee shall be conducted in accordance with appropriate legislation and procedures, which shall take precedence over Council Standing Orders. Applicants, objectors and their representatives are entitled to attend meetings to give evidence as required.

6.2.6 Reports to

Council

¹ Minimum number permitted under Licensing Act 2003.

6.3 Licensing Sub-Committees A and B

There are two Licensing Sub-Committees, A and B. Each Sub-Committee is authorised to deal with the matters set out below. The Sub-Committees will be convened in turn by rota, subject to the availability of Councillors.

6.3.1 Membership

3 Councillors

- (a) The Chair of the Licensing Committee shall be a member of Sub-Committee A and the Vice Chair of the Licensing Committee shall be a member of Sub-Committee B (unless in either case the Chair or the Vice-Chair respectively is unable to attend a particular meeting when the provisions of the following paragraph shall apply). The Chair of each Sub-Committee shall be the Chair or Vice Chair of the Licensing Committee (as appropriate).
- (b) The remaining Councillors shall be drawn from the membership of the Licensing Committee. Councillors will be selected to attend in turn by rota, subject to availability.
- Substitutes: Not applicable (in view of the manner of appointment and absence of proportionality).
- Proportionality: Does not apply (the Sub-committees are appointed under the Licensing Act 2003 or the Gambling Act 2005).

6.3.2 Quorum

3

6.3.3 Terms of Reference

- (a) To consider and determine applications under the Licensing Act 2003 **where representations have been made**, in respect of the following cases.
- (i) Applications for personal Licences;
 - (ii) Applications for Premise Licences/ Club Premises Certificates;
 - (iii) Applications for Provisional Statements;
 - (iv) Applications to Vary Premises Licences/ Club Premises Certificates;
 - (v) Applications to Vary Designated Premises Supervisors;
 - (vi) Applications to transfer Premises Licences;
 - (vii) Applications for interim authorities;
 - (viii) Applications to review premises licences / club premises certificates;
 - (ix) Decision to objection when the Local Authority is a consultee, and not the “relevant authority” considering the application;
 - (x) Determination of representations to temporary event notices.

The following responsibilities are also delegated to the Sub-Committees:

- Applications for personal licences with unspent convictions;
 - Applications under the Gambling Act which are opposed.
- (b) To consider and determine applications under the Gambling Act 2005 (**where representations have been made and not withdrawn**) in respect of the following cases:
- (i) Application for Premises Licences;
 - (ii) Application for Variation to a Licence;

- (iii) Application for a Transfer of a Licence;
- (iv) Application for a Provisional Statement;
- (v) Review of a Premises Licence;
- (vi) Application for Club Gaming / Club Machine Permit;
- (vii) Cancellation of a Club Gaming / Club Machine Permit;
- (viii) Decision to give a Counter Notice to a Temporary Use Notice (Section 224);
- (ix) Matters referred to the Sub-Committee by officers, notwithstanding the delegations in **Part 3 Schedule 3**.

6.3.4 Status of Meetings

Open to the public subject to the provisions of the Licensing Act 2003 and the Gambling Act 2005.

6.3.5 Procedure at Meetings

- (a) The Chief Executive shall arrange for meetings of the Sub-Committees to be convened as and when required, drawing upon membership as set out above.
- (b) Meetings of the Sub-Committee will be conducted in accordance with appropriate legislation, procedures and the principles of natural justice which shall take precedence over Standing Orders and in particular Standing Order 39 shall not apply.

6.3.6 Reports to

The Licensing Committee

6.4 Licensing Sub-Committee C

6.4.1 Membership

9 Councillors

Substitutes: Permitted in accordance with Standing Order 31
 Proportionality: Applies

6.4.2 Quorum

As per Standing Order 38.1

6.4.3 Terms of Reference

To consider and determine all applications (including sex establishment licences) except matters reserved to the Licensing Committee and / or Sub-Committees A & B pursuant to the Licensing Act 2003 and the Gambling Act 2005.

6.4.4 Status of Meetings

Open to the public (in part)

6.4.5 Procedure at Meetings

Meetings of the Licensing Sub-Committee C shall be conducted in accordance with appropriate legislation and procedures, which shall take precedence over Council Standing Orders. Applicants, objectors and their representatives are entitled to attend meetings to give evidence as required.

6.4.6 Reports to

Council

6.5 The Appointments and Disciplinary Committee

6.5.1 Membership

7 Councillors provided that where the Committee is dealing with the appointment of, or disciplinary action¹ against, the Head of Paid Service, an Executive Director or a Director:

- (a) At least one member of the Committee must be a Cabinet Member as required by paragraph 4(2) of the Officer Employment Procedure Rules in **Part 4(h)**;
- (b) The Cabinet Member whose portfolio covers the duties of the Head of Paid Service / Executive Director / Director shall be a member of the Committee – or in the event that such Cabinet Member is already a permanent member of the Committee, the Leader shall be a member thereof; and
- (c) Cabinet Members shall not have a majority on the Committee.

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

6.5.2 Quorum

As per Standing Order 38.1

6.5.3 Terms of Reference

These Terms of Reference are subject to the provisions of the Officer Employment Procedure Rules in **Part 4(h)**

- (a) Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal).
- (b) To exercise all powers of the Local Education Authority in respect of the appointment proposal and removal of governors to schools in the City and to Southend Adult Community College, subject to the powers delegated to the Executive Director (Children & Public Health) in paragraph 4.6 of **Part 3 Schedule 3** of the Constitution.
- (c) To appoint Executive Directors and Directors and also to interview and recommend a person for the post of Head of the Paid Service².
- (d) Subject to (e) below, to investigate and take disciplinary action in respect of misconduct of the Head of Paid Service, Executive Directors and Directors. (Appeals will go to the Appeals Committee)³.
- (e) Full Council must decide whether or not to approve the dismissal of the Council's Head of Paid Service, Chief Finance Officer or Monitoring Officer and the procedures set out in the Officer Employment Procedure Rules in Part 4(h) must be followed, including consideration of the recommendations of the Appointments and Disciplinary Committee.
- (f) 'Power to approve Ex Gratia Payments, including retirement and business efficiency, with respect to the Head of Paid Service, Executive Directors and Directors.

6.5.4 Status of Meetings

Open to the public (in part).

6.5.5 Reports to

The Council

¹ In the case of such disciplinary action regard must be had to the Code of Conduct in **Part 5a** and a Councillor should not sit if the Officer's right to a fair hearing could then be called into question.

² Appointments below Director level must be dealt with by the Chief Executive or nominee as the Local Authorities (Standing Order) Regulations 2001 require.

³ Disciplinary action against officers below Director level must be dealt with by the Chief Executive or nominee, although the Council's disciplinary capability and related procedures (as adopted from time to time) may allow a right of appeal to Members in respect of dismissal.

6.6 The Two Appeals Committees (A and B)

There are 2 Appeals Committees A and B. Each Committee is authorised to deal with the appeals and applications set out below. Committees will be convened in turn by rota, subject to the availability of Councillors.

6.6.1 Membership of each Committee

7 Councillors

No Cabinet Member shall be a member of either Appeals Committee.

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

6.6.2 Quorum

As per Standing Order 38.1

6.6.3 Terms of Reference

To determine the following appeals against any decision by or on behalf of the Council, the Executive or any Committee:

(a) Employee Appeals

Appeals in respect of:

- Dismissals
- Disciplinary, grievance, capability or sickness decisions taken by the Chief Executive or a Deputy Chief Executive.

(Note: Job Evaluation appeals and disciplinary, grievance, capability or sickness decisions taken by officers other than the Chief Executive or a Deputy Chief Executive will not be dealt with by either Committee, save that appeals against dismissal will always be dealt with by Committee A or B.)

(b) Education Appeals

- To consider written appeals from parents / carers / students against the refusal of the Council to provide free pupil/student transport.
- To determine appeals from students against decisions by the Executive Director (Children & Public Health) to refuse applications for Discretionary Awards and Standards Fund Awards.

6.6.4 Status of Meetings

Private

6.6.5 Procedure at Meetings

- (a) The Chief Executive shall arrange for an Appeals Committee to be convened as and when required. They will select each Committee A and B in turn provided that sufficient Councillors are available.
- (b) Meetings of the Appeals Committees will be conducted in accordance with appropriate legislation, procedures and the principles of natural justice which shall take precedence over Standing Orders and in particular Standing Order 39 shall not apply.

6.6.6 Reports to

The Council (for information)

6.7 General Purposes Committee

6.7.1 Membership

9 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

6.7.2 Quorum

As per Standing Order 38.1

6.7.3 Terms of Reference

- (a) All the functions in relation to Health and Safety set out in Part C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) ("the Functions Regulations") namely relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the Council's capacity as employer.
- (b) All matters relating to Public Rights of Way set out in Part 1 of Schedule 1 to the Functions Regulations and non-executive highway functions and functions relating to trees, hedgerows and pavements.
- (c) All functions relating to elections, the name and status of the area and individuals, including the responsibility for recommending to the Council the making or amending of bye laws, approving the Council's accounts, discharging the Council's functions under S.151 Local Government Act 1972, payments for maladministration, etc. as set out in Schedule 1 to the Functions Regulations.
- (d) The Enforcement of Byelaws.
- (e) To undertake all functions relating to the registration of common land and Town & Village Greens.
- (f) To judge applications and make recommendations to the Council for the award of Freedom of the City and conferring the title of Honorary Alderman / Honorary Alderwoman.
- (g) To consider and determine nominations in respect of other honours and awards introduced from time to time by the Council.
- (h) To deal with any other non-executive functions not assigned to any other Committees or not reserved to Council

6.7.4 Status of Meetings

Open to the public

6.7.5 Reports to

The Council

6.8 Health & Wellbeing Board

6.8.1 Membership

6 Councillors to include the Cabinet Member with responsibility for health. (The Mayor and members of People Scrutiny Committee shall not be members of the Board).

The following co-opted members with voting rights:

Chief Executive
Executive Director (Children & Public Health)
Director of Public Health
NHS England – Essex Local Area Team – Local Area Team Director
Healthwatch Southend Representative (x1)
NHS Southend Clinical Commissioning Group (CCG):

- CCG Clinical Chair
- CCG PEC Chair
- Clinical Accountable Officer

The following co-opted members without voting rights:

- 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 Culture, Tourism and Property
- Chief Executive/Chief Officer – Pre-school Learning Alliance
- STP Programme Director
- Independent Chair (Safeguarding Boards – LSCB and SAB)

The Chair of the Council's People Scrutiny Committee with observer status, including the ability to ask questions and make comments.

Should the Council wish to vary the composition of the Health & Wellbeing Board, it shall only do so after having consulted with the Board.

The meetings to be chaired by either the Leader of the Council or the Cabinet Member with responsibility for health.

Substitutes: Councillor substitutes to be appointed in accordance with Standing Order 31

Co-opted Member substitutes to be appointed must be at a sufficiently senior level for the organisation they represent.

Proportionality: Applies to the elected Councillors on the Board by convention.

6.8.2 Quorum

The quorum shall be 4 including as a minimum the following representatives:

- 2 Southend-on-Sea Borough Councillors
- 1 Representative from the CCG

6.8.3 Terms of Reference

- To provide strategic leadership, strengthen the influence of local authorities and elected representatives in shaping healthcare commissioning.
- To oversee the development and refresh of the Joint Strategic Needs Assessment (JSNA) 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 development of a Joint Health and Wellbeing Strategy (JHWS), 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 sign-off key commissioning plans, strategy and policy related to health and wellbeing and health inequalities.
- To oversee the development of the pharmaceutical needs assessment.
- To performance manage the achievement of and progress against key outcomes identified within the JHWS.
- To provide leadership on any other emerging health and wellbeing related issues that may have a significant impact on the delivery of the JHWS.
- To oversee the strategic governance for Fulfilling Lives. A Better Start Programme.

6.8.4 Status of Meetings

Open to the public

6.8.5 Reports to

The Council

7. Standards Committee

7.1 Membership

9 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

2 Leigh-on-Sea Town Councillors (substitutes are permitted) as non-voting members
2 Independent Persons (observers)

7.2 Quorum

As set out in Standing Order 38.1 (**Part 4(a)**)

7.3 Terms of Reference

These are set out in Article 9.03 in **Part 2** of the Constitution and the procedures for dealing with Complaints against Members alleging a breach of the Members' Code of Conduct are set out in **Part 4(i)** of the Constitution.

7.4 Status of Meetings

Open to the public (in part)

7.5 Reports to

The Council

HEARING SUB-COMMITTEE

(a) Membership

3 members of the Standards Committee

The Sub-Committee and its Chair will be appointed by the Monitoring Officer after consultation with the Chair of the Standards Committee, from members of the Standards Committee subject to members availability

1 Leigh-on-Sea Town Councillor as a non-voting Co-opted Member when the Sub-Committee is dealing with allegations against a Town Councillor

Independent Person (observer)

(b) Quorum

3

(c) Terms of Reference

To conduct Hearings and make determinations in respect of complaints against Councillors and Co-opted Members

Note: The Sub-Committee shall carry out these duties in accordance with the Complaints against Members Rules in **Part 4(i)** of the Constitution.

(d) Status of Meetings

The normal principles of access to Council meetings apply

(e) Reports to

Standards Committee

8. Audit Committee

8.1 Membership

9 Councillors (to include not more than one Cabinet Member, who should not be the Leader) and one non-voting Co-opted Member.

At least 1 member should have financial expertise.

The Chair shall not be a Cabinet Member.

Substitutes: Permitted in accordance with Standing Order 31

Proportionality: Applies

8.2 Quorum

As per Standing Order 38.1

8.3 Terms of Reference

8.3.1 The Audit Committee is a key component of the Council's corporate governance arrangements. It provides an independent and high-level focus on audit, assurance and reporting arrangements that underpin good governance and financial standards.

8.3.2 The purpose of the Audit Committee is to:

- provide independent assurance of the adequacy of the risk management framework and the internal control environment;
- provide independent review of its governance, risk management and control frameworks;
- oversee the financial reporting and annual governance processes; and
- oversee internal audit and external audit, helping to ensure effective relationships exist and efficient and effective assurance arrangements are in place.

8.3.3 In order to be able to discharge its statutory responsibilities, its remit will cover:

- The Council's assurance statements, including the Annual Governance Statement, so it can satisfy itself that they:
 - properly reflect the risk and internal control environment and any actions required to improve it; and
 - demonstrate how governance supports the achievements of the Council's objectives.
- The Council's internal audit function, with regards to its:
 - independence, objectivity, performance, professionalism and effectiveness;
 - use within the Council's overall assurance framework.
- The Council's risk management arrangements and control environment so it can:
 - consider its effectiveness;
 - review the organisation's risk profile and assurances provided that action is being taken on risk related issues, including those involving partnerships with other organisations.
- The Council's control environment, so it can evaluate its effectiveness, particularly with regard to ensuring:
 - the effective exercise of the Council's functions;
 - value for money is delivered;
 - the exposure to the risks of fraud and corruption are managed.
- reports and recommendations made by external audit and inspection agencies and their implications for governance, risk management or control;
- the financial statements, external auditor's opinion and reports to Councillors and responses by management to issues raised by external audit;

- treasury management, so it can effectively scrutinise and monitor delivery of the strategy and policies in accordance with the CIPFA Treasury Management Code of Practice; and
- the functions and effectiveness of the Audit Committee, including the production of its annual report.

8.3.4 The Committee will meet four times per year, with dates included in the Council Calendar. Further meetings can be arranged on an ad hoc basis as the Audit Committee deems appropriate.

8.3.5 The Executive Director (Finance & Resources) (S151 Officer), the Head of Internal Audit and the Council's External Auditors will be invited to attend every Audit Committee meeting. As well as reviewing documentation, the Audit Committee exercise the right to invite any other officers, Chairs of other Committees or Cabinet Members to attend before it, as and when required. This would be to provide assurance in relation to the adequacy of the governance arrangements, risk management and control frameworks pertaining to their area of activity / responsibility.

It is the duty of those persons to attend if so required.

Where any Councillor or officer is required to attend the Audit Committee under this provision, maximum notice will be given.

Where in exceptional circumstances, the Councillor or officer is unable to attend on the required date; an alternative date will be agreed with the Chair.

8.4 Status of Meetings

Open to the public

8.5 Reports To

Council

9. Other Forums, Panels and Bodies reporting to the Council or Elsewhere (but not to the Cabinet)

9.1 Adoption Panel

9.1.1 Membership

1 Councillor. The Councillor must have an interest in the work, be trained, CRB vetted and have the time to devote to the subject. Substitutes are not permitted.

Up to 8 other representatives in accordance with the Adoption Agencies Regulations 1983.

9.1.2 Quorum

6

9.1.3 Terms of Reference

To make recommendations to the Adoption Agency on individual cases referred to it pursuant to Regulation 10 of the Adoption Agencies Regulations 1983.

9.1.4 Status of Meetings

Private.

9.1.5 Reports to

The Adoption Agency.

9.2 Fostering Panel

9.2.1 Membership

2 Councillors. The Councillors must have an interest in the work, be trained, CRB vetted and have the time to devote to the subject. Substitutes are not permitted

Up to 10 other representatives comprising a chairperson who is either a senior member of staff or an independent experienced person, 2 social workers and at least 4 other persons who are independent.

9.2.2 Quorum

5

9.2.3 Terms of Reference

To recommend to the duly authorised officer of the Council:

- Approval of foster carers
- Review of foster carers
- Matching foster carers with “children in care”
- Termination of fostering approval

9.2.4 Status of Meetings

Private

9.2.5 Reports to

The Director of Children’s Services or Executive Director (Children & Public Health)

9.3 Dignity in Care Establishments Visiting Panel

9.3.1 Membership

8 Councillors (by convention political proportionality shall apply but substitutes are not permitted).

All members of the Panel shall be CRB checked to enable them to carry out visits to the premises referred to below.

9.3.2 Quorum

N/A

9.3.3 Terms of Reference

- To make announced and unannounced visits to Residential Care Homes operated by the Council;
- To make announced visits to Residential Care Homes which the Council contract with to provide placements.

9.3.4 Status of Meeting

Private

9.3.5 Reports to

The Deputy Chief Executive (People) and (in the case of major issues) to the Council

9.4 Independent Remuneration Panel

9.4.1 Introduction

- (a) Local Authorities (Members' Allowances) (England) Regulations 2003 ("the 2003 Regulations") require councils to establish and maintain an independent remuneration panel.
- (b) The purpose of this panel is to make recommendations to the authority about the allowances to be paid to elected Councillors.
- (c) The 2003 Regulations provide for independent remuneration panels to have the following functions:
 - To make recommendations to the authority as to the amount of basic allowance which should be payable to its elected Councillors.
 - To make recommendations to the authority about the roles and responsibilities for which a special responsibility allowance should be payable and as to the amount of each such allowance.
 - To make recommendations as to whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined.
 - To make recommendations as to the responsibilities or duties in respect of which a travelling and subsistence allowance should be available and the amount of such an allowance.

9.4.2 Membership

3 independent members. Elected Councillors cannot be members of the panel.

9.4.3 Quorum

3

9.4.4 Terms of Reference

- (a) To make recommendations to the Council on matters relating to Councillors' Allowances
- (b) To make recommendations to Leigh-on-Sea Town Council on its Councillors' Allowances Scheme, if that Council so requires.

9.4.5 Reports of the Panel

The Council must have regard to the recommendations made to it by the Independent Remuneration Panel when making or amending its Councillors' Allowances Scheme.

9.5 Secure Accommodation Review

9.5.1 Membership

Any one of the Councillors sitting on the Establishments Visiting Panel who have been police vetted to enable them to carry out visits to children's homes and children's day centres.

Substitutes: Not permitted
Proportionality: Does not apply

The Executive Director (Children & Public Health) (or nominee) and an independent person as defined in the Children (Secure Accommodation) Regulations 1991.

9.5.2 Quorum

3

9.5.3 Terms of Reference

To undertake secure accommodation reviews in accordance with the Children (Secure Accommodation) Regulations 1991.

9.5.4 Status of Meeting

Private

9.5.5 Reports to

Executive Director (Children & Public Health)

9.6 Disciplinary Advisory Panel

9.6.1 Membership

The 2 Independent Persons who have been appointed under S.28(7) of the Localism Act 2011.

If one or both of these Independent Persons was not able to take part in a Disciplinary Advisory Panel then another Independent Person would need to be appointed or an Independent Person(s) from another authority would be invited to form the Panel as specified in the Local Authorities (Standing Orders) (England) Regulations 2015.

Substitutes: n/a
Proportionality: n/a

9.6.2 Quorum

2

9.6.3 Terms of Reference

- (a) To give advice, views or recommendations to full Council when it is considering whether or not to approve the dismissal of the Head of Paid Service, Chief Financial Officer or Monitoring Officer.

- (b) In giving advice to full Council, the Panel shall have regard to the views of the Appointments and Disciplinary Committee which will already have been involved in the process and the relevant papers.
- (c) The Panel must be appointed at least 20 days before a meeting of full Council to consider whether or not to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer

9.6.4 Status of Meetings

Private

9.6.5 Reports to

Council

9.7 Southend LSCB / SAB Scrutiny Panel

9.7.1 Membership

9 Councillors, from the People Scrutiny Committee
 The Cabinet Member for Children & Learning and the Cabinet Member for Health & Adult Social Care to attend the meetings as 'participant observers'.
 Plus non-executive members of partners' Boards.

Substitutes: Permitted in accordance with Standing Order 31
 Proportionality: By convention political proportionality shall apply

9.7.2 Quorum

3

9.7.3 Terms of Reference

- (a) to scrutinise the work of the LSCB and SAB to ensure it is effective in monitoring and coordinating the safeguarding of children and adults in Southend and it is representative of the needs and views of the Southend community.
- (b) feed back any safeguarding issues identified to the LSCB / SAB and relevant partner agencies.
- (c) Champion the safeguarding of children / adults within partner agency boards.
- (d) Represent the views and interests of the Southend community.
- (e) Receive from the Executive reports on progress to implement actions arising from issues identified by the Panel and agreed by the LSCB / SAB.
- (f) In executing its role Scrutiny Panel will scrutinise the Board agendas, reviewing items suggested by the chair of the Executive, and any other items it requests.
- (g) The Panel may invite officers of partner agencies to attend meetings where it wishes to improve its knowledge of safeguarding processes and procedures.
- (h) For the avoidance of doubt:
 - The focus of the Panel is not to scrutinise the minutia of every item on the Board agendas, but rather to identify matters of concern/interest to panel members and address these matters in depth
 - It is not the role of the Panel to scrutinise the work of partner agencies outside of the Board agendas. Where Panel members identify safeguarding children issues in the community not already covered by the Board agendas these should be raised by the relevant Lead Member with the Boards, who will agree any relevant action

- The Panel may invite officers of partner agencies to attend meetings where it wishes to improve its knowledge of safeguarding children processes and procedures.
- The Panel may not invite officers of partner agencies to attend meetings in order to scrutinise the safeguarding efficacy of those agencies, which is the role of the LSCB / SAB.

9.7.4 Status of Meetings

Private

9.7.5 Reports to

The Panel expresses its views to the relevant Boards, which are not Council bodies.

9.8 PVX Appeals Panel

9.8.1 Membership

The Head of Traffic & Highways (or in their absence the Executive Director (Neighbourhoods and Environment)), a Council engineer independent of the original decision relating to the PVX in question, the relevant Ward Councillors

Substitutes:	Not permitted
Proportionality:	Does not apply

9.8.2 Quorum

Both Council officers referred to above and at least one Ward Councillor

9.8.3 Terms of Reference

To consider written additional evidence from applicants for a Domestic Vehicle Crossing and decide if the Council has correctly applied its policies or if there are sufficient mitigating circumstances to allow a divergence from the Council policy and allow a crossover.

9.8.4 Status of Meeting

Private

9.8.5 Reports to:

Executive Director (Neighbourhoods & the Environment)

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Part 3 Schedule 3 – Delegations to Officers

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Part 3 Schedule 3 – Delegation to Officers

1. Introduction

1.1 Definitions

In this Scheme of Delegation:

- (a) **“Chief Officers”** means the Chief Executive, the Deputy Chief Executive (People), the Deputy Chief Executive (Place), the Strategic Directors, Directors and the holders of any other post which may be designated for this purpose.
- (b) **“Other Officer”** means an officer below Director.
- (c) **“Member Body”** means the Cabinet, any Cabinet Committee, Council, any Committee, and any Sub-Committee.
- (d) Should the title or responsibilities of a Chief Officer be altered then references to that particular officer should be taken to refer to the Chief Officer responsible for the function in question.
- (e) Any reference to a specific statute includes any statutory extension or modification or re-enactment of the statute and any regulation, orders or byelaws made under it.

1.2 Forms of Delegation

This part of the Constitution sets out the extent to which executive and non-executive functions are delegated to Chief Officers or Other Officers, by any Member Body. Delegation does not prevent the Member Body from discharging the same function. Delegation may take the form of:

- (a) Appointment of Statutory and Proper Officers in Section 2 of this Scheme of Delegation.
- (b) General Delegation to Chief Officers and Other Officers under Section 3 of this Scheme of Delegation.
- (c) Without detracting from the General Delegation, Specific Delegation to Chief Officers under Section 4 of this Scheme of Delegation.
- (d) Special Schemes of Delegation to Chief Officers and Other Officers as set out in Section 5 of this Scheme of Delegation, with regard to the following matters:
 - 5.1 RIPA
 - 5.2 Cemeteries & Crematorium
 - 5.3 Estate Management Services
 - 5.4 Private Sector Housing
 - 5.5 Building Control
 - 5.6 Public Protection (including Regulatory Services & Waste Management)
 - 5.7 Planning
 - 5.8 Children Statutory Social Services Complaints
 - 5.9 Adult Statutory Social Services Complaints
- (e) A decision to delegate a particular matter made by a Member Body.

1.3 Principles to be observed when exercising delegated powers under this Scheme of Delegation

1.3.1 In exercising General, Specific and Special delegated powers, Chief Officers and Other Officers must:

- (a)** Comply with the law and the Constitution, including in particular the Rules set out in Part 4, having regard to any legal advice from the Strategic Director (Legal & Democratic Services), any financial advice from the Strategic Director (Finance & Resources) and any Human Resources advice from the Strategic Director (Transformation).
- (b)** Act in accordance with any instructions given by the Chief Executive.
- (c)** Consult the relevant Cabinet Member or the Chairman of the relevant Member Body in such circumstances as are considered appropriate and in any case where a Special Scheme of Delegation so requires.
- (d)** Keep an adequate record of the decision, authorisation etc.
- (e)** Report the decision in accordance with the requirements of any relevant Member Body.

1.3.2 In exercising General, Specific and Special delegated powers, Chief Officers and Other Officers must not:

- (a)** Take a decision that is specifically reserved to any Member Body (unless Standing Order 46 applies);
- (b)** Take a decision or action which:
 - involves the approval of statutory Plans and other Policies;
 - conflicts with Council Policy;
 - involves the approval of Capital and Revenue budgets; or
 - incurs expenditure for which there is no budget.

1.3.3 Chief Officers who have General, Specific or Special delegated powers may (so far as the law permits) arrange for other members of staff, or contractors for whom they are responsible, to take decisions or actions in their name, but they will remain accountable for them.

Note: S.101 of the Local Government Act 1972 prohibits onward delegation from one officer to another. However the law permits administrative decisions to be taken by an officer in a Chief Officer's name, but not fundamental "threshold decisions".

1.3.4 In the event of the Chief Officer not being available for whatever reason then the next most senior officer of the Department shall be authorised to implement these delegated powers.

1.3.5 To the extent that the law permits, decisions and actions taken by Chief Officers and Other Officers under delegated powers shall be valid notwithstanding any failure to comply with the requirements of this Scheme of Delegation, and may in addition be ratified by a decision of the relevant Member Body.

1.3.6 Should the title of any Chief Officer or Other Officer change from that referred to in this Scheme of Delegation, the approved delegated arrangements shall be exercisable by the appropriate Chief Officer or Other Officer as the case may be, responsible for the function in question.

- 1.3.7** Where any new power is given to the Council which does not fall within this Scheme of Delegation, the exercise of that power shall be undertaken by the relevant Chief Officer until such time as the Council has allocated responsibility.
- 1.3.8** A Chief Officer or Other Officer may elect not to exercise their delegated powers in which case it shall be referred to the appropriate Member Body or Chief Officer as the case may be.

2. The Statutory & Proper Officers

2.1 Statutory Officers

By law, the Council must employ the persons set out below:

Legislation	Function	Post
S.4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
S.5 Local Government and Housing Act 1989	Monitoring Officer	Strategic Director (Legal & Democratic Services)
S.151 LGA 1972	Chief Finance Officer	Strategic Director (Finance & Resources)
S.35 Representation of the People Act 1983	Returning Officer for the Borough Council & Parish Council Elections	Chief Executive
S.8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive
S.6 (A1) Local Authority Social Services Act 1970	Director of Adult Social Services	Deputy Chief Executive (People)
S.18 Children Act 2004	Director of Children's Services	Deputy Chief Executive (People)
S.72 (1) (a) Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Regulatory Services Officer – Trading Standards
S.17 Traffic Management Act 2004	Traffic Manager	Director of Planning & Transport
S.31 Local Democracy, Economic Development & Construction Act 2009	Scrutiny Officer	Principal Committee Officer (Health Scrutiny Lead)
S.73A National Health Service Act 2006, as amended by the Health & Social Care Act 2012	Director of Public Health	Director of Public Health
GDPR	Data Protection Officer	Knowledge & Information Manager

2.2 Proper Officers

The Council employs the following Proper Officers:

Legislation	Function	Proper Officer
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive and Strategic Director (Legal & Democratic Services).
S.84(1)	Receipt of notice of resignation of elected Member	Chief Executive
S.88(2)	Convening a meeting of Council to fill a casual vacancy in the office of Chair	Chief Executive
S.89(1)	Notice of casual vacancy	Chief Executive

Legislation	Function	Proper Officer
S.100 (except 100(D))	Admission of public (including press) to meetings	Chief Executive and Strategic Director (Legal & Democratic Services)
S.100(D)	Compile list of background papers for reports and make copies available for public inspection	All Chief Officers
S.115(2)	Receipt of money due from officers	Strategic Director (Finance & Resources)
S.146(1)(a) & (b)	Declarations and certificates with regard to transfer of securities	Strategic Director (Finance & Resources)
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Chief Executive
S.225	Deposit of Documents	Chief Executive
S.228(3)	Accounts for inspection by any member of the Council	Strategic Director (Finance & Resources)
S.229(5)	Certification of photographic copies of documents	Strategic Director (Legal & Democratic Services) and 2 Assistant Directors of Legal Services
S.234	Authentication of documents	Strategic Director (Legal & Democratic Services) and 2 Assistant Directors of Legal Services
S.238	Certification of byelaws	Strategic Director (Legal & Democratic Services) and 2 Assistant Directors of Legal Services
S.248	Officer who will keep the Roll of Freeman	Chief Executive
Schedule 12		
Para 4(2)(b)	Signing of summons to Council meetings	Chief Executive
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Chief Executive
Schedule 14		
Para 25	Certification of resolution concerning the Public Health Acts 1875 to 1925	Chief Executive

Legislation	Function	Proper Officer
Local Government Act 1974		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Chief Executive
Local Government (Miscellaneous Provisions Act) 1976		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Chief Executive and Strategic Director (Legal & Democratic Services)
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Bereavement Services Group Manager
Representations of the People Act 1983		
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive
Local Elections (Principal Area) Rules 1986		
Rule 46	Retention and public inspection of documents after an election	Chief Executive
Local Elections (Parishes and Communities) Rules 1986		
Rules 46, 47 and 48	Retention and public inspection of documents after an election	Chief Executive
Local Government and Housing Act 1989		
S.2(4)	Recipient of the list of politically restricted posts	Strategic Director (Transformation)
Local Government (Committees and Political Groups) Regulations 1990		
Regulations 8 - 14	For the purposes of the composition of committees and nominations to political Groups	Chief Executive
Local Authorities (Members' Interests) Regulations 1992		
Regulations 3, 4 5 and 6	Functions relating to keeping of a record of Members' interests	Strategic Director (Legal & Democratic Services)
Local Authorities (Standing Orders) (England) Regulations 2001		
Schedule 1 Part 2	Notification of appointment or dismissal of officers	Chief Executive save where post of Chief Executive is involved, where it shall be Strategic Director (Legal & Democratic Services)
The Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000		
Regulation 3	Recording of Executive decisions made at meetings of the Executive Board	Strategic Director (Legal & Democratic Services)

Legislation	Function	Proper Officer
<i>Regulation 5</i>	Inspection of documents following Executive decisions	Strategic Director (Legal & Democratic Services)
<i>Regulation 6</i>	Inspection of background papers	Strategic Director (Legal & Democratic Services)
<i>Regulation 9</i>	Individual Executive decisions	Strategic Director (Legal & Democratic Services)
<i>Regulation 11</i>	Access to agenda and connected reports	Strategic Director (Legal & Democratic Services)
<i>Regulation 12</i>	Publicity in connection with key decisions	Strategic Director (Legal & Democratic Services)
<i>Regulation 15</i>	General exception relating to the Forward Plan	Strategic Director (Legal & Democratic Services)
<i>Regulation 17</i>	Councillors' rights of access to documents	Strategic Director (Legal & Democratic Services)
<i>Regulation 21</i>	Confidential / exempt information and exclusion of public from meetings	Strategic Director (Legal & Democratic Services)
Housing Act 1985		
S.606	Submission of reports on particular houses or areas by the Proper Officer	Deputy Chief Executive (People)
Building Act 1984		
S.93	Authentication of documents	Group Manager Planning and Building Control
Food Safety Act 1990		
S.49(3)(a)	Authentication of documents	Director of Public Protection
Public Health Act 1936		
S.85(2)	To service notice requiring remedial action where there are verminous persons or articles	Director of Public Protection
Public Health Act 1961		
S.37	Control of any verminous article	Director of Public Protection
Public Health (Control of Disease) Act 1984		
S.45 (A-T) (& regulations made thereunder)	Undertake activities to protect public health	Director of Public Protection
S.48	Certifying that the retention of a body in a building would endanger health	Director of Public Protection
S.59	Authentication of documents relating got matters within their responsibility	Director of Public Protection
S.61-62	Power to enter Premises	Director of Public Protection
National Assistance Act 1948		

Legislation	Function	Proper Officer
S.47	Removal to suitable premises of people in need of care and attention	Director of Public Health
National Assistance (Amendment) Act 1951		
S.1	Certification of the need for immediate action	Deputy Chief Executive (People)
National Health Service Act 2006, as amended by the Health & Social Care Act 2012		
S.73A(1)(a)	The exercise by the Council of its functions under Sections 2B, 111 or 249 or Schedule 1	Director of Public Health
S.73A(1)(b)	The exercise by the Council of its functions by virtue of Section 6C(1) or (3)	Director of Public Health
S.73A(1)(c)	Anything done by the Council in pursuance of arrangements under Section 7A	Director of Public Health
S.73A(1)(d)	The exercise by the Council of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	Director of Public Health
S.73A(1)(e)	The functions of the Council under Section 325 of the Criminal Justice Act 2003	Director of Public Health
S.73A(1)(f)	Such other functions relating to Public Health as may be prescribed	Director of Public Health

3. General Delegations to Chief Officers & Other Officers

3.1 **Subject to 1.3** Chief Officers are authorised to take decisions and to act:

- (a) To discharge the functions allocated to them or dealt with by them or their staff.
- (b) In all matters in which they have managerial or professional authority unless there is a legal or professional impediment.
- (c) Without qualification, in accordance with Standing Order 46 of the Council Procedure Rules.

3.2 **Subject to 1.3** Chief Officers may exercise discretion and use whatever means they consider appropriate to discharge those functions and implement those decisions, and to exercise their General, Specific and Special Delegated Powers, including:

- (a) Incurring expenditure, collecting income and writing off debts.
- (b) Deploying land and premises and all other resources within their control.
- (c) Placing contracts and procuring other resources within or outside the Council.
- (d) Settling claims and disputes.
- (e) Making statutory determinations and orders, granting and refusing permissions, licences and consents, and issuing and serving statutory notices, licences, permits, consents and certificates of all kinds.
- (f) Signing and authenticating documents of all kinds.
- (g) To make representations in respect of applications under the Licensing Act 2003 and Gambling Act 2005.
- (h) To appoint “authorised officers / persons”, “approved officers / persons”, “inspectors “etc to carry out duties and exercise powers within that individual’s area of responsibility, including but not limited to:
 - (i) Entering and inspecting premises; and
 - (ii) Taking action under the Special Schemes of Delegation in Section 5 below.

Note: Chief Officers must keep lists of who they have authorised, for what purpose and what limitations apply. They must also issue authorisation cards as necessary.

- (i) To authorise the Strategic Director (Legal & Democratic Services) to issue and pursue legal proceedings and serve notices in respect of functions delegated to them.
- (j) To serve statutory notices, issue cautions and take enforcement action (including but not limited to the issue of fixed penalty notices).
- (k) To set fees and charges in their areas of responsibility (save for parking charges) including making in year changes subject to:
 - Compliance with the Council’s Fees & Charges Policy;
 - Compliance with all legal requirements relating to the setting of statutory and discretionary fees and charges, including undertaking any necessary public consultation and assessing the equality impacts; and
 - Prior consultation with the Council’s Strategic Director (Finance & Resources) and the relevant Cabinet Member
- (l) Submitting a planning application for development linked to their area of responsibility.

3.3 Human Resources

3.3.1 Chief Officers

Subject to 1.3 and subject to the Officer Employment Procedure Rules in **Part 4(h)**, the delegated powers of Chief Officers include:

- (a)** Power to determine staffing arrangements and structures within approved budgets subject to:
 - (i)** Agreement on grading with the Strategic Director (Transformation);
 - (ii)** Conformance with approved Council policies and procedures; and
 - (iii)** Chief Executive approval for structural changes establishing or affecting more than five posts.
- (b)** Power to recruit, appoint, agree conditions of service, appraise, develop, manage and reward employees subject to compliance with Council policies and procedures.
- (c)** Power to deal with voluntary severance, early retirement, redundancy and redeployment issues subject to compliance with Council policies and procedures.
- (d)** Power to suspend, dismiss or take other disciplinary action and to deal with grievance, capability and sickness matters in accordance with the Council's policies and procedures.

3.3.2 Other Officers

Subject to 1.3 Other Officers are authorised to deal with Human Resources matters in accordance with the provisions of the Council's various Human Resources policies.

3.4 Contracts

Chief Officers and Other Officers may enter into contracts, make payments, write off debts etc in accordance with the financial levels of authority set out in Contracts Procedure Rules in **Part 4(g)** and Financial Procedure Rules in **Part 4(f)**.

4. Specific Delegation to Chief Officers

Subject to 1.3 Chief Officers are given the following delegated powers:

4.1 The Chief Executive

- Generally to take action in relation to the overall corporate management and operational responsibilities of the Council.
- To exercise all the powers delegated to other Chief Officers unless there is a legal or professional impediment.
- To exercise the functions of Head of the Paid Service as set out in Article 12 of **Part 2** of the Constitution.
- To make appointments to statutory panels.
- To appoint a Deputy Electoral Registration Officer.
- In the Chief Executive's role as Returning Officer to determine variations to polling places that may be necessary for a particular election.

Note: A Deputy Chief Executive may exercise the powers delegated to the Chief Executive, when the Chief Executive is not available for any reason.

4.2 The Chief Executive and / or the Strategic Director (Legal & Democratic Services)

- To deal with applications made by the Police under Part 4 of the Anti-Social Behaviour Act 2003 seeking the Council's consent to the making of Dispersal Orders
- To authorise officers of the Council to appear before the Magistrates' Court or the County Court.
- To institute, defend, conduct and settle civil or criminal legal proceedings including employment related claims.
- To sign or authenticate documents, including contracts, property transactions, statutory notices, licences, permits, consents and certificates of registration of all kinds.
- To discharge the Council's functions in relation to access to information and Freedom of Information (including acting as Qualified Person).
- To authorise Councillors attendance on courses and seminars and payment of out of the Borough travel & subsistence allowances.
- To carry out all the powers and duties under the Local Land Charges legislation.
- To deal with Complaints against Councillors and Co-opted Members pursuant to the Complaints against Members Rules in **Part 4(i)** including in particular:
 - to receive complaints of failure to comply with the Members' Code of Conduct in **Part 5(a)**;
 - to decide whether a complaint requires investigation (in consultation with the Independent Person);
 - to close a case where an investigation finds no evidence of a breach of the Code;
 - to resolve complaints informally wherever possible; although where this is after an investigation there should be consultation with the Independent Person; and
 - To appoint members of the Hearing Sub-Committee and its chair after consultation with the chair of the Standards Committee.
- To maintain Registers of Members' Interests for all Councillors and Co-opted Members (including Leigh-on-Sea Town Councillors).
- The Strategic Director (Legal & Democratic Services) shall exercise the following functions :-
 - Monitoring Officer as set out in Article 12 of **Part 2** of the Constitution (Note: this role cannot be discharged by the Chief Executive)
 - Senior Responsible Officer for RIPA
 - Senior Information Risk Owner (SIRO) re Data Protection

4.3 The Chief Executive and / or Strategic Director (Transformation)

- To make, revoke or amend Human Resources Policies, in consultation with the Chief Executive and after consultation with the Trade Unions if appropriate, save that where the Chief Executive determines that the issues involved are significant (including but not limited to changes to disciplinary and grievance procedures), then the decision shall be for Cabinet.
- To agree gradings of new posts with the appropriate Chief Officer.
- To deal with Council communications and press releases.
- To pay salaries, wages, performance related pay, honoraria and other gratuities (the Strategic Director (Finance & Resources) also has this delegated power).
- To deal with organisational transformation, save that strategic decisions shall be a matter for Cabinet.
- To deal with all matters relating to the Customer Service Centre.
- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences and taking enforcement action) in relation to:
 - Cemeteries and crematoria
 - The Registration of Births, Deaths and Marriages, and civil ceremonies, including premises for Civil marriages
 - Transport services
- See also section 5.2 for Special Scheme of Delegation for Cemeteries and Crematorium

4.4 The Chief Executive and / or the Strategic Director (Finance & Resources)

- To take all steps that are considered appropriate for the administration of the financial affairs of the Council including:
 - To pay salaries, wages, performance related pay, honoraria and other gratuities. (The Strategic Director (Transformation) also has this delegated power.)
 - To borrow and invest.
 - To trade in Landfill allowances.
 - To deal with all insurance matters, including the settlement of insurance claims.
 - To deal with all pension matters including the making of pension determinations.
 - To determine fraud and corruption policies.
 - Corporate procurement.
- To deal with all Revenues and Benefits matters including:
 - To deal with all matters and to exercise all discretions relating to the determination, administration and collection of non-domestic rates and Council Tax which are not reserved to a Member Body.
 - To take legal proceedings for the recovery of General Rate arrears, Non Domestic Rate arrears, Community Charge arrears, Community Charge penalties and Council Tax arrears, and all other outstanding debts.
 - To authorise officers to represent the Council in such proceedings and in all other proceedings connected with local tax recovery.
 - To discharge the Council's functions relating to Council Tax and Housing Benefit, including measures to combat fraud.
- The Strategic Director (Finance & Resources) shall exercise the functions of the S.151 Chief Finance Officer as set out in Article 12 of **Part 2** of the Constitution (Note: This role cannot be discharged by the Chief Executive unless they are a qualified accountant)
- To carry out the following Estate Management functions in relation to Council land or property assets including those assets held by the Council as trustee:
 - To deal with all Estate Management functions including but not limited to settling the terms of any lease renewals, rent reviews, surrender and renewals, lease extensions, supplemental leases, lease re-gearing opportunities, landlord's consents, access agreements, dilapidations, charges, variations and the service of notices, commissioning surveys, forfeiture and enforcement action.

- To settle the terms of any new leases, or supplemental leases with an annual rent up to and including £75,000 p.a.
- To deal with disposals, including easements or other interests in land for best consideration with a capital value or consideration up to and including £250,000.
- To deal with acquisitions on value for money terms with a capital value or consideration up to and including £500,000.
- To deal with any disposals at under-value where the element of undervalue has a premium value or consideration of less than £100,000.
- To deal with any lettings at under value where the term does not exceed 7 years or the element of under value on the rent is less than £25,000 p.a.
- To consider objections and in the case of there being less than 5 non-substantive objections, to authorise the disposal of open space in accordance with the process set out in the Corporate Asset Management Strategy.
- To manage office accommodation in the Civic Centre
- The authority to set up, oversee vary and terminate estate management arrangements as required, including where necessary establishing management companies and to deal with the administration and authorisation of company arrangements for these and the distribution of shares as required.

Note: Reference to leases includes licences, tenancies at will and any other occupational agreements.

- See also Section 5.3 and 5.10 for Special Schemes of Delegation for Estate Management Services and Assets of Community Value respectively.

4.5 The Deputy Chief Executive (People) and / or, the Director of Children's Services

- To act as the Director of Children's Services appointed under the Children Act 2004: To discharge all responsibilities and duties relating to children conferred under that Act or previously discharged by the Director of Social Services and to discharge all the functions of the Council as a Children's Services Authority except for:
 - Approval of statutory plans for any aspect of children's services.
 - Establishment and review of the statutory complaints procedure under S23A-S23B of the Children Act 1989.
- See also Section 5.8 for Special Scheme of Delegation for Children Statutory Social Services Complaints.

4.6 The Deputy Chief Executive (People) and / or the Director of Learning

- To discharge the Council's functions relating to education and learning (including those previously discharged by the statutory Chief Education Officer) except for:-
 - Approval of the financial scheme of delegation and Local Management of Schools formula.
 - Statutory notices and prior consultation relating to school closures.
 - Fixing school term and holiday dates
 - School Admission Policy
 - Approval of statutory plans for any aspects of education and learning
- To make / propose appointments to School Governing Bodies and the Southend Adult Community College and appointments of additional Governors to schools in special measure, in consultation with all members of the Appointments and Disciplinary

Committee. (If any member of the said Committee objects the matter shall go to the Committee for determination.)

4.7 The Deputy Chief Executive (People) and / or the Director of Adult Services & Housing

- To act as the Director of Adult Services and to discharge all responsibilities and duties relating to that role.
- To take all necessary action, to ensure that the Council's powers and duties are properly and effectively discharged in adult protection and adult care cases.
- To appoint Approved Mental Health Professionals under the Mental Health Act 1983.
- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences and taking enforcement action) in relation to:
 - Social care and health
 - Social services for adults
 - Mental health
 - Community development
- To act as "the Responsible Person" (on behalf of the Chief Executive and Town Clerk) pursuant to the Local Authority Social Services and NHS Complaints (England) Regulations 2009 re Adult Statutory Social Services complaints.
- To act as a Receiver under the terms of an order issued by the Court of Protection.
- See also Section 5.9 for Special Scheme of Delegation for Adult Statutory Social Services Complaints.

Housing

- To discharge the Council's housing functions (including but not limited to determining all consents, permissions and licences and taking enforcement action) in relation to:
 - The management and administration of Council dwellings, subject to the management agreement with South Essex Homes.
 - Providing housing assistance, including but not limited to the provision of advice, and homelessness decisions.
 - The allocation of housing.
 - Taking any steps open to the Council in relation to privately owned dwellings, including but not limited to enforcing standards dealing with grants and dealing with energy performance certificate / notices.
 - All the enforcement powers under the Smoke and Carbon Monoxide (England) Regulations 2015
- See also Section 5.4 for Special Scheme of Delegation for Private Sector Housing.

4.8 The Deputy Chief Executive (People) and / or the Director of Strategy & Commissioning

- To discharge the Council's functions relating to:-
 - Corporate commissioning including determining grant applications in accordance with the Council's Commissioning Framework
 - Commissioning for Public Health
 - Joint commissioning, including with the CCG.

4.9 The Deputy Chief Executive (People) and/or the Director of Public Health

- To discharge the Council's functions in relation to:
 - Developing and maintaining the Joint Strategic Needs Assessment for the Council.
 - Supporting and advising the Health & Well-being Board for Southend.
 - Developing and maintaining a Public Health Plan for the Council.
 - Meeting the Council's obligations for liaison with and support to Public Health England
 - Providing Public Health leadership, advice and information to the public as required by the Health Act 2006.

- Preparing and publishing an annual report on Public Health in Southend.
 - Discharging the responsibility for co-operation and joint working in relation to public health within Southend on behalf of the Council.
 - Discharging the responsibilities for health and social care research and information in relation to public health and well being.
 - Overseeing the responsibilities of the Council for liaison with voluntary sector social care and health organisations.
 - Protecting the health of the population for infectious diseases and environmental hazards
 - Emergency preparedness
- The Director of Public Health shall act as the statutory officer under section 73A of the National Health Service Act 2006, as amended by the Health & Social Care Act 2012, and in particular will act as Lead for the delivery of public health services within Southend. (Note: This role cannot be discharged by the Deputy Chief Executive (People) unless they meet the professional requirements specified in the Department of Health Guidance)

4.10 The Deputy Chief Executive (Place) and / or the Director of Planning & Transport

- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences, and taking enforcement action) in relation to:
 - Town and Country Planning (subject to the Special Scheme of Delegation for Planning in Section 5)
 - Building control
 - Dangerous buildings
 - High hedges
 - Highways and footpaths (including adoption and closure and S.6 of the Essex Act re verges)
 - On and off street parking
 - Highways maintenance and lighting
 - Traffic management, including Emergency Traffic Regulation Orders
 - Naming and numbering of streets
- See also Section 5.7 for Special Scheme of Delegation for Planning and Building Control.

4.11 The Deputy Chief Executive (Place) and / or the Director of Public Protection

- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences, and taking enforcement action) in relation to:
 - (a) Regulatory Services, which include:
 - Environmental Health, environmental protection, public health, health and safety in premises, clean neighbourhoods and public protection
 - Trading standards and consumer protection
 - Market and street trading
 - All Licensing matters not reserved by the law to the Licensing Committee or any Licensing Sub-Committee
 - (b) Community safety and the reduction of crime and disorder (including CCTV)
 - (c) Waste management and Environmental Care which include:
 - Waste collection
 - Waste treatment / disposal
 - Street cleansing
 - Clean Neighbourhoods
 - Untidy sites (S 215 Town & Country Planning Act 1990)
 - Litter on land

- Abandoned vehicles
- Emergency services operational (salting and snow removal from public highways, debris / unsafe surface, oil removal from beaches)

(d) Maintenance and servicing of public toilets

- See also Section 5.6 for Special Scheme of Delegation for Public Protection (including Regulatory Services & Waste Management).

4.12 The Deputy Chief Executive (Place) and / or the Director of Regeneration & Business Development

- To discharge the Council's functions in relation to:
 - The management and promotion of regeneration activity
 - Economic and Business Development
 - Town Centre management

4.13 The Deputy Chief Executive (Place) and / or the Director of Culture, Tourism & Delivery

- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences, and taking enforcement action) in relation to:
 - Parks, gardens and open spaces
 - Dangerous trees
 - Museums, galleries and the arts
 - Sports provision and development
 - Libraries
 - Leisure facilities and events, including indoor and outdoor venues
 - The Pier and Foreshore (including functions relating to boat and boatmen's Licences, cockle fishing licences, bait digging licences)
 - Tourism
 - Facilities Management (hard and soft)

4.14 The Deputy Chief Executive (Place) and/or the Director of Digital Futures

- To discharge the Council's functions in relation to:
 - ICT support and development for the Council
 - Digital futures for the Borough

4.15 Delegations to Executive Director (Neighbourhoods & the Environment), and/or relevant Head of Traffic & Highways

To discharge all of the Council's functions in relation to highway, traffic and parking matters (including the management and enforcement of utility works) with the exception of the following:

- Approval of statutory plans and policy matters (which are generally for Cabinet)
- The agreement of major highway/transport schemes (which are generally for Cabinet)
- Those elements dealing with Traffic Regulation Orders (TROs) that fall with the jurisdiction or remit of the Traffic Regulations Working Party and Cabinet Committee or the new panel to determine appeals on Domestic Vehicle Crossings

That, without prejudice to the delegations set out above (including but not limited to determining all consents, permissions and licences, and taking enforcement action) to discharge the following functions:

- The statutory advertisement of TROs and to confirm TROs where no representations are received or the majority of responses to the Statutory Notice are not against the proposals.

- The implementations of Emergency TROs where required
- The consolidation of existing amendment TROs into a single new Order; the revocation of existing TROs and re-enactment without material change to the measures into a new TRO
- be responsible for enforcement action and all highways related matters on behalf of the Council in relation to traffic & highways.
- be responsible for the Council's functions under the New Roads and Street Works Act 1991
- To either act as the Traffic Manager for 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.
- the functions of the Council under the Highways Act 1980
- the functions of the Council as road traffic authority including its powers under the Road Traffic Regulation Act 1984.
- the Council's functions under New Roads and Street Works Act 1991.
- To sign the official traffic regulation orders (sealing is not required.)
- 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.

5. Special Schemes of Delegation

5.1 Regulation of Investigatory Powers Act 2000

- 5.1.1** All Chief Officers, the Head of Regulatory Services, the Head of Internal Audit and the Head of Community Safety are Authorising Officers for directed surveillance or CHIS activity under the Regulation of Investigatory Powers Act 2000 provided they have received appropriate training and comply with the Council's RIPA Policies & Procedures. (Note: Directed Surveillance and CHIS activity must also be authorised by the Magistrates' Court as required by the Protection of Freedoms Act 2012.)
- 5.1.2** Any Council Officer who has received appropriate training may carry out directed surveillance authorised under 5.1.1. Such Officer shall be known as an "Investigating Officer" and must comply with the Council's RIPA Policies and Procedures.
- 5.1.3** All Chief Officers, the Head of Regulatory Services and the Head of Internal Audit shall each act as Designated Person to submit applications to the National Anti-Fraud Network (NAFN) and to the Magistrates Court for Communications Data, provided they have received appropriate training and comply with the Council's RIPA Policies & Procedures.

5.2 Cemeteries & Crematorium

The Bereavement Services Group Manager is authorised to enforce and execute the duties and functions of the Council in respect of the following:

- (i) To grant exclusive rights of burial and rights to erect monuments and memorials.
- (ii) To enter into undertakings for the maintenance of graves.
- (iii) In appropriate circumstances, to arrange funerals at the Council's expense in accordance with Section 46 of the Public Health (Control of Disease) Act 1984.

Under the direction of the Bereavement Services Group Manager; the Crematorium Manager; Office Manager and Administration Officer are appointed to authorise cremations under the Cremation Act 1902, the Cremation Regulations 1930-1979 and the Cremation (Amendment) Regulations 1988.

5.3 Estate Management Service

The Head of Corporate Property & Asset Management may exercise all the powers of the Chief Executive and Strategic Director (Finance & Resources) in respect of Estate Management Services as defined in 4.4 above subject to the limits set out in the Financial Procedure Rules.

5.4 Private Sector Housing

The following Officers may serve notices and take appropriate action (including but not limited to works in default) under Private Sector Housing legislation within their area of responsibility, subject to being authorised in that regard by their Chief Officer pursuant to 3.2(h):

- Private Sector Housing Manager
- Strategy & Planning Manager, Private Sector Housing
- Private Sector Enforcement Officers

5.5 Building Control

The Group Manager (Planning & Building Control) may exercise all the powers of Deputy Chief Executive (Place) and the Director of Planning & Transport in respect of Building Control and Dangerous Buildings.

5.6 Public Protection (including Regulatory Services, Waste Management & Environmental Care and Community Safety)

- (a) The Group Managers for Regulatory Services, Waste Management & Environmental Care and Community Safety may exercise all the powers of the Deputy Chief Executive (Place) and the Director of Public Protection in respect of functions within their remit as defined in 4.11 above.
- (b) The following Officers may serve notices and take appropriate action (including but not limited to works in default) under legislation within their area of responsibility, subject to being authorised in that regard by their Chief Officer pursuant to 3.2(h):
- Regulatory Services Manager(s)
 - Regulatory Services Officer(s)
 - Service Manager, Waste Management
 - Waste and Contracts Officer(s)
 - Environmental Care Co-ordinator(s)
 - Environmental Care Officer(s)
 - Enforcement Officer(s)
 - Animal Warden
 - Sustainability Officer
 - CCTV Team Leader
 - Community Safety Manager
 - Community Safety Officers
 - Any other duly appointed and trained contracted staff

5.7 Planning

5.7.1 Subject to the **Committee Referral Procedure** in 5.7.4 below, approval or refusal of all applications made under The Town and Country Planning Act 1990, The Planning (Listed Buildings and Conservation Areas) Act 1990 and The Planning (Hazardous Substances) Act 1990 and associated Regulations and Orders is delegated to each of the following officers ("**the Relevant Officer(s)**"):

- The Deputy Chief Executive (Place);
- The Director of Planning and Transport; and
- The Group Manager (Planning and Building Control)

provided that:

- (a) In the case of an approval the proposals do not conflict materially with a policy of the current Development Plan;
- (b) In the case of refusals the proposals are materially in conflict with a policy of the current Development Plan;
- (c) Consultations, neighbour notification and publicity have been carried out in accordance with statutory requirements and Council Policies;
- (d) The decision would not conflict with a material planning objection in principle from a statutory consultee received within the statutory consultation period;
- (e) In all cases the Relevant Officer considers it prudent to exercise delegated authority, failing which they shall report the application to the Development Control Committee for decision;
- (f) Lists of delegated decisions shall be circulated to members of the Development Control Committee, provided at meetings of the Committee and made available for inspection in the Department;
- (g) All applications submitted by or on behalf of the Council, any member of the Council or any serving officer of the Council (other than applications submitted by or on behalf of the Council that do not involve "significant development" as defined at (h) below and to which there is no objection from a neighbour or statutory consultee) shall be submitted to the Development Control Committee for decision; and

- (h) In the case of applications that involve “significant development” (as defined below) the relevant officer shall consult with the Chair of the Development Control Committee (or the Vice Chair in the Chair’s absence) before making a determination.

For the purposes of this paragraph “significant development” means any scheme involving:

- (i) 10 dwellings or more; or
- (ii) 1000 sq metres or more of floor space; or
- (iii) A development site with an area of over 0.5 hectares.

5.7.2 Subject to the limitations set out in 5.7.1 above the approval or refusal of the following matters is delegated to the Planning Team Leaders in the Development Control Group:

- (a) “Householder” applications (as defined for the purposes of Form PS2 in the Government’s planning statistics);
- (b) Advertising consents;
- (c) Applications for prior approval for larger home extensions;
- (d) Applications for works to trees subject to TPO’s or in conservations areas;
- (e) Non-material amendments to planning permissions; and
- (f) Details reserved by condition.

Provided also that:

- (a) In the case of an approval, not more than 5 different households have submitted material planning objections and the objections received have been taken into account in the delegated report; and
- (b) The application is not one where the case officer is the Planning Team Leader.

5.7.3 Subject to the limitations set out in 5.7.1 above, the approval or refusal of applications for “details reserved by condition” is also delegated to Senior Planners in the Development Control Group, providing the Senior Planner is not the case officer.

5.7.4 In all cases the powers delegated under 5.7.1 – 5.7.3 above are subject to the following **Committee Referral Procedure** by Councillors:

- (a) Each Councillor shall receive a Weekly List of applications registered.
- (b) If, within 21 days of the “Week Ending Date” specified at the top of the Weekly List, a letter in hard copy signed by one Councillor is received by the Deputy Chief Executive (Place) or the Director of Planning and Transport or an e-mail is received from the Councillor at planningregistrationteam@southend.gov.uk requesting the application be determined by the Development Control Committee then the application shall be referred to the Development Control Committee.

PROVIDED THAT this Committee Referral Procedure shall not apply to applications for Lawful Development Certificates or applications for prior approval where there is no planning judgement to be exercised.

5.7.5 Authority is delegated to the Relevant Officers:

- (a) To issue Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990;

- (b)** To determine the selection and detailed wording of conditions, reasons for conditions and reasons for refusal on delegated decisions; the detailed wording of conditions, reasons for conditions and reasons for refusal on decisions made by the Development Control Committee; and the detailed wording of enforcement and stop notices authorised by the Development Control Committee;
- (c)** To deal with minor material and non-material amendments to schemes already approved, submitted informally or by application subject to such amendments not being materially in conflict with the provisions of the current Development Plan;
- (d)** To comment on proposals to carry out works to or to fell trees in conservation areas and to deal with applications to carry out works to or to fell preserved trees, including requiring replacement trees where appropriate;
- (e)** To grant or refuse Certificates of Lawful Use and Development under Sections 191 and 192 of the Town and Country Planning Act 1990;
- (f)** To deal with applications for determination as to the need for prior consent for demolition and agricultural development and determination of applications for prior approval of all telecommunications development including, in consultation with the Chair of the Development Control Committee or Vice Chair, the grant or refusal of applications for prior approval;
- (g)** To settle the Council's statement of case in the event of an appeal being made to the Secretary of State. This will include stating whether the Council would be prepared to grant planning permission or Listed Building Consent as appropriate for the development or the works the subject of the appeal;
- (h)** To advertise applications which, if approved, would not be in accordance with the Development Plan currently in force;
- (i)** To determine whether an application for planning permission would be likely to have significant effects on the environment, such that an applicant must then submit a statement under the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations or an appropriate assessment under the Habitats Regulations, to request any further information that might be required and to determine the scope of any such statement or assessment;
- (j)** Under Part 8 of the Anti-Social Behaviour Act 2003 (and associated Regulations) to consider and determine complaints relating to "High Hedges"; to set and review fees for dealing with complaints; to issue, vary and withdraw remedial notices; to deal with appeals arising from determination of complaints; and
- (k)** To comment on the planning aspects of licensing applications pursuant to the Licensing Act 2003.

5.7.6 Authority is delegated to the Relevant Officers:

- (a)** To give observations on minor development proposals in adjoining districts, on minor proposals by Essex County Council and on minor proposals by Crown developers;
- (b)** To submit objections or other representations on planning grounds to the licensing authorities or the Traffic Commissioners, on applications for vehicle operators' licences, subject to an appropriate report subsequently being submitted to Development Control Committee;
- (c)** To take all necessary action under Section 215 and 219 of the Town and Country Planning Act 1990 (the proper maintenance of land);
- (d)** To issue Breach of Condition Notices under Section 187A of the Town & Country Planning Act provided that the Relevant Officer shall first consult with the Chair (or in Chair's absence the Vice Chair) of the Development Control Committee;

- (e) To make Tree Preservation Orders and to confirm unopposed Tree Preservation Orders;
- (f) Under Section 171E to 171H of the Town and Country Planning Act 1990 and the Town and Country Planning (Temporary Stop Notice) (England) Regulations 2005, and in consultation with the Strategic Director (Legal & Democratic Services), to issue Temporary Stop Notices; and
- (g) With regards to the Community Infrastructure Levy (“CIL”) under powers as set out in Part 11 of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended) to:
 - Determine the extent of chargeable development and appropriate CIL charge.
 - Consider applications for exemptions from the CIL.
 - Consider adjustments for payment in kind provisions (where relevant).
 - Issue CIL liability notices and demand notices.
 - Instigate any enforcement action relating to the recovery of CIL such as, but not limited to, issuing of CIL stop notices and warning notices (including subsequent removal of any such notices).
 - Receive and consider appeals in relation to liability notices etc.
 - Make any other relevant decisions concerning CIL provided it is in accordance with the adopted CIL Governance Framework document.

5.7.7 Authority is delegated to each of the following officers to make applications for Grant Assistance to external bodies:

- Deputy Chief Executive (Place)
- Director of Planning & Transport
- Group Manager Strategic Planning

5.8 Children Statutory Social Services Complaints

The Complaints Manager in the Department for People shall be designated the “Complaints Manager” to undertake the prescribed duties under the Children Act 1989 Representations Procedure (England) Regulations 2006.

5.9 Adult Statutory Social Services Complaints

The Customer Services and Complaints Manager in the Department for People shall be designated the “Complaints Manager” to undertake the prescribed duties under the Local Authority Social Services and NHS Complaints (England) Regulations 2009.

5.10 Assets of Community Value

- The Strategic Director (Finance & Resources) has delegated power to determine whether assets nominated should be included in the “List of Assets of Community Value”.
- The Chief Executive has delegated power to deal with reviews requested by an owner pursuant to S.92 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.

5.11 Public Health

- The Consultant in Public Health may exercise all the powers of the Deputy Chief Executive (People) and the Director of Public Health in respect of Health Protection and Healthcare Public Health as defined in 4.9 above subject to any financial limits in Financial Procedure Rules

5.12 Highways

- (a) The Service Managers for Highways may exercise all the powers of the Executive Director (Neighbourhoods & Environment) and the Head of Traffic & Highways in respect of functions within their remit as defined in 4.15 above.
- (b) The following Officers may serve notices and take appropriate action (including but not limited to works in default) under legislation within their area of responsibility, subject to being authorised in that regard by their Chief Officer pursuant to 3.2(h):
 - Highways Enforcement Officers
 - Civil Enforcement Officers
 - Highways Inspectors

5.13 Sealing of Documents

The Common Seal of the Council shall not be affixed to any document unless the sealing is required to implement any decision of the Council, the Cabinet, a Committee or an Officer exercising delegated powers.

The Common Seal shall be attested by the Chief Executive, Deputy Chief Executive, Executive Director for Strategy Change & Governance, Director of Legal Services, Assistant Director of Legal Services, or Head of Democratic Services - and an entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person who shall have attested the seal provided that:

- (i) for the purpose of signing of urgent stock transfers, in the absence of the above, the Executive Director (Finance & Resources) be authorised to sign in his own name; and
- (ii) that for the purpose of issuing stock certificates, the Common Seal may be imprinted thereon when such certificates are printed and may be attested by Chief Executive or Executive Director (Finance & Resources) alone and in that event the requirement that any entry of every sealing of such certificates shall be made in the said book shall not apply.

5.14 Signing of Documents

Where any document will be a necessary step in legal proceedings or any transaction on behalf of the Council it shall, unless any enactment requires or authorises, or the Council shall have given the necessary authority to some other person for the purpose of such proceedings or transaction, be signed by the Chief Executive, Deputy Chief Executive, Executive Director for Strategy Change & Governance, Director of Legal Services, Assistant Director of Legal Services, or Head of Democratic Services.

In addition, the Executive Director (Finance & Resources) shall have authority to sign any document relating to a financial transaction on behalf of the Council subject to the same proviso as contained in Standing Order 27.1.

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Part 4(a) – Council Procedure Rules (“Standing Orders”)

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Part 4(a) – Council Procedure Rules (“Standing Orders”)

Introduction

These Procedure Rules (also known as ‘Standing Orders’) set out the rules for the conduct of meetings of the Council. They are intended to ensure proper decision making, fair and orderly debate and to guide the Mayor where issues of contention might arise.

1. Interpretation

- 1.1 The Mayor shall be the final authority in the interpretation of these Rules and his/her ruling shall not be open to discussion.

2. Meetings of the Council

- 2.1 The Annual Meeting of the Council shall be held on the second Thursday in May or such other day as the Council may from time to time determine. The Appointments Council meeting shall be held as soon as possible after the Annual Meeting.

- 2.2 There shall be not less than five other ordinary meetings of the Council in each Municipal Year on such dates as the Council may determine.

- 2.3 The annual and ordinary meetings of the Council shall be held in the Council Chamber, Southend-on-Sea, or at such other place as the Mayor, or in their absence the Deputy Mayor, shall determine and, except where the Council otherwise resolves, shall commence as follows:

Annual Meeting	3.30pm
Ordinary Meetings	6.30pm

- 2.4 Meetings convened for a special purpose shall be held at a time and place to be determined by the Mayor, or in their absence the Deputy Mayor in consultation with the Chief Executive.

- 2.5 Except in the case of an Extraordinary Meeting convened on a requisition by Councillors pursuant to paragraph 3(2) of Schedule 12 to the Local Government Act 1972, the Chief Executive may (subject in the case of the Annual Meeting to the provisions of paragraph 1(2) of the 12th Schedule to the Local Government Act 1972) in consultation with the Mayor:

- (a) alter the date of the holding of the Annual Meeting or the date or time of any Ordinary or extraordinary meeting of the Council;
- (b) cancel an Extraordinary Meeting if, after consulting with the leaders of the political groups the Chief Executive is satisfied that the reason for holding the meeting no longer exists or has been overtaken by events;
- (c) any reference to the Chief Executive in this Rule 2.5 shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in their absence.

- 2.6 At a meeting of the Council the Mayor, if present, shall preside.
- 2.7 If the Mayor is absent from a meeting of the Council, or if they are unable to act or the office of Mayor is vacant, then the Deputy Mayor shall preside.
- 2.8 If the Mayor and Deputy Mayor are both absent or unable to preside, then another Councillor chosen by the Councillors shall preside.

3. Annual Council – Appointment of Mayor and Deputy Mayor

- 3.1 The matters to be considered at the Annual Meeting shall be:
- a) receive any apologies for absence from councillors;
 - b) receive any declarations of interest from councillors;
 - c) elect a Mayor;
 - d) elect a Deputy Mayor; and
 - e) hear speeches from the incoming Mayor and outgoing Mayor.

4. Appointments at Special Council Following Annual Council

- 4.1 The matters to be considered at the Appointments meeting shall be:
- a) elect a Leader of the Council if this needs to be dealt with. Details of the Leader's term of office are set out in **Part 2 – Article 7.03**;
 - b) receive notice from the Leader of the Council who they are appointing as Deputy Leader of the Council;
 - c) receive notice from the Leader of the Council they are appointing to the Cabinet together with details of the portfolios;
 - d) appoint councillors and where appropriate substitute councillors (including Chairs and vice-Chairs) to committees;
 - e) appoint councillors to Working Parties, Forums, Panels and other bodies;
 - f) agree a timetable of meetings for all Committees etc for the Municipal Year; and
 - g) agree the scheme of delegation or such part of it as the constitution determines it is for the Council to agree.

5. Ordinary Meetings

- 5.1 The matters to be considered at ordinary meetings shall be:
- a) elect a person to preside if the Mayor and Deputy Mayor are absent;
 - b) receive any apologies for absence from councillors;
 - c) approve the minutes of the last Ordinary meeting of the Council and of any subsequent Extraordinary meeting that may have been held;
 - d) receive declarations of interests from councillors;
 - e) receive any announcements from the Mayor and/or a speech on his/her ceremonial activities
 - f) Receive any announcements from the Chief Executive;
 - g) deal with any business required by law;
 - h) receive questions from, and provide answers to, the public in accordance with Rule 11 below (limited to 30 minutes);

- i) receive questions from, and provide answers to, councillors in accordance with Rule 12 below (limited to 30 minutes);
- j) hear a speech from the Leader providing an update on the main areas of work of the Cabinet. Responses from the leader(s) of the opposition group(s), non-aligned councillors and a response from the Leader (limited to 30 minutes)
- k) deal with petitions in accordance with Rule 14;
- l) receive any reports relating to matters reserved to the Council;
- m) debate motions on notice in the order in which they have been received;
- n) consider any other business specified in the summons to the meeting.

6. Council Tax Setting Meeting

6.1 At the meeting at which the council tax for any year is to be set, the order of business shall be:

- a) elect a person to preside if the Mayor and Deputy Mayor are absent;
- b) receive any apologies for absence from councillors;
- c) approve the minutes of the last Ordinary meeting of the Council and of any subsequent Extraordinary meeting that may have been held;
- d) receive declarations of interests from councillors;
- e) receive any announcements from the Mayor;
- f) receive Council budget questions from, and provide answers to, the public in accordance with Rule 11 below (limited to 30 minutes);
- g) receive Council budget questions from, and provide answers to, councillors in accordance with Rule 12 below (limited to 30 minutes);
- h) consider proposals from the Leader in relation to the Council's budget;
- i) recorded vote on the Council's budget;
- j) set the council tax.

7. Extraordinary Meetings

7.1 An Extraordinary meeting of the Council may be called at any time by the Mayor. In determining the date of the Extraordinary Council Meeting, where this has been requisitioned by five councillors, the Mayor shall have regard to the nature and urgency of the item of business which is the subject matter of the requisition. An Extraordinary meeting may consider any of the matters specified in Rule 5.1 above (business at Ordinary Council meetings) except questions by the public or councillors.

7.2 If the Mayor refuses to call an Extraordinary meeting of the Council after receiving a requisition for that purpose signed by five councillors or if, without so refusing, the Mayor does not call an Extraordinary meeting within seven days of receiving a requisition, then any five councillors, on that refusal or on the expiration of those seven days, may forthwith call an Extraordinary meeting of the Council.

7.3 In addition to the Mayor and any five Councillors, the Chief Executive or the Monitoring Officer, as a matter of urgency, may call an Extraordinary meeting of the Council at any time.

7.4 The business to be conducted at an Extraordinary meeting shall be restricted to the item of business contained in the request for the Extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that

the Mayor (or person presiding) may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

8. Council Quorum

- 8.1 The Council shall not carry out any business at their meetings unless at least one quarter of the total number of councillors are present (i.e. 13 councillors).
- 8.2 If no quorum is present 15 minutes after the start time of a Council meeting, or if during the course of a meeting it becomes inquorate, the meeting shall be adjourned. Any outstanding business at a Council meeting shall be held over to a time to be fixed by the Mayor or to the next ordinary Council meeting.

9. Duration of meetings of Council

- 9.1 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.
- 9.2 The Mayor may, at their discretion, suspend the meeting for such period of time that they 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.
- 9.3 Meetings of Council shall terminate in the manner set out below unless:
- a) the business of the meeting has been completed before the end of three and a half hours after the meeting commenced; or
 - b) by resolution passed before the closure time, the Council resolves to extend the meeting beyond that time.
 - c) No meeting of the Council, except the Budget meeting, shall continue beyond 11pm, save where required to deal with the matters as set out below.
- 9.4 When the meeting is to terminate, business will be determined as follows:
- a) The Mayor will advise the Council that the procedure to terminate the meeting is to be applied;
 - b) Any speech in progress shall be immediately concluded;
 - c) The Mayor will put any motion or recommendation then under consideration to the vote without further discussion;
 - d) 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.

10. Mayor's Speech

- 10.1 At ordinary meetings of the Council (except the Annual Meeting and Budget Meeting), the Mayor may provide an update on his/her ceremonial activities undertaken since the previous update to the Council meeting.

11. Residents' Question Time

- 11.1 At each ordinary meeting of the Council, there shall be 30 minutes for members of the public to ask questions. No questions may be asked at the Annual Council meeting or any Extraordinary meeting.
- 11.2 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 12.00 hrs, 9 clear working¹ 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 150 words in length.
 - b) The Monitoring Officer may reject a question if it:
 - (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
 - (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;
 - (iii) is defamatory, frivolous or offensive;
 - (iv) is substantially the same as a question which has been put at a Council meeting in the last 6 months;
 - (v) requires the disclosure of confidential or exempt information.
 - c) 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 shall be provided.
 - d) There shall be no speech or discussion allowed on any question or reply.
 - e) Not more than two questions may be asked by any one person at any one meeting.
 - f) If there is insufficient time (30 minutes) to answer all public questions, a written reply will be sent to the questioner.

12. Councillors' Questions

- 12.1 There will be a period of up to 30 minutes for councillors to ask questions and obtain answers from the Leader and Cabinet Members.
- 12.2 The procedure for councillors' questions shall be as follows:
- a) A councillor may ask the relevant Cabinet Member any question(s) on any matter which the Council has powers or duties or which directly affects the business of the Council provided that:
 - (i) Questions are submitted in writing to the Committee Section (committeesection@southend.gov.uk) not later than 6 clear working days² before the date of the meeting.
 - (ii) Questions do not exceed 150 words in length; and
 - (iii) The number of questions which may be asked by any councillor at a meeting shall be limited to two;
 - b) The Monitoring Officer may reject a question if it:

¹ Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

² Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

- (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
 - (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;
 - (iii) is defamatory, frivolous or offensive;
 - (iv) is substantially the same as a question which has been put at a Council meeting in the last 6 months;
 - (v) requires the disclosure of confidential or exempt information.
- c) The question put by a councillor and the answer shall be published at least 24 hours before the start of the meeting and at the meeting shall be taken as read. However, if a councillor does not wish to ask a supplementary question, then their question may be dealt with orally.
 - d) Published answers must not exceed 250 words in length
 - e) No discussion shall take place on any question or answer.
 - f) Not more than one supplementary question may be asked on any written question and only the councillor who asked the original question can ask a supplementary question.
 - g) A supplementary question must be a question and not include a statement and arise directly out of, and related to, the question or reply. The Mayor may reject a supplementary question if they consider that it is inappropriate.
 - h) Where a written question is addressed to a Cabinet Member and the desired information is contained in any of the Council's publications, it shall be deemed a sufficient reply if the publication containing the information is indicated.
 - i) Where the reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply if the answer is circulated to councillors.
 - j) If the councillor asking the question is not present at the meeting, the question and answer shall not be read out.

13. Leader's Speech

- 13.1 At ordinary meetings of the Council (except the Annual Meeting and Budget Meeting), the Leader of the Council may give an update report on the work of the Council. The Leader may make a speech of up to four minutes. The Leader(s) of the opposition group(s) and non-aligned councillors may each make a speech in response of up to four minutes. The Leader of the Council may reply with a speech of up to four minutes. The total time for speeches shall not exceed 30 minutes.
- 13.2 The time allotted to the Leader, the Leaders of each of the opposition groups and non-aligned councillors will be determined at the annual meeting for that civic year.

14. Presentation of Petitions

- 14.1 At the meeting of the Council any Councillor may present a petition. The Councillor presenting the petition shall satisfy himself/herself that the petition is proper to be received.
- 14.2 All petitions must be received by the Committee Section (email: committeesection@southend.gov.uk) at least 12 clear working days¹ before the

¹ Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

meeting either in paper or electronic form (created through the use of the Council's online e-petitions facility).

14.3 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.

14.4 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 6 months; or
- (f) It is an electronic petition which has not been created using the Council's online e-petitions facility.

14.5 The presentation of the petition shall be limited to not more than one minute and shall be confined to reading out, or summarising the prayer 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.

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

14.7 The Council shall refer petitions signed by 100 or more persons to the Cabinet, Cabinet Committee or relevant Scrutiny Committee as it thinks fit. The Council shall refer petitions signed by less than 100 persons to the Chief Executive or relevant Executive Director for response as appropriate.

15 Motions on Notice

15.1 Except for motions which can be moved without notice, written notice of every motion, identifying one councillor as the proposer and at least one councillor as the seconder, must be delivered to the Chief Executive not later than 12:00hrs on the ninth clear working day¹ before the date of the Council meeting.

15.2 The Monitoring Officer may reject a motion if it:

- (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
- (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;

¹ Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

- (iii) is defamatory, frivolous or offensive;
- (iv) is substantially the same as a motion which has been put at a Council meeting in the last 6 months.

- 15.3 Motions on Notice will be included on the agenda in the order that they are received.
- 15.4 No councillor shall move more than one Motion on Notice at the same meeting.
- 15.5 No motions for debate under this rule of procedure are permitted for the meeting of the Annual Budget debate or at the Annual Meeting.
- 15.6 The total time permitted for consideration of each motion (Executive matters) for debate shall be no more than 30 minutes. The period shall include any speeches by the mover and seconder of the motion in question. If after 22 minutes the debate has not concluded the Mayor shall invite the Cabinet Member to respond before the proposer has the opportunity to conclude the debate. The normal rules of debate will apply. Following a vote on the motion, it will be referred to Cabinet for decision.
- 15.7 If a subject matter of the motion falls within the remit of full Council (non-executive matters), the normal rules of debate will apply. The total time for debate for each such motion shall be no longer than 45 minutes. A vote will be taken to determine the matter (or refer it to a future meeting).
- 15.8 If there is not sufficient time to debate any motion before the Council then it shall be dealt with in accordance with Rule 9.4
- 15.9 Where a notice of motion is before Council and the mover wishes to subsequently withdraw it, they may do so with the consent of the seconder.
- 15.10 For the avoidance of doubt there will be no provisions for questions.
- 15.11 Notices of motion cannot relate to a matter which is currently the subject of a formal public consultation process being undertaken by the Council.

16. Motions without notice

- 16.1 The following motions may be moved without notice:
- a) to appoint a chair of the meeting (if the Mayor is absent) and to invite the Deputy Mayor, if present, to take the chair;
 - b) in relation to the accuracy of the minutes;
 - c) to change the order of business in the agenda;
 - d) to refer something to an appropriate body or individual;
 - e) to appoint a committee or councillor arising from an item on the summons for the meeting;
 - f) to move a motion arising from a report of an officer, a committee or the Cabinet (including the recommendation of that report);
 - g) to withdraw a motion;
 - h) to propose an urgent amendment to the motion
 - i) to proceed to the next business;
 - j) that the question be now put;
 - k) to extend the time limit of speeches;
 - l) that the meeting or debate or motion be adjourned;

- m) point of order
- n) point of personal explanation
- o) that the meeting continue beyond three and a half hours in duration (subject to Rule 9);
- p) to suspend or vary a particular Council Procedure Rule (except those of statutory effect);
- q) to exclude the public and press under section 100(A) of the Local Government Act 1972;
- r) that a councillor named not be further heard.

16.2 The Mayor will decide whether an amendment is urgent provided that

- (a) the motion could not have been submitted 1 clear working day in advance
- (b) the Leader and opposition group leaders have signified their consent (without vote) to the amendment being considered

17. General Limitations to all Motions

17.1 The following limitations shall apply to all forms of motion and amendment.

- a) No motion shall be moved to the same effect as any motion that has been debated within the preceding year. This is provided that this Rule shall not apply to a motion to adopt a recommendation of the Cabinet or a committee.
- b) In relation to motions without notice (Rule 16), upon any councillor seeking to propose a motion or an amendment, they shall state the terms of such motion or amendment and shall not be permitted to speak in support until they have done so.
- c) The Mayor will allow such time as they consider appropriate on the original substantive motion to allow the proposer and seconder to make their speeches and for others to contribute.
- d) The right of reply shall not extend to the mover of any amendment.
- e) Except as otherwise specifically provided by these Rules, no councillor shall address the Council more than once on any motion or amendment.

18. Amendments to motions

18.1 Any amendments to a motion (other than amendments to the budget proposals) shall be submitted to the Monitoring Officer at least 1 clear working day in advance of the meeting¹

18.2 An amendment shall be relevant to the motion and shall be either to:

- (i) leave out words;
- (ii) leave out words and insert or add others;
- (iii) insert or add words;
- (iv) refer a subject of debate to the Cabinet or to a committee for consideration or re-consideration

18.3 The Monitoring Officer shall advise the Mayor whether the amendment can be accepted provided that the effect of (i) to (iii) does not, in the opinion of the Monitoring Officer negate the motion or materially change the content or purpose of the motion.

¹ Clear working day excludes Saturday, Sunday, Bank Holidays, the day the amendment is submitted and the day of the meeting

- 18.4 The Monitoring Officer shall, with the consent of the proposer of the amendment circulate the amendment in advance of the meeting to the Leader and the opposition group leaders and non-group members.
- 18.5 The holder of the motion may accept the amendment and move the amended motion for debate as the substantive motion
- 18.6 Where the amendment is debated and carried, the motion as amended shall take the place of the original motion and shall become the motion upon which only further urgent amendments may be moved.
- 18.7 Where a formal amendment to the **Budget proposals** is to be submitted to the Council's Annual Budget Setting Meeting (ABSM) then at least 48 hours prior to the meeting, that proposed amendment shall be submitted to and discussed in confidence with the Executive Director (Finance and Resources), pursuant to Budget & Policy Framework Procedure Rule 7: The Executive Director (Finance & Resources) will confirm in writing that the proposed amendment will not produce an unbalanced or unsound budget, if they are satisfied that this is the case.
- 18.8 Such a formal amendment, setting out the details in clear terms (and in a form which the Executive Director (Finance and Resources) has confirmed in writing would not produce an unbalanced or unsound Budget) must be submitted in writing to the Chief Executive by 6.30 pm on the day before the ABSM and will be publicly available.

19. Rules of Debate

- 19.1 Councillors shall alert the Mayor that they wish to speak and, if two or more councillors do so, the Mayor will select one of them to speak in which case all other councillors shall be silent.
- 19.2 When any councillor has been called to speak by the Mayor, other councillors shall remain silent unless making a point of order or personal explanation.
- 19.3 Whenever the Mayor speaks or rises from their chair, every other councillor shall sit and be silent and the Mayor shall be heard without interruption.
- 19.4 Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed. The Mayor may also require an urgent amendment to be written down and handed to him/her before it is discussed.
- 19.5 No speech may exceed 4 minutes without the consent of the Mayor except:
- a) At the Council Tax Setting meeting, the Leader of the Council shall be allowed unlimited time to set out their priorities or to propose the Budget.
 - b) The Leader(s) of the Opposition Group(s) shall also be allowed unlimited time to reply to a Leader's speech at the Council Tax Setting Meeting.
- 19.6 A councillor shall speak to the matter under discussion, or to a personal explanation or to a point of order. If a councillor does not comply with this paragraph or inappropriately engages in imputation of improper motives or other breaches of order, the Mayor shall call that councillor to order and may tell them to stop speaking.

- 19.7 A councillor may speak only: -
- a) on motions or amendments; or
 - b) to ask or answer questions under Rules 11 and 12; or
 - c) to raise a point of order; or
 - d) to make a personal explanation, or
 - e) where the Mayor gives permission to a councillor to speak.
- 19.8 No one may speak more than once on any motion (including a recommendation of the Cabinet or a committee) except: -
- a) the proposer of a motion who has a right of reply to the unamended motion / amended motion;
 - b) a councillor may speak on a proposal to amend a motion on which they have already spoken.
- 19.9 In the exercise of a right of reply, a councillor shall confine their speech to answering points made by previous speakers, and the exercise of that right shall close the debate on the particular motion or amendment then under discussion.
- 19.10 The right to reply is preserved if a closure motion or an adjournment motion is carried.

20. Points of Order and Personal Explanation

- 20.1 A councillor may at any time raise a point of order but when so doing, they shall specify the particular Rule or statutory provision which they allege has been breached or on which they otherwise rely, specifying in the case of a Rule the number and the relevant paragraph and the way in which they consider it has been breached.
- 20.2 Any councillor speaking at the time a point of order is raised, shall fall silent.
- 20.3 A councillor making a personal explanation shall be entitled to be heard forthwith. Any councillor speaking at the time a personal explanation is to be made shall immediately fall silent.
- 20.4 A personal explanation may only be made by a councillor who –
- a) has spoken earlier in the debate then in progress who wishes to correct a misstatement they have made; or
 - b) wishes to correct a statement made about them by the person then speaking; or
 - c) wishes to correct a misquotation by the person then speaking of facts originally put by them earlier in the debate.
- 20.5 The ruling of the Mayor on a point of order or on the right to make a personal explanation shall be final, and shall not be open to debate.

21 Voting in Council Meetings

- 21.1 Unless this constitution provides otherwise, any matter will be decided by a simple majority of those councillors entitled to vote and present in the room at the time the question was put. Voting will normally be determined by electronic means or by a show

of hands. Subject to the Mayor's casting vote, each councillor shall have only one vote.

- 21.2 In the case of an equality of votes, the Mayor shall have a second or casting vote and may exercise it at their discretion.
- 21.3 Where immediately after a vote is taken at a meeting, if any councillor so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that councillor cast their vote for or against the matter before the Council or whether they abstained from voting.
- 21.4 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require a recorded vote to be taken on any decision related to the making of a calculation under sections 42A, 42B, 45 to 49 and 52ZJ of the Local Government Finance Act 1992 or the issuing of a precept under Chapter 4 of Part 1 of that Act at a meeting of the Council at which it makes such a calculation or issues such a precept.
- 21.5 If at a meeting any councillor, supported by six other councillors present demand a recorded vote by raising their hand and saying "named vote", prior to the Mayor calling a vote, to indicate such demand, the names "for" or "against" the motion or amendment or abstaining from voting i.e. "not voting" will be taken down in writing and entered into the minutes.
- 21.6 The procedure for a recorded vote shall be as follows:
- a) The Mayor shall put the motion to a vote and the Chief Executive shall call out the names of councillors and record their votes or abstentions.
 - b) Each councillor shall answer "For", "Against" or "Not Voting".
 - c) The Mayor shall declare the result of the vote and the vote of each councillor shall be recorded in the minutes.
- 21.7 Where three or more persons are nominated for any position and there is not a majority in favour of one person, the person having the least number of votes shall be disregarded and a fresh vote taken, and so on, until there is a majority in favour of one person.

22. Councillor's Conduct

- 22.1 If a councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the councillor not be heard further. If seconded, the motion will be voted on without discussion.
- 22.2 If the councillor continues to behave improperly after such a motion is carried, the Mayor may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 22.3 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

23. Disturbance by the Public

- 23.1 If a member of the public interrupts proceedings, the Mayor will warn the persons concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.
- 23.2 If there is general disturbance in any part of the meeting room open to the public, the Mayor may call that part to be cleared.

24. Exclusion of Public

- 24.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this constitution.

25. Suspension and Amendment of Council Rules

- 25.1 In respect of business at Council meetings, any Rule, except those of statutory effect, may be suspended on a motion which may be moved without notice, provided at least one half of the whole number of councillors are present. Suspension can only be for the duration of the meeting.

PART 4(a)(ii) – PROCEDURAL RULES RELATING TO CABINET, COMMITTEES AND SUB-COMMITTEES

Meetings of the Cabinet

1. For any meeting of the Cabinet:
 - (a) The meeting shall be summoned by the Chief Executive.
 - (b) The Chief Executive shall be represented at the meeting and shall be responsible for the preparation of the digest of Cabinet proposals and the subsequent Cabinet minutes
 - (c) Every agenda shall be approved by the Chief Executive and shall where applicable be set out in two parts;
 - Part 1 – Those items to be discussed in public, and
 - Part 2 – Those items in respect of which, in the opinion of the Chief Executive, the meeting is not likely to be open to the public.

Meetings of Committees and sub-committees

2. For any meeting of a Committee or sub-committee
 - (a) The meeting shall be summoned by the Chief Executive.
 - (b) The Chief Executive shall be represented at the meeting and shall be responsible for the preparation of the Minutes of the meeting.
 - (c) Every agenda shall be approved by the Chief Executive and shall (where applicable) be set out in two parts:
 - Part I – Those items to be discussed in public, and
 - Part II – Those items in respect of which, in the opinion of the Chief Executive, the meeting is likely not to be open to the public.
 - (d) Every Councillor shall be entitled to require an item of business to be placed on the agenda of any meeting of a Committee or sub-committee provided:
 - It is relevant to the business of that Committee or sub-committee;
 - The Councillor has been unable to resolve the matter through other channels; and
 - Written notice is given to the Chief Executive at least nine clear days (of which Sunday may be one) before the meeting.

3. On receipt of such a valid notice the Chief Executive will ensure that the item is included on the next available agenda, but no report shall be prepared unless, exceptionally, the Chief Executive deems this appropriate.
4. The Chief Executive may summon a special meeting of a Committee or sub-committee at any time or on the requisition in writing of the Chair or of a quarter of the members of the Committee.
5. The summons shall set out the business to be considered at the special meeting and no other business than that set out shall be considered at that meeting.
6. The Chief Executive with the agreement of the Chair (or in his absence the Vice-Chair) of any Committee may:
 - (a) alter the date or time of any ordinary or special meeting of a Committee; or
 - (b) cancel a special meeting of a Committee if, after consulting the Chair or, in his absence the Vice-Chair, both are agreed that the reason for convening the special meeting no longer exists or has been overtaken by events;

provided that the date and time of a special meeting of a Committee convened on a requisition by the Chair or of a quarter of the members of the Committee shall not be changed nor shall such a meeting be cancelled otherwise than in addition to the consultation referred to above at the written request of the Chair or of all of the Councillors requisitioning the meeting as the case may be.

7. In this Procedural Rule, any reference to the Chief Executive shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in their absence.

Quorum at Committees

8. Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the total number of Councillors of the Committee are present, subject to not less than 3 Councillors being present in any case.

Quorum at Cabinet

9. The Quorum for the Cabinet shall be as set out in the Constitution and Terms of Reference of Cabinet

Duration of Meetings of Cabinet, Committees and Sub-Committees

10. With the exception of matters referred to in (6) below, no meeting of the Cabinet, a Committee or sub-committee shall exceed three and a half hours in duration,
11. The Cabinet, Committee or sub-committee can suspend this procedure rule by a simple majority and proceed with the consideration of the business remaining on the Agenda.

12. If this procedure rule is not suspended the meeting shall deal with the matter under discussion and dispose of any item which the Chair shall decide to be urgent. The remaining non-urgent items shall stand adjourned to the next ordinary meeting of the Cabinet, Committee or Sub-Committee or to a further meeting to be held on such day and at such time as the Chief Executive shall determine in consultation with the Chair of the Cabinet, Committee or sub-committee.
13. No limitation on the duration of meetings shall apply to meetings dealing with planning, licensing, staff appointments/appeals or code of conduct determination hearings.

Public Participation in Respect of Development Control Committee

14. If a planning application is to be determined by the Development Control Committee, then if an objector wishes to address the Committee in respect of that application, they must give written notice of that request by 12.00 noon on the last working day before the relevant meeting.
15. An applicant or supporter will only be allowed to address the relevant meeting if an objector is being given the opportunity to do so.
16. Speakers will be limited to three minutes and only one speaker for and one speaker against the planning application will be permitted to address the relevant meeting. Local groups / organisations (or their representatives) will not be afforded the opportunity to address the Committee in respect of a planning application.
17. Speakers will not be allowed to ask a supplementary question or make a supplementary statement and will not be cross-examined.
18. Where more than one person wants to speak for or against a planning application, then a spokesperson must be appointed. Where a spokesperson cannot be agreed, then the Chair will decide who shall speak. Where more than one person wants to respond in support of a planning application then the applicant has priority.
19. An objector or applicant / supporter may be represented by an agent at the Committee.
20. Once an objector has given the requisite notice to speak on a planning application which is to be determined by the Committee, then the applicant will be notified of the fact and the date and time of the relevant meeting and be afforded the opportunity to address that meeting in response.

Rules of Debate for Cabinet, Committees and sub-committees

21. Councillors shall alert the Chair that they wish to speak and, if two or more councillors do so, the Chair will select one of them to speak in which case all other councillors shall be silent.

22. When any councillor has been called to speak by the Chair, other councillors shall remain silent unless making a point of order or personal explanation.
23. Whenever the Chair speaks or rises from their chair, every other councillor shall sit and be silent and the Mayor shall be heard without interruption.
24. The Chair may require an amendment to be written down and handed to him/her before it is discussed.
25. A councillor shall speak to the matter under discussion, or to a personal explanation or to a point of order. If a councillor does not comply with this paragraph or inappropriately engages in imputation of improper motives or other breaches of order, the Chair shall call that councillor to order and may tell them to stop speaking.
26. A councillor may speak only: -
 - (a) on motions or amendments; or
 - (b) to ask or answer questions where these rules permit or
 - (c) to raise a point of order; or
 - (d) to make a personal explanation, or
 - (e) where the Chair gives permission to a councillor to speak.
27. The Chair may exercise a right of reply and shall confine their speech to answering points made by previous speakers, and the exercise of that right shall close the debate on the particular motion or amendment then under discussion.
28. When an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
29. Where three or more persons are nominated for any position and there is not a majority in favour of one person, the person having the least number of votes shall be disregarded and a fresh vote taken, and so on, until there is a majority in favour of one person.

Voting in Cabinet, Committees and sub-committees

30. Any matter at meetings in Cabinet, Committee or sub-committee shall be determined by a show of hands (or where practical, by electronic means) by a majority of the members present and voting.
31. If at a meeting any councillor, supported in the case of the Cabinet, Committee or sub-committee by three other members demands a recorded vote by raising their hand and saying "named vote" prior to the Chair calling a vote, the names "for" or "against" the motion or amendment or abstaining from voting i.e. "not voting" will be taken down in writing and entered into the minutes.
32. Where immediately after a vote is taken by a show of hands, if any member so requires they can ask for their individual vote to be recorded in the minutes.

Councillor's Conduct for Cabinet, Committees and sub-committees

33. If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor not be heard further. If seconded, the motion will be voted on without discussion.
34. If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
35. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

Disturbance by the Public at Cabinet Committees and sub-committees

36. If a member of the public interrupts proceedings, the Chair will warn the persons concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.
37. If there is general disturbance in any part of the meeting room open to the public, the Chair may call that part to be cleared.

Exclusion of Public from Cabinet, Committees and sub-committees

38. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this constitution or Rule 28.

Substitute Councillors for Committees and sub-committees

39. Each political group may nominate any number of its members to be appointed by the Council to act as substitute councillors on each Committee in the circumstances set out below. A member of the Council not aligned to a political group shall be entitled to appoint non-aligned Councillors to their place on each committee.
40. A member of a Committee shall, if they wish a substitute councillor to attend a meeting of that Committee in their place, give the Chief Executive written notice by sending an e-mail to committeesection@southend.gov.uk no later than 3 hours before the time fixed for the meeting that they are unable to attend and that the substitute councillor named in the substitution notice will attend in their place, save that if the absence is Covid related and evidence to that effect is provided in writing, then notice can be given up to the commencement of the meeting.
41. If a Councillor is indisposed, then they may give written notice to the Chief Executive that for a specified period of time their Group Leader or another nominated Councillor (in the case of non-aligned Councillors) will deal with the appointment of substitute councillors on their behalf. In such circumstances, the

specified Group Leader shall be able to serve substitution notices on behalf of the Councillor concerned in accordance with the general rule stated above.

42. The effect of such substitution shall be that the Councillor giving the notice shall cease to be a member of that Committee for the duration of that meeting and for the duration of any adjournment of it, and that the substitute Councillor shall be a full member of the Committee for the same period. If a Councillor for whom a substitute has been notified in accordance with sub-paragraph (2) above and not revoked subsequently attends any part of the relevant meeting they shall do so as an observer only, but may be permitted to speak
43. A substitution notice given in respect of any meeting may be revoked by notice in writing given to the Chief Executive by the Councillor who gave the original notice at any time up to the time for receipt of a substitution notice as prescribed in sub-paragraph (2) above.
44. The Chief Executive shall give notice of Committee meetings in the usual way to all members of the Committee and to all substitute Councillors.

Substitute Councillors for Cabinet

45. The Leader shall appoint a substitute for each of the Cabinet Members to cover their portfolio in the event they are absent or disqualified for whatever reason. All the substitutes shall be drawn from amongst the other Cabinet Members. The same arrangements will apply to Cabinet Members in the Cabinet Committee.

Attendance at Cabinet

46. A Councillor may attend a meeting of the Cabinet, but will only be entitled to speak on an item if they:
 - (a) are a Cabinet Member; or
 - (b) have been permitted by the Chair to speak.

For the avoidance of doubt only a Cabinet Member is permitted to vote on any item.

Attendance at Committees and sub-committees

47. A Councillor may attend a meeting of any Committee or Sub-Committee, but will only be entitled to speak on an item if they:
 - (a) are a member of the Committee or sub-committee (or duly appointed substitute); or
 - (b) have been permitted by the Chair to speak; or
 - (c) have placed the item on the agenda

48. For the avoidance of doubt, only a member of the relevant Committee or Sub-Committee is permitted to vote on any item.

Restrictions on attendance

49. A Councillor may not attend a meeting of a Committee or Sub-Committee meeting in private, to deal with employment issues and appeals and education appeals unless they are a member of that Committee or Sub-Committee, a duly appointed substitute for that meeting or has a legal right to attend.

50. A Councillor who attends a Committee or Sub-Committee, of which they are neither a member nor a duly appointed substitute, should sit apart from Committee / Sub-Committee members and shall only be entitled to speak for a maximum of 5 minutes on any item.

51. Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned to Council for approval and shall not take effect until the next meeting of the Cabinet, Committee or sub-committee.

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PART 4(a)(iii) – PROCEDURAL RULES RELATING TO OVERVIEW & SCRUTINY COMMITTEES & HEALTH & WELLBEING BOARD

Meetings of the Overview and Scrutiny Committees

1. In respect of any meeting of an Overview and Scrutiny Committee or Health & Wellbeing Board:
 - (a) The meeting shall be summoned by the Chief Executive.
 - (b) The Chief Executive shall be represented at the meeting and shall be responsible for the preparation of the Minutes of the meeting.
 - (c) Every agenda shall be approved by the Chief Executive and shall (where applicable) be set out in two parts:
 - Part I – Those items to be discussed in public, and
 - Part II – Those items in respect of which, in the opinion of the Chief Executive, the meeting is likely not to be open to the public.
 - (d) Every Councillor shall be entitled to require an item of business to be placed on the agenda of any meeting of a Committee / Board, provided:
 - It is relevant to the business of that Committee / Board;
 - The Councillor has been unable to resolve the matter through normal channels; and
 - Written notice is given to the Chief Executive at least nine clear days (of which Sunday may be one) before the meeting.
2. On receipt of such a valid notice the Chief Executive will ensure that the item is included on the next available agenda, but no report shall be prepared unless, exceptionally, the Chief Executive deems this appropriate.
3. The Chief Executive may summon a special meeting of an Overview and Scrutiny Committee or Health & Wellbeing Board at any time or on the requisition in writing of the Chair or of a quarter of the members of the Committee. The summons shall set out the business to be considered at the special meeting and no other business than that set out shall be considered at that meeting.
4. The Chief Executive with the agreement of the Chair (or in his absence the Vice-Chair) of any Overview and Scrutiny Committee or Health & Wellbeing Board may:
 - (a) alter the date or time of any ordinary or Special Meeting of a Committee / Board; or

- (b) cancel a Special Meeting of a Committee / Board if, after consulting the Chair or, in his absence the Vice-Chair, both of them are agreed that the reason for convening the Special Meeting no longer exists or has been overtaken by events;

provided that the date and time of a Special Meeting of an Overview and Scrutiny Committee or Health & Wellbeing Board convened on a requisition by the Chair or of a quarter of the members of the Committee shall not be changed nor shall such a meeting be cancelled otherwise than in addition to the consultation referred to above at the written request of the Chair or of all of the Councillors requisitioning the meeting as the case may be.

- 5. In this Procedural Rule, any reference to the Chief Executive shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in his/her absence.

Quorum at Overview and Scrutiny Committee or Health & Wellbeing Board

- 6. Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Overview and Scrutiny Committee or Health & Wellbeing Board unless at least one quarter of the total number of Councillors of the Committee are present, subject to not less than 3 Councillors being present in any case.

Duration of Meetings of Overview and Scrutiny Committees

- 7. No meeting of an Overview and Scrutiny Committee or Health & Wellbeing Board shall exceed three and a half hours in duration, unless it is decided by a simple majority to proceed with the consideration of the business remaining on the Agenda. If it is decided not to continue, the meeting shall deal with the matter under discussion and dispose of any item which the Chair shall decide to be urgent. The remaining non-urgent items shall stand adjourned to the next ordinary meeting of the Overview and Scrutiny Committee or Health & Wellbeing Board or to a further meeting to be held on such day and at such time as the Chief Executive shall determine in consultation with the Chair.

Question Time at Meetings of Scrutiny Committees and the Health & Wellbeing Board

- 8. Immediately following the item "Approval of Minutes" there shall be a period not exceeding 15 minutes for questions by members of the public (not including councillors) at each meeting of the Overview and Scrutiny Committees and the Health & Wellbeing Board. 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 Chief Executive at the Civic Centre, Victoria Avenue, Southend-on-Sea not later than 3 clear working days¹ before the date of any Scrutiny Committee or Health & Wellbeing Board, ask any question relating to the business of the Committee or Board, provided that if it is a special meeting of

the Committee or Board the question must relate to business included in the agenda for that meeting. In the case of a Scrutiny Committee the relevant Cabinet Member shall respond. In the case of the Health & Wellbeing Board the Chair or as appropriate a member of the Board shall respond.

- (b) The Chief Executive shall be solely responsible for the selection of questions to be answered. Any question may be edited by the Chief Executive to bring it into proper form and to secure reasonable brevity. The Chief Executive shall be responsible for deciding the extent (if at all) to which the answer to a question should reveal information which is exempt information within the meaning of Schedule 12A to the Local Government Act 1972.
- (c) If the person asking the question is present at the meeting, they shall be given the opportunity of putting the question which will then be responded to. The questioner also shall be given the answer in writing. Neither the question nor the response shall be the subject of debate.
- (d) If the person asking the question is not present at the meeting, the question and the answer shall be circulated in writing to Councillors and sent to the questioner.
- (e) Not more than one question may be asked by any one person at any one meeting.

Rules of Debate for Overview and Scrutiny Committee or Health & Wellbeing Board

- 9. Councillors shall alert the Chair that they wish to speak and, if two or more councillors do so, the Chair will select one of them to speak in which case all other councillors shall be silent.
- 10. When any councillor has been called to speak by the Chair, other councillors shall remain silent unless making a point of order or personal explanation.
- 11. Whenever the Chair speaks or rises from their chair, every other councillor shall sit and be silent and the Chair shall be heard without interruption.
- 12. The Chair may require an amendment to be written down and handed to him/her before it is discussed.
- 13. A councillor shall speak to the matter under discussion, or to a personal explanation or to a point of order. If a councillor does not comply with this paragraph or inappropriately engages in imputation of improper motives or other breaches of order, the Chair shall call that councillor to order and may tell them to stop speaking.
- 14. A councillor may speak only: -
 - (a) on motions or amendments; or to ask or answer questions under Rules 13 and 14; or

- (b) to raise a point of order; or
- (c) to make a personal explanation, or
- (d) where the Chair gives permission to a councillor to speak.

15. The Chair may exercise of a right of reply and shall confine their speech to answering points made by previous speakers, and the exercise of that right shall close the debate on the particular motion or amendment then under discussion.
16. When an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

Voting in Overview and Scrutiny Committee or Health & Wellbeing Board

17. Any matter at meetings in Overview and Scrutiny Committee or Health & Wellbeing Board shall be determined by a show of hands (or where practical, by electronic means) by a majority of the members present and voting.
18. If at a meeting any councillor, supported by three other members may demand a recorded vote by raising their hand and saying “named vote”, prior to the Chair calling a vote, to indicate such demand, the names “for” or “against” the motion or amendment or abstaining from voting i.e. “not voting” will be taken down in writing and entered into the minutes.
19. Where immediately after a vote is taken by a show of hands, if any member so requires they can ask for their individual vote to be recorded.

Councillor Conduct at Overview and Scrutiny Committee or Health & Wellbeing Board

20. If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor not be heard further. If seconded, the motion will be voted on without discussion.
21. If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
22. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

Disturbance by the Public at Overview and Scrutiny Committee or Health & Wellbeing Board

23. If a member of the public interrupts proceedings, the Chair will warn the persons concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

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

Exclusion of Public

25. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this constitution or Rule 28.

Substitute Councillors for Overview and Scrutiny Committee or Health & Wellbeing Board

26. Each political group may nominate any number of its members to be appointed by the Council to act as Substitute Councillors on each Committee / Board in the circumstances set out below. A member of the Council not aligned to a political group shall be entitled to appoint non-aligned Councillors to their place on each committee.
27. A member of a Committee / Board shall, if they wish a Substitute Councillor to attend a meeting of that Committee / Board in their place, give the Chief Executive written notice by sending an e-mail to committeesection@southend.gov.uk no later than 3 hours before the time fixed for the meeting that they are unable to attend and that the Substitute Councillor named in the substitution notice will attend in their place, save that if the absence is Covid related and evidence to that effect is provided in writing, then notice can be given up to the commencement of the meeting.
28. If a Councillor is indisposed, then they may give written notice to the Chief Executive that for a specified period of time their Group Leader or another nominated Councillor (in the case of non-aligned Councillors) will deal with the appointment of Substitute Councillors on their behalf. In such circumstances, the specified Group Leader shall be able to serve substitution notices on behalf of the Councillor concerned in accordance with the general rule stated above.
29. The effect of such substitution shall be that the Councillor giving the notice shall cease to be a member of that Committee / Board for the duration of that meeting and for the duration of any adjournment of it, and that the Substitute Councillor shall be a full member of the Committee / Board for the same period. If a Councillor for whom a substitute has been notified in accordance with sub-paragraph (2) above and not revoked subsequently attends any part of the relevant meeting they shall do so as an observer only, but may be permitted to speak with the consent of the Chair
30. A substitution notice given in respect of any meeting may be revoked by notice in writing given to the Chief Executive by the Councillor who gave the original notice at any time up to the time for receipt of a substitution notice as prescribed in sub-paragraph (2) above.
31. The Chief Executive shall give notice of Committee / Board meetings in the usual way to all members of the Committee / Board and to all substitute Councillors.

Attendance at Overview and Scrutiny Committee or Health & Wellbeing Board

32. A Councillor may attend a meeting of any Overview and Scrutiny Committee or Health & Wellbeing Board, but will only be entitled to speak on an item if they:
- (a) are a member of the Committee or Sub-Committee (or duly appointed substitute); or
 - (b) have been permitted by the Chair to speak; or
 - (c) have placed the item on the agenda
33. For the avoidance of doubt, only a member of the relevant Committee or Sub-Committee is permitted to vote on any item.

Provisos

34. A Councillor who attends an Overview and Scrutiny Committee or Health & Wellbeing Board, of which they are neither a member nor a duly appointed substitute, should sit apart from Committee Board members and shall only be entitled to speak for a maximum of 5 minutes on any item.
35. At meetings of the Overview and Scrutiny Committee or Health & Wellbeing Board these Procedural Rules shall not be suspended.
36. Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Part 4(a)(iv) – PROCEDURAL RULES RELATING TO WORKING PARTIES

Introduction

1. Working Parties, Forums and Panels are non-decision making bodies. They are different to other meetings of the Council as they are informal and therefore not required to comply with rules on publication of documents, meetings in public and issuing of minutes. They are advisory bodies and their terms of reference will set out their parent decision making body to whom they report.
2. Whilst there are no legal requirements for Working Parties, Forums and Panels their terms of reference are published in the Constitution. Reports, agendas and minutes produced for these informal meetings are also published to assist with transparency.

Meetings of the Working Party, Forum or Panel

3. Any meeting of a Working Party, Forum, Panel or other informal body:
 - (a) Shall be summoned by the Chief Executive.
 - (b) The Chief Executive shall be represented at the meeting and shall be responsible for the preparation of the minutes of the meeting.
 - (c) Every agenda shall be approved by the Chief Executive and shall (where applicable) be set out in two parts:

Part I – Those items to be discussed in public, and

Part II – Those items in respect of which, in the opinion of the Chief Executive, the meeting is likely not to be open to the public.
 - (d) Subject to (c) above, every Councillor shall be entitled to require an item of business to be placed on the agenda of any meeting of a Working Party, Forum or Panel provided:
 - It is relevant to the business of that meeting;
 - The Councillor has been unable to resolve the matter through normal channels; and
 - Written notice is given to the Chief Executive at least nine clear days (of which Sunday may be one) before the meeting.

On receipt of such a valid notice the Chief Executive will ensure that the item is included on the next available agenda, but no report shall be prepared unless, exceptionally, the Chief Executive deems this appropriate.

4. In this Procedural Rule, any reference to the Chief Executive shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in his/her absence.

Working Parties

5. There shall be 2 types of working party:
 - (i) Those that report exclusively to the Executive (“Cabinet Working Parties”)
 - (ii) Those that report to the Council (“Council Working Parties”)

6(a) Cabinet Working Parties

- (i) A Cabinet Working Party may comprise any Councillor apart from the Mayor and Deputy Mayor.
- (ii) Each Cabinet Working Party shall be appointed by the Cabinet and shall include at least 3 Councillors. They may also include officers and Co-opted Members in appropriate cases.
- (iii) Each Cabinet Working Party shall be chaired by the Leader or such other Cabinet Member as the Leader shall appoint. A Vice-Chair will be elected at the first meeting in each municipal year.
- (iv) Cabinet Working Parties shall report directly and exclusively to the Cabinet and shall act in an advisory capacity only.

6(b) Council Working Parties

- (i) Each Council Working Party shall include at least 3 Councillors. They may also include Officers and Co-opted Members in appropriate cases.
- (ii) With the exception of Scrutiny Working Parties / Panels which will be drawn from the membership of the parent Committee (and report to that parent Committee):
 - Each Council Working Party shall be appointed by the Council.
 - The Council will appoint the Chair and Vice-Chair of all Council Working Parties.
 - A Council Working Party may comprise any Councillors, (except that a Cabinet Member shall not be a member of a Working Party which reports to or through a Scrutiny Committee) together with Co-opted Members and Officers.
 - Council Working Parties shall report to the Council, either directly or through a Committee as set out in the terms of reference.

Quorum at Working Parties

7. The Quorum for Working Parties, Forums, Panels and other bodies shall be as set out in their Terms of Reference

Rules of Debate

8. Councillors shall alert the Chair that they wish to speak and, if two or more councillors do so, the Chair will select one of them to speak in which case all other councillors shall be silent.
9. When any councillor has been called to speak by the Chair, other councillors shall remain silent unless making a point of order or personal explanation.
10. Whenever the Chair speaks or rises from their chair, every other councillor shall sit and be silent and the Chair shall be heard without interruption.
11. A councillor shall speak to the matter under discussion, or to a personal explanation or to a point of order. If a councillor does not comply with this paragraph or inappropriately engages in imputation of improper motives or other breaches of order, the Chair shall call that councillor to order and may tell them to stop speaking.
12. A councillor may speak only: -
 - (a) on the matter under debate
 - (b) to raise a point of order; or
 - (c) to make a personal explanation, or
 - (d) where the Chair gives permission to a councillor to speak.
13. The Chair has a right of reply and shall confine their speech to answering points made by previous speakers, and that shall close the debate on the particular matter
14. When an amendment is carried, the amended motion shall take the place of the original motion.

Voting in Working Parties, Forums and Panels

15. Any matter at meetings in Working Party, Forums and Panels shall be determined by a show of hands (or where practical, by electronic means) by a majority of the members present and voting.
16. If at a meeting any councillor, supported by one other member, may demand a recorded vote by raising their hand and saying "named vote", prior to the Chair calling a vote, to indicate such demand, the names "for" or "against" the motion or amendment or abstaining from voting i.e. "not voting" will be taken down in writing and entered into the minutes.

17. Where immediately after a vote is taken by a show of hands, if any member so requires their individual vote shall be recorded in the Minutes of that meeting

Councillor Conduct

18. If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor not be heard further. If seconded, the motion will be voted on without discussion.
19. If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
20. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

Disturbance by the Public

21. If a member of the public interrupts proceedings, the Chair will warn the persons concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.
22. If there is general disturbance in any part of the meeting room open to the public, the Chair may call that part to be cleared.

Exclusion of Public

23. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this constitution

Substitute Councillors

24. Each political group may nominate any number of its members to be appointed by the Council to act as substitute Councillors on a Working Party, Forum or Panel in the circumstances set out below. A member of the Council not aligned to a political group shall be entitled to appoint non-aligned Councillors to their place on each committee.
25. A member of a Working Party, Forum or Panel shall, if they wish a substitute Councillor to attend in their place, give the Chief Executive written notice by sending an e-mail to committeesection@southend.gov.uk no later than 3 hours before the time fixed for the meeting that they are unable to attend and that the substitute Councillor named in the substitution notice will attend in their place, save that if the absence is Covid related and evidence to that effect is provided in writing, then notice can be given up to the commencement of the meeting.
26. If a Councillor is indisposed, then they may give written notice to the Chief Executive that for a specified period of time their Group Leader or another

nominated Councillor (in the case of non-aligned Councillors) will deal with the appointment of substitute Councillors on their behalf. In such circumstances, the specified Group Leader shall be able to serve substitution notices on behalf of the Councillor concerned in accordance with the general rule stated above.

27. The effect of such substitution shall be that the Councillor giving the notice shall cease to be a member of that Working Party, Forum or Panel for the duration of that meeting and for the duration of any adjournment of it, and that the substitute Councillor shall be a full member of the Committee for the same period. If a Councillor for whom a substitute has been notified and not revoked subsequently attends any part of the relevant meeting they shall do so as an observer only, but may be permitted to speak by the Chair
28. A substitution notice given for any meeting may be revoked by notice in writing given to the Chief Executive by the Councillor who gave the original notice at any time up to the time for receipt of a substitution notice
29. The Chief Executive shall give notice of Working Parties, Forums and Panels in the usual way to all members of those informal bodies and to all substitute Councillors.

Attendance at Working Party, Forums and Panels

30. Subject to the interest rules in the Code of Conduct and the proviso set out below, a Councillor may attend a public or private meeting of any Working Party, Forum or Panel meeting in public, but will only be entitled to speak on an item if they:
 - (a) are a member or duly appointed substitute of the Working Party, Forum or Panel; or
 - (b) have been permitted by the Chair to speak; or
 - (c) have placed the item on the agenda
31. For the avoidance of doubt, only a member of the relevant Working Party, Forum or Panel is permitted to vote on any item.

Public Participation in Respect of Traffic Regulation Orders

This section relates only to those objections to Traffic Regulation Orders which are not regulated under the requirements of section 10 of the Local Authorities' Traffic Orders (Procedure) (England) Regulations 1996.

32. Where objections have been received to an advertised Traffic Regulation Order and are being considered by the Traffic Regulations Working Party an objector may address the Working Party in person in respect of that Traffic Regulation Order. They must give written notice of that request by 12:00 noon on the last working day before the relevant meeting of the Working Party.

33. A supporter will only be allowed to address the relevant meeting if an objector is being given the opportunity to do so.
34. Where more than one person wants to speak for or against a Traffic Regulation Order then a spokesperson must be appointed. Where a spokesperson cannot be agreed then the Chair will decide who shall speak.
35. Speakers will be limited to a maximum period of three minutes and only one speaker for and one speaker against the proposed Traffic Regulation Order will be permitted to address the meeting.
36. Speakers will not be allowed to ask a supplementary question or make a supplementary statement and will not be cross-examined. The Chair may however seek clarification of any points made by any speaker.
37. The use of visual aids will not be permitted and copies of speakers' comments and / or additional written information cannot be circulated at the meeting.

Additional restrictions

38. A Councillor who attends a Working Party, Forum or Panel of which they are neither a member nor a duly appointed substitute, should sit apart from Working Party, Forum or Panel members.
39. At meetings of the Working Parties, Forums, Panels and other bodies these procedural Rules shall not be suspended.
40. Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Part 4(b) – Access to Information Procedure Rules

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Part 4(b) – Access to Information Procedure Rules

1. Scope

These rules apply to all meetings of the Council, Scrutiny Committees, the Standards Committee, the Audit Committee and Regulatory Committees (i.e. Development Control, Licensing, Appointments and Disciplinary, Appeals) and public meetings of the Executive (together called meetings).

2. Additional rights to information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. Rights to attend meetings

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. Notices of meeting

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Civic Centre, Southend-on-Sea the designated office.

5. Access to agenda and reports before the meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

6. Supply of copies

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7. Access to minutes etc after the meeting

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

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (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;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. Background papers

8.1 List of background papers

The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her 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 Paragraph 10 below) and in respect of Executive reports, the advice of a political advisor.

8.2 Public inspection of background papers

Background papers will remain available for public inspection for four years after the date of the meeting. Background papers for meetings of the Cabinet and its Committees will be published on the Council's website.

9. Summary of public's rights

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Civic Centre.

10. Exclusion of access by the public to meetings

10.1 Notice of Private Meetings of the Executive

When the public are to be excluded from a meeting (or part of a meeting) of the Cabinet or a Cabinet Committee, a notice of intention to hold a meeting in private will be published on the Council's website (as part of the Forward Plan) at least 28 days before the date of the meeting.

The notice will state the reasons why the meeting (or part of the meeting) is to be held in private and how to make objections to this.

If objections are received then these will be considered by the Chief Executive in consultation with the Leader and a decision made whether the meeting (or part of the meeting) will be held in private. In the absence of the Chief Executive the matter will be dealt with by the Monitoring Officer. In the absence of the Leader the consultation will be with the Deputy Leader.

If the meeting (or part of the meeting) will be held in private then at least five days before the meeting a further notice will be published of the Council's intention so to do. The notice, which will go out with the agenda, will include a statement of the reasons why the meeting (or part of the meeting) is to be held in private, details of any objections made and the response to those objections.

10.2 Urgent Items at Private Meetings of the Executive

If the urgency of a decision makes compliance with **10.1** impracticable, agreement will be sought from the Chair of the relevant scrutiny committee that the meeting is urgent and cannot reasonably be deferred. In the absence of the Chair of the scrutiny committee, the Mayor shall be asked for their agreement and, in their absence, the Deputy Mayor. If agreement is granted, a notice will be published on the Council's website and made available at the Council offices setting out why the meeting is urgent and cannot reasonably be deferred.

10.3 Confidential information – requirement to exclude public

The 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.

10.4 Exempt information – discretion to exclude public

The 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.

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 of the European Convention on Human Rights.

10.5 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.6 Meaning of exempt information

Subject to the **conditions** detailed in 10.7 below, exempt information is defined in the Local Government (Access to Information) (Variation) Order 2006 (as amended) as information falling within any of the following categories:

	Category	Conditions / Definitions
1	Information relating to any individual	Conditions – see 10.7 below
2	Information which is likely to reveal the identity of an individual	Conditions – see 10.7 below
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	1. Conditions – see 10.7 below. 2. Definitions – “financial or business affairs” includes contemplated as well as past or current activities.
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 officer-holders under, the authority	1. Conditions – see 10.7 below 2. Definitions – “employee” means a person employed under a contract of service. “officeholder” means the holder of any paid office appointments to which are or may be made or confirmed by the authority or any Joint Board on which the authority is represented or by any person who holds any such office or is an employee of the authority “labour relations matters” are as specified in paragraphs (a) to (g) of section 218 (1) of the Trade Union and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute.

	Category	Conditions / Definitions
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Conditions – see 10.7 below.
6	Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Conditions – see 10.7 below.
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Conditions – see 10.7 below.

10.7 Exempt Information – Conditions

- (a) Information falling within Category 3 in 10.6 is not exempt information if it is required to be registered under
- the Companies Acts (as defined in Section 2 of the Companies Act 2006);
 - the Friendly Societies Act 1974;
 - the Friendly Societies Act 1992;
 - the Industrial and Provident Societies Acts 1965 (Co-operative and Community Benefit Societies & Credit Unions Act 1965) to 1978;
 - the Building Societies Act 1986 (and in this context, “registered” means recorded in the public file of the Building Society); or
 - the Charities Act 2011;
- (b) Information is not exempt information under any category in 10.6 if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (c) Exempt information under any category in 10.6 (and which is not prevented from being exempt by virtue of (a) or (b) above) is exempt information if and so long, as in all the circumstances of the case, **the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

11. Exclusion of access by the public to reports

If the monitoring officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10, the meaning is likely not be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

12. Application of rules to the Executive

Rules 1 – 19 apply to the Executive and its committees (whether taking a key decision or any other decision) unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution.

The Council's policy is that as far as reasonably possible meetings should be open to the public. It expects the Executive normally to follow this principle. This requirement does not include meetings, whose sole purpose is for officers to brief Cabinet Members.

13. Procedure before taking key decisions

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision (see Article 13) may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- (b) at least 28 days have elapsed since the publication of the Notice; and
- (c) where the decision is to be taken at a meeting of the Executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. The Forward Plan

14.1 Period of Forward Plan

Forward Plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

14.2 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Executive, a committee of the Executive, or officers in the course of the discharge of an Executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, their name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision is to be made;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken;
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter on which a key decision is to be made;
- (h) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from any document listed is available;

- (i) that other documents related to these matters may be submitted to the decision maker; and
- (j) the procedure for requesting details of those documents (if any) as they become available.

The Forward Plan must be published at least 28 days prior to the meeting of the Executive and will be published on the Council's website.

15. General Exception

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 16 (special urgency), 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 included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Monitoring Officer has informed the chair of a relevant scrutiny committee, and each member of that committee in writing, by notice, of the matter about which the decision is to be made;
- (c) the Monitoring Officer has made copies of that notice available to the public at the offices of the Council and on the Council's website; and
- (d) at least five clear days have elapsed since the Monitoring Officer complied with (a) and (b).

16. Special Urgency

If, by virtue of the date by which a decision must be taken, Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of a relevant scrutiny committee that the taking of the decision is urgent and cannot be reasonably deferred. If there is no chair of a relevant scrutiny committee, or if the chair of each relevant scrutiny committee is unable to act, then the agreement of the Mayor, or in their absence the Deputy Mayor will suffice.

As soon as reasonably practicable after the decision maker has obtained agreement, in accordance with the above procedure, that the decision is urgent and cannot reasonably be deferred, the decision maker must make available a notice at the Council offices setting out the reasons that the meeting is urgent and cannot reasonably be deferred and publish the notice on the Council's website.

17. Report to Council

17.1 When a Scrutiny Committee Can Require a Report

If a scrutiny committee thinks that a key decision has been taken which was not:

- (a) included in the Forward Plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with a relevant scrutiny committee chair, or the Mayor / Deputy Mayor of the Council under Rule 16

then the committee may require the Executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the committee when so requested by the chair or any five members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant scrutiny committee.

17.2 Executive's Report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

17.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) 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.

18. Record of decisions

After any meeting of the Executive or any of its committees, whether held in public or private, the Chief Executive or their representative, or in default the Monitoring Officer, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision, any alternative options considered and rejected at that meeting, a record of any conflict of interest relating to the matter decided which is declared by a member of the decision making body and a note of any dispensation granted in respect of such interest.

A record of decision shall be produced in the same manner in respect of an executive decision taken by a senior officer under the Standing Order 46 procedure.

19. Scrutiny Committee's access to documents

19.1 Rights to copies

Subject to Rule 19.2 below, a member of a scrutiny committee will be entitled to copies of any document which is in the possession or control of the Executive or the Cabinet Committee and which contains material relating to:

- (a) any business that has been transacted at a meeting of the Executive or the Cabinet Committee; or
- (b) any decision made by an officer of the Authority in accordance with the executive arrangements.

19.2 Limit on rights

No member of a scrutiny committee will be entitled to any document that is in draft form (although the Executive may accede to such a request).

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Part 4(c) – Budget and Policy Framework Procedure Rules

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Part 4(c) – Budget and Policy Framework Procedure Rules

1. The Framework for Executive Decisions

1.1 The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Executive to implement it.

- (a) The Executive will publicise at the Council's offices and on its web-site (as an adjunct to the Forward Plan) a Timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Policy and Budget Framework and its arrangements for consultation after publication of Initial Proposals.

The consultation period on the initial proposals of the Executive shall be not less than 3 weeks and the relevant Scrutiny Committee(s) shall be given the opportunity to consider and comment on these Initial Proposals.

- (b) At the end of the consultation period referred to in (a) the Executive shall consider any responses received from a Scrutiny Committee(s) or any other person or body and take such responses into account in drawing up Firm Proposals for direct submission to the Council. These Firm Proposals will reflect the comments made by consultees and the Executive's response.
- (c) Once the Executive has approved the firm proposals, the Chief Executive and the Monitoring Officer will refer them at the earliest opportunity to the Council for decision.
- (d) In reaching a decision, the Council may adopt the Executive's proposals, amend them, refer them back to the Executive for further consideration, or in principle, substitute its own proposals in their place.
- (e) If it accepts the recommendation of the Executive without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) The decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader.

1.2 Where the Executive has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph 1.3 below.

1.3 Before the Council:

- (a) amends the draft plan or strategy;
- (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for their approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (c) adopts (with or without modification) the plan or strategy

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to them instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

1.4 Where the Council gives instructions in accordance with paragraph 1.3, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions within which the Leader may:

- (a)** submit a revision of the draft plan or strategy as amended by the Cabinet (the “revised draft plan or strategy”), with the Cabinet’s reasons for any amendments made to the draft plan or strategy, to the Council for its 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.

1.5 When the period specified by the authority, referred to in paragraph 1.4, has expired, the Council must, when:

- (a)** amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
- (b)** approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for their approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- (c)** adopting (with or without modification) the plan or strategy

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet’s reasons for those amendments, any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

1.6 Subject to paragraph 1.10, where, before 8th February in any financial year, the Cabinet submits to the 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 to 37 or 43 to 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

and following consideration of these estimates or amounts the Council has any objections to them, it must take the action set out in paragraph 1.7.

1.7 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in sub-paragraph (6)(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet’s estimates or amounts and must give to them instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority’s requirements.

1.8 Where the Council gives instructions in accordance with paragraph 1.7, it must specify a period of at least five 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 the Council’s requirements, with the Cabinet’s reasons for any amendments made to the estimates or amounts, to the Council for the 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.

1.9 When the period specified by the Council, referred to in paragraph 1.8, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in subparagraph (6) (a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:

- (a) any amendments to the estimates or amounts that are included in any revised 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; and
- (d) the Cabinet's reasons for that disagreement,

which the Leader submitted to the Council, or informed the Council of, within the period specified.

1.10 Paragraphs 1.6 – 1.9 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 a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

1.11 (a) In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the Budget and degree of in-year changes to the Policy Framework which may be undertaken by the Cabinet, in accordance with these Rules (virement and in-year adjustments) and the Financial Procedure Rules in **Part 4(f)**. Any other changes to the policy and budgetary framework are reserved to the Council.

- (b) The Executive will in addition to the above provisions consult the scrutiny committees regularly in the process of preparing the draft budget and draft plans and strategies and, where appropriate, stakeholders. In particular, the views of Scrutiny Committees shall be obtained before Cabinet proposals are published. In the case of the Development Plan, the Executive will consult both the Policy & Resources Scrutiny Committee and the Development Control Committee.

2. Decisions outside the Budget or Policy Framework

- (a) Subject to the provisions of paragraph 4 (virement) and paragraph 3 below the Executive and any officers discharging Executive functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by full Council, then that decision may only be taken by the Council, subject to paragraph 3 below.
- (b) If the Executive and any officers discharging Executive functions want to make such a decision, they shall take advice from the Chief Executive and / or Monitoring Officer and / or the Chief Finance Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget. If the advice of any of those officers is that the decision would not be in line with the existing Budget and / or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 3 (urgent decisions outside the Budget and Policy Framework) shall apply.

3. Urgent decisions outside the Budget or Policy Framework

- (a) The Executive discharging Executive functions, may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
- (i) if it is not practical to convene a quorate meeting of the full Council;
 - (ii) if the chair of a relevant scrutiny committee agrees that the decision is a matter of urgency; and
 - (iii) the matter has first been discussed with the Chief Executive and the Chief Finance Officer.

The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant scrutiny committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant scrutiny committee the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.

- (b) Following the decision, the decision taker 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.

4. Virement

The Financial Procedure Rules in **Part 4(f)** set out the arrangements for authorising virement between budget heads. Virements of expenditure permitted under the Financial Procedure Rules shall be deemed to be expenditure within the Council's Budget.

5. In-year changes to Policy Framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive or officers discharging Executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except as set out in paragraphs 2, 3 and 4 above.

6. Call-in of decisions outside the Budget or Policy Framework

- (a) Where a scrutiny committee is of the opinion that an Executive decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it shall seek advice from the Monitoring Officer and / or Chief Finance Officer.
- (b) In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and / or Chief Finance Officer's report shall be to the Executive with a copy to every Councillor. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the scrutiny committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and / or the Chief Finance Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 21 days of the request by the scrutiny committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and / or the Chief Finance Officer. The Council may either:
- (i) endorse a decision or proposal of the Executive decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - (ii) agree that an exception be made to the Financial Procedure Rules in **Part 4(f)** or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - (iii) require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer / Chief Finance Officer 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 existing framework to accommodate it.

Note: These Rules incorporate the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001.

7. Advice to Group Leaders in Budget Presentation

During the preparation of the Budget or alternative Budgets leading to the Council's Annual Budget Setting Meeting (ABSM), the Strategic Director (Finance & Resources) (or their staff) will provide Group Leaders (and / or their nominated members) with information which they request – and in particular they will confirm that any proposals would not produce an unbalanced or unsound budget, if they are satisfied that this is the case.

This information will be given in confidence and it will not be copied to any other Group.

Councillors receiving such information shall not share that information outside the Group or outside the Council.

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Part 4(d) – Executive Procedure Rules

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Part 4(d) – Executive Procedure Rules

1. How does the Executive operate?

1.1 Who may make Executive decisions?

- The Executive will comprise a maximum of ten Councillors, including the Leader and Deputy Leader. The Leader will be appointed for a four year term, subject to the provisions set out in **Part 2 - Article 7.03 (a) – (c)**.
- The Leader will then appoint up to 9 other Cabinet Members who will be allocated one of the portfolios set out in **Part 3, Schedule 1**.
- The Leader may amend these portfolios in accordance with **Part 2 – Article 7.02**.
- Subject to the powers delegated to the Cabinet Committee re traffic orders (set out in **Part 3, Schedule 2**) and the Scheme of Delegations to Officers [set out at **Part 3, Schedule 3**] Executive functions will be discharged by decisions taken at meetings of the Executive as a whole.
- If and to the extent that any Executive functions are not included in the delegation scheme then in cases of urgency the Leader may arrange for the discharge of those functions by delegating them to the Chief Executive or the appropriate Deputy Chief Executive to act in consultation with the Leader under section 15(3) and (4) of the 2000 Act subject to review by the Council at the next annual Council meeting.¹
- The Leader may appoint a substitute for each of the Cabinet Members for the purposes of being consulted by officers under the delegation scheme and generally in order to cover their portfolio in the event that the Cabinet Member is absent or unable to act for whatever reason. All the substitutes shall be drawn from amongst the other Cabinet Members.

1.2 The Council's scheme of delegation and Executive functions

The Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in **Part 3** of this Constitution.

1.3 Conflicts of Interest

If the exercise of an Executive function has been delegated to a committee of the Executive, or an officer and a conflict of interest arises, then the function will be exercised at a meeting of the Executive as a whole.

1.4 Executive meetings – when and where?

Unless prevented by emergency or other unavoidable cause, the Executive will meet at least 8 times per year at times to be agreed by the Leader. The Executive shall meet at the Council's main offices or another location to be agreed by the Leader.

¹ This provision is designed to cover the situation where, for whatever reasons, an executive function has been omitted from the Scheme of Delegations to Chief Officers in Part 3 (Schedule 3) and reflects Section 15 of the 2000 Act. In contrast Standing order 46 (in the Council's Procedure Rules in Part 4(a)) permits urgent action by Chief Officers in relation to matters within the terms of reference of the Cabinet or a Committee and which would normally be taken by the Cabinet or Committee as the case may be.

1.5 Meetings of the Executive shall be in public

Subject to the rules regarding exempt information in **Part 4(b)**. This requirement does not include meetings, whose sole purpose is for Officers to brief Cabinet Members. All Cabinet meetings are expected by the Council to be held in public.

1.6 Quorum

The quorum for a meeting of the Executive shall be 3.

1.7 How are decisions to be taken by the Executive?

Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in **Part 4(b)** of the Constitution.

2. How are Executive meetings conducted?

2.1 Who presides?

If the Leader is present, they will preside. In their absence, then the Deputy Leader or in their absence a person appointed to do so by those present shall preside.

2.2 Who may attend?

These details are set out in the Access to Information Procedure Rules in **Part 4(b)** of this Constitution. Chair of Scrutiny Committees may be invited to attend a meeting of the Executive to present their reports.

2.3 What business?

At each meeting of the Executive the following business will be conducted:

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) matters referred to the Executive (whether by a scrutiny committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Procedure Rules (**Part 4(e)**) or the Budget and Policy Framework Procedure Rules (**Part 4(c)**);
- (iv) consideration of reports from scrutiny committees; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not, in accordance with the Access to Information Procedure Rules set out in **Part 4(b)**.

2.4 Consultation

All reports to the Executive from any Cabinet Member or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Executive agenda?

- (i) Any Cabinet Member may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. If they receive such a request the Chief Executive will comply.
- (ii) The Chief Executive and the Monitoring Officer will make sure that an item is placed on the agenda of the next available meeting of the Executive where a scrutiny committee or the full Council have resolved that an item be considered by the Executive.
- (iii) The Head of Paid Service and / or the Monitoring Officer and / or the Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require such a meeting to be called in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

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Part 4(e) – Overview & Scrutiny Procedure Rules

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Part 4 (e) – Overview and Scrutiny Procedure Rules

1. What will be the number and arrangements for Overview and Scrutiny Committees?

The Council's scrutiny function is performed by the scrutiny committee as set out in Article 6 and will appoint to them as it considers appropriate.

2. Who may sit on the Scrutiny Committee

All Councillors except members of the Cabinet and Mayor may be members of the scrutiny committee. However, no Councillor may be involved in scrutinising a decision in which they have been directly involved.

The People Scrutiny Committee shall include within its membership the following Co-opted Members:

- 1 x Church of England diocese representative (voting);
- 1 x Roman Catholic diocese representative (voting);
- 2 x Parent governor representatives (voting);
- 3 x Non-voting Co-opted Members: one appointed by SAVS (through election amongst voluntary organisations in the City), one appointed by Healthwatch Southend and the other appointed by the Carers Forum; and
- 2 x Observers appointed by Southend Youth Council

3. Meetings of the Scrutiny Committee

A schedule of meetings will be published. Additional meetings may be called from time to time as and when appropriate. A meeting may be called by the Chair of the Scrutiny or by any five members of the Committee or by the Chief Executive if they consider it necessary or appropriate.

4. Quorum

The quorum for a scrutiny committee shall be five. The quorum must be maintained for the duration of the meeting.

5. Who chairs the Scrutiny Committee?

Chairs and vice chairs of the scrutiny committees will be drawn from among the opposition Councillors sitting on the committee.

6. Work programme

The scrutiny committees will be responsible for setting their own work programme (having due regard to Council resources) and in doing so they

shall consider the wishes of members on that committee. The work programme should include requests from the Council and the Cabinet for advice. Part of the work programme may be undertaken by small Working Parties of the scrutiny committee. Appendices 2 and 3 provides guidance on setting a work programme.

In addition to the more in-depth scrutiny work undertaken by the working parties during the municipal year, the committee may wish to undertake pre-decision scrutiny on decisions in their final form before their consideration at Cabinet. Appendices 3 and 4 sets out how pre-decision scrutiny works in practice.

7. Agenda items

Any elected Councillor may give written notice to the Chief Executive that they wish an item relevant to the functions of the scrutiny committee and relating to a Councillor Call for Action (CCfA) in their ward which cannot be resolved through normal channels, to be included on the agenda for the next available meeting of the committee (in accordance with the Local Protocol on CCfA in Part 5(g) of the Constitution). On receipt of such a notice the Chief Executive will assess whether it is validly submitted and complies with the guidance issued by the Secretary of State. If they are satisfied that it is valid, they shall arrange for investigation and submission of an initial report on the matter for consideration on the next available agenda.

The scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet to review particular areas of Council activity. Where they do so, the scrutiny committee shall report their findings and any recommendations back to the Cabinet and / or Council. The Council and / or the Cabinet shall consider the report of the scrutiny committee within one month of receiving it.

The People Scrutiny Committee will consider referrals made by Healthwatch Southend.

8. Policy review and development

The role of the scrutiny committees in relation to the Council's Budget and Policy Framework is set out in the Budget and Policy Framework Procedure Rules (Part 4(c)).

In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, scrutiny committees or sub-committees may make proposals to the Cabinet for developments in so far as they relate to matters within their Terms of Reference.

Scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

9. Reports from the Scrutiny Committee

Once it has formed recommendations on any matter, a scrutiny committee may prepare a formal report and submit it for consideration by the Cabinet (if the proposals are consistent with the existing Budgetary and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

If a scrutiny committee cannot agree on one single final report to the Council or Cabinet on proposals on any matter as referred to above, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

The Council or Cabinet shall consider the report of the scrutiny committee normally within 8 weeks of it being submitted.

10 Making sure that scrutiny reports are considered by the Cabinet

The agenda for Cabinet meetings shall include an item entitled "Issues arising from scrutiny". The reports of scrutiny committees referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within one month of the scrutiny committee completing its report.

Only one report every three months may be submitted by each scrutiny committee to the Cabinet.

Scrutiny committees will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a scrutiny committee following a consideration of possible policy / service developments, the committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

11. Rights of Scrutiny Committee members to documents

In addition to their rights as Councillors, members of scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4(b).

Nothing in this paragraph prevents more detailed liaison between the Cabinet and scrutiny committees as appropriate depending on the matter under consideration.

12. Councillors and officers giving account

The scrutiny committee will confine its questions to the particular issue on the agenda. Scrutiny committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. This power does not relate solely to scrutiny of decisions taken and can be used to ask a Cabinet Member, for example, about forthcoming issues, provided due notice is given. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Cabinet Member, the Head of Paid Service and / or any senior officer to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and / or
- (iii) their performance,

and it is the duty of those persons to attend if so required.

Where any Councillor or officer is required to attend a scrutiny committee under this provision, the chair of that committee will inform the Chief Executive. The Chief Executive shall inform the Councillor or officer in writing giving at least 15 working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the Councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the Councillor or officer is unable to attend on the required date, then the scrutiny committee shall in consultation with the Councillor or officer arrange an alternative date for attendance to take place within a maximum of 15 days from the date of the original request.

13. Attendance by others

A Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and / or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

14. Call-in

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

Call-in should only be used in exceptional circumstances. Exceptional circumstances are where a decision has been made which is either outside the policy framework or contrary to, or not wholly consistent with the budget, or the decision was not taken in accordance with the principles set out in Article 13.02. The right to call-in should not be abused.

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.

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.

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

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

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

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

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

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

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

If the call-in is valid:

- (c) Cabinet to be formally notified in writing of the receipt of a call-in; and
- (d) the Chair of the scrutiny committee to be informed (if the Chair is not a party to the call-in).

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

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

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.

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

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

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

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

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

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

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

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

- a) To note the Cabinet's decision – in which case the decision takes effect immediately
- b) To refer the matter back to the Cabinet for reconsideration – in which case the Cabinet shall reconsider the matter within 28 days, normally at its next planned meeting. The Cabinet may then determine the matter as it thinks fit and the decision takes effect on publication of the fresh decision, there being no further call-in.
- c) Refer Cabinet's decision to the Council where the Chief Financial Officer/ Monitoring Officer's report confirms that the decision is outside of the budgetary and policy framework.

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

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

15. Call-In and Urgency

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.

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.

16. Procedure at Scrutiny Committee meetings

Scrutiny committees shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest;
- (iii) consideration of any matter referred to the committee in relation to call-in of a decision;
- (iv) responses of the Cabinet to reports of the scrutiny committees; and
- (v) the business otherwise set out on the agenda for the meeting.

Where the scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
- (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

Following any investigation or review, the committee / sub-committee shall prepare a report for submission to Cabinet and / or Council as appropriate and shall make its report and findings public.

Appendix 1

This form may be used to request a call in of any key decision (except urgent decisions) taken by the Cabinet or an officer acting under delegated powers.

This form must be completed by at least 3 voting members of the Council and must be delivered to the Chief Executive by 4pm of the fifth working day following publication of the decision.

We, the undersigned, request that the following decision be scrutinised by theScrutiny Committee for the reasons set out below:-

The decision of the Cabinet on20.. item ; or
The decision contained in the Record of Decisions Taken Under Delegated Powers, Reference No..... dated

Reasons for call in:

Names

1.
2.
3.

Please indicate the lead representative who must present the case at the scrutiny committee meeting.

Scrutiny work programme

At the first meeting of each scrutiny committee in the municipal year, the committee will set their work programme (having due regard to Council resources) and in doing so they shall consider the wishes of members on that committee. Part of the work programme may be undertaken by small Working Parties of the scrutiny committee.

The scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Executive to review particular areas of Council activity. Where they do so, the scrutiny committee shall report their findings and any recommendations back to the Executive. The Executive shall consider the report of the scrutiny committee at the next available meeting.

The Committees should anticipate that during the municipal year they may wish to undertake pre-decision scrutiny or call-in a decision and accordingly it is advisable leave sufficient time within the planned work programme for these eventualities.

Issues suitable for scrutiny

The following criteria can help to determine a scrutiny committee's programme. A topic does not need to meet all of these criteria in order to be scrutinised, but they are intended as a guide for prioritisation.

- Is the issue a priority area for the Council?
- Is it a key issue for local people?
- Will it be practicable to implement the outcomes of the scrutiny?
- Are improvements for local people likely?
- Does it examine a poor performing service?
- Will it result in improvements to the way the Council operates?
- Is it related to new Government guidance or legislation?

Other points also need to be taken into account when considering whether to review a particular issue:

- Is the subject specific – so that those undertaking the scrutiny can understand exactly what they are scrutinising?
- Is it achievable within the timescale allowed?

The following criteria may also be helpful in identifying what issues are not suitable for scrutiny:

- The issue is already being examined by another body.
- The matter is sub judice or prejudicial to the Council's interests.
- The matter relates to a specific case falling within the complaints procedure.
- The issue relates to an individual disciplinary matter or grievance.

It will be important for members to:

- Ensure that the programme includes a balance of different types of work, including short, medium and long term reviews.
- Issues could be considered at single meetings, or may need to be the subject of a longer term, more in-depth scrutiny review;
- Have regard to the ongoing work of the scrutiny committees, including performance monitoring, budget scrutiny, crime and disorder scrutiny and consideration of the Corporate Plan;
- Ensure that the scrutiny committees retain sufficient capacity to respond to issues that may arise within the year, including pre-scrutiny and call-ins;
- Take into account the resources available to support scrutiny.

The scrutiny chairs will need to consider how best to carry out the pieces of work in discussion with relevant officers and the scrutiny team.

PRE-DECISION SCRUTINY

What is pre-decision scrutiny?

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.
2. Pre-decision scrutiny is usually undertaken two or three weeks before a key decision is made at Cabinet. This provides councillors on scrutiny committee to consider and make recommendations on decisions in their final form.
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.
4. It does not mean that decisions will necessarily be changed or withdrawn, however it gives an opportunity for those decisions to be more informed. Pre-decision scrutiny can be viewed as non-Executive Members performing a 'critical friend' role in relation to the Executive.

What pre-decision scrutiny is not

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

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

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.
11. Pre-decision scrutiny does not automatically require scrutiny to carry out any in-depth work. The presumption is that a single meeting is sufficient to formulate views. Should the committee feel that more work is necessary then it will need to recommend that to Cabinet. If the committee wishes to carry out any aspect of work in relation to the proposed decision, it will need to state this in its response to the Cabinet.
12. An item for pre-decision scrutiny need not automatically pose a significant impact on the existing work programme, the committee will however have to manage its work to take into account referrals or requests for pre-decision scrutiny.

Impact on the Executive

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

The process

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

Identification / Selection

16. The City Council publishes its Forward Plan on the Council's website and it will be included with each scrutiny agenda. Scrutiny councillors should use this information as the source from which selections for pre-decision scrutiny are made. Where the chair of a scrutiny committee or a group leader expresses a desire to pre-scrutinise a matter it will be added to the work programme. The relevant Cabinet Member will be made aware of any requests for pre-scrutiny.
17. In some circumstances pre decision scrutiny will not be appropriate. The Chief Executive will be entitled to decline a request for pre-decision scrutiny provided one of the following criteria is met:

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

Notification

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

Inclusion in Work Plan

20. Where possible those matters that have been considered appropriate for pre-decision scrutiny will be included in the work plan.
21. At the same time the committee will have to consider the implication on its own time to undertake meaningful pre-decision scrutiny and will need to manage and modify its work programme accordingly.

Consideration

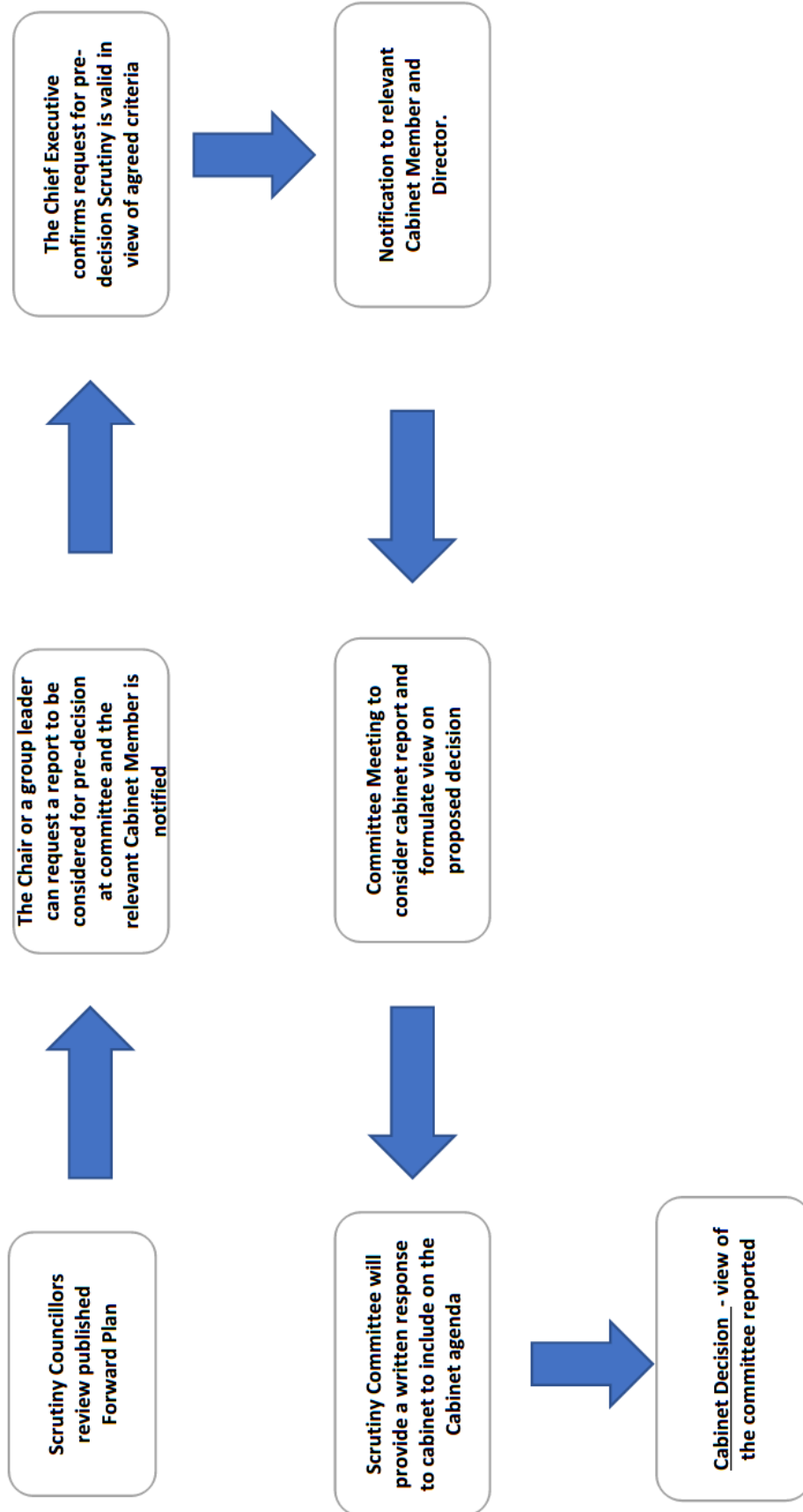
22. Pre-decision scrutiny will normally be based on the report which is to be submitted to Cabinet. The relevant Cabinet Member would be expected to attend the committee to answer questions / provide clarification on the report. The committee can request relevant officers to attend to provide advice and assist the committee in their consideration.
23. Best practice evidence strongly emphasises the need for a constructive and non-party political approach. There would be an expectation of responsible, evidence-based scrutiny. In general, the committee would be expected to focus on:
 - The reasons for the proposed decision and robustness of the process
 - Whether the report outlines all the known or potential implications (including policy/budget issues) and risks
 - Whether the report adequately examines all the available options
 - Whether there has been adequate consultation on the proposals
24. Meetings will be open to the public (unless an exemption applies).

Decision

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

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

Pre-decision scrutiny



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Part 4(f) – Financial Procedure Rules

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Part 4(f) – Financial Procedure Rules

Status of Financial Procedure Rules

- 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.
- 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.
- The Financial Procedure Rules identify the financial responsibilities of the Full 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.
- 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.
- 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.
- 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.
- 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 Full 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.
- 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.
- 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.
- 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.
- 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.

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 Full Council

- A2** The Full 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 Full 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 Full Council by the Monitoring Officer and / or the Chief Finance Officer. The Full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework.
- A4** The Full 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 Full 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 Full 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 Full 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 Full 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 Full 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 Full Council. The Development Control Committee and the Licensing Committee reports to the Full 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 Full 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 Full 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 Full 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 Full 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 Full 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 Full 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 Full 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 Full Council.

Budgeting

Budget Format

B2 The general format of the budget will be approved by the Full 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 Full 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 Full Council. The Full 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 Full 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 Full 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 Full 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 Full 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 Full 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.

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 Full 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 Full 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 Full 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
- initiating a new policy
 - committing expenditure in future years to above the budget level
 - incurring interdepartmental transfers above virement limits
 - 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 Full Council.

Responsibilities of the CE & Executive Directors

- 1.4 To comply with accounting guidance provided by the Chief Finance Officer.

Budget Monitoring and Control

Why is this important?

- 1.5 Budget management ensures that once the Full 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.
- 1.6 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.
- 1.7 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

- 1.8** 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

- 1.9** To establish an appropriate framework of budgetary management and control that ensures that:
- (a)** budget management is exercised within annual cash limits unless the Full 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.
- 1.10** To administer the Authority's scheme of virement.
- 1.11** To submit reports to the Cabinet and to the Full 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.
- 1.12** 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

- 1.13** 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.
- 1.14** 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.

- 1.15 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.
- 1.16 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.
- 1.17 To prepare and submit in conjunction with the Chief Finance Officer reports to Cabinet on the service's projected expenditure compared with its budget.
- 1.18 To ensure compliance with the scheme of virement.
- 1.19 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?

- 1.20 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.
- 1.21 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Full 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.
- 1.22 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

- 1.23 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

- 1.24 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.
- 1.25 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Full Council, and after consultation with the Cabinet and the CE & Executive Directors
- 1.26 To prepare and submit reports to the Cabinet and Full 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.

- 1.27** To advise on the medium-term implications of spending decisions.
- 1.28** 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.
- 1.29** To advise the Full Council on Cabinet proposals in accordance with their responsibilities under section 151 of the Local Government Act 1972.

Responsibilities of the CE & Executive Directors

- 1.30** 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.
- 1.31** 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 Full Council's general directions.
- 1.32** To ensure prior approval by the Full 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 Full Council has agreed otherwise, the CE & Executive Directors must plan to contain the financial implications of such proposals within their cash limit.

- 1.33** 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.
- 1.34** 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.
- 1.35** 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.
- 1.36** 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 Full Council in the approved policy framework.
 - (d)** Initiatives already under way.

Resource Management

Why is this important?

- 1.37** 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

- 1.38** 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

- 1.39** To advise on methods available for the funding of resources, such as grants from central government and borrowing.
- 1.40** To assist in the allocation of resources to Budget Holders.

Responsibilities of the CE & Executive Directors

- 1.41** To work within budget limits and to utilise resources allocated in the most efficient, effective and economic way.
- 1.42** 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?

- 1.43** 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.
- 1.44** 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

- 1.45** The key controls for capital programmes are:
- (a)** Sufficient regard being given to the Capital Strategy adopted by the Full Council.
 - (b)** Specific approval by the Full 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

- 1.46 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 Full Council.
- 1.47 To prepare and submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.
- 1.48 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

- 1.49 To comply with guidance concerning capital schemes and controls issued by the Chief Finance Officer.
- 1.50 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Chief Finance Officer.
- 1.51 To ensure that all capital procurements are added to the annual procurement plan.
- 1.52 To ensure that adequate records are maintained for all capital contracts.
- 1.53 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.
- 1.54 To obtain authorisation from the Cabinet for individual schemes where the estimated expenditure exceeds the capital programme provision.
- 1.55 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.
- 1.56 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)

- 1.57 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 Full 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 Full Council under 1.57(a) and the consent under 1.57(b) being noted on the record of the decision.

1.58 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 Full 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 Full 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 Full 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 Full 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 Full Council. Any variation from this scheme requires the approval of the Full Council.
- (b)** the overall budget is agreed by the Cabinet and approved by the Full 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.
- (d) An effective internal audit function that is properly resourced. It should operate in accordance with the United Kingdom Public Sector Internal Audit Standards and with any other statutory obligations and regulations.

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 Full 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 Hospitalities 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 Full 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 Full 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 Full 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 Full 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 Full 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 <u>and</u> Head of Paid Service	Chief Finance Officer <u>or</u> 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 Full 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

- 6.10** 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.

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 Full 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.

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Part 4(g) – Contracts Procedure Rules

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Part 4(g) – Contracts Procedure Rules

1. Introduction

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. The Council's reputation is of the utmost importance and should be safeguarded from any suggestion of dishonesty, corruption or failure to meet legal obligations.

These Contracts Procedure Rules (CPRs) ensure these accountabilities and objectives are addressed.

2. Procurement Thresholds & Exemptions

Procurement covers the total process of purchasing for all bought in services, supplies and works; from the initial assessment of the business need, to acquisition or extension, and contract management.

Total contract value means the estimated/aggregate spend or recurring value payable over the entire contract period including any extensions of contract.

Section 7.1 provides further details on how to calculate contract value.

2.1 Thresholds

The table below sets out the different financial thresholds.

	Total Contract Value (excl. VAT)	Lead Role	Procurement Process	Procurement System
Low Value	£1 to £999.99	Council Officer	Obtain 1 written or verbal quotation demonstrating best value- where possible this should be a local supplier*	If appropriate, process Procurement Card transactions in accordance with procedures. Otherwise, process as for Minor below
Minor	£1,000 to £9,999.99	Council Officer	Obtain a minimum of 1 written supplier quote that demonstrates best value- where possible this should be a local supplier*	Create a requisition in Procure to Pay (P2P), enter a spend justification and attach preferred supplier quote
Medium	£10,000 to £24,999.99	Council Officer	Obtain a minimum of 3 written supplier quotes and evaluate to determine best value- this should include (where possible) as a minimum 2 local suppliers*	Create a requisition in P2P, enter a spend justification and attach preferred supplier quote
Major	Threshold (a) £25,000 to £74,999.99 Threshold (b) £75,000 up to the relevant OJEU Threshold (Supplies & Services, Light Touch or Works/Concessions)	Procurement Advisor	Threshold (a) and (b) Contact procurement and seek support to develop specification or tender document, advertise, evaluate and award contract Threshold (b) requires a completed options appraisal, issue a tender, secure approval to award and then complete a signed contract	Contracts Finder / e-Procurement to advertise and award contract. Create a requisition in P2P, enter a spend justification and reference contract in P2P

OJEU Contract	Relevant OJEU threshold and above	Procurement Advisor	Contact procurement and follow EU Procurement Rules for Service, Supplies, Light Touch and Works Contracts	Contracts Finder / e-Procurement and OJEU to advertise and award contract. Create a requisition in P2P, enter a spend justification and reference contract in P2P
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(*) The use of Local Suppliers is promoted and encouraged between the Low to Medium Thresholds, but should not supersede the Primary requirement of Council Officers to try and ensure the best possible value for Public Money. Achieving value for Public Money should be reasonably and proportionally measured in terms of Price, Quality and the possible Social Value benefits associated with using Local Businesses.

A Local supplier is defined within Business World as a Supplier whose address is listed as a Southend postcode, which include SS0, SS1, SS2, SS3 and SS9.

For the avoidance of doubt, the Council would like to pro-actively increase the level of money it spends within the Borough. However, it is understood this may not be possible in a number of cases. For this reason any work carried out by Officers in the pursuit of value, but which is not able to secure local quotes will not be subject to delay because of this.

** The purpose of the Concession Regulations 2016 is to provide clear rules to increase competition in the concession market. This is in parallel with the requirement that public procurement should be based upon an organisation fulfilling its legal obligation to obtain best value for money through market competition. In order to maximise the achievable value, all potential Concession Contracts over the £25K value should be competitively let in an open, fair and transparent manner, utilising calls for competition in line with the requirements set out in 2.1 (Thresholds) and 7.2 (Detailed Procurement Process in Relation to Thresholds).

Further detailed information on the Procurement Processes detailed in this table is contained within **section 7.2**.

2.2 Exemptions to the CPRs*

The following types of procurement are exemptions and not covered by these CPRs:

- Grants which the Council may receive or make; except where the grant is the form of payment in a contract for a service, supply or works (or any combination thereof) where the Council requires an output or outcomes to be delivered by a Third Party. The awarding of grants by the Council or on behalf of the Council must be carried out under the principles of openness, fairness, non-discrimination and value for money. Officers cannot choose to treat procurement as a grant in order to avoid conducting a competitive process. The Council's Financial Procedure Rules provide more guidance on the awarding and the receiving of grants
- 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
- Direct employment of permanent or fixed-term employees. For the avoidance of doubt, these CPRs do apply to consultancy and employment agency contracts
- Contracts for the execution of either mandatory works or provision of goods or services which must be provided by a Statutory Provider other than the Council. This includes but is not limited to public utility companies and other legal authorities
- Contracts which have been procured on the Council's behalf through collaboration with other local authorities or other public bodies. In such instances a competitive process must be followed that complies with the rules / regulations of the lead organisation even though these may not comply wholly with these rules. The use of any third party rules and regulations must be approved by the Head of Corporate Procurement prior to the commencement of any collaborative procurement. This includes but is not limited to national or regional contracting authorities where the process followed is in line with the Public Contracts Regulations 2006 or 2015 or any other

subsequent amendment. Where a collaborative procurement is undertaken, the regulatory requirements of both organisations must be adhered to, e.g. The National Health Service (Procurement, Patient Choice and Competition) (No. 2) Regulations 2013 and the Public Contract Regulations 2015

- Instructing barristers or external solicitors and those costs do not exceed £74,999
- Specialist professional services, where the Council's costs are being discharged by a third party and those costs do not exceed £74,999
- Spot care placements which may include special educational needs (i.e. individual placements that fall outside of any block contracting arrangements) are excluded from the requirement but have to be approved through separate approval processes
- The lending or borrowing of money by the Council
- The acquisition or exhibiting of unique works of art or artistic performance where they are only available from a single source and the related costs do not exceed £24,999.99 across the life of the agreement. This exemption does not extend to any medium or long term contract in which a Party would have an exclusive or non-exclusive right to provide the Council with multiple exhibitions or artistic performances over one or more years
- Arrangements with Ofsted for the inspection of a school
- If any law says the Council must contract differently from these CPRs
- For the avoidance of doubt exemptions do not include emergencies; this is covered in Section 8.11.

*Officers must ensure that any procurement carried out in relation to any of these listed exemptions is consistent with the Council's duty to obtain value for money, as well as the current procurement 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:

<http://seattle/Pages/Payment-with-Purchase-Order.aspx>

Exceptions and Emergencies are detailed in **Sections 8.9, 8.10 and 8.11**

2.3 Procurement Oversight

Corporate Procurement will issue regular reports to the Commissioning Board (CB). This reporting process will ensure there is scrutiny and monitoring of the Council's expenditure in the context of procurement activity (see section 5.6). The Corporate Procurement Team will also report on compliance with the CPRs, delivery of the Procurement Strategy, progress against the Annual/3 Year Pipeline Procurement Plan and those Exceptions/Exemptions approvals.

3. Purpose of the Contracts Procedure Rules

The purpose of these CPRs is to set out the principles of procurement, roles and responsibilities, rules and processes involved in purchasing services, supplies and works contracts across the Council. They do this to better protect the Council and its Officers from legal challenge, reputational damage and the negative effects of such damage. When using the term contract, this also covers the delivery of pilots and the usage of grants unless they are covered within **section 2.2**.

The CPRs should be read in conjunction with the Council's Financial Procedure Rules, **Part 4(f)**, as well as the Council's Procurement Strategy and Procedures.

In addition, these CPRs reflect the EU Procurement Regulations, The Public Contract Regulations 2015 and UK legislation. Any misuse or failure to comply with any of these CPRs may result in disciplinary action and legal proceedings. It should be noted the term contract also refers to any agreement put in place which looks to implement the delivery of a Pilot Scheme, as well as the usage of grants (as referenced within Section 2.2 (**Exemptions to the CPRs**))

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.

These CPRs are supported by detailed guidance included within the Council's Procurement Toolkit. The Toolkit explains in more detail procurement and contract management processes, but does not override these CPRs. All procurement activity needs to adhere to the Scheme of Delegation and Financial Limits as set out in the Financial Procedure Rules.

These CPRs will be reviewed by the Head of Corporate Procurement at least every 12 months.

4. Principles of Procurement

The Council's approach to professional procurement, underpinned by its values, is driven by a number of principles that include but are not limited to those set out in table below:

Principle	Meaning of the principle
Achieving the best commercial value	Using the Council's purchasing power to negotiate and leverage: <ul style="list-style-type: none"> ▪ The best commercial price from the marketplace ▪ Robust legal terms and conditions ▪ Effective, efficient and economic use of resources.
Complying with Regulatory and Legislative requirements	Ensure the Council is: <ul style="list-style-type: none"> ▪ Not exposed to unnecessary risk and likelihood of challenge arising from non-compliant procurement activity ▪ Compliance with current legislation, up to date with guidance notes, tools and templates issued by Cabinet Office ▪ Open, fair and transparent and fully compliant with EU Procurement Regulations., the Public Contract Regulations 2015 and UK legislation.
Meeting Government Acts and statutory duties	Meeting applicable standards and accreditations on: <ul style="list-style-type: none"> ▪ Social Value Act 2012 and any subsequent acts (also refer to the Council's Social Value Policy) ▪ Acting within the laws of the Bribery Act 2010 and any subsequent acts ▪ The Modern Slavery Act (also refer to the Council Modern Slavery statement) ▪ Quality and Environmental ▪ Security Information Management ▪ Freedom of Information, Data Protection (including GDPR 2018) and Transparency Acts ▪ Health and Safety.
Promote sustainability	Assessing and monitoring the impact on: <ul style="list-style-type: none"> ▪ The environment and any exposure to environmental risks ▪ Society such as support for equality and diversity ▪ Supporting local Small and Medium Enterprise (SME) supplier markets ▪ Ensure that suppliers do not become financially over-dependent on Council contracts ▪ To develop and sustain effective supplier and market relationships
Maintaining ethical standards	Operating openly and transparently by: <ul style="list-style-type: none"> ▪ Adhering and performing within the Council's code of conduct ▪ Notification and recording of any declarations of interest throughout the Procurement process via the Business World system and relevant project team ▪ Acting within the laws of the Equalities Act 2010 and any subsequent acts ▪ Ensuring our suppliers allow for equal opportunities ▪ Allowing diversity amongst our approved supplier base ▪ Ensure that Non-Commercial Considerations do not influence any contracting decision ▪ To keep our supplier records relevant and up to date.

5. Roles and Responsibilities

All Officers must comply with these CPRs, the Council's Constitution, the Public Contract Regulations 2015, EU Procurement Regulations and UK Legislation. Officers must ensure that any Agents or Consultants acting on their behalf also comply.

5.1 The Chief Officers shall:

- (a) Agree their annual departmental procurement plans with the Head of Corporate Procurement 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 coming year
- (b) Appoint Officers in their departments as Designated Procurement Officers who are trained in the administration of purchasing services, supplies and works
- (c) Appoint Officers in their departments as Contract Managers who are trained in contract management and supplier relationship management
- (d) Ensure 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
- (e) 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
- (f) Collaborate with the Head of Corporate Procurement and Audit on an Annual and 3-Year Pipeline Procurement Plan to ensure compliance within their departments.

5.2 Designated Procurement Officers must:

- (a) Appraise purchases, in a manner commensurate with their complexity and value – taking account of guidance in the Procurement Toolkit
- (b) Purchase services, supplies and works in accordance with the CPRs, demonstrate best value and ensure no commitment is made without written authorisation
- (c) Check whether a suitable approved supplier, contract, purchasing or framework agreement already exists before purchasing or letting a contract for services, supplies and works
- (d) Develop a clear and precise set of purchasing requirements, including (but not limited to) written specification / scope, evaluation criteria, drawings, seasonal trends, historical data, benchmark data, timescales and delivery details
- (e) Create purchase requisitions in advance of the supply of services, supplies and works except where a Purchase Card transaction or Payment without a Purchase Order request applies. All purchase requisitions should be under the Council's agreed Terms and Conditions
- (f) Any declaration of interest must be notified immediately to the Head of Corporate Procurement to avoid any conflict when purchasing goods, services and works. This declaration must also be detailed via the Business World system so that appropriate approval is sought and provided
- (g) Ensure advice is sought where required and/or relevant from the Corporate Procurement Team on the application of these CPRs, Procurement Regulations or tendering procedure

5.3 Procurement Advisors shall:

- (a) Provide procurement advice and support to Chief Officers, 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
- (b) Notify the Head of Corporate Procurement in a timely manner of any anticipated unplanned procurement expenditures in service areas for the forthcoming financial year

- (c) Ensure that procurement requirements are properly defined; procurement activity is competitive, transparent, fair, and complies with the relevant legislation and demonstrates best value
- (d) Support each department to proactively performance manage supplier contracts as part of an agreed contract management plan.
- (e) Maintain and update the public contracts register

5.4 Head of Corporate Procurement shall:

- (a) Deliver contracts in a manner contributing to the following key objectives: ensuring compliance with EU guidelines, legislation and other procurement policy and regulatory frameworks available to the wider public sector and local authorities and contributing to the achievement of value for money / cashable savings
- (b) Review in accordance with these CPRs exceptions and variations to terms & conditions, in consultation with the Executive Director (Finance and Resources) and Executive Director (Legal and Democratic Services) where there are financial and legal implications respectively
- (c) Allocate resource to key procurement projects to ensure delivery of the Annual and 3-Year Pipeline Procurement Plan
- (d) Ensure Procurement Advisors keep up to date with these CPRs, the Council's Financial Procedure Rules, the Procurement Toolkit, other relevant Guidelines and Procurement Legislation
- (e) Regularly review the CPRs and the Council's Procurement Strategy

5.5 Corporate Procurement Team shall:

- (a) Provide procurement advice and support to Chief Officers 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
- (b) Monitor compliance and notify the Head of Corporate Procurement in a timely manner of any anticipated exceptions to the CPRs or unplanned procurement expenditures in service areas for the forthcoming financial year
- (c) Resource Major and EU procurement projects to ensure delivery of the Annual and 3-Year Pipeline Procurement Plan

5.6 Procurement Oversight as detailed in section 2.3 shall:

- (a) Ensure scrutiny and monitoring of the Council's expenditure in the context of procurement activity
- (b) Monitor compliance against all procurement activity and notably the CPRs
- (c) Provide information as to those exceptions and exemptions requested and approved/rejected
- (d) Monitor progress against the Annual and 3-Year Pipeline Procurement Plan and the Corporate Procurement Strategy
- (e) Record any unplanned procurement activity reported to it which exceeds £74,999.99 and the course of action taken to address any such unplanned procurement processes (subject to the normal authorities set out in Section 6 below).
- (f) Consider opportunities across departments and service areas where joint initiatives can be investigated and implemented, which in turn may deliver better value
- (g) Provide information and evidence for Internal Audit and the Fraud Team which is contrary to the practices set out in the CPRs

6. Approval to Spend

6.1 Requirements before commencing any procurement

Before commencing any procurement activity the following approvals to proceed must be in place:

- (a) Contracts that are under £75,000 require approval pursuant to the Delegation Scheme in **Part 3, Schedule 3** of the Constitution and 6.1(e) and 6.2 below, including budgetary approval
- (b) Contracts of £75,000 and above require the authority of Cabinet or of a Chief Officer (pursuant to the Delegations Scheme in **Part 3, Schedule 3** of the Constitution and 6.2 below), including budgetary approval, provided that where the contract has been included in the Annual and 3-Year Pipeline Procurement Plan then this provides the necessary authority for the Contract
- (c) Contracts within (a) or (b) which are Capital Contracts must be included in the Capital Programme in accordance with the Financial Procedure Rules
- (d) Contracts where external funding is being obtained within (a) or (b) must comply with the External Funding Rules in the Financial Procedure Rules
- (e) Financial levels of authority for Request for Quotation or Invitation to Tender:

Issue of Request for Quotation or Invitation to Tender (subject to budgetary approval)	
Cabinet / Schools Governing Bodies	Contract with an estimated value of over £1 million which is not included in the Annual/3-Year Pipeline Procurement Plan
The Chief Executive, Deputy Chief Executive and Executive Directors	1. Contract with an estimated value of over £1m already included in the Annual/3-Year Pipeline Procurement Plan. 2. Contract with an estimated value up to £1 million
Authorised Officers	Director- contract with an estimated value up to £500k Head of Service, Group Manager or Assistant Director- contract with an estimated value up to £75k Business Unit Manager- contract with an estimated value up to £25k Line Manager- contract with an estimated value up to £10k
Head Teachers and their Authorised Officers	In accordance with the delegated powers stipulated by the relevant Board of Governors

6.2 Award of Contract

Financial levels of authority for Award of Contract:

Award of Contract (subject to budgetary approval)	
Cabinet / Schools Governing Bodies	Contract over £1 million where the tender is in excess of the budget agreed at invitation stage or as stated in the Annual Procurement Plan. Note: Contracts over £1m must be executed under seal in accordance with Rule 7.3. (b)
The Chief Executive, Deputy Chief Executive and Executive Directors	1. Contract over £1 million where tender is within the budget agreed at invitation stage and which was included in the Annual Procurement Plan. 2. Contract up to £1 million
Authorised Officers	Director- contract with an estimated value up to £500k Head of Service, Group Manager or Assistant Director- contract with an estimated value up to £75k Business Unit Manager- contract with an estimated value up to £25k Line Manager- contract with an estimated value up to £10k
Head Teachers and their Authorised Officers	In accordance with the delegated powers stipulated by the relevant Board of Governors

7. Detailed Procurement Rules

To ensure the purpose and principles set out earlier in CPRs are met, the following detailed rules must be adhered to at all times:

7.1 Calculating Contract Value

Before entering into any contract; the correct contract value must be calculated in advance. Contract value means the estimated aggregate or recurring value payable in pounds sterling exclusive of Value Added Tax (VAT) over the entire contract period including any extensions of the contract. Where the contract term is without fixed length (e.g. an open approved supplier list) the estimated value of the contract should be calculated by monthly value of spend multiplied by 48 in accordance with regulation 6 of the EU regulations. When calculating the contract value to determine the correct Procurement Threshold, Officers must not underestimate or split the value of a single contract over a number of contracts (Disaggregation) to artificially avoid certain procurement thresholds. The value of a concession is to be calculated on the basis of the total turnover of the concessionaire generated over the duration of the contract, net of VAT, as estimated by the Council, in consideration for the works and services which are the object of the concession as well as for the supplies required for such works and services.

7.2 Detailed Procurement Process in Relation to Thresholds

Once the contract value has been calculated, all known or new purchasing contracts are made in accordance with the procurement thresholds and process detailed below, unless an exception has been agreed in advance as detailed in **Sections 8.9 and 8.10**. Officers should seek advice and support from Procurement Advisors to ensure they comply with the CPRs and EU Procurement Rules. The thresholds are summarised in more detail below and apply to known procurements that are contracts due for renewal and new spend agreed within the procurement plan.

Threshold	Procurement Process
£1 to £999.99	An Officer should obtain one written or a verbal quote from a supplier (this should be a local supplier* wherever possible) who accepts a Procurement Card and complete the card transaction. The audit purposes and for Scrutiny Checks by the Corporate Procurement Team officers should ensure they retain evidence best value has been achieved for the Council even at this level of spend. In circumstances where the Officer does not have a Procurement Card and/or the supplier does not accept a Procurement Card, the Officer should follow the process described in the £1,001 to £9,999.99 threshold below.
£1,000 to £9,999.99	An Officer should obtain a minimum of one written quote (where possible this should be from a local supplier*) and create a purchase request in P2P and enter a spend justification to evidence that best value has been achieved for the Council. The Officer will also need to attach the preferred supplier quote within the purchase request.
£10,000 to £24,999.99	An Officer should obtain a minimum of three written quotes, of which at least two should be from local suppliers*, and create a purchase request in P2P and enter a spend justification to evidence that best value has been achieved for the Council. The Officer will also need to attach the preferred supplier quote within the purchase request.
Threshold (a) £25,000 to £74,999.99	An Officer should contact their nominated Procurement Advisor for advice and support. The Officer will need to develop a specification and evaluation criteria with the Procurement Advisor as it is mandatory within this threshold to formally advertise the procurement contract and publish an award.
Threshold (b) £75,000 up to the relevant OJEU threshold	The Procurement Advisor will advise if there are any relevant tendering requirements (normally for spends of £75k and over), if there are any suitable Government Frameworks available to use and the most suitable procurement procedure to follow. Once the procurement process is complete and the award is made, the Officer will be required to create a purchase request in P2P.

The relevant OJEU threshold-and above	<p>An Officer should contact their nominated Procurement Advisor for advice and support. It is mandatory within this threshold to follow EU Procurement Rules for service, supplies and works Contracts. The Procurement Advisor will advise the Officer on the correct process to follow.</p> <p>It should be noted that concession contracts are usually contracts where the Council may partially subsidise or not fund the service at all, but where the operating of the contract relies upon income generation (e.g. the Operation of the Leisure centres). In this case the contract value is based upon the expected income throughout the life of the contract.</p> <p>Once the procurement process is complete and the award is made, the Officer will be required to create a purchase request in P2P.</p>
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(*) Further information on the responsible use of Local Suppliers is confirmed under **Section 2.1** (Thresholds)

7.3 Contract Documentation, Contract Award and Signing, The Contracts Register and Storage of Contracts

(a) Documentation

The Council has a standard set of terms and conditions which are included as part of the purchase order requirements sent to suppliers. These terms and conditions are used as part of the procurement process for Minor and Medium sized contracts that do not have complex requirements, and are not to be varied.

Where more complex procurement requirements need tailored or specific terms and conditions (i.e. NEC Framework, performance related incentives, payment terms) usually within tender requirements for Major or EU 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) 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.

(b) Contract Award and Signing

The necessary Authority for the awarding of a contract is set out in the table below:

Award of Contract (subject to budgetary approval)	
Cabinet / Schools Governing Bodies	<p>Contract over £1 million where the costs provided are in excess of the budget agreed at invitation stage or as stated in the Annual Procurement Plan</p> <p>Note: Contracts over £1m must be executed under seal in accordance with Rule 7.3. (b)</p>
The Chief Executive, Deputy Chief Executive and Executive Directors	<ol style="list-style-type: none"> 1. Contract over £1 million where tender is within the budget agreed at invitation stage or as stated in the Annual Procurement Plan 2. Contract up to £1 million.
Authorised Officers	<p>Director- contract with a value up to £500k Head of Service, Group Manager or Assistant Director - contract with a value up to £75k Business Unit Manager- contract with a value up to £25k Line Manager- contract with a value up to £10k.</p>
Head Teachers and their Authorised Officers	<p>In accordance with the delegated powers stipulated by the relevant Board of Governors.</p>

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.

All other Contracts can be signed by the Chief Executive or the Deputy Chief Executive, Executive Director, Authorised Officer or a Head Teacher subject to the Approved Limits in the table above.

(c) The Contracts Register and Storage of Contracts

The Corporate Procurement Team is responsible for keeping/ensuring:

- A register of all ongoing Council contracts which have been run via the E-Procurement system;
- An electronic copy of all contracts
- The original of all contracts executed under seal shall be passed to the Legal Department for storage in the basement

7.4 Signing of Non-disclosure agreements and Letters of Intent (LOI)

Non-disclosure agreements can only be signed by approved signatories detailed within **7.3 (b)** or by the Head of Corporate Procurement. In addition, it is the Council's policy not to enter into discussions with suppliers based on Letters of Intent (LOI).

7.5 Code of Conduct

All Officers must always comply with the Council's Employee Code of Conduct (**Part 5c**) which means that where their role involves procuring, managing or using the Council's contracts they must comply with the CPRs and Financial Procedure Rules on the award of orders and contracts. In addition, any 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 must be declared to the appropriate Council manager. 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.

Breaches of the Council's Employee Code of Conduct (inside or outside of work) will be investigated and may result in disciplinary action. Serious breaches of the code may be considered gross misconduct and result in dismissal without notice.

7.6 Record Keeping Process for Contracts of £75,000 and above

Procurement Advisors shall record and retain:

- Contracting decisions and reasons (including route to market)
- Any exceptions or exemptions together with the reasons for it
- The Award Criteria
- Tender and Quotation documents sent and received from Tenderers
- Pre-tender market research
- Clarification and post-tender negotiation (incl. minutes)
- Copies of the contract documents (original contracts see **7.3 (c)**)
- Post-contract evaluation and monitoring
- Communications with Tenderers and with the successful contractor throughout the period of the contract.
- Post Award contract documentation such as Variations, Extensions, Reviews, Breaches and performance notices

Full guidance is contained in the Procurement Toolkit.

7.7 Record Retention Process for Contracts of £75,000 and above

The Corporate Procurement Team shall retain:

- Successful contract files for twelve (12) years after the end of the contract for all sealed contracts
- Successful contract files for six (6) years after the end of the contract for all other contracts
- Unsuccessful contract files for two (2) years.
- An electronic copy of the contract.

Full guidance is contained within the Procurement Toolkit.

8 Procurement Method

All Major and OJEU Contracts within the Council should adhere to the following processes detailed within **Section 8.1**, unless they have been granted an exception under **Section 8.9 and 8.10** or an emergency under **Section 8.11**. Further detailed guidance for each process can be found within the Council's Procurement Toolkit.

8.1 Process for Major and OJEU contracts

Step	Process
Pre-Procurement Activities	<ol style="list-style-type: none"> 1. Market research – Undertake research to identify potential suppliers, estimated contract value and appropriate industry standards or regulations. This may include early supplier engagement through soft market testing, however any activities carried out at this stage should not distort future procurement competition nor prejudice any potential Supplier. 2. Establish route to market – Identify existing contractual arrangements in form of: <ul style="list-style-type: none"> ▪ Framework Agreements that have been set up with a list of pre-assessed Suppliers ▪ Pre-Approved supplier list ▪ Other approved sources of supply. In the absence of the aforementioned, a competitive tender procedure should be selected as defined in the Public Contracts Regulations 2015. 3. Defining the requirement – A written document in the form of a specification detailing what services / supplies / works are required, outcomes, technical requirements including designs/drawings and commercial requirements. This also requires defining the evaluation and award criteria required to assess Supplier proposal. 4. Prepare options appraisal – A descriptive note highlighting the outcome of the Market Research, the preferred route to market and estimated project cost against approved project budget. This document is required for all procurements with an estimated contract value that exceeds £74,999. The Options Appraisal shall be approved by the relevant Deputy Chief Executive, Executive-Director or Director and the Head of Corporate Procurement.

	<p>5. Advertise – if employing a competitive tender procedure, contract opportunities with an estimated contract value that exceeds £24,999.99 must be made available electronically in the public domain by placing adverts on Contracts Finder. Where the contract value exceeds the relevant OJEU threshold, contract opportunities must be advertised electronically in the European Journal prior to placing adverts on Contract Finder.</p> <p>6. Manage tender process – All tenders will be managed through the Councils E-Procurement System unless a manual tendering process is approved by the Head of Corporate Procurement. The minimum activities required at this stage are:</p> <ul style="list-style-type: none"> ▪ Invitation to tender - Instructions to potential Suppliers on how to respond to an invitation to tender by submitting a proposal for a contract opportunity. This document will include specification, timescales for the tender process and the Terms and Conditions that will govern the eventual contract ▪ Tender receipt and opening - Procurement Advisors will open received Supplier proposals in accordance with the tender submission deadline. The opening of Tenders must be completed by Officers who will not be involved in the evaluation process and award of the contract. See detailed instructions in Appendix B of these CPRs <p>7. Evaluation and moderation - Officers that form part of the evaluation panel must evaluate and score all technical proposals submitted by Suppliers individually. The commercial evaluation can only be carried out by a Procurement Advisor. A moderation meeting coordinated by a Procurement Advisor will be required to record all final consensus scores.</p>
Procurement Activities	<p>8. Contract award – Awarding contracts with a value that exceeds £24,999.99 must be made available electronically in the public domain by placing the Contract Award Notice on Contracts Finder. Where the contract value exceeds the relevant OJEU threshold, the Contract Award Notice must be available electronically in the European Journal prior to placing a notice on Contract Finder.</p>

All purchases made under the CPRs require a method to instruct and transact with the supplier which is completed by using the Council's Purchase to Pay system (P2P) or Procurement Card Programme (P-Card).

P2P enables Officers to enter their purchasing requirements, manage authorisation, make payments to suppliers and provides a mechanism to report on the Council's expenditure.

8.2 Using the Council's Approved Suppliers

All suppliers are entered and maintained within the Council's approved supplier database which is managed jointly between the Corporate Procurement Team and Finance. Prior to entering the suppliers onto the database, they must pass assessment criteria to hold approved supplier status on the Council's database. For the avoidance of doubt the use of Approved Suppliers does not negate the responsibility of Officers to undertake a process to achieve best value. Furthermore, named Contractors operating under the Council's corporate contracts cannot be used to avoid undertaking a process for any requirement not confirmed in the related contract.

8.3 Using Dynamic Purchasing Systems (DPS) and Approved Framework Agreements

The Council's Corporate Procurement Team will advertise, tender and award contracts with agreed terms for the Council to use with pre-approved suppliers. These agreements help the Council control its costs and operate with third parties using a robust set of terms and conditions. In addition, the Corporate Procurement Team also has access to Framework Agreements that have been established by other Public Sector Bodies and are accessible to the Council, subject to the terms of the Framework Agreement.

Officers should seek advice from their nominated Procurement Advisor to ascertain if approved suppliers and framework agreements exist for their requirements before entering into a contract.

The Council through their Electronic Procurement System also have access to a Dynamic Purchasing System. This allows the Council to operate an open ended approved supplier list which is available for new suppliers to join on an ongoing basis.

8.4 Create Purchase Requisitions and issuing of Council Purchase Orders

With the exception of a Payment Without Purchase Order (PWPO) request and Procurement Card transactions, all purchasing requirements must be accompanied by an official purchase order which includes the Council's agreed terms and conditions.

An Officer is required to create a purchase requisition in advance of the supply of services, supplies or works which will issue a purchase order to a supplier once approved under the scheme of delegation. Under no circumstances should purchase requisitions be raised retrospectively to cover any invoiced services, supplies or works. If however special circumstances apply then a PWPO form would need to be attached to any retrospective order raised on Business World.

8.5 Confirm Services, Supplies or Works have been received

An Officer 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.

8.6 Payment without Purchase Order (PWPO)

In certain circumstances, there are payments to suppliers or third parties, where it would not be practical to raise a purchase requisition in advance of supplying services, supplies or works. For these exceptions, a Payment without Purchase Order form should be completed. These circumstances where a PWPO applies are listed at:

<http://seattle/Pages/Payment-with-Purchase-Order.aspx>

8.7 Procurement Card Programme (P-Card)

P-Cards are used to procure one off, low cost services and supplies, saving Officers both time spent on ordering and speeding up the delivery of your goods and services. The Card eliminates the need to set up suppliers, enter purchase requests and handle invoices multiple times across the organisation. P-Cards must not be used to circumvent the CPRs in anyway.

8.8 Segregation of duties in P2P:

The principal roles included in the procurement process are set out in the table below, along with their responsibilities. Whilst activities may be delegated, the person in each role remains accountable for compliance with this policy.

Role	Responsibility	Comments
Originating Officer	The Originator is the nominated contact who understands the business and / or technical need and can develop the technical specification or statement of work	
Requesting Officer	The Requester enters the purchase requirement in the P2P system, attaching requirements and justifications where appropriate	The Requester and Originator can be the same person
Receiving Officer	The 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	The Receiver can be the same person as the Originator
Procurement Advisor	The role of the Procurement Advisor is to control the companies spend by negotiating and agreeing purchasing agreements with robust legal and commercial terms	The Procurement Advisor cannot be a Requester and Receiver of goods and / or services or authoriser
Authoriser Officer	The Authoriser is accountable for approving purchases made in accordance with Section 7.3 (b)	The Authoriser must not authorise where they are the Originator or Requester of the goods and/or services

8.9 Exceptions to the Contracts Procedure Rules

In certain circumstances, an Officer may require an exception to one or more of the CPRs in order to award a contract. Exceptions are reserved for exceptional circumstances and can only be granted where good reasons can be sufficiently evidenced. Lack of planning or convenience will not be acceptable as grounds for requesting an exception to the rules (As stated in the Public Contract Regulations 2015). Before any exception is sought the requesting Officer must ensure the budget allocation for the exception is in place should the exception be granted. Exceptions can also be granted in relation to the tendering of Concession Contracts up to the relative OJEU Threshold.

8.10 Exception Request Approval Process for each Procurement Threshold

	Total Contract Value (excl. VAT)	Exception Approval Process
Low	£1 to £9,999.99	Not required as long as best value is ascertained.
Medium	£10,000 to £24,999.99	Officers must complete a Tender/Procedural Exception Request Form and submit to the Head of Corporate Procurement for approval
Major (a)	Threshold (a) £25,000 to £74,999.99	Officers must complete a Tender/Procedural Exception Request Form and submit to the Head of Corporate Procurement and their Executive-Director or Director for approval
Major (b)	Threshold (b) £75,000 up to the relevant OJEU threshold	Officers must complete a Tender/Procedural Exception Request Form and submit to both their Strategic Director or Director and the Head of Corporate Procurement for approval. Please see Appendices A and B for further details.
OJEU	The relevant OJEU threshold and over	Officers must seek cabinet approval. [Note it is not lawful to avoid compliance with the UK Public Contract Regulations 2015 - advice must be obtained from the Head of Corporate Procurement]

Any Exception request made against any of the CPRs must be sought in advance of any contractual agreement. Exception requests cannot be made or granted retrospectively.

An Exception relating to the publishing of an advert for any Contract Opportunity over £25,000 (as detailed in EU Procurement Regulations) will only normally be permitted in relation to the areas of procurement detailed in **Exemptions Section 2.2**.

It is not lawful for Officers or Councillors to avoid compliance with The Public Contracts Regulations 2015 or the Concession Contracts Regulations 2016. Therefore, approval of any Exception Requests equal to or over the relevant OJEU Threshold is not permitted without advice being obtained from the Head of Corporate Procurement and before seeking to apply any such exceptions.

All Exception requests to these Rules will be reported to the Commissioning Board (CB) as required.

Note: CB is not involved in approval of exceptions, but will undertake a strategic role in scrutinising and monitoring procurement activity. Where the Corporate Procurement Team believe it to be prudent; an exception will be referred to Internal Audit for further action.

See **Appendix A** for further details on the exceptions request process

8.11 Emergencies

In the case of unforeseeable emergencies which represent or without action would result in:

- Immediate danger to life or health
- Serious damage to property

- Any other circumstance where the consequences of which would be equal to or greater than those above.

Services, supplies and works can be procured by Designated Officers in such emergencies where the Total Contract Value is below £75,000. 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 within 72 hours.

Any such Contract entered into on this emergency basis by the Council must not be for a term of more than 4 weeks: during which time the Council must approve any further contracts required on an urgent basis via the Tender/Procedural Exception Request if required.

Please note that the 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 of the Council is detailed above. The “urgent” action is addressed under the **Exception Process 8.9 (Exceptions to the Contracts Procedure Rules)**.

Section 8.11 constitutes the same means for Emergency and Urgent Expenditure (SO46) as detailed in the Financial Procedure Rules.

9 Contract Management

For a contract classified as a Major Contract or an OJEU Contract within **Section 10**, the Chief Executive, Deputy Chief Executive, Executive Directors, Directors and Procurement Advisors must ensure during the life of the contract that the Council’s approved processes for contract management are adhered to as set out below:-

9.1 Definition and Scope of Contract Management Activities within the Council

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. Contract management should also be proportionate to the value, duration, risk and complexity of the contract. 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 it may be necessary to appoint a full-time Contract Manager or team and develop a contract management plan.

The following are the Council’s key Contract Management principles and are also set out within the Corporate Contract Management Framework as developed by Corporate Procurement:

Principle	Meaning of the Principle
Proportionate	Invest more time and resource to high value, high risk and complex contracts than low value, low risk and low complexity contracts.
Ensure the Council is getting what it pays for	Understand fully the specification, the contract terms and conditions, changes via clarifications and the promises made by the contractor in their tender submission.
Continuous Improvement and Risk reduction	Robust contract management plans ensure that risks are evaluated and mitigated, that performance and customer feedback is sought. Resulting action plans are then agreed, monitored and implemented.
Resolution of poor performance and disputes	Problems are tackled at the earliest opportunity in a collaborative way but utilising the agreed terms and conditions as set out in the contract.
Contractual changes, variations and extensions are documented	All contractual changes are within the law, are documented, signed in line with the contract terms and conditions and are stored securely.
Strong supplier relationships	Relationships are peer-to-peer and therefore deliver a win-win position. This ensures best value, innovation and long-term investment from both parties.

Exit planning	Asset registers are maintained, intellectual property rights considered, accounts are reconciled and loans/performance bonds/guarantees are finalised.
Future planning	Post-contract reports are compiled so as to document the lessons learnt which can be implemented in future tenders.

In particular, the contract management procedures ensure contract compliance, performance management, continuous improvement and value for money is achieved.

The Chief Officers shall ensure:

- They identify where contracts within their departments / service areas require contract management activities and assign Contract Managers to them for the duration of their contract life
- Develop job descriptions, set annual performance objectives and identify training requirements for their Contract Managers
- Their contract managers are aware and follow the procedures set out in the CPRs and the Procurement Toolkit
- Agree with the Head of Corporate Procurement and Head of Internal Audit a proactive plan to review performance.

Each Contract Manager will:

- Manage the contract and ensure day to day activities are carried out in accordance with its terms and conditions
- Monitor the supplier's performance (in accordance with performance indicators and service level agreements)
- Make the contractor aware what Council policies they are expected to comply with
- Undertake appropriate risk assessments and maintain up to date risk registers throughout the duration of the contract period (This should be aligned to the Corporate Risk Policy)
- Agree any minor changes to the contract (excluding terms, conditions or pricing) via a change request procedure and notify their Procurement Advisor
- Liaise with their assigned procurement advisor when considering any proposed variations or extensions to a contract
- Identify, escalate and manage any non-conformance with suppliers
- Keep a record of all valuations, payments, claims, monitoring, changes and certificates under the contract
- Set up regular contract meetings with suppliers to review performance and compliance against the contract.

Procurement Advisors will, in collaboration with the Contract Manager(s):

- Attend contract meetings with suppliers to review performance and compliance against the contract
- Assist in managing any contractual issues raised by either the contract manager or supplier
- Assist in managing any non-conformance identified by the contract manager or supplier
- Review any proposed contract variations and/or extensions
- Ensure that key contract documentation is retained on file as set out in section 7.6

9.2 Variations to Contract

Where a contract allows for variations through its clauses or in instances where a contract has no formal variation process; the Council and the Supplier can mutually agree variations in writing. Officers should consult with their nominated Procurement Advisor to make the necessary variations to the contract – subject to 9.3 and compliance with the Financial Procedure Rules. Any contract which was let with a value above its respective OJEU Threshold must only be varied / modified in accordance of The Public Contracts Regulations 2015 Clause 72 (Modification of contracts during their term).

9.3 Approval of Variations by Chief Officers

Total Contract Value (excl. VAT)	Variation Approval Process
Up to £100,000	Chief Officers in consultation with the Head of Corporate Procurement
Over £100,000	Chief Officers in consultation with the Head of Corporate Procurement and the relevant Cabinet Member (such consultation being recorded in writing using the S.O. 46 procedure)

9.4 The Contract Manager for the Council must ensure the following for each contract which is varied:

- Any variation is only agreed after budget approval has been granted
- Any variation agreed is demonstrably in the best interests of the Council
- Any variation does not bring about a material change to the scope of the Contract
- Both the individual cost of a variation and its cumulative cost when added to the total cost of all other variations (on the same contract) must be less than 50% of the original contract value (this is in line with the Public Contract Regulations 2015, Regulation 72)
- Both the individual cost of a variation and its cumulative cost when added to the total cost of all other variations (on the same contract) must not exceed the relevant OJEU threshold for the original contract. To ensure that variations are within the CPR parameters all contract managers must work in partnership with the relevant procurement advisor to conclude any contract variation.

9.5 Extensions to Contracts

Where the contract clauses allow for an extension to contract, the Council and the Supplier can mutually agree such extensions. Officers must consult with their nominated Procurement Advisor to make the necessary Extensions to a contract where the contract extension:

- has received budgetary approval
- does not vary the scope of the original contract
- Is of commercial benefit to the Council.

For contracts that do not have any clauses to extend the contract, Officers should request an Exception as part of the Exceptions to the CPRs.

Under no circumstances must the contract extension period be longer in duration than the original contract period.

9.6 Approval of Extensions to Contracts

Approval of Contract Extensions (where Contract clauses allow for an extension)	
The Chief Executive Deputy Chief Executive or Executive Director	Contract with a value over £500k
Authorised Officers	Director- contract with a value up to £500k Head of Service, Group Manager or Assistant Director - contract with a value up to £75k Business Unit Manager- contract with a value up to £25k Line Manager- contract with a value up to £10k
Head Teachers and their Authorised Officers	In accordance with the delegated powers stipulated by the relevant Board of Governors

10 Glossary of Terms

For the purpose of these Rules the following terms have the meanings as set out below:

Term	Meaning of Term
Annual Procurement Plan or 3-Year Pipeline Plan	The Annual Procurement Plan or 3-Year Pipeline Plan which sets out the approach to the procurement of contracts that exceed a lifetime value of £24,999.99
Approved Suppliers	Suppliers who are on the Council's approved supplier database which is managed jointly between the Corporate Procurement Team and Finance. Prior to entering the suppliers onto the database, they must pass assessment criteria.
Authorised Officer	P2P role- the Authorised officer is accountable for approving purchases made in accordance with the Council's scheme of delegation.
Capital	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 Programme	The programme of Capital expenditure agreed by Cabinet.
Chief Officer	The Chief Executive, a-Deputy Chief Executive an Executive Director, or Director
CIPS	Chartered Institute of Purchasing and Supply.
Corporate Risk Policy	Corporate Approach to Risk Management – the Risk Management tool kit is available on the Intranet http://seattle/Pages/Compliance.aspx .
Concession contracts	A concession agreement is a negotiated contract between a company and a local authority that gives the company the right to operate a specific business within the Council's jurisdiction, subject to certain conditions. This often differs from other Council contracts in the fact that the Council may not provide revenue funding and so the levels of risk in relation to the investment of a company is substantially greater and manages the service through the income generated These contracts allow for negotiations and as such use of the competitive procedure with negotiation will allow business areas to formally evaluate bids, select the successful bidder following an open, fair and transparent procedure and then allow negotiation with the successful bidder before any contract is formally signed.
Contracts Finder	Online government database detailing procurement opportunities in the Public Sector.

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 Managers	Manage the contract and ensure day to day activities are carried out in accordance with its terms and conditions. Full duties are detailed in Section 9 of the CPRs.
Contracts Procedure Rules (CPRs)	This document setting out the principles of procurement, roles and responsibilities, contract procedure rules and processes involved in purchasing services, supplies and works contracts
Contract Register	A register of Council contracts that exceed £74,999 held by the Corporate Procurement Team and published on the Council's e-Procurement system.
Contract Value	The estimated total monetary value of a contract over its full duration. (N.B. not 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.
Council	Southend-on-Sea Borough Council.
Councillor	An elected Member of the Council
Corporate Procurement Team (CPT)	Central team responsible to managing corporate procurements, maintaining procurement standards and controls, and providing advice and guidance to directorates and designated procurement advisors.
Data Protection Act	Data Protection Act controls how personal information is used by organisations, businesses or the government.
Designated Procurement Advisors	Officers appointed by Chief Officers in consultation with the Head of Corporate Procurement to undertake procurement activities in accordance with the CPR.
Designated Procurement Officers	These are officers within service areas across the Council that manage and oversee contracts and would liaise with the Corporate Procurement Team when re-tendering or procuring new contracts
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	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.
EU Procurement Regulations	EU Procurement Rules that apply to public authorities as defined by the UK Public Contracts Regulations 2015
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.
Framework Agreement	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 EC directives
Lead Role	Is accountable for ensuring they follow the procurement process as stated in the Contract Procedure Rules. Section 2.0 page 3
Light Touch	These are Contracts/Procurements which cover Health, Social Care and Education related requirements
Low Value	Total Contract Value (excluding VAT) £1 to £999.99

Major Contract Threshold (a)	Total Contract Value (excluding VAT) £25,000 to £74,999.99
Major Contract Threshold (b)	Total Contract Value (excluding VAT) £75,000 to the relevant OJEU threshold
MEAT	Most Economically Advantageous Tender – evaluated on the basis of quality and price – normally encompassing whole life costs
Medium Contract	Total Contract Value (excluding VAT) £10,000 to £24,999
Minor Contract	Total Contract Value (excluding VAT) £1,000 to £9,999.99
OJEU Contract	All Contract Values (excluding VAT) of £181,302 at the relevant OJEU threshold and over:
Originating Officer	P2P role the Originator is the nominated contact who understands the business and/or technical need and can develop the technical specification or statement of work
Payment without Purchase Order form	Authorisation form for agreement for procurement without the prior need to raise a purchase order (available on the intranet under procurement pages)
Pilot contract	This is a short-term contract which is put into place to market test a potential longer-term service provision. Pilot contracts still need to be procured in line with the CPR thresholds and the PCR 2015 regulations
Procurement Card	Corporate Credit Card used for low value procurements
Procurement Thresholds	Controls and process required to undertake a procurement, defined by the value of spend (whole life cost)
Procurement Toolkit	Procedural guide detailing the application of these rules
Purchase to Pay (P2P)	A system to enter purchasing requirements, manage authorisation, confirm receipt of goods and make payments to suppliers
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
Requesting Officer	P2P Role requester enters the purchase requirement in the P2P system, attaching requirements and justifications where appropriate
SME	Small to Medium Enterprise – fewer than 250 employees; and annual turnover not exceeding approximately £50 million
SO46	Standing Order within Part 4 (a) of the Constitution detailing the process for urgent action
Social Value Act	Act places a requirement on procurers to consider the economic, environmental and social benefits. Please refer to the Corporate Social Value policy and toolkit
Soft Market Testing	Analysis of the market prior to formal tender
Suppliers	Contractors supplying goods, services or works to the Council
Sustainable Procurement Policy	The corporate policy emphasises the importance of socially responsible procurement, assessing whole life costs and social, environmental and economic impact.

Exceptions from Tendering Requirements in the Contracts Procedure Rules (CPRs) (sections 8.9 and 8.10)

The following exceptions from tendering requirements may be applied following the prior approval Tender Exception Request Form.

The Exceptions from having to Tender are:

1. For the purchase of supplies, works or services which is prevented by Legislation.
2. If the supply of goods or materials to be acquired constitutes an extension of an existing supply contract. The extension can only be granted if all the following criteria are met:
 - The increase to the quantity of goods and materials was not envisaged at the time the original contract was awarded.
 - The extension is based upon comparable terms and conditions as the original contract.
 - The extension has a value less than 50% total value than the original contract requirement.
 - The extension does not breach the threshold of the EU Regulations.
3. For the execution of works or provision of services where the proposed contract outlined in the Exception Request is required due to unforeseen technical or economic reasons and is directly linked to the continuation and success of an existing contract. The existing contract itself must have been awarded competitively in accordance with the CPRs:
 - If the proposed contract is to be undertaken by the Contractor named in the existing contract, terms of the proposed contract must be negotiated on the basis of the rates and prices contained in the existing contract; or
 - If a new Contractor has been sought then the Exception Request must be accompanied with evidence outlining the steps taken to ensure best value for the Council.

This Exception does not cover works and services carried out under annual contracts or values for proposed contracts that are greater than the relevant EU Threshold.

4. Where it is considered the execution of works or the supply of either goods or services is required so urgently so as not to permit the invitation of tenders. Any request for an exception under this clause must be based upon circumstances which could not have been reasonably foreseen. Exceptions cannot be granted under this clause where a lack of foresight has given rise to difficulties.
5. In circumstances where a contract does not contain an option for an extension: but where an extension is required to facilitate a full and compliant tender exercise for operational reasons. An extension can only be granted under this clause if:
 - The initial contract itself was awarded as part of a competitive procurement process under the CPRs
 - The terms under which the extension is agreed must be equal to the existing contract in relation to the Scope, the Pricing and the Terms and Conditions

The actual length of any extension granted under this clause is at the discretion of the Head of Corporate Procurement: but cannot be more than 12 months in duration and cannot be longer than the initial contract itself. Only in circumstances where delays in publicised changes to legislation would make procurement impractical can multiple extensions be granted in relation to a single contract. In all other cases this exception may only be used once per contract.

Tender Opening Procedures

1 Opening of Tenders received via E-Procurement

Where the Council uses an electronic tendering system that releases submissions for opening at a predetermined date and time then pre-qualification questionnaires (PQQ or equivalent) and tenders submitted through that system may be accessed and opened by a member of the Corporate Procurement Team through that system.

Where a member of the Corporate Procurement Team is authorised to release any of the documents detailed above that officer must not have been a part of the project team charged with the delivery of that procurement or any part thereof.

For the avoidance of doubt: PQQ and Tender Documents, as well as all other supporting information must not be opened before the stipulated deadline for submission has passed. This is the case both for submissions received by the Council via any e-procurement system and any received in hard copy.

2 Opening of Tenders received in hard copy

2.1 Outline of Responsibilities

No officer involved in any way with the drawing up of the specification and the tender documents may participate in the receipt of the tender, in its custody pending opening or in the tender opening process.

All tenders shall be returned to the Customer Service Centre on the Ground Floor of the Civic Centre or the Post Room of the Civic Centre where they will be receipted and annotated with the date and time of receipt by the staff at either location, who will then contact the correct team to organise collection. The individual within the Corporate Procurement Team charged with collection of the Tenders must ensure that all items to be collected are stamped and the time of delivery clearly marked.

All Tenders should:

- Bear the corporate reply label or addressed to Southend-on-Sea Borough Council Customer Services Centre;
- Be sealed and marked "Tender";
- Be annotated with the subject to which the tender relates; and
- Not indicate the identity of the sender.

2.2 Opening of Hard Copy Tenders

Tenders must be opened in a secure and confidential environment, with openers being undistracted.

Forms used as tender opening records must be prescribed or approved by a Senior Procurement Advisor.

Each of the following must be stamped and initialled by both designated openers:

- Any cover letter bearing a signature
- Any other page bearing a signature that is not certification of any kind pertaining to insurance, quality assurance, health and safety and so on
- Any page bearing a cost that may be applied to the resulting contract(s)
- All Tender Forms including Contract Variation, Bona fide Tender, Tender Form and Freedom of Information.

Date stamping and initialling priced pages of tender documents is an important authentication if correction of errors is to be admitted according to Council's Financial Procedure Rules.

The opening of tenders and recording of their details shall be subject to the following regulations:

- They must not be opened before the deadline for submission stipulated in the tender documents;
- They must be opened at one time by not less than two persons (one of whom would be from the Corporate Procurement Team) designated for the purpose by the appropriate Chief Officer;
- No Officer or Councillor of the Council may be present at the opening of tenders if they have a material interest in relation to the subject or result of the tender. Factors that can be suggestive of a material interest and would preclude attendance at a tender opening include, but are not limited to a connection to a possible tenderer through family, friends or other business associates.

Additionally any corrective amendments by tenderers to their tender prices must be initialled by both designated openers and annotated in the tender opening record.

3 Late Tenders (either Electronic or Hardcopy Tenders)

Any tender received by the Council after the relevant deadline for submission has passed will not be evaluated by the Council. For the avoidance of doubt: once the deadline has passed, any tender delivered later than the deadline (regardless of its proximity to the deadline) must not be included in the evaluation process.

Only in instances where due to unforeseen circumstances a pre confirmed extension to a deadline has been made available to all Tenderers, can submissions be accepted after the deadline stipulated in the tender documents. Any such extension cannot be granted for the benefit of a single tenderer. The granted extension must be fully justifiable and meet the full challenge of any audit of the process. The closer to the deadline that an extension is granted the stronger the justification will be required to be. Any revised deadline stipulated as part of an agreed extension will itself be subject to the same level of finality detailed in the paragraph above and any tender received by the Council after the revised deadline for submission has passed will not be evaluated by the Council.

The entire process of opening late tenders is detailed in the Procurement Toolkit. However, late tenders must not be opened before electronic, scanned or photographic evidence confirming their lateness has been forwarded to the Head of Corporate Procurement. Only after the written approval to open the late tender has been provided by the Head of Corporate Procurement can that tender be opened by a Procurement Advisor with no connection to the Tender Process in question. The opening of any Late Tender (Hardcopy) must be documented using a Late Tender Form. Both evidence of approval to open a late tender and the accompanying Late Tender Form must be saved in the corresponding Tender Project File.

4 Alterations / Corrections to either Electronic or Hardcopy Tenders

The Tenderer may not amend or request amendment to their tender after the date and time fixed for the receipt of tenders.

However, if the Council encounters an error in a tender consisting of incomplete or incorrect information then the Council may at its discretion request the Tenderer concerned to submit, supplement, clarify or complete the relevant information or documentation within an appropriate time limit, provided that such requests are made in full compliance with the principles of equal treatment and transparency.

In determining whether such an error has been made in relation to a received tender submission Council Officers must assess this in direct relation to the information contained in that submission or to the tender documentation issued by the Council. The error relating to the specific tender must be clear, self-evident and obvious. Under no circumstances will an issue shown up as a result of cross referencing against any other tender submission be accepted as such an error.

All action undertaken in relation to seeking alteration or correction information must be based on an unbiased and objective assessment of the entire tender process it is being applied to. The action itself must be taken in a manner that treats all participating tenderers fairly. Any communication issued in relation to the action must ensure the validity and effectiveness of the procurement.

Key factors in assessing if alteration or correction information will be sought in relation to an error accepted by the Council will include but not be limited to:

- Number of Tenders returned in relation to the project
- If any of the other Tenderers made the same error
- If other Tenderers did make the same error what proportion of the overall returns does this represent
- Clarity of the information issued by the Council
- If the error is a complete omission of required information
- Is it possible to request clarification on an issue from all of the competing Tenderers involved without unfairly disadvantaging any of those Tenderers
- Is the justification relating to the clarifying of an issue by all Tenderers in the process able to withstand audit scrutiny, challenge by a Tenderer and lead to a more robust evaluation
- The strict time period in which the Tenderer will be required to respond

Subjective information including the identity of the company or stakeholder preference must not be used as a basis to seek alteration or correction information.

Under no circumstance must any Council Officer use this clause to unfairly assist a tenderer to gain a more favourable tender score at the expense of the other competing tenderers or the Council's good reputation.

Corporate Procurement must maintain a record / audit trail of any action taken and justification for that action taken in relation to errors found in any tender.

5 Training

It is the responsibility of the appropriate Chief Officer of each department or establishment involved in the tendering process to ensure that all relevant members of staff are trained in the correct procedures, and issued with the Contract Procedure Rules and the Tender Opening Procedure guidance available.

The Corporate Procurement Team will support Council officers by providing training, advice, and any necessary templates to enable them to understand and adhere to the CPRs and tender effectively.