Huntingdonshire
DISTRICT COUNCIL

# Constitution

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Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN

# CONTENTS


Page(s)

**PART 1**

**SUMMARY AND EXPLANATION** 3 - 5

**PART 2**

**ARTICLES OF THE CONSTITUTION**

| | | |
|---|---|---|
| Article 1 | The Constitution | 9 |
| Article 2 | Members of the Council | 10 |
| Article 3 | Citizens and the Council | 12 |
| Article 4 | The Full Council | 14 |
| Article 5 | Chairing the Council | 16 |
| Article 6 | Overview and Scrutiny | 17 |
| Article 7 | The Cabinet | 18 |
| Article 8 | Regulatory and Other Committees and Panels | 21 |
| Article 9 | Standards Committee | 22 |
| Article 10 | Area Committees and Forums | 23 |
| Article 11 | Joint Arrangements | 24 |
| Article 12 | Officers | 26 |
| Article 13 | Decision Making | 30 |
| Article 14 | Finance, Contracts and Legal Matters | 33 |
| Article 15 | Review and Revision of the Constitution | 35 |
| Article 16 | Suspension, Interpretation and Publication of the Constitution | 36 |

**PART 3**

**RESPONSIBILITY FOR FUNCTIONS**

| | |
|---|---|
| Responsibility for Functions | 39 |
| Responsibility for Local Choice Functions | 41 |
| Responsibility for Council Functions | 43 |
| Responsibility for Executive Functions | 62 |
| Scheme of Delegations to Officers | 64 |
| Council Functions | 65 |
| Annex A Delegations to Officers | 69 |
| Executive Functions | 72 |
| Annex B Delegations to Officers | 76 |

## PART 4

### RULES OF PROCEDURE


| | |
|---|---|
| Council Procedure Rules (Standing Orders) | 82 |
| Committee Procedure Rules | 102 |
| Access to Information Procedure Rules | 112 |
| Cabinet Procedure Rules | 122 |
| Budget and Policy Framework Procedure Rules | 126 |
| Overview and Scrutiny Procedure Rules | 131 |
| Financial Regulations | 139 |
| Contract Procedural Rules | 154 |
| Officer Employment Procedure Rules | 173 |


## PART 5

### CODES AND PROTOCOLS


| | |
|---|---|
| Code of Conduct for Members | 182 |
| Appendix A – The Seven Principles of Public Life | 190 |
| *Appendix B – Registering Interests* | 191 |
| *Table 1 – Disclosable Pecuniary Interests Table 2 – Other Registerable Interests* | 194 |
| *Appendix C – The Committee on Standards in Public Life* | 196 |
| Code of Conduct Complaints Process | 198 |
| *Annex Complaints Procedure Flowchart* | 199 |
| Members' Planning Code of Good Practice | 200 |
| Members' Licensing Code of Good Practice | 207 |
| Member / Officer Protocol | 214 |
| Protocol for the relationship between the Executive Leader of the Council and the Head of Paid Service | 221 |


## PART 6

### MEMBERS' ALLOWANCES SCHEME


| | |
|---|---|
| Members' Allowances Scheme | 228 |
| *Schedule 1Special Responsibility Allowances* | 231 |


## PART 7

### MANAGEMENT STRUCTURE


| | |
|---|---|
| Management Structure | 234 |

# Part 1

# Summary and Explanation

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# PART 1 - SUMMARY AND EXPLANATION

## 1. THE COUNCIL'S CONSTITUTION

1.1 Huntingdonshire District Council has a 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.

1.2 The Constitution is divided into 16 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.

1.3 Article 1 of the Constitution commits the Council to provide a clear leadership in the community in partnership with citizens, business and other organisations; efficient, effective and accountable decision making with the active involvement of citizens; effective representation by Councillors of their constituents; and continuous improvements in service delivery.

1.4 Articles 2 - 16 explain the rights of citizens and how the key parts of the Council operate. These are -

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- the Council meeting (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny of decisions (Article 6)
- the Executive or Cabinet (Article 7)
- Regulatory and other Committees and Panels (Article 8)
- the Standards Committee (Article 9)
- Area Committees (Article 10)
- Joint arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15); and
- Suspension, interpretation and publication of the Constitution (Article 16).

## 2. HOW THE COUNCIL OPERATES

2.1 The Council is composed of 52 Councillors. Elections will be held every 4 years from May 2018.

2.2 Councillors are democratically accountable to residents of their Ward. 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.

2.3 Councillors have to agree to a code of conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer trains and advises them on the code of conduct.

2.4 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 and holds to account the Executive Leader, the Cabinet and other committees and panels. It is responsible for changes to the Constitution of the Council and the various codes and protocols contained in it.

## 3. HOW DECISIONS ARE MADE

3.1 The Cabinet is the part of the Council which is responsible for most day to day decisions. The Cabinet is made up of the Executive Leader and up to nine councillors appointed by the Council. When major decisions are to be discussed or made, these are published in the Cabinet's Notice of Executive Decisions as far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for members of the public to attend except where personal or confidential matters are being discussed. The Cabinet 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.

## 4. OVERVIEW AND SCRUTINY

4.1 There are two Overview and Scrutiny Panels who support the work of the Cabinet and Council as a whole. They allow citizens to have a greater say in Council matters by holding enquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and Council as a whole on its policies, budget and service delivery. Overview and Scrutiny Panels also monitor the decisions of the Cabinet. They can "call-in" a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of a policy.

## 5. THE COUNCIL'S STAFF

5.1 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 code of practice governs the relationships between officers and members of the Council.

## 6. CITIZENS' RIGHTS

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

6.2 Where members of the public use specific Council services they have additional rights. These are not covered in this constitution.

6.3 Citizens have the right to -

- vote at local elections if they are registered.
- contact their local Councillor about any matters of concern to them.
- obtain a copy of the Constitution.
- attend meetings of the Council and its committees and panels except where, for example, personal or confidential matters are being discussed.
- submit petitions at meetings of the Council.
- petition to request a referendum for a change of governance arrangements e.g. Mayoral form of executive.
- contribute to investigations by the Overview and Scrutiny Panels by submitting evidence and comments on the enquiries being undertaken.
- find out from the Cabinet's Notice of Executive Decisions what major discussions are to be discussed by the Cabinet or decided by members of the Cabinet or officers
- attend meetings of the Cabinet where key decisions are being discussed or decided; except where, for example personal or confidential matters are being discussed
- see reports and background papers specified and any record of decisions made by the Council and the Cabinet.
- complain to the Council about the standard of service provided and any action or lack of action by the Council, its officers or contractors.
- complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's code of conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

6.4 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen please visit the Council's website.

# Part 2

# Articles of the Constitution

# ARTICLE 1 - THE CONSTITUTION

## 1. POWERS OF THE COUNCIL

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

## 2. THE CONSTITUTION

2.1 This Constitution, and all its appendices, is the Constitution of the Huntingdonshire District Council.

## 3. PURPOSE OF THE CONSTITUTION

3.1 The purpose of the Constitution is to:-

(i) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;

(ii) support the active involvement of citizens in the process of local authority decision making;

(iii) help Councillors represent their constituents more effectively;

(iv) enable decisions to be taken efficiently and effectively;

(v) create a powerful and effective means of holding decision- makers to public account;

(vi) ensure that no one will review or scrutinise a decision in which they were directly involved;

(vii) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and

(viii) provide a means of improving the delivery of services to the community.

## 4. INTERPRETATION AND REVIEW OF THE CONSTITUTION

4.1 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

# ARTICLE 2 - MEMBERS OF THE COUNCIL

## 1. COMPOSITION AND ELIGIBILITY

**1.1** (a) **Composition**

The Council will comprise 52 members otherwise called Councillors. Between 1 and 3 Councillors will be elected by the voters of each ward in accordance with the scheme drawn up by the Electoral Commission and approved by the Secretary of State.

(b) **Eligibility**

Only registered voters of the Huntingdonshire District or those living or working here will be eligible to stand for the office of councillor.

## 2. ELECTION AND TERMS OF COUNCILLORS

2.1 The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later

## 3. ROLES AND FUNCTIONS OF ALL COUNCILLORS

3.1 **Key Roles** - All Councillors will:-

(i) collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions;

(ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;

(iii) effectively represent all residents of the Council's area with special responsibility to the residents in their ward.;

(iv) respond to constituents' enquiries and representations fairly and impartially;

(v) participate in the governance and management of the Council;

(vi) be available to represent the Council on other bodies; and

(vii) maintain the highest standards of conduct and ethics.

## 4. CONDUCT

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

## 5. ALLOWANCES

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

# ARTICLE 3 - CITIZENS AND THE COUNCIL

## 1. CITIZENS' RIGHTS

1.1 Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

**1.2** (a) **Voting and Petitions**

Those on the register of electors may sign a petition to request a referendum for a different form of governance in accordance with the timetable as prescribed under legislation, and to vote in any local referendum in respect of an increase in the local authority's precept.

**(b) Information**

Citizens have the right to:-

(i) attend, record and report on meetings of the Council and its Cabinet, committees and panels except where confidential or exempt information is likely to be disclosed and the meeting, or part of the meeting, is therefore held in private;

(ii) find out from the Notice of Executive Decisions what key decisions will be taken by the Cabinet and when;

(iii) see reports and background papers and any records of decisions made by the Council and the Cabinet;

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

(v) submit petitions at a meeting of the Council.

**(c) Complaints**

Citizens have the right to complain to:-

(i) the Council itself under its complaints scheme;

(ii) the Local Government Ombudsman after using the Council's own complaints scheme; and

(iii) the District Council about a breach of the Members' Code of Conduct; and

(iv) the District Council about a breach of their respective Members' Code of Conduct of any town and parish Councillor in Huntingdonshire.

## 2. CITIZENS' RESPONSIBILITIES

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

# ARTICLE 4 - THE FULL COUNCIL

## 1. MEANINGS

1.1 (a) **Policy Framework** - the policy framework means the following plans and strategies -

- Plans and alterations which together comprise the Development Plan
- Council's Corporate Plan
- Licensing Act
- Gambling Act – Statement of Principles
- Budget - the budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the Council Tax and decisions relating to the control of the Council's borrowing requirements, the control of the Council's investments, the control of its capital expenditure and the setting of virement limits.

## 2. FUNCTIONS OF THE FULL COUNCIL

2.1 Only the Council will exercise the following functions:-

(a) adopting and changing the Constitution, other than Part 3 – Scheme of Delegations and any changes the Monitoring Officer makes to the Constitution to reflect changes in legislation and decisions of the Council and the Executive and changes of fact;

(b) approving or adopting the policy framework and budget;

(c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to policy framework or contrary to/or not wholly in accordance with the budget;

(d) electing the Executive Leader;

(e) agreeing and/or amending the terms of reference for committees and panels, (with the exception of the Licensing Committee) deciding on their composition and making appointments to them;

(f) agreeing the appointment of the membership to Council Committees;

(g) adopting an allowances scheme under Article 2, paragraph 5;

(h) the appointment of the electoral registration officer and the returning officer to local government elections, power to change the name of the District, petition for borough status and confer honorary titles, functions relating to a change in governance arrangements (the Council's form of executive) and the passing of a resolution to change the electoral scheme (the electoral cycle);

(i) confirming the appointment of the Head of Paid Service;

(j) taking the final decision to dismiss the Head of Paid Service, Section 151 Officer or Monitoring Officer,

(k) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;

(l) the functions described in Article 11, paragraphs 1 and 2 (Delegation to and from other local authorities and under joint arrangements);

(m) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and

(n) all other matters which, by law, must be reserved to the Council.

## 3. COUNCIL MEETINGS

3.1 There are 3 types of Council meeting:-

(a) the annual meeting;

(b) ordinary meetings; and

(c) extraordinary meetings.

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

## 4. RESPONSIBILITY FOR FUNCTIONS

4.1 The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

# ARTICLE 5 - CHAIRING THE COUNCIL

## 1. ROLE AND FUNCTION OF THE CHAIR

1.1 The Chair will be elected by the Council annually in accordance with the Council Procedure Rules in Part 4 of this Constitution. The Chair of the Council and, in his/her absence, the Vice-Chair of the Council has a dual role –

- to act as the leading citizen in Huntingdonshire and to represent the Council at the various functions of a civic nature which the Council might host or at which it might be represented; and

- to encourage and promote high standards of debate in meetings of the Council and to promote the role of the Council as the forum for local democracy in Huntingdonshire.

# ARTICLE 6 - OVERVIEW AND SCRUTINY

## 1. TERMS OF REFERENCE OF OVERVIEW AND SCRUTINY PANELS

1.1 The Council will appoint such Overview and Scrutiny Panels as it thinks fit.

## 2. GENERAL ROLE

2.1 Within their terms of reference, the Overview and Scrutiny Panels 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 Cabinet and/or any joint committee in connection with the discharge of any functions;

(iii) review the performance of the Council and the achievement of performance indicators and targets;

(iv) consider any matter affecting the area or its inhabitants; and

(v) exercise the right of call-in, for reconsideration, decisions made but not yet implemented by the Executive Leader, the Cabinet, an individual member of the Cabinet, a committee of the Cabinet or a key decision made by an officer.

# ARTICLE 7 - THE CABINET

## 1. THE EXECUTIVE LEADER AND CABINET

1.1 The Executive Leader is responsible for the discharge of all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution. The Executive Leader has arranged for the discharge of the executive functions by the Cabinet which, unless the Executive Leader otherwise directs will undertake those functions collectively or by delegation to a panel of the Cabinet or individual executive councillors as specified in Tables of Part 3 of this Constitution.

## 2. FORM AND COMPOSITION

2.1 The Cabinet will consist of the Executive Leader together with at least two, but not more than nine, Councillors appointed by the Executive Leader.

## 3. EXECUTIVE LEADER

3.1 The Executive Leader is a councillor and will be elected at an annual meeting of the Council for a four-year term and thereafter at the annual meeting when the Executive Leader's term of office comes to an end. The Executive Leader will hold office from the date of his/her election to that position until:-

(a) the first annual meeting after the Executive Leader's normal day of retirement as a councillor;

(b) they resign from the office; or

(c) they are no longer a Councillor; or

(d) they are removed from office by resolution of the Council.

(e) they are disqualified from being a councillor

## 4. DEPUTY EXECUTIVE LEADER

4.1 The Executive Leader shall appoint a councillor to be Deputy Executive Leader who shall be a member of the Cabinet. The Deputy Executive Leader will hold office from the date of his/her appointment to that position, until:-

(a) the end of term of office of the Executive Leader;

(b) he/she resigns from the office; or

(c) they are no longer a Councillor; or

(d) they are removed from office by the Executive Leader.

(e) They are disqualified from being a councillor

## 5. ASSISTANT DEPUTY EXECUTIVE LEADER

5.1 The Executive Leader may appoint a councillor to be Assistant Deputy Executive Leader who shall be a member of the Cabinet. This is a non-statutory post. The Assistant Deputy Executive Leader will hold office from the date of his/her appointment to that position until:-

(a) the end of term of office of the Executive Leader;

(b) they resign from the office; or

(c) they are no longer a Councillor; or

(d) they are removed from office by the Executive Leader;

(e) they are disqualified from being a councillor.

## 6. OTHER CABINET MEMBERS

6.1 Other Councillors will be appointed to the Cabinet by the Executive Leader and will hold office until the day that -

(a) they resign from office; or

(b) they are no longer Councillors; or

(c) they are removed from office, either individually or collectively, by the Executive Leader.

(d) they are disqualified from being a councillor

## 7. ASSISTANT CABINET MEMBERS

7.1 The Cabinet may appoint Councillors to act as assistants to the Cabinet as the Cabinet considers reasonably necessary and appropriate. Their role will be to assist the Cabinet collectively in accordance with their detailed Role Description approved by the Cabinet on 21 June 2018.

7.2 Assistants to the Cabinet may not vote on any matters before the Cabinet, neither may they substitute for a Cabinet Member at a meeting of the Cabinet nor in any decision-making role.

## 8. CASUAL VACANCIES

8.1 Any vacancy in the position of the Executive Leader shall be filled by the

Council at the meeting that the Executive Leader ceases to hold office or at a subsequent meeting. Any vacancy in the position of Deputy Executive Leader, Assistant Deputy Executive Leader or member of the Cabinet will be filled by the Executive Leader and reported to Council at the next meeting. The person(s) elected or appointed shall be subject to the term of office described in paragraphs 3 to 6 above.

## 9. PROCEEDINGS OF THE CABINET

9.1 Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

## 10. RESPONSIBILITY FOR FUNCTIONS

(a) The Executive Leader will maintain or arrange to be maintained a list in Part 3 of this Constitution setting o which individual members of the Cabinet, committees appointed by the Cabinet, officers or joint arrangements are responsible for the exercise of particular Cabinet functions.

(b) If for any reason the Executive Leader is unable to act or that office is vacant, the Deputy Executive Leader will act in their place. If for any reason both the Executive Leader and Deputy Executive Leader are unable to act or those offices are vacant, the Assistant Deputy Executive Leader will act in their place but operating within what is legally permissible as the post is not a statutory role. If for any reason the Executive Leader, Deputy Executive Leader and Assistant Deputy Executive Leader are unable to act or those offices are vacant, the Cabinet will act in place of the Executive Leader or will arrange for a member of the Cabinet to do so.

# ARTICLE 8 - REGULATORY AND OTHER COMMITTEES AND PANELS

## 1. REGULATORY AND OTHER COMMITTEES AND PANELS

1.1 The Council will appoint the committees and panels it sees fit.

1.2 No Member shall be eligible to serve on a Regulatory Committee the Development Management and Licensing & Protection Committees and Licensing Committee unless or until they have undertaken relevant training. The Elections and Democratic Services Manager shall maintain a record of attendance at training events to ensure the requirement has been met.

# ARTICLE 9 - STANDARDS COMMITTEE

## 1. STANDARDS COMMITTEE

1.1 The Council will appoint a Standards Committee under Section 102 of the Local Government Act. Matters relating to standards of conduct will be dealt with by the Corporate Governance Committee and the Standards (Hearing) Sub-Committee. The composition of which shall be governed by proportionality and subject to the same requirements on confidential and exempt information as any other Committee.

# ARTICLE 10 - AREA COMMITTEES AND FORUMS

## 1. AREA COMMITTEES

1.1 The Council may appoint area committees or forums as it sees fit.

# ARTICLE 11 - JOINT ARRANGEMENTS

## 1. JOINT ARRANGEMENTS

1.1 (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities. (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 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 Cabinet 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 Cabinet may appoint Members to a joint committee from outside the Cabinet in the following circumstances -

- 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 Cabinet 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 joint committee is between Cambridgeshire County Council and the Council and relates to functions of the executive of the County Council. (In such cases, the executive of the County Council may appoint to the joint committee any Councillor who is a member for an electoral division which is wholly or partly contained within Huntingdonshire.)

In both of these cases the political balance requirements will 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 of this Constitution.

1.2 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority. The Council may, upon a proposal by the Cabinet, delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

## 2. CONTRACTING OUT

2.1 The Council, for those functions that are not Executive functions, and

the Executive, in respect of Executive functions, 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

## 1. TERMINOLOGY

1.1 In this Article use of the word "officers" means all employees and staff engaged by the Council to carry out its functions and includes those engaged under short-term, agency or other non- employed situations.

## 2. MANAGEMENT STRUCTURE

2.1 (a) **General** - the Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief Officers** - the Council will engage persons for the following posts, who will be designated chief officers:-

| Post | Functions and areas of responsibility |
|---|---|
| Head of Paid Service | Overall corporate management and strategic responsibility (including overall management responsibility for all officers).<br>Provision of professional advice to all in the decision-making process.<br>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.<br>Representing the Council on partnership and external bodies (as required by statute or the Council).<br>Leisure and Health<br>Communications |
| Corporate Director (People) | Operations, 3C ICT, Legal Client Management |
| Corporate Director (Place) | Programme Delivery, Planning Services, Housing Strategy, Economic Development |
| Chief Operating Officer | Customer Services, Revenues and Benefits, Housing Needs and Resources, and Community. |
| Director of Finance & Corporate Services | Finance, Audit and Risk, Procurement, Operational and Commercial Estates, Human Resources, Health and Safety, Facilities, Elections, Democratic Services and Land Charges. |

(c) **Head of Paid Service, Monitoring Officer and Responsible Financial Officer** - the Council will designate the following posts as shown:-

| Post | Designation |
|---|---|
| Chief Executive Officer | Head of Paid Service |
| Head of Legal Practice (3C Legal) | Monitoring Officer |
| Director of Finance and Corporate Services | Responsible Financial Officer and Section 151 Officer |

Such posts will have the functions described in paragraphs 3 - 5 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.

## 3. FUNCTIONS OF THE HEAD OF PAID SERVICE

3.1 (a) **Discharge of functions by the Council** - the Head of Paid Service will report to 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 Responsible Financial Officer if a qualified accountant.

## 4. FUNCTIONS OF THE MONITORING OFFICER

4.1 (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, officers and the public.

**(b) Ensuring Lawfulness and Fairness of Decision Making** after consulting with the Head of Paid Service and Responsible Financial Officer, the Monitoring Officer will report to the Council or to the Cabinet in relation to an executive function if they consider any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

**(c) Supporting Standards of Conduct**- the Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct and provide support to the Standards (Hearings) Sub-Committee.

**(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 executive decisions are in accordance with the budget and policy framework and (after consultation with the Responsible Financial Officer) the budgetary 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 may not be the Responsible Financial Officer or the Head of Paid Service.

## 5. FUNCTIONS OF THE RESPONSIBLE FINANCIAL OFFICER

5.1 (a) **Ensuring Lawfulness and Financial Prudence of Decision Making** - after consulting with the Head of Paid Service and the Monitoring Officer, the Responsible Financial Officer will report to the Council or to the Cabinet in relation to an executive function and the Council's external auditor if he or she considers 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 Responsible Financial Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to Corporate Management** - the Responsible Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing Advice** - the Responsible Financial 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 Responsible Financial Officer will provide financial information to the media, members of the public and the community.

## 6. DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND RESPONSIBLE FINANCIAL OFFICER

6.1 The Council will provide the Head of Paid Service, Monitoring Officer and Responsible Financial Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## 7. CONDUCT

7.1 Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

## 8. EMPLOYMENT

8.1 The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

# ARTICLE 13 - DECISION MAKING

## 1. RESPONSIBILITY FOR DECISION MAKING

1.1 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.

## 2. PRINCIPLES OF DECISION MAKING

2.1 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;

(d) a presumption in favour ofopenness;

(e) clarity of aims and desiredoutcomes;

(f) the consideration of alternative options; and

(g) an explanation of the reasons for the decision.

## 3. TYPES OF DECISION

3.1 (a) **Decisions Reserved to Full Council**.

Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

**(b) Key Decisions**

A 'key decision' means an executive decision taken by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet or an officer or under joint arrangements which is likely -

(i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates; or

(ii) to be significant in terms of its effects on communities living or working in the area comprising two or more wards.

In determining the meaning of 'significant', regard shall be had to any guidance for the time being issued by the Secretary of State. A key decision is any decision which would if implemented fall in any of the following categories

- it is not in accordance with a policy, plan or strategy which forms part of the policy framework approved by the Council;
- it may result in the adoption of any additional policy, plan or strategy by the Council;
- it is not in accordance with the budget approved by the Council;
- it may increase financial commitments in future years above existing budgetary approvals;
- it will result in any of the following:
  - the appointment of additional permanent staff for which there is no budget provision;
  - the acquisition or disposal of land or property with a value in excess of £2,000,000;
  - any budgetary virement in excess of the limits set out in the Code of Financial Management in Part 4 of this Constitution;
  - any statutory order or scheme if it requires, either directly or as a result of objections, the approval of a Minister of the Crown;
  - the initiation of local legislation or byelaws;
  - if it is likely to be of significance in the opinion of the decision taker

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Any decision to incur expenditure or savings or realignment of expenditure in excess of £200,000 shall be treated as significant for these purposes. However

a decision to invite a tender or award a contract shall not be treated as a key decision insofar as the purpose of the contract is to fulfil the intention of any policy or scheme included in the policy framework or budget or involves a continuation of an existing policy or service standard.

The decision taker shall inform the Monitoring Officer of all decisions (including those with a financial value below £200,000) about which they have any doubt as to whether the decision may or may not be significant for the purposes of this paragraph and the Monitoring Officer may determine the decision as a key decision.

3.2 A decision taker may only make a key decision in accordance with the requirements of the Procedure Rules set out in Part 4 of this Constitution.

## 4. DECISION MAKING BY THE FULL COUNCIL

4.1 The Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

## 5. DECISION MAKING BY THE CABINET

5.1 The Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

## 6. DECISION MAKING BY OVERVIEW AND SCRUTINY PANELS

6.1 Overview and Scrutiny Panels will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

## 7. DECISION MAKING BY OTHER COMMITTEES AND PANELS ESTABLISHED BY THE COUNCIL

7.1 Other Council committees and panels will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as applied to them.

# ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

## 1. FINANCIAL MANAGEMENT

1.1 The management of the Council's financial affairs will be conducted in accordance with the Code of Financial Management set out in Part 4 of this Constitution.

## 2. CONTRACTS

2.1 Every contract made by the Council will comply with the Code of Procurement set out in Part 4 of this Constitution.

## 3. LEGAL PROCEEDINGS

3.1 The Head of Legal Practice or their nominated representative is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect the Council's interests and in particular, to ensure that all procedural and evidential requirements are carried out in connection therewith.

## 4. COMMON SEAL OF THE COUNCIL

4.1 The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Legal Practice.

4.2 The Seal shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of the Cabinet, committee or sub-committee to which the Council have delegated their powers in this behalf, or by a decision of an officer to which the Council, Cabinet, committee or panel similarly have delegated their powers.

4.3 The Head of Paid Service or the Head of Legal Practice or their nominated representatives shall attest every document which is being sealed and any entry of the sealing of every document to which the Common Seal has been attached shall be made and consecutively numbered in a book to be provided for that purpose and each entry duly attested. The book shall be open for inspection by every member of the Council.

## 5. SIGNING OF CONTRACTS AND AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

5.1 All contracts required to be entered into in writing by the Council as provided in the Code of Procurement shall be signed by two officers and the Head of Paid Services and the Head of Legal Practice or nominated representative shall be authorised as the agent of the Council to sign such contracts. (This article does not apply where a Chief Officer has authority to issue a written order in accordance with the Council's Code of Financial Management or Code of Procurement.)

5.2 Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Head of Paid Service or the Head of Legal Practice or their nominated representative unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings.

# ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

## 1. DUTY TO MONITOR AND REVIEW THE CONSTITUTION

1.1 The Head of Paid Service and 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.

1.2 The Monitoring Officer will ensure that the Constitution is kept up to date and has the delegated power to ensure that it is amended to reflect changes in legislation and fact, and decisions of the Council and the Executive

# ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

## 1. SUSPENSION OF THE CONSTITUTION

1.1 (a) **Limit to Suspension** - the Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the 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 two thirds 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** - the following Rules may be suspended in accordance with this Article - the Council Procedure Rules.

## 2. INTERPRETATION

2.1 The ruling of the Chair of the Council, after consultation with the Monitoring Officer or their nominee, as to the construction or application of this Constitution or as to any proceedings of the Council should not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

## 3. PUBLICATION

3.1 (a) Each member of the Council, upon delivery of the individual's declaration of acceptance of office on the member first being elected to Council, will be provided with the details of where to view a copy of the Constitution on the Council's website by the Monitoring Officer.

(b) Copies of this Constitution will be available for inspection on the Council’s website, and 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.

# Part 3

# Responsibility for Functions

# RESPONSIBILITY FOR FUNCTIONS

# SCHEME OF DELEGATION TO COMMITTEES

## Introductory Notes

All functions that are not specifically reserved in this constitution to Council, a committee or the Cabinet (formerly known as the Executive) are delegated to Officers in accordance with the Officer Scheme of Delegation set out in this Constitution.

A committee or sub-committee may delegate some of its functions to officers and if so these will be recorded by the Monitoring Officer.

The terms and reference of a committee may provide that a matter need only be referred to the committee if objections or representations have been received or if, for example, the matter or the proposed decision will have a significant, major or material impact or might represent a significant or major departure from certain plans of policies.

In these instances there is discretion to be exercised as to what is major, significant, material or relevant and so whether a particular matter needs to be referred to a committee or not. That discretion is to be exercised by the relevant Corporate Director (or their authorised representative) in consultation with the relevant committee chairperson.

## 1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

| Function | Decision Making Body * | Delegation of Functions** |
|---|---|---|
| Appeals against disciplinary action against Corporate Directors and Service Managers and appeals in respect of grievances of Corporate Directors and Service Managers | Appeals Sub-Committee (C) | None |
| Functions relating to contaminated land. | Council (C) | Operational Manager (People) |
| Functions relating to the control of pollution or the management of air quality | Licensing and Protection Committee (C) | Operational Manager (People) |
| Service of an abatement notice in respect of a statutory nuisance | Licensing and Protection Committee (C) | Operational Manager (People) |
| Passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area | Licensing and Protection Committee (C) | None |
| Inspection of the Authority's area to detect statutory nuisances | Licensing and Protection Committee (C) | Operational Manager (People) |
| Investigation of complaints as to the existence of statutory nuisances | Licensing and Protection Committee (C) | Operational Manager (People) |
| Obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land | Cabinet (E) | Chief Planning Officer |
| Obtaining of information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 as to interests in land | Cabinet (E) | Heads of Service |
| Appointments to Outside Bodies and revocation of such appointments | Cabinet (E) | Executive Leader |

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| The making of agreements with other local authorities for the placing of staff at the disposal of those authorities. | Cabinet (E) | Chief Executive Officer, Corporate Directors, Assistant Directors and Heads of Service. |

*** 'C' denotes Council 'E' denotes Executive**
**** Delegations to officers are as set out in the Scheme of Delegation to Officers**

## 2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

| Committee/Panel and Membership | Functions | Delegation of Functions |
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| **Council** | In addition to the functions set out elsewhere in the Constitution.<br>• Exercise of the Council's functions in relating to parishes and parish councils under Part II of the Local Government & Rating Act 1997.<br>• Exercise of powers on the following electoral matters:-<br>o Division of parliamentary constituencies and local government wards or electoral divisions into polling districts.<br>o Approval of pilot schemes for local elections.<br>o Making recommendations to the Electoral Commission in ward boundary reviews, electoral division reviews and parliamentary constituency reviews. | None.<br>None. |
| | • Any other matters relating to elections set out in Part D of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) (Regulations) 2000 | Returning Officer. |
| | • Making and amending Standing Orders, Standing Orders Relating to Contracts and Financial Regulations. | None. |
| | • Appointment of Head of Paid Service, the Monitoring Officer and the Section 151 Officer are reserved to full Council.<br>• Appointment of Corporate Directors is delegated to the Senior Officers Committee. | Appointment of other staff is delegated to Head of Paid Service. |
| | • Designation of officers as the Monitoring Officer and Section 151 Officer.<br>• Appointment of Electoral Registration Officer and Returning Officer for Local Government Elections. | None. |
| | • Appointment of officers for particular purposes ("proper officers").<br>• Determining the scheme for travelling and subsistence allowances, conference attendance allowances and members scheme of expenses. | Chief Executive Officer. None. |

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| | • Approve the dismissal of the Head of Paid Service, Monitoring Officer and Responsible Financial Officer following the recommendation of such a dismissal by the Independent Panel of the Council appointed for that purpose. | None. |
| **Development Management Committee**<br>16 members of the Council including at least 1 member of the Cabinet. | Functions relating to town and country planning and development control as specified in Schedule 1 Part A to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the Functions Regulations). | See Scheme of Delegation to Officers. |
| | Powers relating to the protection of important hedgerows and the preservation of trees. | |
| | Powers relating to the regulation of the use of highways and public rights of way as set out in the Functions Regulations. | |
| **Licensing Committee**<br><br>**(established in accordance with section 6 of the Licensing Act 2003)**<br><br>12 members of the Council including at least 1 member of the Cabinet (who shall be the same as the membership of the Licensing and Protection Committee). | Functions of the Council as a Licensing Authority under the Licensing Act 2003 and the Gambling Act 2005 (with the exception of those functions which are reserved to Council), and miscellaneous matters as set out in the Functions Regulations.<br><br>To discharge the functions of the Scrap Metal Dealers Act 2013. Relevant Sub Committee to be convened when appropriate to deal with contested applications and hearings. | See Scheme of Delegation to Officers. |
| | Determining the amount of any charge to be made for any approval, consent, licence, permit or registration within the terms of reference of the Committee.<br><br>In relation to the functions set out above, determining whether and in what manner to enforce any failure to comply with any approval, licence, permission or registration granted by the Committee (or an officer acting under delegated powers) or any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject. | |
| **Licensing Sub-Committee**<br>The Sub-Committee shall consist of 3 members - drawn from the Licensing Committee. | The Licensing Committee has delegated the following functions under the Licensing Act 2003 (LA03) and the Gambling Act 2005 (GA05) to a Sub-Committee established in accordance with s10 of the Licensing Act 2003, but reserves the right to determine any such matter should the Committee so resolve -<br><br>To determine an application for a premises licence where relevant representations are received (LA03 S18). | See Scheme of Delegation to Officers. |

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| | To determine an application for a provisional statement where relevant representations are received (LA03 S31).<br><br>To determine an application to vary a premises licence where relevant representations are received (LA03 S35).<br><br>To determine an application to vary a premises licence in relation to a premises supervisor where relevant representations are received (LA03 S39).<br><br>To determine an application to transfer a premises licence where relevant representations are received (LA03 S44).<br><br>To cancel an interim authority notice where an objection is submitted by the Police (LA03 S48).<br><br>To determine an application for the review of a premises licence (LA03 S52).<br><br>To determine an application for a summary review of a premises licence (LA03 S53A).<br><br>To consider representations relating to interim steps on a summery review of a premises licence (LA03 S53B).<br><br>To determine a review of a premises licence following summary review (LA03 S53C).<br><br>To determine an application for a club premises certificate where relevant representations are received (LA03 S72).<br><br>To determine an application to vary a club premises certificate where relevant representations are received (LA03 S85).<br><br>To determine an application for the review of a club premises certificate (LA03 S88).<br><br>To issue a counter notice to a temporary events notice where an objection notice is submitted by the Police (LA03 S105).<br><br>To determine an application for a personal licence with unspent convictions (LA03 S120).<br><br>To revoke a personal licence (LA03 S124). | |

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| | To determine an objection notice from the Police in response to convictions after the grant of a personal licence (LA03 S124).<br><br>To determine a review of a premises licence following a closure order (LA03 S167).<br><br>**Gambling Act 2005**<br><br>To determine applications for Premises Licences in respect of which representations have been made (and not withdrawn) (GA05 S163).<br><br>To attach a condition to a Premises Licence or exclude a default condition (GA05 S169).<br><br>To determine an application to vary a Premises Licence in respect of which representations have been made (and not withdrawn) (GA05 S187).<br><br>To determine an application for a transfer of a Premises Licence in respect of which representations have been made (and not withdrawn) (GA05 S188).<br><br>To reinstate a lapsed Premises Licence in respect of which representations have been made (and not withdrawn) (GA05 S195).<br><br>To review a Premises Licence and determine action following review (GA05 S201 and 202).<br><br>To determine application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn) (GA05 S204).<br><br>Determination of a Temporary Use Notice where there are objections (GA05 S222).<br><br>To issue a counter notice in response to Temporary Use Notice (GA05 S224).<br><br>To make an Order to remove exemptions from specified premises (GA05 S284).<br><br>To determine an application for a Club Gaming Permit and a Club Machine Permit and for renewal of a permit in respect of which representations have been made (and not withdrawn) (GA05 Schedule 12 – Para 5, 10 and 24). | |

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| | To determine an application for the variation of a Club Gaming Permit and Club Machine Permit where representations have been made (and not withdrawn) (GA05 Schedule 12 – Para 15).<br><br>To cancel a Club Gaming Permit and Club Machine Permit in respect of which representations have been made (and not withdrawn) (GA05 Schedule 12 – Para 21).<br><br>To cancel Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn) (GA05 Schedule 12 – Para 16). | |
| **Licensing and Protection Committee**<br><br>12 members of the Council including at least 1 member of the Cabinet. | All functions that are the responsibility of the district council relating to licensing and registration as detailed in Part B of Schedule 1 to the **Local Authorities (Functions and Responsibilities) (England) Regulations 2000** detailed below but without limiting this general delegation:<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences regarding Hackney Carriage and private hire vehicles, drivers and operators under the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976 so far as these powers are not the responsibility of the Cabinet.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences authorising the use of land as a caravan site (“site licences”) under the Caravan Sites and Control of Development Act 1960<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences for the use of moveable dwellings and camping sites under s269 Public Health Act 1936<br><br>All powers and functions relating to late night levy requirements under Police Reform and Social Responsibility Act 2011, Chapter 2 of Part 2 and all relevantregulations. | Delegations to Officers as set out in the Scheme of Delegation to Officers. |

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| | The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to sex establishment licences under Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences for performances of hypnotism under the Hypnotism Act 1952.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences for acupuncture, tattooing, skin-piercing and electrolysis under ss13 -17 Local Government (Miscellaneous Provisions) Act 1982.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to street trading under Local Government (Miscellaneous Provisions) Act 1982 Part III and Schedule 4.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to food premises licences under s19 Food Safety Act 1990 and all relevant regulations.<br><br>All powers in relation to the issue, amendment or replacement of safety certificates (whether general or special) for sports grounds under The Safety of Sports Grounds Act 1975.<br><br>All powers in relation to the issue, amendment or replacement of safety certificates for regulated stands at sports grounds under Fire Safety and Safety of Places of Sport Act 1987 Part III.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to dog breeding licences under the Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999. | |

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| | The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business under the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963, the Riding Establishments Acts 1964 and 1970, the Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the registration of animal trainers and exhibitors under the Performing Animals (Regulation) Act 1925.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of zoos under the Zoo Licensing Act 1981.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of the keeping of dangerous wild animals under the Dangerous Wild Animals Act 1976.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of persons to collect for charitable and other causes in the street or house to house under Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.<br><br>Taxi, food and miscellaneous licensing, street trading, environmental health, anti-social behaviour, and community safety<br><br>Functions relating to Health and Safety under any "relevant statutory provisions" within the meaning of Part I 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.<br><br>The approval of the Food Safety service plan | |

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| | Determining the amount of any charge to be made for any approval, consent, licence, permit or registration, or other activity for which the Council has the ability to levy a legal charge within the terms of reference of the Committee. | |
| **Licensing and Protection Sub-Committee**<br><br>The Sub-Committee shall consist of 4 members, drawn from the Licensing and Protection Committee. | The Licensing and Protection Committee has delegated the following functions to a Sub-Committee but reserves the right to itself to determine any such matter should the Committee so resolve.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences regarding Hackney Carriage and private hire vehicles, drivers and operators under the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976 so far as these powers are not the responsibility of the Cabinet.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences authorising the use of land as a caravan site ("site licences") under the Caravan Sites and Control of Development Act 1960.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences for the use of moveable dwellings and camping sites under s269 Public Health Act 1936 .<br><br>All powers and functions relating to late night levy requirements under Police Reform and Social Responsibility Act 2011, Chapter 2 of Part 2 and all relevant regulations.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to sex establishment licences under Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences for performances of hypnotism under the Hypnotism Act 1952. | Delegations to Officers as set out in the Scheme of Delegation to Officers. |

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| | The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences for acupuncture, tattooing, skin-piercing and electrolysis under ss13 -17 Local Government (Miscellaneous Provisions) Act 1982.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to street trading under Local Government (Miscellaneous Provisions) Act 1982 Part III and Schedule 4.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to food premises licences under s19 Food Safety Act 1990 and all relevant regulations.<br><br>All powers in relation to the issue, amendment or replacement of safety certificates (whether general or special) for sports grounds under The Safety of Sports Grounds Act 1975.<br><br>All powers in relation to the issue, amendment or replacement of safety certificates for regulated stands at sports grounds under Fire Safety and Safety of Places of Sport Act 1987 Part III.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to dog breeding licences under the Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business under the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963, the Riding Establishments Acts 1964 and 1970, the Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the registration of animal trainers and exhibitors under the Performing Animals (Regulation) Act 1925. | |

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| | The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of zoos under the Zoo Licensing Act 1981. The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of the keeping of dangerous wild animals under the Dangerous Wild Animals Act 1976.<br><br>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of persons to collect for charitable and other causes in the street or house to house under Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939. | |
| **Employment Committee**<br><br>8 members of the Council including at least 1 member of the Cabinet. | To discharge the strategic overview of the people management and workforce decisions and issues within the Council.<br>Specifically to:-<br>• conduct research and analyse employment practice within the Council and elsewhere taking account of best practice;<br>• liaise with and where necessary to request information and reports from the Council's Joint Liaison Group to support their analysis;<br>• report to/make recommendations to Council and/or Cabinet in relation to the employment and workforce practices within the Council; and | See Scheme of Delegation to Officers. |
| **Corporate Governance Committee**<br><br>7 members of the Council. Up to two non-voting independent members. | To provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective.<br><br>The committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.<br><br>**Governance, Risk and Control** | See Scheme of Delegations. |

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| | • To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.<br>• To monitor the effective development and operation of risk management in the Council.<br>• To monitor progress in addressing risk-related issues reported to the committee.<br>• To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.<br>• To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.<br>• To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.<br>• To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.<br>• To monitor the counter fraud strategy, actions and resources.<br>• To review the governance and assurance arrangements for significant partnerships or collaborations.<br><br>**Financial and Governance Reporting**<br>**Governance reporting**<br><br>• To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the Internal Audit Manager's annual opinion.<br>• To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.<br><br>**Financial reporting**<br><br>• To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.<br>• To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns | |

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| | arising from the financial statements or from the audit that need to be brought to the attention of the Council.<br>• To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.<br><br>**Arrangements for audit and assurance**<br><br>• To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.<br><br>**External audit**<br><br>• To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Arrangements (PSAA) or the authority's auditor panel as appropriate.<br>• To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.<br>• To consider specific reports as agreed with the external auditor.<br>• To comment on the scope and depth of external audit work and to ensure it gives value for money.<br>• To consider additional commissions of work from external audit.<br>• To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.<br>• To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.<br><br>**Internal audit**<br><br>• To approve the internal audit charter.<br>• To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.<br>• To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources. | |

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| | • To approve significant interim changes to the risk-based internal audit plan and resource requirements.<br>• To make appropriate enquiries of both management and the Internal Audit Manager to determine if there are any inappropriate scope or resource limitations.<br>• To consider any impairments to the independence or objectivity of the Internal Audit Manager arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments. To consider reports from the Internal Audit Manager on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:<br>– updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work,<br>– regular reports on the results of the QAIP.<br>– reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.<br><br>To consider the Internal Audit Manager's annual report, including:<br><br>– the statement of the level of conformance with the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN) and the results of the Quality Assurance and Improvement Plan (QAIP) that support the statement (these will indicate the reliability of the conclusions of internal audit)<br>– the opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS).<br>• To consider summaries of specific internal audit reports as requested.<br>• To receive reports outlining the action taken where the Internal Audit Manager has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions. | |

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| | • To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.<br>• To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations (see Appendix A).<br>• To provide free and unfettered access to the Corporate Governance Committee chair for the Internal Audit Manager, including the opportunity for a private meeting with the committee.<br><br>**Accountability arrangements**<br><br>• To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.<br>• To report to full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.<br>• To publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.<br><br>**Constitutional, Conduct and Regulatory Arrangements**<br><br>• To undertake the following constitutional arrangements:<br>– Considering proposals to change the Council's Constitutional arrangements and making appropriate recommendations to the Council.<br>– Consider the periodic electoral review and review District and Parish electoral arrangements including boundaries and other electoral matters.<br>– Determination of Community Governance Reviews.<br><br>• To undertake the following conduct arrangements:<br>– The promotion and maintenance of high standards of conduct within the Council.<br>– To advise the Council on the adoption or revision of its Codes of Conduct for Members. | |

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| | – The promotion and maintenance of high standards of conduct within the town and parish councils within Huntingdonshire.<br>– To advise the Council on the adoption or revision of a Protocol for Member/Officer relations.<br>– To advise the Council on the adoption of a Code of Conduct for Planning and monitoring operation of the Code.<br><br>• To undertake the following regulatory arrangements:<br>– Reviewing and monitoring the policy and procedure and arrangements for investigating disclosures under the Public Interests Disclosure Act 1999.<br>– Consideration of reports by the Local Government Ombudsman including compensatory payments | |
| **Standards (Hearing) Sub-Committee**<br><br>3 Members of the Corporate Governance Committee plus Independent Person | The Monitoring Officer, in consultation with the Chair of the Corporate Governance Committee is authorised to appoint to the Standards Sub-Committee as and when it is required to be convened.<br><br>Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Localism Act 2011. | |
| **Senior Officers Committee** comprises<br>4 Members of the Council (and the relevant Executive Councillor). | To manage the appointment and dismissal of and take disciplinary action against senior officers* in accordance with the Officer Employment Procedure.<br><br>Specifically to:<br><br>❖ Appoint senior officers including starting salary and remuneration packages;<br><br>❖ Dismiss senior officers<br><br>❖ Suspend senior officers<br><br>❖ Undertake hearings and take disciplinary action in the case of senior officers; and<br><br>❖ Set senior officer salaries and determine pay rises, bonuses and other benefits<br><br>In accordance with the Officer Employment Procedure Rules.<br><br>Such terms of reference to be reviewed on an annual basis by the Panel | |

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| | For these purposes senior officers means Head of Paid Service, Chief Executive Officer, Monitoring Officer, Section 151 Officer, Corporate Directors and Assistant Directors. | |
| **Senior Officers Committee Independent Panel**<br><br>At least two independent persons and at least one member of the Cabinet. The panel membership must be agreed 20 working days prior to a meeting. | • To arrange for an investigation into proposed disciplinary action against a Chief Officer, Monitoring Officer or Responsible Financial Officer.<br>• To offer advice, views or recommendations to Council on the proposed course of action, including any proposal for dismissal on the grounds of conduct, capability or some other substantial reason. | |

# 3. HDC VENTURES – SHAREHOLDER REPRESENTATIVE – ARRANGEMENTS AND TERMS OF REFERENCE

| **Overview** | **Purpose:** | **Operation** | **Scope** |
|---|---|---|---|
| The Shareholder Representative will exercise the Council's role as shareholder in a company limited by shares or partly owned by the Council for the purposes of service provision and/or trading activities.<br><br>The Representative will be appointed by the Council and acts with delegated authority to ensure the performance of any such company is satisfactory. The Representative will report and be accountable to the Council.<br><br>**Relationship to Overview and Scrutiny Committee**<br><br>The Council's relevant Overview and Scrutiny Committee will retain its scrutiny function in relation to the Shareholder Representative. Overview and Scrutiny will be able to call the Representative to account for progress in relation to any Company for which the Council is a shareholder and any returns it is making. | The Shareholder Representative will have the power to approve:<br>1. Any minor change in the nature of the Business or the jurisdiction in which it is managed and controlled.<br>2. The issue or allotment of any shares in the capital of the Company or any Subsidiary Undertaking of the Company or the creation of any security or the grant of any option or rights to subscribe in respect thereof or to convert any instrument into such shares.<br>3. The reduction of the share capital or variation of the rights attaching to any class of shares in the capital of the Company or any Subsidiary Undertaking of the Company or any redemption, purchase or other acquisition by the Company of any shares or other securities of the Company or any Subsidiary Undertaking of the Company; the sale, transfer or disposal of the whole or a substantial part of the Business, or any dilution of the Company's interest in any Subsidiary Undertaking.<br>4. The formation of any Subsidiary Undertaking or the acquisition of or investment in any other company or business. | The Council has delegated to the Shareholder Representative the authority to take decisions in respect of the Council's shareholding in any Company. The Shareholder Representative will exercise the powers defined in the previous section.<br><br>The Shareholder Representative, in fulfilling the role, will have regard to the views of the Shareholder Reference Group.<br><br>The Chief Executive Officer, Section 151 Officer, Monitoring Officer and Corporate Director - Services, acting in their capacity as Officers of the Council, will be advisors to the Shareholder Representative to provide open and strong technical | In respect of Teckal-compliant companies The Shareholder Representative will:<br><br>❖ Monitor Teckal compliance at least annually.<br>❖ Ensure the Business Plan of a Teckal compliant Company is aligned to the corporate objectives of the Council.<br><br>In respect of non Teckal-compliant wholly Council-owned companies The Shareholder Representative will also:<br><br>Seek to optimise returns on investment from trading activities.<br>❖ Ensure trading activities are conducted in accordance with the values of the Council.<br><br>In respect of any shareholding and/or joint |

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| | 5. The approval and/or adoption of any Business Plan or annual budget or any variation of the Business Plan; or annual budget from time to time.<br>6. The entering into any purchase, sale, lease or licence of any freehold or leasehold property (other than in accordance with the Business Plan).<br>7. The disposal of any assets of the Company or any Subsidiary Undertaking.<br>8. Any changes to the Articles of the Company or any Subsidiary Undertaking of the Company.<br>9. Entering into any arrangement, contract or transaction between the Company or any Subsidiary Undertaking of the Company and any third party which has an annual contract value in excess of £150,000 (or the equivalent amount in any other currency).<br>10. Any change of the Company's name, auditors, bankers, accounting reference date; entering into an agreement to do any of the foregoing.<br>11. The appointment and removal of Company Directors.<br>12. The exercise of any reserved powers in the Articles of a Company.<br>13. The distribution of any surplus or the issue of any dividends from a Company.<br>14. Any recommendation from Company Directors to cease trading.<br>15. Reports to the Council annually on trading activity.<br>16. Reviews of the risks associated with trading activities. | advice. Additional advisors may be invited to attend the Board as required.<br><br>Any decisions made by the Shareholder Representative must be notified to the Company's directors and the Shareholder Reference Group as soon as reasonably practicable following such decision being taken.<br><br>In cases of urgency, a decision may be made by the Shareholder Representative after consultation with the Chief Executive Officer. Any urgent decisions made by the Shareholder Representative must also be notified to the Shareholder Reference Group as soon as reasonably practicable following such decision being taken.<br>The Shareholder Representative will review the Terms of Reference annually. | ventures The Shareholder Representative will:<br><br>❖ Evaluate the return and benefits of the shareholding against the values of the Council.<br>❖ Where appropriate, exercise influence over the company and /or joint ventures in accordance with the values of the Council. |

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| | The Shareholder Representative will not have operational control over Companies. All decisions regarding the day to day operation of each Company, its business development and commercial opportunities, staff terms and conditions and the development and implementation of its internal procedures, rest with the Directors of each Company. | | |

## HDC VENTURES – OPERATION OF THE SHAREHOLDER REFERENCE GROUP

1. The Shareholder Reference Group will comprise four Members and will be politically balanced.
2. The Shareholder Reference Group will report and be accountable to the Council.
3. The Shareholder Reference Group will meet with the Shareholder Representative quarterly, or as required.
4. No substitutes will be permitted.
5. All information received by Members arising from participation in the Shareholder Reference Group shall be deemed confidential.
6. The Secretary appointed to HDC Ventures Ltd will also act as Secretary to the Shareholder Reference Group.

# 4. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

| Who is Responsible? | Functions | Onward Limit of Delegations |
|---|---|---|
| Executive Leader | All functions of the Council which are not the responsibility of any other part of the Council as defined in the Constitution. | Cabinet and Executive Councillors. Delegations to Officers as set out in the scheme of delegations to Officers |
| Executive Leader | Appointment of Deputy Executive Leader and members of the Cabinet and allocations of executive responsibilities | |
| Deputy Executive Leader | All functions of Executive Leader in their absence or that position being vacant | |
| Cabinet<br>Membership as appointed by Executive Leader | Subject to the role of the Executive Leader as set out above and the operation of the call-in mechanism, to collectively determine all matters which are within the Council's Policy Framework and Budget other than those reserved by this Constitution to the Council or various committees of the Council. | Delegations to Officers as set out in the scheme of delegation to Officers |
| Executive Councillors | Functions as may be delegated by the Executive Leader or Cabinet as specified in Part 3 of the Constitution | Delegations to Officers as set out in the scheme of delegation to Officers |
| Treasury and Capital Management Group<br><br>Membership: Executive Leader, Deputy Executive Leader and Executive Councillor - Resources | To review the Council's Treasury Management Activity and Capital Programme. To review, support and guide the development and operation of the Commercial Investment Strategy.<br>Decisions on disposal or acquisition of Land and property with values between £500,000 and £2,000,000 | Delegations to Officers as set out in the scheme of delegation to Officers |

# SCHEME OF DELEGATIONS TO OFFICERS

The authority for delegating functions to the Cabinet, Committees, Panels and Officers is contained in Section 101 of the Local Government Act 1972 and Section 14 of the Local Government Act 2000 and these sources have generally been quoted except where it was convenient or considered helpful to quote the source of the power delegated. The authority for the delegation of functions by the Licensing Committee is contained in Sub Section 10
(1) of the Licensing Act 2003. Certain other delegations are implicit in Standing Orders, the Code of Financial Management and Code of Procurement. The date of delegation which is given in each case is the original date of delegation by a Committee or by the new date of delegation by the Council, Cabinet, Committee and Panels as a result of the introduction of the Cabinet style of executive administration.

In the case of absence by an appropriate Executive Councillor, the requirement for an Officer to consult before carrying out any action or function shall be replaced by a requirement to consult with the Executive Leader of the Council.

In the case of absence by the Executive Leader of the Council, the requirement for an Officer to consult before carrying out any action or function shall be replaced by a requirement to consult with the Executive Deputy Leader of the Council.

The term appropriate executive councillor means the Member appointed by the Cabinet to the position of executive councillor for those functions relative to the requirement for consultation to take place.

*(Regarding the functions of the 'Proper Officer' and unless otherwise referred to in the Scheme, the Head of Paid Service or in her absence, the Monitoring Officer shall be appointed as the Proper Officer for the purposes of Section 270(3) of the Local Government Act 1972 and in relation to any other statute or matters indicated herein.)*

# COUNCIL FUNCTIONS - SCHEME OF DELEGATION BY CHIEF EXECUTIVE OFFICER (AS HEAD OF PAID SERVICE) TO OFFICERS OF COUNCIL FUNCTIONS AND LOCAL CHOICE FUNCTIONS WHICH ARE NOT THE RESPONSIBILITY OF THE EXECUTIVE.

## 1. INTRODUCTION AND GENERAL PRINCIPLES

1.1 The Council can delegate any of its council functions to Committees, Sub-Committees and its Officers under Section 101 of the Local Government Act 1972. All executive functions and powers are vested in the Executive Leader of the Council under Section 15 of the Local Government Act 2000 (as amended) and he or she can delegate those executive functions to individual Executive Councillors, Cabinet or Officers.

1.2 The authority for the delegation of functions by the Licensing Committee is contained in Sub Section 10 (1) of the Licensing Act 2003. Certain other delegations are implicit in Standing Orders, the Code of Financial Management and Code of Procurement.

1.3 The Council operates a “cascade” principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the majority of the Council’s decisions and actions will fall into the category of operational day to day decisions taken by its Officers.

1.4 In order to ensure the smooth functioning of the Council and the efficient delivery of services, Full Council and the Leader of the Council have delegated to Officers the powers they need to perform their roles. The Scheme of Delegation in respect of Council functions is set out in Annex A and the Scheme of Delegation made by the Executive Leader of the Council relating to executive functions is set out in Annex B.

## 2 General Principles of Delegation

2.1 This Scheme gives the power for the Officers named therein to take decisions and institute any process or take any steps in relation to all of the functions in their area of responsibility except where:

2.1.1. any matter is reserved to full Council;
2.1.2. any matter which by law may not be delegated to an Officer;
2.1.3. a matter has been specifically reserved to Councillors or the Leader of the Council or excluded from delegation by this Scheme, by a decision of the Full Council, the Leader of the Council or a Committee or Sub-Committee;
2.1.4. any decision would change fees, charges or concession policies;
2.1.5 any decision would impact on permanent savings in a budget in relation to a specific matter;
2.1.6. the decision would make an order for the compulsory acquisition of land;
2.1.7. any power to acquire land in advance of requirements;
2.1.8. any power to confirm any order, or to issue or grant any permission, consent, licence or other determination, which is the subject of a statutory right of objection that has been duly exercised.

2.2 In respect of any matter falling within the parameters of this scheme, the Chief Executive Officer may in writing make such detailed delegations to officers

concerning functions and activities within a given area of responsibility ("internal delegations") as s/he considers appropriate.

2.3 The Chief Executive Officer may, in writing, delegate any executive function, non-executive function or local choice function, which has been delegated to him/her, and which is not otherwise delegated under this Scheme, and s/he may vary in writing any delegation made under this Scheme.

2.4 The cascade principle under which this Scheme operates means that any Officer given powers under this scheme can further delegate those powers to other Officers either:

2.4.1 through an "Internal Delegation" (which sets out in writing the detailed delegations given to Officers concerning functions and activities within a given area of responsibility).; or

2.4.2 through an "Individual Delegation" in relation to an individual decision which must be evidenced in writing using the agreed standard form, dated and signed by the Officer delegating the power and saved on the register of Individual Delegations maintained by the Interim Monitoring Officer. An Individual Delegation does not need to be given where an Officer is given delegated powers to action a particular decision by Council, Cabinet or a Committee or Sub-Committee.

2.5 All action taken under the terms of these delegations and not falling within the description of an Internal delegation or an Individual delegation shall be properly documented on the delegated Decision Report and Written Record of Decision in accordance with arrangements approved by the Interim Monitoring Officer from time to time.

2.6 Deemed delegations - Where in respect of a given function or activity, no delegation is in effect, and an officer has a management responsibility in relation to the exercise of that function or activity, the exercise of any delegated authority necessary to carry out the function or activity effectively shall be deemed to have been delegated to that post holder.

2.7 This scheme delegates powers and duties within broad functional descriptions. It includes powers and duties under all legislation, present and future, within those descriptions, and all powers and duties incidental to that legislation, as well as authorising the affixing of the Common Seal.

2.8 This scheme includes an obligation on Officers to keep Members of the Council and the Executive Leader of the Council (as appropriate) properly informed of activity arising within the scope of these delegations.

## 3. General Limitations

3.1 An Officer, in exercising delegated powers, shall consult other appropriate Officers, particularly the Interim Section 151 Officer and the Interim Monitoring Officer and shall have full regard to any advice received.

3.2 Any exercise of delegated powers must have regard to the Public Sector Equality Duty

3.3 Any exercise of delegated powers shall be subject to any policy framework approved

by the Council, or the policies approved by the Cabinet from time to time, including the authority's employment policies and disciplinary procedures, equal opportunities policies, and any service delivery policies; and shall be guided by relevant Codes of Conduct or protocols produced or adopted from time to time by the authority (including any Code or Protocol which has been included within the authority's Constitution) and the Corporate Plan.

3.4 Any exercise of delegated powers shall be subject to any statutory restrictions, and to the provisions of Part 4 of the Constitution.

3.5 In exercising delegated powers, Officers may not go beyond the provision made in the revenue or capital budgets for their service, except to the extent permitted by the Financial Regulations, Contracts Standing Orders and the Code of Procurement.

3.6 The powers delegated to officers under this scheme do not include any power to take a decision which is properly a matter for the Council, a committee or sub-committee, or which is a Key Decision. Officers are, in the context of this scheme, responsible for the management of their services, the provision of advice to the Council and Members, and the implementation of Council policies and decisions. A decision which an officer takes, under a delegation made by or under this scheme, must:

3.6.1 implement a policy previously approved or decision previously taken, by the Council, or a committee or sub- committee (or by or with the Executive);or
3.6.2 facilitate, or be conducive or incidental to, the implementation of a policy or decision previously approved, or decision;
3.6.3 relate to the management of the human, material or financial resources made available for the functions for which the Council is responsible;
3.6.4 any officer exercising powers or duties in pursuance of full sub- delegation will be politically restricted under section 2(1)(g) of the Local Government and Housing Act 1989 (as amended).
3.6.5 Where a function or activity has been specifically delegated by or under this scheme to an officer, that function or activity shall not be exercised by another officer without the consent of the former, other than in circumstances of the death or incapacity of that officer or, in an emergency, where the officer to whom the delegation was made is absent or otherwise unavailable. If this situation arises, this will be recorded and notified to the Interim Monitoring Officer.
3.6.6 An authority delegated to officers includes management of the human and material resources made available for the service/portfolio areas and any function concerned; to the extent of that authority, within the limitations of this scheme, and subject to any specific delegations made by or in accordance with this scheme to another officer.
3.6.7 In each case, a delegated authority excludes any determination of policy, any exception to policy, or any decision being made which would be outside of any approved budget by the officer concerned.
3.6.8 Any delegation under the Scheme of Delegation in respect of Council functions and the Scheme of Delegation made by the Executive Leader of the Council relating to executive functions will be without prejudice to the overriding right of the Council or the Executive Leader of the Council/ Cabinet and any duly authorised Committee to withdraw or amend the powers or to decide any matter and, in particular, any Officer may, in any case, instead of exercising their powers under the Scheme, refer any matter back to the Council, Committee, the Executive Leader or Cabinet (in respect of executive functions) for a decision.

3.6.9 The Scheme of Delegation in respect of Council functions and the Scheme of Delegation made by the Executive Leader of the Council relating to executive functions will also be subject to the right of the Council (with respect to council/non-executive functions), the Executive Leader or Cabinet in respect of executive functions) to rescind the Scheme or any part or parts of the Scheme.

3.6.10 In the case of absence by an appropriate Executive Councillor, the requirement for an Officer to consult before carrying out any action or function shall be replaced by a requirement to consult with the Executive Leader of the Council.

3.6.11 In the case of absence by the Executive Leader of the Council, the requirement for an Officer to consult before carrying out any action or function shall be replaced by a requirement to consult with the Executive Deputy Leader of the Council. The term appropriate executive councillor means the Member appointed by the Cabinet to the position of executive councillor for those functions relative to the requirement for consultation to take place.

3.6.12 Regarding the functions of the 'Proper Officer' and unless otherwise referred to in the Scheme, the Head of Paid Service or in his or her absence, the Interim Monitoring Officer shall be appointed as the Proper Officer for the purposes of Section 270(3) of the Local Government Act 1972 and in relation to any other statute or matters indicated herein.)

## 4. STATUTORY OFFICERS

4.1 The Council is required by law to designate a number of Officers to discharge statutory functions. The legal provisions and the Officer designated by the Council to discharge each function are listed in the table below.

| **Legislative Provision** | **Statutory Power delegated to an Officer** | **Officer designated as the Statutory Officer** |
|---|---|---|
| S4 Local Government and Housing Act 1989 | Designate one of their officers as the Head of Paid Service | Chief Executive Officer |
| S151 Local Government Act 1972 | Appoint an officer responsible for the administration of the authority's financial affairs | Interim Corporate Director Finance and Resources |
| S5 Local Government and Housing Act 1989 | Designate one of their officers as the Monitoring Officer | Interim Monitoring Officer |
| S36 Freedom of Information Act 2000 | Qualified Person in relation to S36 of the Act | Chief Executive Officer |

## 5. PROPER OFFICER AND SPECIFIED OFFICER FUNCTIONS

5.1 Many legislative provisions require the appointment of a Proper Officer or Specified Officer to undertake formal responsibilities on behalf of the Council.

5.2 Statutory provisions and regulations are from time to time amended, replaced or re-enacted. When a statutory provision or regulation is so changed, the appointments in

the table below shall be effective in relation to the new provision.

5.3 Substitutes are identified to act where the Proper Officer is absent otherwise unable to act.

5.4 The Chief Executive Officer /Head of Paid Service shall be the Proper Officer of the Council for the purposes of the Local Government Act 1972, the Local Government Act 2000 and all other statutory purposes unless:

5.4.1 such designation is given by the Council to any other Officer or
5.4.2 The Chief Executive Officer /Head of Paid Service, exercising the powers given to him/her by the Constitution, appoints another Officer of the Council to be the Proper Officer for a specific service area or function.

| Statutory Requirement | Allocated to | Substitute |
|---|---|---|
| Local Government and Housing Act 1989 – Section 4 Head of Paid Service | Chief Executive Officer | Deputy Chief Executive/ Corporate Director (Place) |
| Representation of the People Act 1983 Section 8 – Electoral Registration Officer | Chief Executive Officer | A deputy, as appointed by the Electoral Registration Officer |
| Representation of the People Act 1983 Section 28 – Acting Returning Officer (Parliamentary**)** | Chief Executive Officer | As appointed by the Acting Returning Officer |
| Returning Officer – s.35 (1) Representation of People Act 1983 – Returning Officer (Local Elections) | Chief Executive Officer | Elections and Democratic Services Manager |
| Local Government and Housing Act 1989 Section 5 – Monitoring Officer | Interim Monitoring Officer | As appointed by the Interim Monitoring Officer |
| Local Government Act 1972 Section 151 – Chief Finance Officer | Interim Corporate Director (Finance & Resources) | As appointed by the Interim Corporate Director (Finance and Resources) |

A table of designated Proper Officers is set out below:

| Section of the Local Government Act 1972 and Proper Officer's Functions | Proper Officer | Alternative Proper Officer |
|---|---|---|
| Section 13<br>To act as a Parish Trustee | Chief Executive Officer | Deputy Chief Executive and Corporate Director (Place) |
| Section 83(1) to (4)<br>Witness and receipt of Declarations of Acceptance of Office | Chief Executive Officer | Deputy Chief Executive and Corporate Director (Place) |
| Section 84<br>Receipt of Declaration of Resignation of Office | Chief Executive Officer | Deputy Chief Executive and Corporate Director (Place) |
| Section 86<br>Declare any vacancy in office | Chief Executive Officer | Deputy Chief Executive and Corporate Director (Place) |
| Section 88(2)<br>Convening of meeting of Council to fill casual vacancy of the office of Chair | Chief Executive Officer | Deputy Chief Executive and Corporate Director (Place) |
| Section 89 (1) (b)<br>Receipt of notice of casual vacancy from two local government electors | Chief Executive Officer | Elections and Democratic Services Manager |
| Section 99<br>Signature of summons to council meetings | Chief Executive Officer | N/A |
| Section 100B<br>Exclusion of reports, etc from inspection | Interim Monitoring Officer | Deputy Monitoring Officer |
| Section 100C<br>Written summary where minutes would disclose exempt information | Interim Monitoring Officer | Deputy Monitoring Officer |
| Section 100D<br>Compilation of list of background papers | Interim Monitoring Officer | Deputy Monitoring Officer |

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| Section 100F<br>Exclusion from production to Councillors of documents disclosing exempt information | Interim Monitoring Officer | Deputy Monitoring Officer |
| Section115 (2)<br>Receipt of money due from Officers | Interim Section 151 Officer | Deputy Section151 Officer |
| Section 146(1)(a) and (b)<br>Declarations and service with regard to securities | Interim Section 151 Officer | N/A |
| Section 191<br>Functions with respect to Ordnance Survey | Deputy Chief Executive and Corporate Director (Place) | Head of Planning, Infrastructure and Public Protection |
| Section 210 (6) and (7)<br>Charity functions of holders of offices with existing authorities transferred to holders of equivalent offices with new authorities or, if there is no such office, to Proper Officer | Chief Executive Officer | N/A |
| Section 223<br>Authorise Officers to appear in legal proceedings | Interim Monitoring Officer | Chief Executive Officer |
| Section 225 (1)<br>Receipt and retention of documents deposited with the Authority | Chief Executive Officer | Interim Monitoring Officer |
| Section 228 (3)<br>Making accounts open for inspection by any Member of the Council | Interim Section 151 Officer | Deputy Section151 Officer |
| Proper Officer for the purposes of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. | Chief Executive Officer | Senior Information Risk Owner / Corporate Director (Communities) |
| Section .229 (5)<br>Certification of photographic copies of documents | Interim Monitoring Officer | Chief Executive Officer |

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|---|---|---|
| Section .234<br>Authentication of documents | Interim Monitoring Officer | Chief Executive Officer |
| Section 236(9) and (10)<br>To send copies of byelaws to Parish Council | Interim Monitoring Officer | Deputy Monitoring Officer |
| Section 238<br>Certification of byelaws | Interim Monitoring Officer | Chief Executive Officer |
| Section 248<br>Officer who will keep the Roll of Freemen | Interim Monitoring Officer | Deputy Monitoring Officer |
| Schedule 12 paragraph 4 ((1A) (b)<br>Signature of summons to a Council Meeting | Chief Executive Officer | Interim Monitoring Officer |
| Schedule 12 paragraph 4 (3)<br>Receipt of notice about address to which summons is to be sent | Chief Executive Officer | Interim Monitoring Officer |
| Schedule 14, paragraph 25 (7)<br>Certifying resolutions applying or dis-applying provisions of Public Health Acts 1875-1961 | Interim Monitoring Officer | Deputy Monitoring Officer |
| **Section of the Local Government Act 1974** | **Proper Officer** | **Alternative Proper Officer** |
| Section 30 (5) Local<br>To give notice that copies of an Ombudsman's report are available | Chief Executive Officer | Interim Monitoring Officer |
| **Section of the Local Government (Access to Information) Act 1985 amending the Local Government Act 1972 and the Proper Officer functions** | **Proper Officer** | **Alternative Proper Officer** |

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| Section 100B (2)<br>Exclusion of whole or part of reports from public inspection | Interim Monitoring Officer | Deputy Monitoring Officer |
| Section 100B (5)<br>Withholding of reports containing exempt information | Interim Monitoring Officer | Deputy Monitoring Officer |
| Section 100B (7) (c)<br>Supply of papers to press | Interim Monitoring Officer | Deputy Monitoring Officer |
| Section 100C (2)<br>Summaries of Minutes | Interim Monitoring Officer | Deputy Monitoring Officer |
| Section 100D<br>Inspection of background papers | Interim Monitoring Officer | Deputy Monitoring Officer |
| Section 100F<br>Councillors' right to papers | Interim Monitoring Officer | Deputy Monitoring Officer |
| **Section of the Local Government Finance Act 1988 and Proper Officer functions** | **Proper Officer** | **Alternative Officer** |
| Section 114<br>Duty to report etc | Interim Section 151 Officer | N/A |
| **Section of the Local Government Act 2003 and Proper Officer functions** | **Proper Officer** | **Alternative Officer** |
| Section 25 Inclusion of the Section 151 officer's judgement on the robustness of the estimates used in the budget calculations and the adequacy of the proposed financial reserves in the annual budget setting report. | Interim Chief Finance Officer / Section 151 Officer | Deputy Section 151 Officer |

| **Section of the Local Government and Housing Act 1989 and Proper Officer functions** | **Proper Officer** | **Alternative Officer** |
|---|---|---|
| Part 1 (s.2.4, 3. 4.5 and 15) and regulations made thereunder<br>Functions relating to political management arrangements, member and officer conduct, politically restricted posts, designation of statutory officers, and associated proper officer responsibilities. | Chief Executive Officer | N/A |
| Section 2 and Section 3<br>Preparation and deposit of politically restricted posts and issue of certificate in respect of politically restricted posts | Chief Executive Officer | N/A |
| **Section of the Public Health Act 1936 and the Public Health Act 1961** | **Proper Officer** | **Alternate Officer** |
| Sections 84 and 85 of the Public Health Act 1936<br><br>Proper Officer functions | Public Protection Manager – Environmental Health | N/A |
| **Section of the Food Safety Act 1990** | **Proper Officer** | **Alternate Officer** |
| Section 5<br>Authorised Officer to act in matters arising under the Act | Public Protection Manager – Environmental Health | N/A |
| Section 27<br>Nomination of a Public Analyst | Public Protection Manager – Environmental Health | N/A |
| Section 49<br>Signature on documents authorised or required under the Act | Public Protection Manager – Environmental Health | N/A |

| **Section of the Party wall etc Act 1996 and Proper Officer functions** | **Proper Officer** | **Alternate Officer** |
|---|---|---|
| Section 10 (8)<br>Appointing Officer | Chief Executive | N/A |
| **Local Government Act 2000 and Regulations made thereunder and Proper Officer functions** | **Proper Officer** | **Alternate Officer** |
| Proper Officer functions | Chief Executive Officer | Deputy Chief Executive<br>Corporate Director (Place) |
| **Section of the Freedom of Information Act 2000 and Proper Officer Functions** | **Proper Officer** | **Alternate Officer** |
| Section 36<br>The “Qualified Person” | Chief Executive | Interim Monitoring Officer |
| **Section of the Regulation of Investigatory Powers Act 2000 and Proper Officer Functions** | **Proper Officer** | **Alternate Officer** |
| Part II<br>Authorised Officers who may authorise, review or cancel the carrying out of directed surveillance or the use of covert human intelligence sources | Chief Executive Officer | Chief Executive Officer<br>Corporate Directors |
| Part II<br>Senior Responsible Officer | Corporate Fraud Manager | n/a |
| **Miscellaneous: Statutory Provision and Proper Officer Functions** | **Proper Officer** | **Alternate Officer** |
| Section 41 Local Government (Miscellaneous Provisions) Act 1976 | Interim Monitoring Officer | Deputy Monitoring Officer |

| | | |
|---|---|---|
| Certifying true copies of evidence of resolutions and minutes of proceedings | | |
| Section 321 (3) Highways Act 1980<br>Certifying copies of approved plans | Chief Executive Officer | Interim Monitoring Officer |
| Section 61 Building Act 1984<br>Receive notification of and having free access to repairs of drains | Head of Communities and Operational Housing | N/A |
| Section 149 Environmental Protection Act 1990<br>Discharging functions relating to stray dogs | Head of Communities and Operational Housing | N/A |
| Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990<br>Lists of protected buildings | Deputy Chief Executive and Corporate Director (Place) | Head of Planning, Infrastructure and Public Protection |
| Proceeds of Crime Act 2002 Part 7<br>Nominated Officer to receive disclosures of suspected Money Laundering | Interim Section 151 Officer | N/A |
| To act as the Council's Senior Information Risk Officer. | Corporate Director (Communities) | Head of Service for Operational IT and Development |
| Prevention of Social Housing Fraud (powers to require information) Regulations 2014: Authorised Officer | Corporate Fraud Manager | N/A |
| Regulations 4 & 5 of the Council Tax Reduction Schemes (detection of Fraud and enforcement) Regulations 2013: Authorised Officer | Corporate Fraud Manager | N/A |

## 6. DELEGATION OF COUNCIL FUNCTIONS AND LOCAL CHOICE FUNCTIONS WHICH ARE NOT THE RESPONSIBILITY OF THE EXECUTIVE

6.1 The Council has delegated the following powers (other than those reserved to Council) to the Officers as set out in Annex A below.

6.2 These functions can also be further delegated in accordance with paragraph 2.4 of this section.

6.3 All of the Officers identified in Annex A have authority to exercise the following functions:

6.4 To sign and seal any document on behalf of the Council and to witness the affixation of the Council's Common Seal to any document.

# ANNEX A

## 7. CHIEF EXECUTIVE OFFICER

| **Function Delegated** | **Limit on delegation** |
|---|---|
| To be Head of the Paid Service | None |
| To be the Electoral Registration Officer and Returning Officer for District Council Elections | As set out in any relevant policy. |
| Within the overall resources allocated by the Council and in direct support of the Council's objectives, to act on behalf of the Council on all matters including those which have been delegated to any other Officer | PROVIDED THAT the Chief Executive Officer may not exercise a power, which is reserved by statute to another Officer; before exercising the power of another Officer, the Chief Executive Officer shall consult with that Officer if available; the Chief Executive Officer when exercising any powers may authorise the incurring of expenditure in an emergency even if there is no specific provision in the budget of the Council. |
| To act in a case of urgency in respect of any matter affecting the Council/Cabinet respectively, subject to a report on the circumstances being made to the next Council/Cabinet meeting. | In consultation with the Executive Leader or in their absence with the Deputy Leader. |
| To keep under constant review the needs of the District and its community in relation to all those services provided by the Council and to take all such action which in his/her judgement is necessary to ensure that those needs | As set out in any relevant policy. |

| | |
|---|---|
| are met within the framework of any policies and budget agreed by the Council. | |
| To lead on strategies for change whether from within the authority or externally influenced / required. | As set out in any relevant policy. |
| To make arrangements for dealing with any matter raised by the Government or local authority association calling for a view or decision by the Council. | As set out in any relevant policy. |
| To be responsible for the overall organisational structure of the Council. | As set out in any relevant policy. |
| To be responsible via the Corporate Director (Place), Corporate Director (Communities) and Interim Corporate Director (Finance and Resources) for determining and issuing guidance to Officers for the management of human resources, including recruitment, training, conditions of service, staff development/appraisal, disciplinary matters, health and safety, employee welfare and any other matter concerning staff. | As set out in any relevant policy. |
| To ensure the provision of professional advice to all parties in the decision-making process. | As set out in any relevant policy. |
| Together with the Monitoring Officer to be responsible for a system of record-keeping for all local authority decisions. | As set out in any relevant policy. |
| To represent the Council on partnership and other bodies. | As set out in any relevant policy. |
| To be responsible for the health and safety of all employees of the District Council. | As set out in any relevant policy. |
| To sign any document on behalf of the Council and to witness affixation of the Council’s Common Seal to any document. | |
| To make appointments to member bodies forming part of the Council's official structure and to fill casual vacancies on member bodies forming part of the Council's approved structure | Following consultation with appropriate Members of the Council. |

| | |
|---|---|
| in accordance with Sections 15-17 of the Local Government and Housing Act 1989. | |
| To be the Proper Officer of the Council, except where legislation or arrangements names another Officer. | As set out in any relevant policy. |
| Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council in all matters relating to the discharge of the Council's functions and responsibilities relating to corporate communication | As set out in any relevant policy. |

## 8. DEPUTY CHIEF EXECUTIVE AND CORPORATE DIRECTOR (PLACE)

| **Function Delegated** | **Limit of Delegation** |
|---|---|
| To exercise the functions of the Council in relation to common land, and town and village greens, as specified in paragraphs 51-53 of Part Two of Schedule 1 (Other Miscellaneous Functions) of the Regulations 70 | |
| To exercise all the functions of the Council relating to town and country planning and development control specified in paragraphs 5-23 of Schedule 1A (Functions relating to town and country planning and development management) of the Regulations, except fin the circumstances set out in the Limit of Delegation opposite: | ***N.B. Drafting note - On 15 July 2026, Full Council adopted the National Scheme of Delegation of Decisions on Planning Applications. The Development Management Committee is concluding its work on the matter and then the appropriate text will be placed here as part of the Council's overall Scheme of Delegation.*** |

## 9. INTERIM CORPORATE DIRECTOR (FINANCE AND RESOURCES)

| **Function Delegated** | **Limit of delegation** |
|---|---|
| To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 Section 114 of the Local Government Finance Act 1988 and Regulation 5 of the Accounts and Audit Regulations 2015. | As set out in any relevant policy. |
| To be the Proper Officer under section 115 of the Local Government Act 1972. | As set out in any relevant policy. |

| | |
|---|---|
| To maintain an adequate and effective system of internal audit in accordance with Financial Regulations. | As set out in any relevant policy. |

## 10. EXECUTIVE FUNCTIONS - SCHEME OF DELEGATION OF EXECUTIVE FUNCTIONS AND LOCAL CHOICE FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE EXECUTIVE LEADER AND CABINET

10.1 The Leader of the Council has delegated all executive powers other than those reserved by him/her or reserved to Cabinet by statute or this Constitution, as well as those local choice functions the responsibility of the Leader of the Council and the Cabinet to the Senior Leadership Team as set out in Annex B.

10.2 For the purposes of this section, the Senior Leadership Team consists of the Chief Executive Officer, Corporate Directors and the Heads of Service.

10.3 The Leader of the Council may rescind or amend the delegations set out in Annex B at any time and will notify the interim Monitoring Officer in writing of any changes which will be duly made to Annex B by the interim Monitoring Officer.

10.4 Annex B should be read in conjunction with Part 3 of the Council's Constitution, which delegates powers and duties in relation to executive functions and local choice functions to the Leader of the Council and the Cabinet. Where those powers and duties overlap portfolio responsibilities, Members of the Executive exercising individual decision making will consult accordingly.

10.5 In the event of the Council being without a Leader the Chief Executive Officer has delegated authority to exercise any necessary executive powers until a new Leader is elected in accordance with the general principles and limitations of this schedule.

10.6 This scheme delegates powers and duties within broad functional descriptions. It includes powers and duties under all legislation, present and future, within those descriptions, and all powers and duties incidental to that legislation, as well as authorising the affixing of the Common Seal.

10.7 An authority delegated to Officers includes management of the human and material resources made available for the service/portfolio areas and any function concerned; to the extent of that authority, within the limitations of this scheme, and subject to any specific delegations made by or in accordance with this scheme to another Officer.

10.8 In each case, a delegated authority excludes any determination of policy, or exceptions to policy, or of any budget by the officer concerned.

## 11. EXECUTIVE FUNCTIONS – DELEGATIONS TO OFFICERS

11.1 The following functions are delegated to the following officers by the Leader of the Council. These functions can also be further delegated in writing to service managers by the relevant member of the Senior Leadership Team, subject to compliance with the relevant provisions of recording and notification.

## 12. CHIEF EXECUTIVE OFFICER

12.1 The Leader of the Council has delegated all executive functions, subject to paragraph 10.1 and 10.3 above to the Chief Executive. The Chief Executive has further delegated the activities and functions to the Senior Leadership Team as set out in Annex B below.

# ANNEX B

## 13. CORPORATE DIRECTOR (PLACE)

13.1 Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to the following service delivery functions, unless that function has been specifically delegated to another Officer: Programme Delivery, Planning Services, Housing Strategy, Economic Development, Refuse, Recycling & Garden Waste Collections, Waste Management, Street Cleansing, Grounds Maintenance, Bulky Waste Collection Service, Workshop, Vehicle Fleet & Mechanical Plant. CCTV, sports and leisure centres, sports and active lifestyles and Health and Well-Being, Environmental Sustainability, Parks, Open Spaces & Amenity Areas, Arboriculture, Car Parks, Markets, including issuing and ensuring compliance with licenses on whatsoever nature other than those licenses falling within the responsibility of another Head of Service in accordance with a Scheme of Delegation of Officers as determined by the Licensing and Protection Committee or Licensing Committee unless that function has been specifically delegated to another officer.

13.2 To act on behalf of the Council on all matters relating to Building Control shared service client management.

## 14. CORPORATE DIRECTOR (COMMUNITIES)

14.1 Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to the following service delivery functions, Customer Services, Revenues and Benefits, Corporate Fraud, Housing Needs, Community Services, Disabled Facilities Grants, Community Action Team, Crime and Disorder, Asylum Seekers, Residents Advice, Domestic Violence, Local Government Reorganisation, Corporate Transformation, Insight and Performance, Communications & Engagement & Marketing and the Document Centre unless that function has been specifically delegated to another officer.

14.2 To lead on behalf of the Council on all matters relating to programme and project management

14.3 Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to: transformation, business intelligence and performance, and programme and project management.

14.4 In conjunction with the Chief Executive Officer to be responsible for a system of record keeping for all the local authority decisions.

14.5 To act on behalf of the Council on all matters relating to ICT shared service client management.

14.6 Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to the delivery of ICT Services, Information Management, Freedom of Information requests and street naming and numbering

14.7 To have overall responsibility for the Council's Information Management Systems.

## 15. INTERIM CORPORATE DIRECTOR (FINANCE AND RESOURCES)

15.1 Within the overall resources allocated by the Council and in direct support of the Council's objectives and policies to act on behalf of the Council on all matters relating to Accountancy, Internal Audit and Risk, Procurement, Property and Estate Management, Facilities Management, HR and Payroll, Democratic Services, Elections and Land Charges.

15.2 To have responsibility for the overall management of the internal audit function in accordance with the Accounts and Audit Regulations 2015 (or any amending or substituted legislation, or legislation with a similar purpose or made for similar purposes).

15.3 In consultation with the Head of 3C Legal Shared Service, to authorise the acquisition, re-use, appropriation and disposal of the Council's land and buildings, together with the granting or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves and variations of rent of the Council's land and buildings.

15.4 To be responsible for ensuring, so far as is reasonably practicable, the health, safety and welfare at work of all employees in accordance with the Health and Safety at Work Act, 1974.

15.5 To exercise the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988.

15.6 To be the Proper Officer under section 115 of the Local Government Act 1972

15.7 To have responsibility for borrowing and lending within limits approved by the authority.

15.8 To make various determinations on an annual basis relating to capital expenditure.

15.9 To manage administration of the Council's complaints including issues of maladministration.

## 16. MONITORING OFFICE AND HEAD OF LEGAL SHARED SERVICE

MONITORING OFFICER

16.1 To act as Solicitor to the Council and to settle on appropriate terms any litigation or claim taken by or against the Council.

16.2 In consultation with the Chief Executive Officer/relevant Corporate Director to authorise the institution, defence, withdrawal, compromise or any other action relating to claims or legal proceedings, civil or criminal (except in relation to prosecutions where the authorisation of prosecutions is expressly delegated to another Head of Service).

16.3 To authorise Officers of the Council to appear before Magistrates' Courts or County Courts.

16.4 To issue or serve statutory notices on behalf of the Council in relation to any of its functions.

16.5 To be the Proper Officer of the authority, except where legislation, or a delegation made by or under this scheme, names another officer; and to authorise the making and issue of any formal documents.

HEAD OF LEGAL SHARED SERVICE

16.6 To settle on appropriate terms any litigation or claim taken by or against the Council in consultation with the Monitoring Officer.

16.7 In consultation with the Chief Executive Officer/relevant Corporate Director or Monitoring Officer to authorise the institution, defence, withdrawal, compromise or any other action relating to claims or legal proceedings, civil or criminal (except in relation to prosecutions where the authorisation of prosecutions is expressly delegated to another Head of Service).

16.8 To authorise Officers of the 3C Shared Services to appear before Magistrates' Courts or County Courts.

16.9 To issue or serve statutory notices on behalf of the Council in relation to any of its functions.

16.10 To authorise the making and issue of any formal document.

# Part 4

# Rules of Procedure

# COUNCIL PROCEDURE RULES
# (STANDING ORDERS)

## 1. SCOPE

1.1 These rules apply to meetings of the Council

## 2. ANNUAL MEETING OF THE COUNCIL

### Timing and Business

2.1 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year the Annual Council will take place in March April or May and normally will be held on the third Wednesday in May of each year commencing at 6.00 pm.

2.2 The annual meeting will:-

(i) elect a person to preside if the Chair of the Council is not present;

(ii) elect the Chair of the Council;

(iii) appoint the Vice-Chair of the Council;

(iv) elect a person to preside for the annual meeting if the Chair and Vice-Chair of the Council are not present;

(v) approve the minutes of the last meeting;

(vi) receive any announcements from the Chair and/or Head of Paid Service;

(vii) elect the Executive Leader;

(viii) receive any declarations of interests from Members

(ix) appoint members to Overview and Scrutiny Panels, the Licensing Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution) and to alter their membership at any ordinary meeting;

(x) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);

(xi) approve a programme of ordinary meetings of the Council for the Year; and

(xii) consider any business set out in the notice convening the meeting in the order in which it appears in the Council summons,

but that order may be varied at the discretion of the Chair or by resolution of the Council.

**Selection of Councillors on Committees and Panels**

2.3 At the annual meeting, the Council will:-

(i) decide which committees and panels in addition to the Licensing Committee should be established for the ensuing municipal year;

(ii) decide the size and terms of reference for those committees/panels with the exception of the Licensing Committee;

(iii) decide the allocation of seats to political groups in accordance with the political balance rules;

(iv) receive nominations of Councillors to serve on each committee and panel; and

(v) appoint to those committees and panels annually.

(vi) To receive nominations and appoint Councillors to serve as representatives on outside bodies for non-executive functions;

and

(vii) To appoint to those outside bodies except to the extent that the appointment has been delegated by the Council.

## 3. ORDINARY MEETINGS OF THE COUNCIL

3.1 Ordinary meetings of the Council will take place in accordance with the annual programme of meetings. Ordinary meetings will:-

(i) elect a person to preside if the Chair or Vice-Chair are not present;

(ii) approve the minutes of the last meeting;

(iii) receive any declarations of interest from members;

(iv) receive any announcements from the Chair or Head of Paid Service;

(v) receive any petitions in accordance with the Council's petition scheme;

(vi) receive any questions from, and provide answers to the public;

(vii) receive any written questions from Councillors in accordance with

9.3

(viii) receive any oral questions from Councillors in accordance with 9.9

(ix) receive reports from the Executive Leader, Deputy Executive Leader or other member of the Cabinet and Chair of the Overview and Scrutiny Panels, committees and other panels, receive questions and answers on any of those reports and consider any recommendations contained therein.

(x) Consider motions;

(xi) consider any other business specified in the summons to the meeting in the order in which it appears in the Council summons; but that order may be varied at the discretion of the Council or by resolution of the Council including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Panels for debate.

## 4. EXTRAORDINARY MEETINGS

### Calling Extraordinary Meetings

4.1 Those listed below may request the Head of Paid Service to call Council meetings in addition to ordinary meetings:-

(i) the Council by resolution;

(ii) the Chair of the Council;

(iii) the Monitoring Officer; and

(iv) any five members of the Council if they have signed a requisition presented to the Chair of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### Business

4.2 The summons to an extraordinary meeting of the Council shall set out the item of business to be considered thereat and no business other than that set out in the summons shall be considered at that meeting.

## 5. TIME AND PLACE OF MEETINGS

5.1 The time and place of meetings will be determined by the Head of Paid Service and notified in the summons. Meetings of the Council normally shall be convened for 7 pm. In special circumstances, the Head of Paid Service (after consultation with the Chair) may fix some other hour of commencement of any meeting of the Council.

## 6. NOTICE OF AND SUMMONS TO MEETING

6.1 The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Head of Paid Service will send a summons signed by him or her by post (or electronically if requested) to every member of the Council or leave it at their usual residence. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

## 7. CHAIR OF MEETING

7.1 The person presiding at the meeting may exercise any power or duty of the Chair. Whenever the Chair rises during debate a member then standing shall resume his seat and the Council shall be silent. Where these Rules apply to panel and committee meetings, references to the Chair also include the Chair of such panel and committee.

## 8. QUORUM

8.1 The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Chair counts the number of members present and declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining busine ss will be considered at the next ordinary meeting of the Council.

## 9. QUESTIONS BY MEMBERS

### Oral Questions on items considered by the Cabinet, Committee or Panel

9.1 A member of the Council may ask the Executive Leader, a member of the Cabinet with portfolio responsibility, or the Chair of a Committee or Panel any question, without notice, upon any item listed in the report referred to in 3.1 (ix) detailing outcomes from the Cabinet, committees and panels

### Oral Questions on Recommendations of the Cabinet, Committee or Panel or Other Reports to the Council

9.2 Before a recommendation of the Cabinet, Committee or Panel or a report that is otherwise included on the agenda is open for consideration by the Council, a Member of the Council may ask a question, without notice, on the recommendation or report to:-

(i) the Executive Leader, a member of the Cabinet with portfolio responsibility, or the Chair of a Committee or Panel, as appropriate; and/or

(ii) the author of the report in the case of a report that is otherwise included on the agenda for the meeting.

### Written Questions

9.3 Subject to Rule 9.4 a member of the Council may ask the Executive Leader, a member of the Cabinet with executive responsibility or the Chair of any Committee or Panel a question, in writing, on any matter in relation to which the Council has powers or duties or which affects the District or its residents.

### Notice of Questions

9.4 A member may only ask a question under Rule 9.3 if, either –

(a) They have submitted their question in writing to the office of the Monitoring Officer not later than 12 noon on the 8th clear working day before the date of the meeting; or

(b) Where a question relates to a matter of urgency, a member must have the agreement of the Chair of the Council and the member to whom the question is to be put that they are prepared to accept the question as a matter of urgency. The content of the question must be given in writing to the office of the Monitoring Officer at least one hour before the scheduled start of the meeting

(c) A matter of urgency will be an item that not could appear on the agenda and cannot reasonably be deferred until the next meeting of the Council.

### Response to Questions

**Written Questions**

9.5 A response to a written question shall take the form of a written reply by the member concerned which shall be made available to members of the Council and to the public prior to the start of the meeting.

9.6 Where an urgent question has been submitted under Rule 9.4(b), a written response will be made available to members of Council and to the public as soon as practicable.

9.7 Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information.

**Supplementary Questions**

9.8 A member asking a question under Rule 9.1 and 9.3 may ask one supplementary question without notice of the member to whom the first question was addressed. The supplementary question must arise directly out of the original question or the reply and shall be limited to a maximum of one minute's duration. An oral response will be limited to two minutes.

9.9 A member asking a question under Rule 9.1 and 9.3 may ask one supplementary question without notice of the member to whom the first question was addressed. The supplementary question must arise directly out of the original question or the reply and shall be limited to a maximum of one minute's duration. An oral response will be limited to two minutes.

**Oral Questions**

9.10 At each ordinary meeting of the Council (excluding the annual meeting or any special meeting convened to consider a specific issue), there shall be a period for oral questions. A member of the Council may ask the Executive Leader or a member of the Cabinet with portfolio responsibility any question, without notice, on any matter relevant to the Council's powers and duties which relate to their individual portfolio responsibilities. The conduct of oral question time shall be regulated by the Chair of the Council.

All questions:

- must be relevant to matters for which the Council has powers or duties which relate to the Executive Leader's or Cabinet members individual portfolio responsibility
- must not relate to an item which is included elsewhere on the Council agenda since they can be raised at that point in the meeting;
- should be limited to obtaining information or pressing for action
- must not exceed two minutes in duration

Questions should not –

- be incapable of being adequately answered in two minutes;
- contain offensive expressions;
- divulge, or require to be divulged, confidential or exempt information.

a. Any facts on which a question is based should be identified briefly when the question is asked. A member who asks a question may be asked to verify the authenticity of any factual statement.

b. Where a member considers that the subject matter demands a comprehensive detailed answer, the question should be submitted to Monitoring Officer by noon at least 8 clear days in advance of the meeting.

**Response**

**10.** An answer to an oral question make take the form of:

(a) a direct oral answer of up to a maximum of two minutes duration;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and made available to all members of the Council and the public.

## 11. QUESTIONS BY MEMBERS OF THE PUBLIC

11.1 Any person who lives, works or owns property in the District shall be able to ask a question at ordinary meetings of the Council using the same criteria as set out in Rules 9.3 but notice of the question MUST be submitted to the office of the Monitoring Officer five days prior to the meeting. Questions by members of the public will be dealt with in accordance with the guidelines published on the Council's website.

## 12. NOTICES OF MOTION

**Notice**

12.1 Except for motions which can be moved without notice under Rule 13, written notice of every motion, shall be given in writing, signed by the member giving the notice and delivered not later than noon on the 8th clear working day (i.e. excluding Saturdays, Sundays and Bank Holidays) before the meeting at which it is to be considered, to the office of the Monitoring Officer by whom it should be dated, numbered in the order in which it is received and entered into a book which shall be open for inspection by every member of the Council. The submission of a written notice of motion via e-mail addressed to the Monitoring Officer will be acceptable.

**Motions set out in agenda**

12.2 The Head of Paid Service shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the Member giving such notice intimated in writing when giving it, that he proposed to move it at some later meeting, or subsequently had withdrawn it in writing.

**Scope**

12.3 If Every Motion shall be relevant to matters for which the Council has a responsibility or which affects the District or its residents and shall only be submitted in circumstances when the subject matter is not referred to elsewhere at the meeting in a report from the Cabinet, Overview and Scrutiny Panel, Committee or Panel etc.

**Failure to Move**

12.4 If a motion set out in the summons is not moved either by the member who gave notice thereof or by some other member on his behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

**12.5 Reference to Cabinet, Committee or Panel**

(i) Subject to paragraph 12.5 (iii) post, if a motion is within the terms of reference of the Cabinet, an Overview and Scrutiny Panel, a committee or panel, it shall, upon being moved and seconded, stand referred without discussion to the Cabinet, Overview and Scrutiny Panel, committee or panel as the Council may determine. Provided that such Cabinet, Overview and Scrutiny Panel, committee or panel shall report on the matter with recommendations to an ensuing meeting of the Council.

(ii) This Rule shall have precedence over Rule 14.6.

(iii) The Chair may, if they consider it convenient and conducive to the despatch of business, allow the Motion to be dealt with at the meeting at which it is brought forward.

## 13. MOTIONS WITHOUT NOTICE

13.1 The following motions may be moved without notice:-

(a) to appoint a Chair of the meeting at which the motion is moved;

(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 panel or member arising from an item

on the summons for the meeting;

(f) to receive, defer or refer back reports or adoption of recommendations of the Cabinet, Overview and Scrutiny Panels, committees, panels or officers and any subsequent motions and amendments arising therefrom;

(g) to grant leave to withdraw a motion;

(h) to amend a motion; (the text of the proposed amendment to be forwarded to the Head of Paid Service, or in her absence, the Monitoring Officer prior to the commencement of the meeting of the Council and a copy circulated to the meeting to ease understanding of the proposed text);

(i) to proceed to the next business;

(j) that the question be now put;

(k) to adjourn a debate;

(l) to adjourn a meeting;

(m) to suspend a particular Council procedure rule;

(n) to exclude the public and press in accordance with the Access to Information Rules;

(o) to not hear further a member named under Rule 23.3 or to exclude them from the meeting under Rule 23.4;

(p) to give the consent of the Council where its consent is required by this Constitution;

(q) to invite a member to remain;

(r) to record a vote in accordance with Rule 17.4 or 17.7;

(s) in connection with voting on appointments in accordance with Rule 17.9; and

(t) to extend the time limit for speeches.

## 14. RULES OF DEBATE

### Standing to Speak

14.1 When a member speaks at full Council they must stand and address the meeting through the Chair. If more than one member stands, the Chair will ask one to speak and the other must sit. Other members must remain seated whilst another member is speaking unless they wish to make a point of order or a point of personal explanation.

### Chair Standing

14.2 When the Chair stands during a debate any members speaking at the time must stop and sit down. The meeting must be silent.

**Right to Require Motion in Writing**

14.3 Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.

14.4 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

**Seconder's Speech**

14.5 When seconding a motion or amendment, a member may reserve their speech until later in the debate.

**Content and Length of Speeches**

14.6 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes in length without the consent of the Chair given by reason of the exceptional importance of the subject it shall be within the discretion of the Chair to permit up to a further 5 minutes. This rule shall not apply to the member of the Cabinet with executive responsibility in presenting the annual budget statement and statutory and non-statutory plans to the Council and the Chair has discretion to disapply this rule to the leaders of the opposition groups in their response to the annual budget statement and statutory and non-statutory plans.

**When a Member May Speak Again**

14.7 A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:-

(a) to speak once on an amendment moved by another member;

(b) to move a further amendment if the motion has been amended since he/she last spoke;

(c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

(d) in exercise of a right of reply;

(e) on a point of order; and

(f) by way of personal explanation.

**14.8 Amendments to Motions**

(a) An amendment to a motion must be relevant to a motion and will either be:-

(i) to refer a subject of debate to the Cabinet, Overview and Scrutiny Panel, committee or panel for consideration or reconsideration;

(ii) to leave out words;

(iii) to leave out words and insert or add others; or

(iv) to insert or add words.

as long as such omission, insertion or addition of words does not have the effect of negating the motion before the Council.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(c) If an amendment is not carried, other amendments to the original motion may be moved.

(d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(e) If an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there is none, put it to the vote except in the case of such an amendment as is referred to in 14.8(a)(i) when no further amendment may be moved.

**14.9 Alteration of Motion**

(a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

(b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

**Withdrawal of Motion**

14.10 A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

**14.11 Right of Reply**

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.

(c) The mover of the amendment has no right ofreply to the debate on his or her amendment.

(d) A member exercising a right of reply shall not introduce new matters.

**Motions which may be moved during debate**

14.12 When a motion is under debate, no other motion may be moved except the following procedural motions:-

(a) to withdraw a motion;

(b) to amend a motion;

(c) to proceed to the next business;

(d) that the question be now put;

(e) to adjourn a debate;

(f) to adjourn a meeting;

(g) to exclude the public and press in accordance with the Access to Information Rules; and

(h) to not hear further a member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

**14.13 Closure Motions**

(a) A member may move, without comment, the following motions at the end of a speech of another member:-

(i) to proceed to the next business;
(ii) that the question be now put;
(iii) to adjourn a debate; or
(iv) to adjourn a meeting.

(b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, the Chair

will put the procedural motion to the vote. If it is passed the Chair will give the mover of the original motion the right of reply before putting his/her motion to the vote.

(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion he/ she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

(e) If a motion to adjourn the meeting is seconded and the Chair thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover to any motion under discussion his/her right of reply. If the motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chair at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Council.

**Point of Order**

14.14 A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.

**Personal Explanation**

14.15 A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by a member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

## 15. ANNUAL STATE OF THE DISTRICT ADDRESS Procedure

15.1 The Chair will invite the Executive Leader to address the Council at its summer meeting on the State of the District.

**Response**

15.2 The Chair will invite the Leader(s) of the Opposition to respond to the address.

**Discussion**

15.3 The ensuing discussion in which a Member may speak once and to which only paragraphs 13.5, 13.13 and 13.14 of the Rules of Debate will apply will be chaired by the Chair.

## 16. PREVIOUS DECISIONS AND MOTIONS

### Motion to Rescind a Previous Decision

16.1 A motion or amendment to rescind a decision made at a meeting of the Council within the previous six months cannot be moved unless a notice of motion is signed by at least 7 members of the Council.

### Motion Similar to One Previously Rejected

16.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the previous 6 months cannot be moved within a further period of 6 months.

## 17. VOTING

### Majority

17.1 All matters will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

### Chair's Casting Vote

17.2 If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

### Show of Hands

17.3 Unless a recorded vote is demanded by legislation or under Rule 17.4 the Chair will take the vote by a show of hands, or if there is no dissent by the affirmation of the meeting.

### Recorded Vote

17.4 If at least five members present demand it and before a vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down and entered into the minutes.

### Recorded Vote at Council Budget Decision Meetings

17.5 Recorded votes must be taken at the Budget meeting(s) each year, when voting on any motion or amendment which makes a calculation (whether originally or by way of substitution) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992 or; Issues a precept under Chapter 4 of Part 1 of that Act.

### Right to Require Individual Vote to be Recorded

17.6 Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### Voting on Appointments

17.7 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## 18. PETITIONS

### Definition

18.1 For the purposes of these procedural Standing Orders a petition shall be defined as a document embodying a formal written request for some form of action or the consideration of some matter by the Council. The submission of a petition is seen by many as lending weight to a particular viewpoint and demonstrating that the view is shared by others. Both written and electronic petitions will qualify under this scheme. Petitions made under any specific enactment such as that calling for a referendum on the form of executive of the Council, will not be dealt with under this procedure.

### Scope

18.2 Every petition shall be relevant to some matter of major significance in relation to which the Council has powers or duties or which is of more general concern affecting the District, its Council Tax or NNDR payers or concerns a matter on the agenda for the Council meeting to which the petition is to be submitted.

### Eligibility

18.3 The District Council will not accept petitions which are vexatious, abusive or otherwise inappropriate or which relate to a specific or identifiable person or otherwise are considered to be an abuse of its powers, responsibilities or obligations. Petitions shall not be admissible where petitioners are representing personal or prejudicial issues, matters associated with political parties or organisations, where the matter involves a right of appeal to the courts, a tribunal or to a Government Minister or which in the opinion of the Monitoring Officer is of a quasi- judicial nature. The interpretation of the above criteria by the Monitoring Officer is final. Additionally, the following matters will be excluded from the scheme:-

(a) any matter relating to a planning decision;

(b) any matter relating to a licensing decision; or

(c) any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

18.4 Petitions may be co-ordinated by individuals or by local organisations. If considered to be eligible, a petition will be referred to the first appropriate meeting after its submission.

**Form**

18.5 The petition shall clearly state the purpose for which it is submitted and shall be addressed to the District Council.

18.6 A written petition shall contain the name, address and signature of each person who signed it. The name and address shall be in legible format. An on-line petition shall contain the name and address of each person who is party to it and shall remain open for signature on the Council's website for a maximum period of 90 days. A petition shall indicate which one of the signatories is to present the petition. If the petition organiser, or his/her nominee, indicates that they are unable to present the petition at the relevant meeting, the petition will still be considered. The petition shall be sent to the office of the Monitoring Officer who will place it upon the agenda for the next Council meeting provided that the requirements are satisfied.

18.7 A maximum of three petitions will be presented at any meeting.

18.8 A petition shall not be presented to a meeting of the Council unless it is delivered to the office of the Monitoring Officer no later than noon on the tenth clear working day before the meeting at which it is to be considered. The petition shall be acknowledged in writing by or on behalf of the Monitoring Officer within ten clear working days of receipt of the petition. Online petitions will automatically be submitted to the Council for acknowledgement once the petition has been closed for signature.

18.9 No petition may be considered by the Council which effectively duplicates a previous petition submitted to the Council in the preceding six months.

**Procedure**

18.10 Any resident who lives, works or studies (including those under 18) or who owns or occupies commercial premises in the District may present a petition to a meeting of the Council provided that it bears at least 50 signatures of people who either live or whose place of work or study is located in the District and satisfies the conditions of paragraphs 18.2 and
18.3 above.

18.11 Petitions which are considered at a meeting of the Council shall be presented at the conclusion of the receipt of any announcements by the Chair. A summary of the wording of the petition shall be incorporated on the Agenda for the meeting. If the petition relates to an item on the Agenda for a Full Council meeting, the presentation will be made at the beginning of that item.

18.12 On being called by the Chair, the person(s) presenting the petition may speak for a total of no more than five minutes in support of the petition. District Councillors may question the person(s) presenting the petition for a period of up to five minutes thereafter. The period for questions may be extended at the discretion of the Chair.

18.13 Other than to respond to questions asked by District Councillors, petitioners shall not participate in debate nor discussion of the item to which their petition relates.

18.14 Petitions shall be presented to Council in the order in which they have been received.

**Petitions which are not the responsibility of the Council**

18.15 Petitions concerning a matter that the Council does not have direct control over, which relates to the functions of another local authority or concerning a matter delivered in partnership with any of the Council's partner organisations will be submitted to the Monitoring Officer who shall determine what steps the Council should take. The Monitoring Officer's decision on the matter is final. The Petition Organiser will be notified of any actions that have been taken.

## 19. MINUTES

**Signing the Minutes**

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

**No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting**

19.2 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purpose of paragraphs 41 (1) and (2) of Schedule 12 relating to the signing of minutes.

**Form of Minutes**

19.3 Minutes will contain all motions and amendments in the exact form and order the Chair put them.

## 20. RECORD OF ATTENDANCE

20.1 All members present during the whole part of the meeting must sign their names on the attendance sheet before the conclusion of every meeting to assist with the record of attendance.

## 21. EXCLUSION OF THE PUBLIC

21.1 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 or Rule 23 (Disturbance by the Public).

## 22. PHOTOGRAPHY, BROADCASTING AND RECORDING OF MEETINGS

22.1 The Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and microblogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. These arrangements will operate in accordance with 'Filming, Photography and Recording at Council Meetings' guidelines published on the Council's website.

## 23. DISORDERLY CONDUCT

### General Disturbance

23.1 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

23.2 A member shall comply with the adopted Members' Code of Conduct reproduced in Part 5 of the Constitution. Further to the Code of Conduct, a Member must withdraw from a meeting room during the consideration of any item of business in which he/she has a disclosable pecuniary interest.

### Member not to be heard further

23.3 If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

### Member to leave the Meeting

23.4 If the member continues to behave improperly after such a motion is carried, the Chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

## 24. DISTURBANCE BY THE PUBLIC

24.1 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

**Removal of Member of the Public**

24.2 If a member of the public interrupt's proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

**Clearance of Part of Meeting Room**

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

## 25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

**Suspension**

25.1 All of these Council Rules of Procedure except Rule 16.6 and 18.2 may be suspended by motion on notice or without notice if at least two thirds of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

**Amendment**

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

## 26. APPOINTMENT OF SUB-COMMITTEES, SUB-GROUPS AND ADVISORY GROUPS

(a) The Council, Cabinet and any committee or panel may appoint such sub-committees or sub-groups as they may consider necessary from time to time and shall specify the purpose and terms of reference of such sub-committee or sub-group;

(b) The Council, Cabinet and any committee or panel may appoint such advisory groups as they may consider necessary from time to time and shall specify the purpose, duration and terms of reference of such advisory group, except that such advisory group shall be of a deliberative nature only and shall report back with or without recommendations to the body that appointed them;

(c) The appointment of members to any sub-committee, sub-group or advisory group, shall be in accordance with legislative or regulatory requirements for the representation of political groups and shall have regard in particular to (b) above.

## 27. DEVELOPMENT MANAGEMENT APPLICATIONS

**(a) Public Speaking at Council**

In those circumstances where a planning application is to be determined by full Council, the Council's Chief Planning Officer, Head of Development or Planning Service Manager (Development Management) or his representative and other relevant Officers shall be permitted to present reports to the Council and the public speaking process adopted by the Development Management Committee be applied;

**(b) Consideration of Departures from the Development Plan**

Planning applications for the following types of development should be referred to the Secretary of State if the Development Management Committee is minded to approve them under the Town and Country Planning (Consultation) (England) Direction 2009 unless the application in question is considered by the Chief Planning Officer, Head of Development and Monitoring Officer to be so 'significant' that it should remain the decision of the Council to refer the application to the Secretary of State. The Development Plan shall, on the recommendation of the Development Management Committee, be considered by the Council having regard to advice received from the Chief Planning Officer, Head of Development and Corporate Director (Delivery) and guidelines on the Council's website.

# COMMITTEE PROCEDURE RULES

## 1. SCOPE

1.1 These rules apply to the meetings of Overview and Scrutiny Panels, the Development Management Committee, the Licensing and Protection Committee, the Employment Committee and any Sub-Committees that are appointed by them and all other Committees appointed by the Council. The Licensing Committee has resolved to adopt the Rules that apply to the proceedings of Committee Panels of the Council, but separate proceedings will apply to the hearings of its Sub-Committees.

## 2. MEETINGS OF COMMITTEES

2.1 The meetings of Committees shall be held on the dates set out in the annual programme of meetings approved.

2.2 If the Chair of the Committee considers that the day fixed for a Committee meeting is no longer suitable for that purpose or if there is insufficient business to justify the holding of the meeting, they shall, after consultation with the Leaders of Political Groups and the Head of Paid Service cancel the holding of that meeting and, if appropriate, fix an alternative day for the holding of that meeting.

2.3 The Chair of a Committee may call an extra-ordinary meeting of their Committee at any time.

2.4 If the Chair does not call an extra-ordinary meeting of the Committee after a requisition for that purpose, signed by at least three Members of the Committee has been presented to them, then the three Members of the Committee may forthwith require the Head of Paid Service to summon an extra-ordinary meeting to discuss the matters referred to in the requisition to the Chair.

2.5 Unless otherwise specified by a Committee or by a Chair of the Committee the time and place of the meeting will be determined by the Head of Paid Service and notified in the summons. Meetings shall normally commence at 7:00pm.

## 3. THE CHAIR AND VICE CHAIR OF COMMITTEES

3.1 The Chair of a Committee shall preside over meetings of that Committee.

3.2 Any powers and duties assigned to the Chair of a Committee under these Committee Procedure Rules shall, in the absence of the Chair, be undertaken by the Vice Chair.

3.3 Where both the Chair and Vice Chair are absent from a meeting the Committee shall as the first item of business at that meeting appoint another Member of the Committee to act as a Chair for that meeting

and that Person shall, for the duration of that meeting, be entitled to exercise all the powers and duties of the Chair under these Committee Procedure Rules in relation to that meeting.

3.4 The Executive Leader, Deputy Executive Leader and any member of the Cabinet shall not be elected as Chair of any committee or panel other than any that may be appointed by the Cabinet.

**Membership**

3.5 Every member of the Council shall be appointed to serve on a minimum of one Overview and Scrutiny Panel, committee or panel of the Council or of the Cabinet.

## 4. QUORUM

4.1 The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Chair counts the number of Members present and declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at the time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Council. In no case should the quorum of Sub Committees and Sub- Groups be less than three Members.

## 5. SUMMONS AND AGENDA FOR MEETINGS OF COMMITTEES

5.1 The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Head of Paid Service will send a summons signed by him or her by post (or electronically if requested) to every member of the Committee or leave it at their usual residence. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

5.2 No business other than that specified in the summons and the agenda shall be transacted at the meeting of the Committee except urgent items.

**Items on Committee Agenda**

5.3 Any member wishing to have an item placed on an agenda for a meeting of the Cabinet, committee or panel (other than by way of a Notice of Motion in accordance with Rule 9) shall contact the Head of Paid Service, or in her absence the Monitoring Officer requesting that an item be placed on the next available agenda for that body and the decision of the Head of Paid Service, or in her absence, the Monitoring Officer shall be final as to whether that item falls within the terms of reference of the Cabinet, committee or panel and whether the item should be included on the agenda for a meeting of that body.

## 6. MINUTES

### Signing the Minutes

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

### No requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

6.2 Where in relation to any meeting, the next meeting for the purpose of signing the Minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being called otherwise than under that paragraph) will be treated as a suitable meeting for the purpose of paragraphs 41 (1) and (2) of Schedule 12 relating to the signing of Minutes.

### Form of Minutes

6.3 Minutes will contain all motions and amendments in the exact form and order the Chair put them in.

## 7. VOTING

7.1 Unless a recorded vote is demanded, any question at any meeting of any Committee shall be determined by a show of hands by a majority of the Councillors and co-opted Members (where they are entitled to vote) present and voting.

7.2 If at least one third of members present demand it and before a vote is taken, the names for against the motion or amendment or abstaining from voting will be taken down and entered into the Minutes.

7.3 Where immediately after a vote is taken any councillor requires, there shall be recorded in the Minutes whether that person cast their vote for the question or against the question or whether they abstained from voting.

7.4 If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

## 8. ATTENDANCE BY MEMBERS OF THE COUNCIL AT MEETINGS OF WHICH THEY ARE NOT MEMBERS

8.1 A Member of the Council shall be permitted to attend a meeting of the Cabinet, Overview and Scrutiny Panels, Committees, Panels, Sub-Committees and Sub-Groups of the Council of which he/she is not a member but he/she shall not be entitled to take part in any discussion or vote on any matter under consideration. A Member of the Council

may, however, address a meeting of the Cabinet, Overview and Scrutiny Panel, Committee, Panel Sub-Committee or Sub-Group of which he/she is not a member on a specified item or items of business where written notice has been given to and prior permission obtained from the Chair of the Cabinet, Overview and Scrutiny Panel, Committee, Panel, Sub-Committee or Sub- Group.

## 9. MOVER OF MOTION MAY ATTEND MEETING

9.1 A member of Council who has moved a motion which has been referred by the Council to the Cabinet, Overview and Scrutiny Panel, Committee or Panel shall receive notice of the meeting of the Cabinet, Overview and Scrutiny Panel, Committee or Panel at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends shall have an opportunity of speaking to the motion and exercising the right of reply under Rule 13.9.

## 10. DEVELOPMENT MANAGEMENT APPLICATIONS

### Public Speaking at Development Management Committee

10.1 Where a planning application falls to be determined by the Development Management Committee and where appropriate notice has been given, an elected Member of the relevant town and parish council/meeting, the District Ward Member, the objector(s), the applicant(s) or their representatives shall be permitted to address the Committee on the application under the direction of the Chair having regard to the guidelines published on the Council's website.

## 11. PUBLIC REPRESENTATIONS – LICENSING COMMITTEE

11.1 The provisions of the Committee Procedure Rule shall only apply to consideration by the Licensing Committee of any matters relating to the grant, refusal, variation or revocation of any licence, permit or approval falling within its terms of reference including the terms and conditions attached to the same.

11.2 The applicant (or any representative on their behalf) shall be given an opportunity to make representations to the Committee and call any witnesses. The following persons shall also be permitted to make representations to the Committee:-

i. members of the public
ii. Councillors who are not members of the Committee or acting as substitutes
iii. Representatives of the Police or Fire Authority
iv. Council Officers

11.3 All persons who make representations to the Committee may be asked questions by members of the Committee or by other persons making representations.

11.4 After everyone else has made representations and answered questions, the applicant shall be permitted to make a final statement

to the committee, after which everyone shall withdraw except the members of the Committee and the representatives of the Monitoring Officer while the Committee considers its decision. The decision will be announced to the applicant and the other persons who have made representations and confirmed in writing to the applicant.

11.5 The Monitoring Officer shall be authorised to produce detailed Procedure Notes for the different types of applications considered by the Licensing Committee incorporating principles set out in this Committee Procedure rule.

## 12. RULES OF DEBATE

12.1 The rules of debate in this Committee Procedure Rule shall apply to all the meetings of Committees and the references in the Committee Procedure Rule to "Member" shall also include co-opted Members.

## 13. RULES OF DEBATE FOR COMMITTEE

### MEETINGS Speaking at Committee

### Meetings

13.1 A Member wishing to speak will raise their hand. If two or more Members indicate that they wish to speak, the Chair will call them in turn to speak.

### Content of Speeches

13.2 A member shall speak on the question under discussion or a personal explanation or to a point of order.

### Motions and Amendments

13.3 A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Committee Procedure rules it shall, if required by the Chair be put into writing and handed to the Chair before it is further discussed or put to a meeting.

### Seconder's Speech

13.4 A Member when seconding a motion or amendment may reserve their speech until a later period of the debate.

### Amendments to Motions

13.5 Every amendment shall be relevant to the motion on which it is moved and shall be:-

i. To leave out words; or
ii. To leave out words and insert and add others; or
iii. To insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Committee.

**Two or More Amendments**

13.6 Only one amendment may be moved and discussed at a time and no further amendments shall be moved until the amendment under discussion has been disposed of.

**Position if an Amendment is Lost or carried**

13.7 If an amendment is lost, other amendments may be moved on the original motion. If 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.

**Withdrawal of the Motion**

13.8 A motion or an amendment may be withdrawn by the mover with the consent of their seconder and no member may speak upon it after it has been withdrawn.

**Alteration of Motion**

13.9 A Member may, with the consent of both the meeting and their seconder, alter a motion or amendment which they proposed or of which notice had been given. Only alterations which could have been moved as an amendment may be made.

**Motions Which May be Moved During Debate**

13.10 When a motion is under debate, no other motion shall be moved except the following procedural motions:-

i. to withdraw a motion
ii. to amend a motion
iii. to proceed to the next business
iv. that the question be now put
v. to adjourn a debate
vi. to adjourn a meeting
vii. to exclude the public and press in accordance with the Access to Information Rules; and
viii. to not hear further a Member named under Rule 14.3 or to exclude them from the meeting under Rule 14.4.

**13.11 Closure Motions**

(a) A member may move, without comment, the following motions at the end of a speech of another member:-
   i. to proceed to the next business;
   ii. that the question be now put;
   iii. to adjourn a debate; or

iv. to adjourn a meeting.

(b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.you need to

(c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the procedural motion to the vote. If it is passed the Chair will give the mover of the original motion the right of reply before putting his/her motion to the vote.

(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion he/ she will put the procedural motion to the vote without giving the mover of the original motion the right ofreply.

(e) If a motion to adjourn the meeting is seconded and the Chair thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover to any motion under discussion his/her right of reply. If the motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chair at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Council.

**Resumption after Adjournment**

13.12 On resumption of an adjourned debate the Member who moved the adjournment is entitled to speak first.

**Point of Order**

13.13 A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.

**Personal Explanation**

13.14 A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by a member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

**Irrelevance, repetition and limitation onspeakers**

13.15 In speaking to any motion or amendment Members are to confine their remarks strictly to such motion or amendment and shall not

introduce irrelevant matters or indulge in needless repetition. The Chair's ruling on this is final.

If three speakers have spoken consecutively in support of, or in opposition to a motion, the Chair may call for a speaker to the contrary. If no such speaker is forthcoming and after the mover has had a right of reply, the motion must be put. Members speaking must, if called upon to do so by the chair, announce whether they are speaking in support of, or against the motion of amendment being debated.

**Officers of the Council**

13.16 Officer of the Council may speak during a debate at the Committee meetings.

**Oral Reports**

13.17 With the consent of the Chair, Officers may make an oral report on a matter of importance and urgency.

## 14. DISORDERLY CONDUCT

**General Disturbance**

14.1 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

14.2 A member shall comply with the adopted Members' Code of Conduct reproduced in Part 5 of the Constitution. Further to the Code of Conduct, a Member must withdraw from a meeting room during the consideration of any item of business in which he/she has a disclosable pecuniary interest.

**Member not to be heard further**

14.3 If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

**Member to leave the Meeting**

14.4 If the member continues to behave improperly after such a motion is carried, the Chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

## 15. DISTURBANCE BY MEMBERS OF THE PUBLIC

15.1 If a member of the public interrupts the proceedings at any meeting the Chair shall warn them. If they continue the interruption the Chair shall order their removal from the room in which the meeting is being held. In case of general disturbance in any part of the room in which the meeting is being held open to the public the Chair shall order that part to be cleared.

## 16. SUBSTITUTES

16.1 The aim of the rules in this section are to allow a significant and comprehensive attendance by Members at all Committee and Sub Committee meetings and to help ensure that meetings are quorate.

16.2 Subject to any other restrictions elsewhere in the Constitution, any councillor is permitted to act as a substitute on a Council body provided that:

- Democratic Services is notified of the arrangement no later than 2 hours before the start of the meeting to which it applies. This notification should be in writing (including email);
- A Substitute Member who replaces a Member at a meeting must be of the same Political Group to ensure that they are politically balanced in accordance with the Local Government (Committees and Political Groups) Regulations;
- The Licensing Sub-Committee does not require political balance and therefore it is not necessary for the Member and the Substitute Member to be of the same political group.
- Where attendance at specific training is a pre-requisite for participation in a committee or sub-committee, the substitute has completed the required training.

16.3 Substitutes will have all the powers and duties of a member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

16.4 Substitutes may attend meetings in that capacity only:

- to take the place of the councillor for whom they are substituting; and
- where the nominating councillor will be absent for the whole of the meeting.

16.5 Any councillor attending a meeting as a substitute will only be entitled to travelling and subsistence allowance in accordance with the scheme approved by the Council. No additional allowance is payable for attendance at the meeting as a Substitute

## 17. RESCISSON OF RESOLUTIONS

17.1 No resolution taken at a previous meeting of Committee shall be rescinded or varied within six months unless notice has been given on the agenda for the meeting of the intention of the body to

reconsider the matter.

## 18. RECORD OF ATTENDANCES

18.1 Every member of the Council and co-opted Member attending a meeting of a Committee shall sign their name in the attendance book worksheet.

## 19. CASUAL VACANCIES

19.1 A casual vacancy on an Overview and Scrutiny Panel, Committee or Panel occasioned by the resignation of a member from that body may be filled by a resolution of the Council. The Executive Leader may vary the membership of Cabinet at any time and may fill any vacancy that arises.

# ACCESS TO INFORMATION PROCEDURE RULES

## 1. SCOPE

1.1 These Rules apply to all meetings of the Council, the Cabinet, Panels and Committees, Sub-Committees and Sub-Groups. The Licensing Committee has resolved to adopt the Rules for the purpose of its meetings, but separate proceedings will apply to the hearings of its Sub- Committees.

## 2. ADDITIONAL RIGHTS TO INFORMATION

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

## 3. RIGHTS TO ATTEND MEETINGS

3.1 Members of the public may attend, record and report all meetings subject only to the exceptions in these Rules.

## 4. NOTICES OF MEETING

4.1 The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Council's offices at Pathfinder House, Huntingdon.

## 5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

5.1 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 in cases of urgency, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the agenda has been sent out, the Elections and Democratic Services Manager shall make each such report available to the public as soon as the report is completed and sent to Councillors.

## 6. SUPPLY OF COPIES

6.1 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 reasonable charge for postage and any other costs.

## 7. ACCESS TO MINUTES ETC AFTER THE MEETING

7.1 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, 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

### List of background papers

8.1 Every report shall list those documents (background papers) relating to the subject matter of the report, except published works or exempt or confidential information (as defined in Rule 10), which -

(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.

### Public inspection of background papers

8.2 The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## 9. SUMMARY OF PUBLIC'S RIGHTS

9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents shall be kept at and available to the public at the Council's offices at Pathfinder House, Huntingdon and on the Council's website.

## 10. EXCLUSION OF THE PUBLIC FROM MEETINGS

### Confidential information – requirement to exclude public

10.1 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.

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.

**Exempt information – discretion to exclude public**

10.2 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.

| Category | Condition |
|---|---|
| 1. Information relating to any individual. | |
| 2. Information that is likely to reveal the identity of an individual. | |
| 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). | Information is not exempt information if it is required to be registered under –<br><br>(a) The Companies Act 1985<br>(b) The Friendly Societies Act 1974<br>(c) The Friendly Societies Act 1992<br>(d) The Industrial and Provident Societies Act 1965 – 1978<br>(e) The Building Societies Act 1986; or<br>(f) The Charities Act 1993. |
| 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. | |
| 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. | |
| 6. Information which reveals that the authority proposes –<br><br>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or<br>(b) to make an order or direction under any enactment. | |

| | |
|---|---|
| 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. | |

10.3 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.

**Meaning of exempt information**

10.4 Exempt information means information falling within the following 7 categories, subject to the relevant condition(s) 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:-

10.5 Information is not exempt information 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.

## 11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

11.1 If the Head of Paid Service or his/her nominee thinks fit, the Council may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be endorsed "Not for publication" together with the category of information likely to be disclosed.

## 12. APPLICATION OF RULES TO THE CABINET

12.1 Rules 13 – 21 apply to the Executive Leader, Cabinet, its Committees and Executive Councillors. If the Executive Leader, Cabinet, its Committees and Executive Councillors propose to meet to take a key decision then it must also comply with Rules 13 – 14 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is defined in paragraph 3 (b) of Article 13 of this Constitution.

12.2 If the Cabinet or its Committees meet to discuss a key decision to be taken collectively, with an officer present or the Executive Leader or an Executive Councillor propose to take a key decision, within 28 days of the date according to the Notice of Executive Decisions by which it is to be decided, then it must also comply with Rules 13 and 14 unless Rule 15 (general exception) or Rule 16 (special urgency) apply.

## 13. PROCEDURE BEFORE TAKING KEY DECISIONS

13.1 Subject to Rule 15 (general exception) or Rule 16 (special urgency) a key decision may not be taken unless:-

(a) a notice (in the form of a Notice of 'Executive Decisions') has been published in connection with the matter in question;

(b) at least 28 clear days have elapsed since the publication of the Notice; and

(c) where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

## 14. NOTICE OF EXECUTIVE DECISION

### Period of Notice

14.1 The Executive Leader will give 28 clear days' notice of the intention to make a key decision The Notice will be available for inspection at the District Council's offices and published on the District Council's website.

### Content of the Notice

14.2 The Notice will contain matters which the Executive Leader has reason to believe will be the subject of a key decision to be taken by himself/herself, the Cabinet, a Committee of the Cabinet, individual members of the Cabinet, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the Notice. 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, his/her 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 will be taken;

(d) a list of the documents submitted to the decision taker for consideration in relation to the matter;

(e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available; and

(f) the steps any person might take who wishes to make representations to the Cabinet 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.

14.3 Exempt information need not be included in the Notice and confidential information cannot be included.

## 15. GENERAL EXCEPTION

15.1 If a matter which is likely to be a key decision has not been included in the Notice, then subject to Rule 16 (special urgency), the decision may still be taken if:-

(a) At least five clear days public notice of the decision to be taken is given at the Council's Offices and on the website; and

(b) the Head of Paid Service has given notice in writing to the Chair of the relevant Overview and Scrutiny Panel, or if there is no such person, each member of that Panel in writing, by notice, of the matter to which the decision is to be made.

## 16. SPECIAL URGENCY

16.1 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 Overview and Scrutiny Panel that the taking of the decision cannot be reasonably deferred. If there is no Chair of a relevant Overview and Scrutiny Panel, or if the Chair of each relevant Overview and Scrutiny Panel is unable to act, then the agreement of the Chair of the Council, or in his/her absence the consent of the Head of Paid Service or her nominee will suffice.

16.2 Decisions taken as a matter of urgency must be reported to the next available meeting of the relevant Overview and Scrutiny Panel, together with the reasons for urgency. Once agreement has been obtained that the making of the decision is urgent and cannot be reasonably deferred, notice to this effect must be made available at the District Council's Offices and published on the website.

## 17. PROCEDURES PRIOR TO PRIVATE MEETINGS OF THE CABINET

17.1 The Authority will 28 clear days' notice of any intention to hold part of the Cabinet meeting in private. Such notice will include a statement as to why any specific matter is being dealt with in private. The Notice will be available for inspection at the District Council's offices and published on the District Council's website.

17.2 At least five clear days before a private meeting, the Authority must–

a) make available a further notice of its intention to hold the meeting in private and
b) publish that notice on its website, if it has one.

17.3 This notice must include

a) a statement of the reasons for the meeting to be held in private
b) details of any representations received about why the meeting should be open to the public; and
c) a statement of the Authority's response to any such representations.

17.4 If the matter which is to a be a private item has not been included within the notice, the decision may still be taken, provided agreement had been obtained from the Chair of the relevant Overview and Scrutiny Panel, or in cases where there is no such person or the Chair is unable to act the Chair of the Authority will suffice.

17.5 As soon as agreement has been obtained, a notice outlining the reasons why the meeting is urgent and cannot reasonably be deferred should be published at on the Council's website and made available at the Council's offices.

17.6 Decisions must be reported to the next available meeting of the relevant Overview and Scrutiny Panel.

## 18. REPORT TO COUNCIL

### When an Overview and Scrutiny Panel can require a report

18.1 If an Overview and Scrutiny Panel thinks that a key decision has been taken which was not:-

(a) included in the Notice of Executive Decisions;

(b) the subject of the general exception procedure; or

(c) the subject of an agreement with a relevant Overview and Scrutiny Panel Chair or the Chair of the Council or the Head of Paid Service or her nominee under Rule 16;

(d) the Panel may require the Executive Leader to submit a report to the Council within such reasonable time as the Panel specifies. The power to require a report rests with the Panel, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the Panel when so requested by the Chair or any three members. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Panel.

### Executive Leader Report to Council

18.2 The Executive Leader 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 working days of receipt of the written notice, or the resolution of the Panel, then the report may be submitted to the meeting after that. The report to the Council will set out particulars of the decision, the individual or body making the decision, and if the Executive Leader is of the opinion that it was not a key decision the reasons for that opinion.

**Annual Reports on special urgency decisions**

18.3 In any event the Executive Leader will submit annually reports to the Council on executive decisions taken in the circumstances set out in Rule 16 (special urgency). The report will include the number of decisions so taken and a description of the matters in respect of which those decisions were taken.

## 19. RECORD OF DECISIONS

19.1 After any meeting of the Cabinet or its committees or a decision is taken by the Executive Leader or an executive councillor, the Elections and Democratic Services will produce a record of every decision taken 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 details of any conflict of interest declared by any Member and, if applicable, a note of any dispensation in respect of a conflict of interest which has been granted by the Monitoring Officer.

19.2 After an Officer has taken a decision closely associated with the discharge of an executive function, and where that decision is not exempt from publication, a record of the decision shall be published on the Council's website.

## 20. CABINET MEETINGS IN PUBLIC

20.1 All meetings of the Cabinet will be held in public, except where the business to be transacted would disclose confidential or exempt information under Rule 10.

## 21. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET AND OFFICERS

**Reports intended to be taken into account**

21.1 An individual member of the Cabinet shall not make a decision and an officer shall not make a key decision until he/she has taken into account a written report and he/she will not make the decision until at least five clear days after receipt of that report.

**Provision of copies of reports to Overview and Scrutiny Panels**

21.2 On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of every relevant Overview and Scrutiny Panel as soon as reasonably

practicable and make it publicly available at the same time.

**Record of individual decision**

21.3 As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet or a key decision has been taken by an officer, he/she will prepare, or instruct the Elections and Democratic Services Manager to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 (access to Minutes etc after the meeting) and Rule 8 (background papers) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information.

## 22. OVERVIEW AND SCRUTINY PANELS ACCESS TO DOCUMENTS Rights to Copies

22.1 Subject to Rule 23.3 below, an Overview and Scrutiny Panel (including its sub-panels) will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to:-

(a) any business transacted at a meeting of the Cabinet; or

(b) any decision taken by an individual member of the Cabinet.

**Limit on Rights**

22.2 An Overview and Scrutiny Panel will not be entitled to:-

(a) any document that is in draft form; or

(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend toscrutinise.

## 23. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS Material relating to previous business

23.1 Any document which is in the possession or under the control of the Cabinet and contains material relating to any business to be transacted at a meeting of the Cabinet or relates to any key decision shall be open to inspection by any Member of the Council unless it appears to the Monitoring Officer that it discloses exempt information.

23.2 Notwithstanding paragraph 23.1, the document will remain open to inspection if the information it contains falls within paragraphs 3 or 6 of

Schedule 12A to the Local Government Act 1972 (with the exception of information relating to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract).

**Material relating to key decisions**

23.3 All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which relates to any key decision unless paragraph 23.1 applies.

**Nature of rights**

23.4 These rights of a member are additional to any other right he/she may have.

# CABINET PROCEDURE RULES

## 1. OPERATION OF THE CABINET

### Who May Make Executive Decisions

1.1 The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the Council. The Executive Leader will decide how they are to be exercised and will provide the Monitoring Officer with a copy of the list setting out who of the following is responsible for particular Executive Functions:

(i) the Cabinet as a whole;

(ii) a committee of the Cabinet;

(iii) an individual member of the Cabinet;

(iv) an officer;

(v) joint arrangements; or

(vi) another local authority.

### Delegation of Executive Functions

1.2 Where the Cabinet, individual Cabinet member or a committee of the Cabinet is responsible for an executive function, they may delegate further to an Officer.

### Cabinet Meetings - Frequency and Venue

1.3 The Cabinet will meet at least ten times per year at times to be agreed by the Executive Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Executive Leader.

### Meetings of the Cabinet

1.4 The Access to Information Rules in Part 4 of this Constitution set out the requirements covering meetings of the Cabinet.

### Quorum

1.5 The quorum for a meeting of the Cabinet or a committee of it shall be one quarter of the total number of members of the Cabinet or three whichever is the larger.

### 1.6 Decision Taking by the Cabinet

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

(b) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

## 2. CONDUCT OF CABINET MEETINGS

### Chair

21 If the Executive Leader is present, he/she will preside at meetings of the Cabinet. In his/her absence then the Deputy Executive Leader will preside. In the absence of both the Executive Leader and the Deputy Executive Leader, the Cabinet will appoint a person from among those present to preside at that meeting.

### Attendance

22 The details are set out in the Access to Information Rules in Part 4 of this Constitution.

### Business

23 At each meeting of the Cabinet, the following business will be conducted:-

(i) consideration of the minutes of the last meeting;

(ii) declarations of interest (if any);

(iii) any matters referred to the Cabinet (whether by an Overview and Scrutiny Panel or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

(iv) consideration of reports from Overview and Scrutiny Panels; 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 of this Constitution.

### Consultation

24 All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Panels 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.

## Cabinet Agenda Items

25 The Executive Leader may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any member or officer in respect of that matter. The Head of Paid Service will comply with the Executive Leader's requests in that respect.

26 Any member of the Cabinet may require the Head of Paid Service to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request, the Head of Paid Service will comply.

27 The Head of Paid Service will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Overview and Scrutiny Panel or the full Council have resolved that an item be considered by the Cabinet.

28 Any member of the Council may ask the Executive Leader to put an item on the agenda of a Cabinet meeting for consideration and, if the Executive Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting and may speak of so invited by the Executive Leader.

29 The Monitoring Officer and/or the Responsible Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Head of Paid Service to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Monitoring Officer and Responsible Financial Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet 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 discussed.

# 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 the budget or a policy framework is in place, it will be the responsibility of the Cabinet to implementit.

## 2. PROCESS FOR DEVELOPING FRAMEWORK

21 The process by which the budget and policy framework shall be developed is:-

(a) The Cabinet will publicise by including in the Notice of Executive Decisions and/or publication at the Council's offices or by other means e.g. on its website or in the local press, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework and its arrangements for consultation after publication of those initial proposals. The Chair of the relevant Overview and Scrutiny Panel also will be notified. In the absence of the Chair, the Vice-Chair of the relevant Panel will be notified. The consultation period shall in each instance be relevant to the proposals to be considered and sufficient for meaningful consultation.

(b) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If the relevant Overview and Scrutiny Panel wishes to respond to the Cabinet in that consultation process, then it may do so. As the Overview and Scrutiny Panels have responsibility for fixing their own work programme, it is open to an Overview and Scrutiny Panel to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from an Overview and Scrutiny Panel into account in drawing up firm proposals for the submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.

(c) Once the Cabinet has approved firm proposals, the Responsible Financial Officer will refer them at the earliest opportunity to the Council for decision.

(d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.

(e) If it accepts the recommendation of the Cabinet 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 within three working days of the meeting in accordance with Article 4 and a copy shall be given to the Executive Leader.

(g) An in-principle decision will automatically become effective within five working days from the publication of the Council's decision, unless the Executive Leader informs the Head of Paid Service in writing within that period of five working days that he/she objects to the decision becoming effective and provides reasons why.

(h) In that case, the Head of Paid Service will call a Council meeting within a further 15 working days. The Council will be required to reconsider its decision and the Executive Leader's written submission. The Council may:-

(i) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or

(ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.

(i) The decision shall then be made public in accordance with Article 4 and shall be implemented immediately.

(j) 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 paragraphs 5 and 6 of these Rules (virement and in-year changes to policy framework). Any other changes to the policy and budgetary framework are reserved to the Council.

## 3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

(a) Subject to the provisions of paragraph 5 (virement), the Executive Leader, the Cabinet, committee of the Cabinet, individual members of the Cabinet and any officers or joint arrangements 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 4 (urgent decisions outside the budget and policy framework) below.

(b) If the Executive Leader, the Cabinet, committee of the Cabinet, individual members of the Cabinet and any officers or joint arrangements discharging executive functions want to make

such a decision, they shall take advice from the Monitoring Officer and/orthe Responsible Financial 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 either 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 4 (urgent decisions outside the budget and policy framework) shall apply.

## 4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

(a) The Executive Leader, the Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers or joint arrangements 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; and

(ii) if the Chair of a relevant Overview and Scrutiny Panel agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chair or the relevant Overview and Scrutiny Panel'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 Overview and Scrutiny Panel, the consent of the Chair of the Council, and in the absence of both, the Head of Paid Service or his/her nominee's consent will be sufficient.

(b) Following the decision, the decision taker will provide a full report to the next ordinary Council meeting explaining the decision, the reasons for it and why the decision was taken as a matter of urgency.

## 5. VIREMENT

5.1 (a) The Code of Financial Management in Part 4 of this Constitution includes provisions which set out the rules for moving monies between budgetary allocations including contingencies(virement).

(b) Steps taken by the Executive Leader, the Cabinet, a committee of the Cabinet, an individual member of the Cabinet or an officer or joint arrangements discharging executive functions to implement Council policy shall not exceed those financial allocations to each budget head. However, such bodies or individuals shall be entitled to vire resources as follows:-

(i) within a service at the discretion of the relevant head of service; and

(ii) between services and/or defined activities up to £50,000 in any financial year at the discretion of the Cabinet.

5.2 In all other cases virement will require the approval of the Council.

## 6. IN-YEAR CHANGES TO POLICY FRAMEWORK

6.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive Leader, the Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers or joint arrangements 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 and individuals except those changes:-

(a) which will result in the closure and discontinuance of a service or part of service to meet a budgetary constraint;

(b) necessary to ensure compliance with the law, ministerial direction or government guidance; or

(c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

6.2 In each case a report on the action taken will be reported by the Cabinet to the next ordinary meeting of the Council.

## 7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

(a) Where an Overview and Scrutiny Panel 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 Responsible Financial Officer.

(b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Responsible Financial Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet 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 Responsible Financial Officer conclude that the decision was a departure, and to an Overview and Scrutiny Panel if the Monitoring Officer or

Responsible Financial 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 Responsible Financial 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 Overview and Scrutiny Panel 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 10 working days of the request by the Overview and Scrutiny Panel. At the meeting it will receive a report on the decision or proposals and the advice of the Monitoring Officer and/or the Responsible Financial 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) amend the Council's Code of Financial Management or policy concerned to encompass a 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) 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 Council's budget, and does not amend the existing framework to accommodate it, require the executive decision taker to reconsider the matter in accordance with the advice of either the Monitoring Officer and/or Responsible Financial Officer.

# OVERVIEW AND SCRUTINY PROCEDURE RULES

## 1. ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

1.1 The Council will have Overview and Scrutiny Panels as set out in Article 6 and will appoint members to them as it considers appropriate from time to time.

## 2. MEMBERSHIP OF OVERVIEW AND SCRUTINY PANELS

2.1 Each Overview and Scrutiny Panel will comprise no more than 16 members of the Council with seats allocated to political groups in proportion to the number of seats held by each group on the Council as a whole. All Councillors except members of the Cabinet may be members of an Overview and Scrutiny Panel. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

## 3. MEETINGS OF OVERVIEW AND SCRUTINY PANELS

3.1 Ordinary meetings of the Overview and Scrutiny Panels shall be held on such dates and times as may be specified in the Council's calendar of meetings. However, such dates and times may be varied at the discretion of each Panel or its Chair. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Panel meeting may be called by the Chair of the relevant Overview and Scrutiny Panel, by any 3 members of the Panel or by the Head of Paid Service if he/she considers it necessary or appropriate.

## 4. QUORUM

4.1 The quorum for an Overview and Scrutiny Panel shall be as set out in the Committee Procedure Rules in Part 4 of this Constitution.

## 5. CHAIRMEN AND VICE-CHAIRMEN OF OVERVIEW AND SCRUTINY PANELS

5.1 The Chair and Vice-Chair of the Overview and Scrutiny Panels will be drawn from among the Councillors sitting on the Panel and, subject to this requirement, each Panel may appoint such persons as it considers appropriate as Chair and Vice-Chair.

## 6. WORK PROGRAMME

6.1 The Overview and Scrutiny Panels will be responsible for setting their own work programme and in doing so shall take into account the wishes of all members on that Panel irrespective of any political affiliation.

## 7. AGENDA ITEMS

7.1 A member may raise an item on an Overview and Scrutiny Panel agenda in accordance with the Councillor Call for Action (CCFA) procedure, as detailed in the guide to CCFA attached to the Council Procedure Rules as Annex (iv).

## 8. REQUESTS FROM COUNCIL/CABINET TO REVIEW AREAS OF ACTIVITY

8.1 The Overview and Scrutiny Panels must 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. Such requests will be put in writing to the Chair of the relevant Overview and Scrutiny Panel. Where a request is agreed to, the Overview and Scrutiny Panel shall report their findings and any recommendations back to the Council and/or Cabinet. If practicable, the Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Panel at their next ordinary meeting after its receipt or at the ordinary meeting after that.

## 9. POLICY REVIEW AND DEVELOPMENT

9.1 The role of the Overview and Scrutiny Panels in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules. In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Overview and Scrutiny Panels may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference.

9.2 Overview and Scrutiny Panels may hold enquiries and investigate the available options for future direction in policy development and, provided appropriate financial provision is available in the budgetary framework, 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 to any advisers, assessors and witnesses a reasonable fee and expenses for doing so within the allocation of funds approved by the Council.

## 10. OVERVIEW AND SCRUTINY PANEL REPORTS

10.1 The flowcharts at Appendix A show the process for Overview and Scrutiny Panels to report their recommendations on proposals for consideration by Cabinet, Council or individual Cabinet Members with delegated decision making powers.

## 11. CABINET CONSIDERATION OF ISSUES ARISING FROM OVERVIEW AND SCRUTINY

11.1 Overview and Scrutiny Panels will have access to the Cabinet's Notice

of Executive Decisions and timetable for decisions and intentions for consultation. Comments from Overview and Scrutiny Panels relating to items on the Cabinet's agenda will be included for consideration in the relevant Cabinet reports.

## 12. RIGHTS OF OVERVIEW AND SCRUTINY PANEL MEMBERS TO DOCUMENTS

12.1 In addition to their rights as Councillors, members of Overview and Scrutiny Panels have the additional rights to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

12.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and an Overview and Scrutiny Panel as appropriate depending upon the particular matter under consideration.

## 13. MEMBERS AND OFFICERS GIVING ACCOUNT

13.1 An Overview and Scrutiny Panel may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role a Panel or its Chair (or in his/her absence, the Vice-Chair) may require any member of the Cabinet, the Head of Paid Service and any senior officer to attend before it to explain in relation to matters within their remit:-

(a) any particular decision or series of decisions;
(b) the extent to which the actions taken implement Council policy; and/or
(c) their performance;

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

13.2 Where any member or officer is required to attend an Overview and Scrutiny Panel meeting under this provision, the Chair (or in his/her absence, the Vice-Chair) of that Panel will inform the Democratic Services Team Leader. The Democratic Services Team Leader shall inform the member or officer in writing giving at least 5 working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Panel. Where the account to be given to the Panel will require a report to be produced, the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

13.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Chair of the Overview and Scrutiny Panel (or in his/her absence, the Vice-Chair) shall, in consultation with the member or officer, arrange an alternative date for

attendance to take place within a maximum of two months from the date of the original request.

13.4 Where an Overview and Scrutiny Panel is reviewing work of the Council which is not a function of the Cabinet, it should not normally scrutinise individual decisions made by the Council or any committee or panel thereof, particularly decisions in respect of development management, licensing, registration, consents and other permissions. In making reports and recommendations on functions which are not the responsibility of the Cabinet, such reports and recommendations should normally be used as part of wider policy reviews.

## 14. ATTENDANCE BY OTHERS

14.1 An Overview and Scrutiny Panel may invite other people to address it, discuss issues of local concern and/or answer questions. It may, for example, invite Councillors who are not members of the Cabinet, residents, stakeholders, members or officers in other parts of the public sector to attend.

## 15. CALL-IN

15.1 When a decision is made by the Executive Leader, Cabinet, an individual Cabinet Member or a committee of the Cabinet or a key decision is made by an officer with delegated authority from the Cabinet or under joint arrangements, the decision shall be published, made available at the Council's main offices and sent to Members of the Overview and Scrutiny Panels within three working days of being made. The notice of decisions will bear the date on which it is published and will specify that the decision will come into force and be implemented on the expiry of five working days after publication, unless called in by a relevant Panel as shown in Appendix B.

## 16. CALL-IN AND URGENCY

16.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive Leader, the Cabinet, an individual Member of the Cabinet, a committee of the Cabinet or a key decision by an officer with delegated authority from the Cabinet or under joint arrangements is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one and therefore not subject to call-in. The Chair of the relevant Overview and Scrutiny Panel or in his/her absence the Chair of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of both the Chair of the relevant Overview and Scrutiny Panel and the Chair of the Council, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available

meeting of the relevant Overview and Scrutiny Panel together with the reasons for urgency.

## 17. PROCEDURE AT OVERVIEW AND SCRUTINY PANEL MEETINGS

17.1 Overview and Scrutiny Panels shall consider the following business:-

(a) minutes of the last meeting;
(b) declarations of interest;
(c) consideration of any matter referred to the Panel for a decision in relation to call-in of a decision;
(d) responses of the Cabinet and the Council to reports of the Overview and Scrutiny Panel; and
(e) the business otherwise set out on the agenda for the meeting.

17.2 Where an Overview and Scrutiny Panel conducts investigations (e.g., with a view to policy development), the Panel may also ask people to attend to give evidence at Panel meetings which are to be conducted in accordance with the following principles:-

(a) that the investigation will be conducted fairly and all members of the Panel will be given the opportunity to ask questions of attendees and to contribute and speak;
(b) that those assisting the Panel by giving evidence shall be treated with respect and courtesy; and
(c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

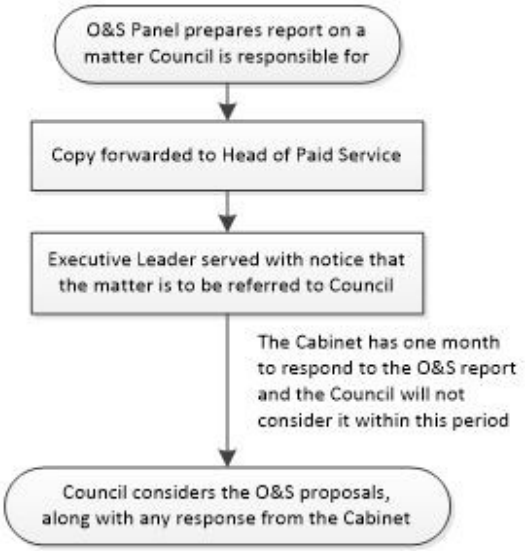
17.3 Following an investigation or review, an Overview and Scrutiny Panel may, if appropriate, prepare a report for submission to the Cabinet and/or Council as appropriate and may choose to make its report and findings public.

## 18. MATTERS WITHIN THE REMIT OF MORE THAN ONE OVERVIEW AND SCRUTINY PANEL

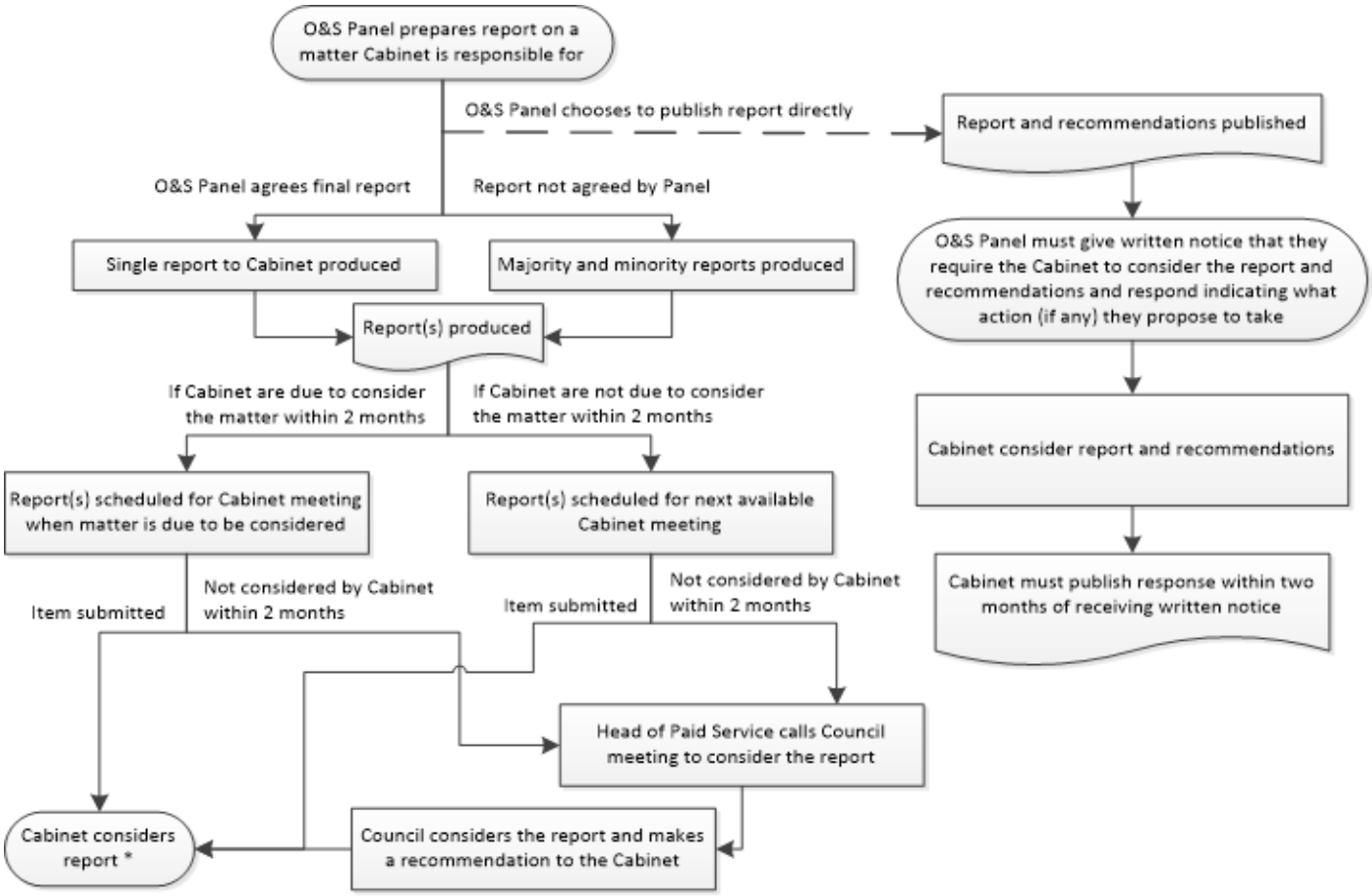
18.1 Where a matter for consideration by an Overview and Scrutiny Panel also falls within the remit of one or more other Overview and Scrutiny Panels, the decision as to which Overview and Scrutiny Panel will consider it will be resolved by the advisory group comprising the Chairmen and Vice- Chairmen of the Panels in accordance with Article 6.05 of this Constitution.

## Appendix A – reporting Overview and Scrutiny recommendations on proposals

### Matters that Council is responsible for:



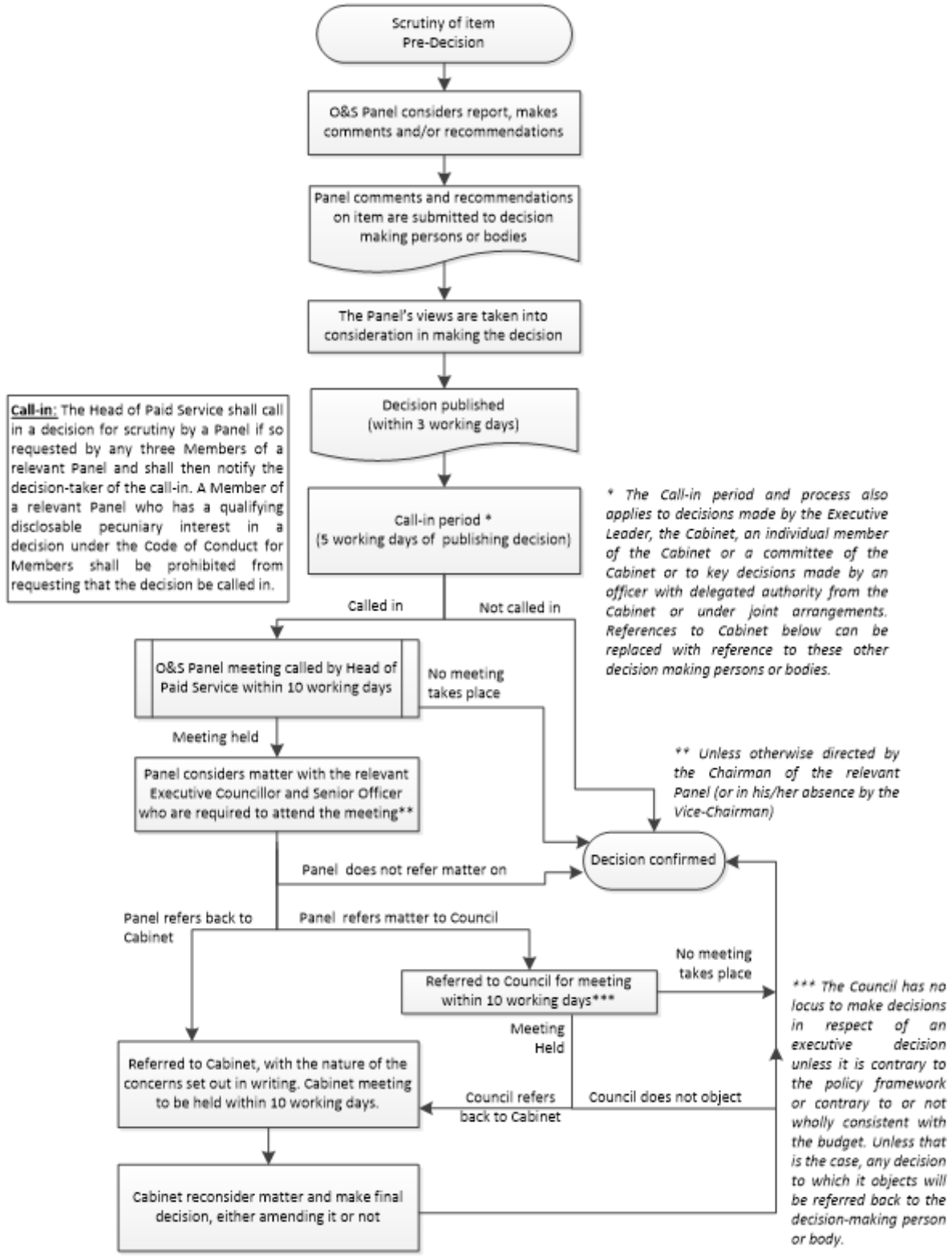
## Matters that Cabinet is responsible for:




* The Overview and Scrutiny Panel Chairman or his/her representative shall have a right to attend and address the Cabinet meeting on the report or recommendations of the Panel and shall be entitled to speak for up to five minutes.

Following consideration by Cabinet, the relevant Executive Councillor will provide a written response to each of the Overview and Scrutiny Panel's recommendations, including reasons where recommendations are not accepted.

# Appendix B – pre-decision scrutiny and Call-In processes



# FINANCIAL REGULATIONS

## 1. FINANCIAL RESPONSIBILITES General

1.1 Before any proposal that affects the Council's financial position is made the body or person(s) responsible for making that decision, or for making a recommendation to that body or person(s), shall consider a written report, approved by the officer accountable for the appropriate budget, detailing the financial implications.

### 1.2 The Council

will:

- ❖ determine the Council's Medium-Term Financial Strategy (MTFS), approve the annual budget and set the level of the Council Tax.
- ❖ approve the Council's Treasury Management Strategy (TMS) and prudential indicators.
- ❖ approve changes to this code.

### 1.3 The Corporate Governance Committee

will:

- ❖ ensure that the financial management of the Council is adequate and effective.
- ❖ ensure that the Council has a sound system of internal control including arrangements for the management of risk.
- ❖ consider the Council's code of corporate governance and approve the annual statement.
- ❖ approve the internal audit charter and the annual internal audit plan and comment on the external audit plan.
- ❖ approve the Council's Annual Financial Report (AFR), which includes the statutory accounts.
- ❖ consider reports from the external auditor.
- ❖ recommend changes to this code to the Council.

### 1.4 The Cabinet:

Will propose to the Council:

- ❖ the MTFS.
- ❖ the annual budget and council tax level.
- ❖ a combined annual report including the TMS, Treasury Management Policy, and the Treasury Management and Commercial Investment Strategy prudential indicators.
- ❖ after considering the views of the appropriate Overview and Scrutiny Panel and representatives of the business community, set financial priorities, allocate and re-allocate resources in

accordance with the limits in this code, monitor and review financial performance.

- ❖ approve the Risk Management Strategy.

**Overview and Scrutiny Panels**

1.5 Will contribute to the development of, and review the effectiveness of, the Council's MTFS, Treasury Management and annual Budget.

**Cabinet and Committees (and sub-committees)**

1.6 Will ensure that all decisions within their remit are made within the relevant budgets and are consistent with achieving the Council's corporate plan and adopted policies. If they wish to make proposals that will require additional resources, these will need to be subject to officers, the Cabinet or the Council making these available through the normal process.

**Budget Managers and Executive Councillors**

1.7 Will own and manage the budgets within their responsibility. Specifically, they will effectively plan and control financial activity to ensure efficient and effective use of resources. Budget managers should ensure that the full financial implications of all decisions are properly assessed and highlighted to decision makers.

1.8 Will take lead responsibility for planning the Budgetary Cycle, including monitoring and forecasting of revenue activity so far as it is related to those budgets.

**Members and Employees**

1.9 Will contribute to the general stewardship, integrity and confidence in the Council's financial affairs and comply with this code and any systems, procedures, or policies relating to the financial management of the Council.

1.10 Specifically, they shall bring to the attention of the Responsible Financial Officer (RFO) any act or omission that is contrary to the provisions of this code or the maintenance of high standards of financial probity, and provide information or explanation on matters within their responsibility to him/her, the Monitoring Officer (MO), Internal Audit or the Council's external auditors.

1.11 Any member or employee who is involved in a transaction with the Council, or who has an ***interest*** in a transaction between a third party and the Council, shall declare the nature and amount to the MO before any decision on the matter is made by the Council. The MO will advise the member or employee of any actions they should or must take.

1.12 For the purpose of this section an interest also includes any interest of a member of your family or a close associate or acquaintance. This shall be

interpreted as anyone whom a reasonable member of the public might think you would be prepared to favour or disadvantage.

**The Monitoring Officer (MO) or, in their absence, the Deputy Monitoring Officer (DMO)**

1.13 Will report to the Council on any proposal, decision or omission that in their view is likely to result in a contravention of the law or any code of practice enacted under it, fails to comply with a legal duty, represents maladministration or is unjust, in accordance with section 5 of the Local Government and Housing Act 1989.

1.14 For these purposes he/she shall have full and unrestricted access to all Council assets, systems, documents, information, employees and Members.

**The Responsible Financial Officer (RFO)**

1.15 Will be responsible for the proper administration of the Council's financial affairs, prescribe appropriate financial systems, protocols, procedures and policies, maintain an internal audit service and report to the Council in the event of a decision or action leading to unlawful expenditure, a loss or deficiency or an unlawful accounting entry (in accordance with section 151 of the Local Government Act 1972, section 114 of the Local Government Act 1988 and the Accounts and Audit Regulations).

1.16 Will be responsible for ensuring the final accounts are completed and published by the statutory dates and reporting the details of any material amendments specified by the external auditor to the Corporate Governance Committee.

1.17 For these purposes they shall have full and unrestricted access to all Council assets, systems, documents, information, employees and Members.

1.18 The RFO officer will be responsible for detailed and operational aspects of the administration of the Council’s financial affairs on behalf of the CFO, approving new financial systems and undertaking such duties as are set out in this code.

**Budget Managers (Team Managers, Heads of Service, Assistant Directors, Corporate Directors and Chief Executive Officer)**

1.19 The Council’s management structure is based on Team Managers, Heads of Service, Assistant Directors, Corporate Directors and the Chief Executive Officer taking responsibility for a service and its related budget. For the purpose of this Code they are referred to as Budget Managers. Whilst they retain ultimate responsibility, they will often delegate appropriate tasks to their members of staff.

**The Budget Manager responsible for a budget:**

- will be responsible for proper financial and resource management and the prevention of fraud and corruption within the services and functions under their control and will be responsible for informing the Internal Audit Manager of all suspected or notified cases of fraud, corruption or impropriety.

- will be responsible for preparing and submitting the capital project appraisal form for approval.

- will be responsible for developing and submitting a detailed business case if required (following approval of the capital project appraisal form).

- may incur financial commitments and liabilities in accordance with this Code, the Council's scheme of delegation and resources allocated in their budgets. In particular they may make purchases of goods and services, subject to the requirements of the code of procurement, and employ staff, in accordance with HR policies and any CLT requirements.

- will need approval from their Head of Service / Assistant Director in consultation with a Corporate Director for appointments for vacant posts at Grade D and below.

- will need approval from CLT for the appointment to vacant posts of Grades E and above.

- will be responsible for regular and effective monitoring and forecasting of the financial position relating to their services.

- will, in accordance with the risk management strategy determine the inherent risks within their services, to the achievement of the Council's priorities and establish, maintain and document adequate systems of risk management and internal control, in consultation with the Internal Audit service, and ensure that relevant employees or Members are familiar with such systems.

- will be responsible for providing in a timely manner, the information necessary to ensure that the final accounts can be completed by the statutory deadlines.

- will be responsible for improving the value for money and efficiency of their services and in discussion with their accountant, ensuring that any budget adjustments are included in the following years budget process.

- will be responsible for identifying opportunities and then bidding for grants or contributions from other bodies to support the achievement of the Council objectives through their services.

- annually review their services to identify any aspects that are not currently charged for but could be and the appropriateness of the current charges.

- annually review their fees and charges in line with the Fees and Charges guidance for managers and in consultation with the Executive Councillors, with any changes being included in and approved with the annual budget. Changes within the financial year will be subject to consultation with the Executive Councillors and approved by the RFO. In doing so

    - charges should be made for services whenever the Council has a power or duty to do so.

    - however, this presumption may be modified by the application of the charging principles set out at below, which may result in no charge being made or a lesser charge being made or in some cases a charge being made which is greater than that required for cost recovery.

    - no charge will be made in cases where the Council is not permitted to charge by law. Where charges are set by external bodies, those charges will be applied. Where maximum or minimum charges are specified externally, charges will be set in compliance with those requirements.

    - when deciding to set a charge which is not based on cost recovery, general areas of consideration are set out at in the Fees and Charges Guidance for Managers. This provides relevant factors which should be taken into account.

    - where without prior agreement by the Council, individuals or organisations engage in activities that result in a cost to the Council, the Council will seek to recover this cost, wherever possible.

    - consideration may be given to offering a discount or other reduction, in appropriate cases, where it is felt that this may improve take up of the service or to encourage prompt payment, following consultation with Head of Service or Assistant Director and the S151 Officer.

    - activities carried out by the Council will be continually reviewed in order to identify any new areas where it would be appropriate to make a charge to persons or organisations benefiting (actually or potentially) from those activities. The level of the charge will be determined in accordance with these charging principles.

    - will be accountable for the delivery of services, projects, contracts within the budgets set by the Council.

- will be accountable for financial performance and ensuring, wherever possible, appropriate comparisons are made against service standards or other organisational comparators.

**Internal Audit**

1.20 Will be responsible for providing an independent and objective opinion on internal control, risk management and governance systems. It will act in accordance with the internal audit charter and undertake reviews that focus on areas of greatest risk to the Council's control environment as contained within a programme agreed annually by the Corporate Governance Committee after consultation with the RFO and budget managers.

1.21 For these purposes internal audit shall have free, full and unrestricted access to services and functions and all Council assets, systems, documents, information, employees and Members. All employees are required to assist internal audit to carry out its role.

## 2. FINANCIAL AND SERVICE PLANNING

### 2.1 June - Overall review

The Cabinet shall review the financial performance of the Council in the previous year, compared with the annual budget, on the basis of the provisional outturn report prepared by the CFO in conjunction with budget managers.

### 2.2 August to January – Preparation of the draft budget and MTFS

The RFO in conjunction with budget managers will review and prepare the draft annual budget and the MTFS for review by Cabinet after consultation with the relevant Overview and Scrutiny Panel.

### 2.3 February - Annual budget, MTFS and Service Plans

The Cabinet shall, after consultation with the relevant Overview and Scrutiny Panel, recommend to the Council an annual budget for the next financial year and a MTFS for the succeeding four years, incorporating both capital and revenue expenditure, which is consistent with corporate and service strategies. Following approval of the annual budget each budget manager shall update their service plan(s) to reflect the approved budget and how the resources allocated will be used to meet service objectives in the forthcoming year.

### 2.4 March to May – Annual Financial Report (AFR)

The RFO in conjunction with the budget managers will prepare the AFR. The AFR includes the statutory annual accounts which subject to external audit will be approved by both the RFO and Corporate Governance Committee.

## 3. CONTROLLING FINANCIAL PLANS Financial

### Monitoring

3.1 Budget managers will be responsible for regular and effective monitoring and forecasting of the financial position relating to their services. Where it is identified that there will be a significant overspend or underspend, this will be promptly reported to the RFO by the budget manager. If it is considered necessary by the RFO in delivering projects or programmes, the same discipline will apply.

3.2 On a periodic basis the financial and overall performance of the Council will be reviewed by the budget managers and the relevant Executive Councillors. This will include trend and forecast data and, where available comparative data.

3.3 CLT will review, on a periodic basis, the Financial Performance Monitoring Suite (FPMS). The FPMS will be reported to Cabinet on a quarterly basis. The FPMS will be prepared by the RFO, in consultation with each Head of Service or Assistant Director and budget manager to include comparisons with other service providers and local trend data.

### Commitments to Expenditure in Future Years

3.4 No new commitment to expenditure beyond the current budget year may be made unless it:

- is consistent with the achievement of the Council's objectives and other relevant strategies, and
- is compatible with the Council's MTFS.

### Grants, Cost Sharing and S106/CIL agreements

3.5 Where a budget manager proposes to take advantage of:

- receipts of grants, contributions and other forms of external funding, or
- enter cost sharing arrangements,

3.6 with other organisations, and where such arrangements will deliver additional or improved services, consistent with their service plan without creating any current or future commitment to net expenditure they may do so subject to:

- the relevant Head of Service or Assistant Director being satisfied that the project funding meets with corporate objectives and that the resource required to produce the bidding documents is reasonable.
- the funds being dependent upon a particular project or service being provided but, in the case of S106/CIL agreements, the location or some other aspect is at the Council's discretion.

- ❖ informing the RFO of the details.
- ❖ consulting the relevant Executive Councillor(s) if the proposal exceeds £30,000 revenue or £50,000 capital in any one year with any capital having been previously agreed with the MTFS or any discretionary element of a S106/CIL agreement.

3.7 A budget manager may utilise sums of money received under S106/CIL, or equivalent agreements where there is no discretion. The RFO should be informed of the details including:

- ❖ A copy of all information that supports the grants received (grant letter etc) so a decision can be made in respect of the correct accounting treatment.
- ❖ Documentation confirming how they plan to meet any grant conditions, including suitable monitoring and reporting arrangements.

**Approvals for additional spending with a net impact**

3.8 The Chief Executive Officer, or in their absence, the RFO, may incur expenditure for the immediate alleviation of hardship or suffering in the case of peacetime emergency in the district. Any exercise of this power must be reported to the Cabinet (under £500,000) or the Council (over £500,000) at the first opportunity.

3.9 The Chief Executive Officer, or in their absence, the RFO, may incur expenditure of up to £500,000 for any purpose which is urgent and demonstrably in the Council's best interests to do so following consultation with the Executive Leader or Deputy Executive Leader. Any exercise of this power must be reported to the Cabinet at the first opportunity.

**Approvals for additional spending with compensating savings**

3.10 Proposals that require initial funding but will then result in net surpluses or savings that are at least sufficient to produce a break-even position will be supported in principle if they are:

- ❖ consistent with increasing the achievement of the Council's objectives and compatible with relevant strategies.
- ❖ achievable within the Council's MTFS.
- ❖ supported by a robust business case which includes a risk assessment.
- ❖ supported by the CLT.

3.11 The RFO may approve such a scheme following consultation with the relevant Executive Councillor for the service and the Executive Councillor for Resources. The relevant budget(s) and MTFS will be appropriately adjusted.

**Budget Virements**

3.12 The process of moving budget resources between different areas within the budget year is called a virement. The virement of resources within, or between, any of the types of budgets is supported in principle when it will make it more likely that the Council will achieve its service objectives and targets or enhance value for money.

3.13 These limitations are:

- ❖ The salary budgets (pay, national insurance and pension) represent the Councils approved establishment list. As such the salary budgets cannot be vired to other areas of the budget. A positive salary budget variance may be used to cover the additional temporary staffing costs incurred due to vacant posts.
- ❖ The corporate finance budgets are those budgets that are necessary to the operation of the Council and have limited controllability. Such budgets included with this area are; minimum revenue provision, interest, pension liability and levies. Changes to the corporate budget can only be made by the RFO following consultation with the Head of Paid Service.
- ❖ Not from capital to revenue.

3.14 A Budget Manager may approve a budget virement within and between the budgets they are responsible for providing it is:

- ❖ Consistent with increasing, or at least maintaining the achievement of service objectives and compatible with the Council's financial and other relevant strategies.
- ❖ Only a movement of establishment posts to another service as part of a service restructure.
- ❖ Notified to the RFO.
- ❖ Each virement is over £5,000.
- ❖ Within the following limits if between service budgets:

  - o Revenue to revenue £75k
  - o Revenue to capital £75k
  - o Capital to capital £75k

3.15 CLT may, subject to the same criteria, except for the enhanced limits shown below, approve budget virements between any budgets:

  - o Revenue to revenue £250k
  - o Revenue to capital £250k
  - o Capital to capital £250k

3.16 Cabinet may approve budget virements of up to:

  - o Revenue to revenue £500k
  - o Revenue to capital £500k
  - o Capital to capital £500k

3.17 In all cases, any previous transfers in the same financial year relating to those budgets shall be aggregated for determining whether the limit has been exceeded. Providing there is no increase in the “budget requirement”, Cabinet can approve the application of reserves to meet additional expenditure in line with the reserves strategy.

3.18 In all other cases the approval of the Council will be required.

**Price Base Changes**

3.19 Inflation will be included, if necessary, during the budget process as directed

by the RFO.

**Capital Programme**

3.20 The Finance Government Procurement Board (FGPB) or equivalent will review and recommend to CLT those schemes that should be included in the capital programme, the MTFS and be approved by Cabinet.

3.21 FGPB may recommend changes to existing schemes or the introduction of new schemes during the financial year based on the performance of, or delays incurred within the delivery of the approved capital programme plan. Changes to the schemes in the MTFS will be approved by Cabinet.

## 4. CASH AND CREDIT MANAGEMENT Banking

4.1 The RFO is responsible for all Council banking arrangements and shall maintain an account(s) with an appropriate bank(s) as defined in the Treasury Management Strategy (TMS). All transactions involving income or expenditure shall be dealt with through the Council's bank account(s).

**Income**

4.2 All employees receiving money (including cash, cheques, credit card payments etc.) must comply with the relevant procedures issued by the RFO to ensure that the sums are properly recorded, receipted and banked.

4.3 No cash payment in excess of £1,000 will be accepted.

4.4 The Chief Operating Officer (Assistant Director) will manage the Council Tax and Non-Domestic Rating collection service on behalf of the Council; including the billing and debt recovery procedures.

4.5 The RFO shall manage a sundry debt collection service on behalf of the Council and all sums due must be registered by raising an invoice on the Council's financial management system.

4.6 All budget managers are required to ensure that:

- ❖ Invoices and invoice adjustments are raised promptly.
- ❖ Invoice queries are answered promptly.The Income Team are informed of any information that may affect the recovery of any invoiced sums.
- ❖ All debts are collected in a timely fashion.
- ❖ They periodically consider, in liaison with the Income Team, whether there would be a more effective or efficient way of collecting sums due (e.g. cash in advance).
- ❖ They comply with the Debt Management Policy.

**Treasury Management**

4.7 All treasury management activities will be undertaken in accordance with the Council's annual Treasury Management Strategy (TMS), which includes the policies, objectives, risk management approach, and the, treasury management and commercial investment strategy prudential indicators. The

strategy will comply with the Code of Practice for Treasury Management and the Prudential Code for Capital Finance, both published by the Chartered Institute of Public Finance and Accountancy (CIPFA) and reflect any published Government advice. The execution and administration of treasury management is delegated to the RFO.

4.8 The Council shall have overall responsibility for treasury management and will formally approve the annual TMS and receive an annual and mid- year report on treasury management activities.

4.9 The Cabinet will be responsible for the implementation and regular monitoring of treasury management activity. The Treasury & Capital Management Group will include:

- ❖ the Leader, Deputy Leader and the Executive Councillor for Resources. Other members can be co-opted onto the group at the discretion of the Executive Leader.
- ❖ the RFO as and when necessary the Chief Executive Officer and/or Corporate Director (People). Other officers can be co-opted onto the group at the discretion of the Chief Executive Officer or the RFO.

4.10 The Overview and Scrutiny (Performance and Growth) Panel will be responsible for the scrutiny of treasury management.

**Payments**

4.11 All payments made by the Council must be made either:

- ❖ through the Council's purchase ledger system, with payments being made direct to the supplier’s bank account wherever this is practicable.
- ❖ by procurement card.
- ❖ by direct debits or standing orders (after agreement from the RFO)
- ❖ by some other system specifically approved by the RFO.

4.12 In each case complying fully with the relevant procedures for that system (e.g. appropriate authorisation), particularly the requirement to obtain official VAT receipts, as determined by the RFO. Advice can be sought from the RFO.

## 5. ACCOUNTING REQUIREMENTS

**Best Practice**

5.1 The Council will follow the best practice guidance contained in the Accounting Code of Practice and other relevant publications produced by CIPFA in the preparation and maintenance of its accounts.

**Records**

5.2 Each budget manager is responsible for maintaining records of their financial transactions and commitments, that they are in the appropriate financial period and with the appropriate account codes. Each budget manager is responsible for ensuring that the financial management system is used only by authorised individuals and for proper council purposes.

**Retention of Documents**

5.3 Documents required for the verification of accounts, including invoices, will be retained for six years plus current year.

**Contingent Assets and Liabilities**

5.4 Any officer who is aware of a material and outstanding contingent asset or liability shall notify the RFO, who shall include details in the Council's accounts or in a Letter of Representation to be presented to the Council's external auditors in respect of those accounts.

**Stock**

5.5 The RFO shall determine, after consultation with the relevant budget manager, when stock accounts shall be maintained. This will normally be where the value of the items are significant or the items are considered to be vulnerable to loss or theft.

5.6 In such cases the relevant budget manager shall ensure that a certified stock-take is carried out at the end of March each year, and that records of receipt and issue of all stock are maintained throughout the year in a manner agreed with the RFO.

**Insurance**

5.7 The Assistant Director (Corporate Services) shall obtain insurance to protect the Council or minimise its potential losses from risks including those to employees, property, equipment and cash. Any decision not to insure significant risks must be based on a detailed risk assessment and reported to the Executive Councillor for Resources.

**Write-off of Irrecoverable Debts**

5.8 The Head of Service or Assistant Director where the debt originated or the RFO is authorised to write-off debt with an individual value up to £5,000. Greater than £5,000 requires consultation with the Executive Councillor for Finance and Resources. Appropriate steps must be taken to ensure that the debt is irrecoverable or cannot be recovered without incurring disproportionate costs.

**Accounts Closure, Accounting Accruals and Estimates**

5.9 The AFR will be produced in line with both statutory regulations and relevant Codes of Practice.

5.10 The RFO will ensure that there is appropriate liaison with service teams prior to closure, including the hosting of relevant training and the issue of closure guidance and timetables. The accruals de-minimis limits will be adhered to by all services, and where estimated accruals are to be issued, they are to be supported by accurate calculation. Other accounting estimates will be calculated by finance staff in line with professional advice.

5.11 Provisions, either for bad debts or other purposes will be calculated in line with the guidelines approved by the RFO. Earmarked reserves will be operated in line with the reserves strategy.

5.12 The accounts of the Local Authority Trading Company, HDC Ventures and possible the Joint Venture Company will need to be included within the Council's accounts and in particular, any guarantees that the Council gives in respect of the Company should be counted as a liability of the Council under the accounts.

**Assets**

5.13 An asset is an item of land, building, road or other infrastructure, vehicle or plant, equipment, furniture and fittings or information and communications technology (hardware and software) with a life exceeding one year.

5.14 The acquisition and disposal of assets will be completed in accordance with the Disposal and Acquisition of Land and Buildings Policy. In addition, there is a new Disposal of Small Land Parcels Policy.

5.15 The financial thresholds for both disposals and acquisitions are as shown in the table below:

| | |
|---|---|
| £0 - £500,000 | Chief Executive Officer (as Head of Paid Service) & the Section 151 Officer), following consultation with Executive Councillor for Finance and Resources. |
| £500,000 to £2,000,000 | Treasury and Capital Management Group |
| £2,000,000 + | Cabinet |

5.16 The financial thresholds for the sale or transfer or small land parcels are shown in the table below:

| **Thresholds of the Sale or Transfer of Small Land Parcels** | | **Table 1** |
|---|---|---|
| All sales and transfers will include the transfer of all associated liabilities. | | **Minimum Administration Charge (*)** |
| **Transfer of Small Land Parcels to Other Public Bodies** | | |
| £0 - £10,000 | Section 151 Officer | £500 |
| £10,000 - £50,000 | Chief Executive Officer (as Head of Paid Service) & Section 151 Officer | £1,000 |
| £50,000 - £100,000 | Chief Executive Officer (as Head of Paid Service) & Section 151 Officer, in consultation with the Executive Member for Finance and Resources. | £1,500 |
| £100,000 - £500,000 | Treasury & Capital Management Group. | £2,000 |
| £500,000+ | Cabinet. | £3,000 |
| **Sale of Small Parcels of Land** | | |

| | | |
|---|---|---|
| £0 - £10,000 | Chief Executive Officer (as Head of Paid Service) & Section 151 Officer. | £1,000 |
| £10,000 - £100,000 | Chief Executive Officer (as Head of Paid Service) & Section 151 Officer in consultation with the Executive Member for Finance and Resources. | £1,500 |
| £100,000 - £500,000 | Treasury & Capital Management Group. | £2,000 |
| £500,000+ | Cabinet. | £3,000 |

* This Administration Charge excludes all legal and other ancillary costs. Further it is the minimum charge that any prospective purchaser will pay. If any sale requires additional officer time beyond what would reasonably be expected, the vendor will be required to meet this higher charge.

5.17 Each Budget Manager is responsible for ensuring that the assets relating to their services are properly safeguarded, managed and maintained, and used only to achieve the Council's objectives. This will include establishing and maintaining appropriate security, control systems and records. They will need to consult relevant officers in relation to specialist items and, where vehicles are concerned, the officer holding the Council's operating certificate who has specific statutory responsibilities.

5.18 Heads of Service or Assistant Directors must keep up to date records so a physical verification of all capital assets, and their condition, is possible.

5.19 Once the asset is disposed of, the relevant budget manager will inform the RFO within 10 working days of the disposal of any asset included in the asset register.

**Capital Expenditure**

5.20 The purchase or improvement of any asset will normally be treated as capital expenditure. However, expenditure of less than £10,000 will not normally be treated as capital expenditure unless the RFO considers it is in the Council's interests to do so.

**Leases**

5.21 Finance and operating leases are to be used only if they are in the Council's financial interest and with the prior formal approval of the RFO.

**Valuations**

5.22 In order to comply with accounting requirements assets will need to be revalued at regular intervals. A three year "phased" revaluation programme will be followed, other than for:

- those assets that are categorised as "investment" properties (e.g. industrial units), which must be revalued every year, or
- where, following significant capital investment or disinvestment in an asset within an asset group, whereby the whole asset group will be

revalued.

5.23 All capital asset revaluations for the AFR will be obtained by the RFO.

# CONTRACT PROCEDURE RULES

## 1. INTRODUCTION

1.1. These Contract Procedure Rules (Rules) set out the rules that apply to all Officers, Members and agents acting for and on behalf of Huntingdonshire District Council (Council), involved in procurement and contract management for and on behalf of the Council and are established in compliance with S135 of the Local Government Act (1972) and S1-29 of Local Government Act (1999). These Rules must be read in conjunction with relevant laws, regulations and internal policies/procedures including the Financial regulations, Scheme of delegation, English law and any procurement guidance documents issued by the Council.

1.2. Throughout these Rules, reference to Manager shall mean all Directors, Heads of Services or Budget Managers as appropriate. A Manager shall be responsible for procuring all goods, services and works that require the quotation or tender procedures as set out in these Rules to be followed.

1.3. Officers involved in procurement and contract management activities and making procurement/contract management decisions must be fully aware of and comply with these Rules as they form part of the Council's Constitution.

1.4. The Council's Monitoring Officer, in consultation with the Council's Procurement Manager, is responsible for updates and amendments to these rules. Such a review would normally happen at least every two years.

1.5. Responsibility for monitoring and enforcement of these rules is as follows:

a) Procurements over £50,000 – The Council's Procurement Manager
b) Procurements under £50,000 – The Council's Heads of Service

1.6. All procurements and contracts must realise value for money through the optimum combination of whole life costs and quality of outcome delivered by the contract.

1.7. These Rules seek to protect the Council's reputation by minimising the risk of allegations of corruption, dishonesty and failure to meet legal obligations. As these Rules are required by law, failure to comply with them could lead to disciplinary action. If in doubt and/or if advice on compliance with legislative requirements is required, this may be obtained from the Council's legal advisers and/or the Procurement Manager.

1.8. Should a conflict be found between these Rules, the law and the Council's Procurement and Contracts Guidance, the order of precedence shall be the law, the Rules and then the guidance.

1.9. These Rules apply to contracts or agreements with external organisations where the Council pays for:

- Goods and/or services
- Works of any kind
- Hire, rental or lease of equipment, material and/or plant.

1.10 To apply these Rules, it is necessary to estimate the total value of the contract. Further details on establishing total contract value are available in the Procurement Guide. In summary, the estimate must include all proposed expenditure under the contract over its maximum term, including any extension periods. All thresholds/values referred to in these Rules are inclusive of VAT unless otherwise stated. Where the estimated value cannot be determined, the procurement must be managed as though it was over the relevant UK Procurement Threshold. Proposed expenditure should not be disaggregated to avoid thresholds in these Rules. In practice, this means Officers must not split a single contract requirement up into separate contracts with the intention of avoiding the thresholds and related tendering, invoice administration or internal approval requirements.

1.11 No Officer shall procure any goods, services or works valued at £5,000 or above unless they have:

a) either engaged with the appropriate budget manager or
b) attended Introduction to Procurement training and have detailed knowledge and understanding of these Rules and how they should be applied in respect of the total value of the procurement being considered.

1.12. The Procurement Team will create, maintain and deliver procurement training for Officers periodically throughout the year.

## 2 GOVERNING LEGISLATION

2.1 The Council’s procurements are regulated by the Procurement Act (2023) and the Procurement Regulations (2024).

2.2 There is other legislation, such as the Social Value Act 2012, the Subsidy Control Act 2022 and the Local Government Transparency Code 2015, which also impacts on procurement and wider commercial activity, and it is important that officers are aware of the wider legislative framework. Officers must consider the application of the Subsidy Control Act 2022 at the outset of any procurement, contract, grant or financial assistance arrangement. Where a proposal may confer a subsidy, a documented subsidy control assessment must be completed and, where necessary, legal advice obtained before approval, award or implementation.

2.3 Where a procurement was started under the Public Contract Regulations (2015), governance for that procurement or contract continues to be those Regulations rather than the Procurement Act (2023). In the case of procurements/contracts started under the Public Contract Regulations (2015) they are governed by those Regulations until either:

- The end of the contract in question.
- For a framework/Dynamic Purchasing System, the end of the last call-off contract

## 3 OBJECTIVES

3.1 The Procurement Act (2023) sets out a series of objectives which procurements must have regard to, they are:

- Delivering value for money - Achieving the optimum balance of cost, quality and outcomes across the contract lifecycle.
- Maximising public benefit - Maximising positive economic, social, environmental and community outcomes from public expenditure and contracts.
- Sharing information for the purposes of allowing suppliers and others to understand the Council's policies and decisions - Providing transparent procurement information to help suppliers and stakeholders understand decisions, opportunities and policies.
- Acting, and being seen to act, with integrity - Conducting procurement fairly, ethically and transparently, maintaining trust and confidence in decision-making.

3.2 Procurements must also have regard to the National Procurement Policy Statement which sets out national priorities for procurement that are:

- Driving economic growth - Using procurement to support investment, innovation, productivity and sustainable economic growth opportunities.
- Delivering social and economic value - Securing wider social, economic and environmental benefits alongside the purchase of goods, services and works.
- Building commercial capability to deliver value for money and stronger outcomes - Developing procurement expertise, commercial skills and contract management capability to achieve better outcomes and value.

3.3 The Officer in the service area must complete a Procurement Plan with support from the Procurement Team. Completing this Procurement Plan documents the service area's consideration of the Procurement Act 2023 and National Procurement Policy Statement priorities.

## 4 PROCUREMENT BOARD

4.1 The Council operates an officer Procurement Board which provides governance, oversight and assurance in relation to procurement and contract management activity.

4.2 Procurements with an estimated total contract value of £50,000 or above must be presented to the Procurement Board prior to publication of the procurement.

4.3 The Procurement Board shall:

- review and endorse the proposed procurement approach and route to market;
- consider governance, commercial, financial, legal and procurement risks associated with the proposed procurement;

- review evidence of budget availability, funding arrangements and procurement planning;
- promote compliance with these Rules, the Procurement Act 2023, the Procurement Regulations 2024 and other relevant legislative requirements;
- support the delivery of value for money, public benefit and the Council's strategic objectives;
- review procurement pipeline activity and contracts likely to be impacted by Local Government Reorganisation;
- review approved waivers, direct awards, contract extensions and other matters referred to it in accordance with its Terms of Reference; and
- monitor contract management compliance and performance reporting where required by legislation.

4.4 The Procurement Board's role is advisory, assurance and governance focused. The Board does not hold delegated authority to approve procurements, contract awards, contract signatures or waivers. Formal approval remains within the Delegated Authorities Matrix.

4.5 Waivers, direct awards and contract extensions may additionally be referred to the Procurement Board in accordance with its Terms of Reference.

## 5 EXEMPTIONS

5.1 Procurements or contracts for the areas listed below are exempt from the application of these Rules but may fall under other sections of the Constitution.

- The acquisition of land or buildings
- The acquisition, development, production or co-production of material intended for broadcast and a contract for the broadcast to the public of material
- A contract to facilitate the provision of an electronic communications service or network
- A contract for the provision of arbitration, mediation or conciliation services
- A contract for any of the following exempt legal services:
  - Legal representation by a lawyer in judicial proceedings or other dispute resolution proceedings
  - Giving of advice by a lawyer in connection with any such proceedings
  - Document certification or authorisation services provided by a notary in circumstances where the certification or authorisation is required under an enactment or other law to be performed by a notary
  - Legal services provided by a person required to provide them under an enactment or an order of court or tribunal
- A contract for the lending of money or for carrying out of investment services by an investment firm or a qualifying credit institution
- A contract of employment
- A contract for the provision of research and development services where the services are intended to be for the benefit of the public and the contract does not also provide for the provision of goods or works
- Expenditure incurred directly as a result of an insurer led arrangement

- When procuring as part of a joint procurement, partner councils should agree in advance who will act as the Lead Authority. Where another Contracting Authority is acting as the procurement lead, officers must satisfy themselves that the procurement complies with all applicable laws. The Lead Authority's rules will apply
- Membership/Subscriptions (other than software licensing) where the Council arranges to receive goods or services regularly by paying in advance and competition is absent for technical reasons Purchases made at public auction

## 6 MARKET ENGAGEMENT

6.1 Market engagement is permitted for the purposes of:

- Developing the Council's requirements and approach to the procurement.
- Designing a procedure, conditions of participation or award criteria.
- Preparing the tender notice and associated tender documents.
- Identifying suppliers that may be able to supply the requirement (understanding the market).
- Identifying likely contractual terms.
- Building capacity amongst suppliers in relation to the contract.

6.2 Market engagement must not have the effect that suppliers participating are put at an unfair advantage or that competition is otherwise distorted. If an officer deems that a supplier has been put at an unfair advantage, they must contact the Procurement Team or 3C Legal Services/the Council's legal advisors before progressing further with the procurement.

6.3 If the procurement is valued over the relevant UK procurement threshold, a preliminary market engagement notice must be published on the government's "Find a Tender" service.

6.4 Alongside any pre-market engagement, Officers should seek to understand how the Council could collaborate both internally with other departments and/or externally with neighbouring councils/public sector bodies across Cambridgeshire.

## 7 PROCURING VIA A FRAMEWORK

7.1 A contract of any value can be procured through a framework. If the proposed contract value is over £50,000 the Procurement Team must be consulted before the procurement is started.

7.2 A framework is considered a compliant procurement route when:

- It has been entered into by the Council in compliance with these Rules, or
- Another contracting authority, Public Sector Buying Organisation (PSBO) or central government has tendered the framework in compliance with national procurement law, and the Council is named as a potential user of the arrangement.

7.3 Where frameworks offer a further competition process, this should be used in the first instance. Where an Officer wishes to use a Direct Award, and the framework permits this, they must first seek approval from the Procurement Manager before proceeding with this approach. A clear justification must be provided in writing that demonstrates achievement of value for money using the Direct Award.

7.4 Approval to procure and award must still be sought in compliance with the Delegated Authorities Matrix at Appendix 1.

7.5 The contract must be signed/sealed in accordance with the Delegated Authorities Matrix. If the contract is valued over £10,000 a signed PDF copy must be sent to the Procurement Team.

7.6 Where a contract is valued at or above £30,000 a Contract Details Notice must be published on the government's "Find a Tender" service within thirty (30) days of the contract being entered into.

7.7 A Contract Award Notice will also be required if the contract value is above the relevant UK Procurement Threshold.

7.8 Officers should consider applying a voluntary standstill period where a framework award is high value, high risk, strategically significant, or where there is a heightened likelihood of challenge.

7.9 Where the contract is valued over £5m, a redacted copy of the contract must be published within ninety (90) days.

7.10 Where the Council is using an external framework and the total value of the contract is £5,000 (excluding VAT) or over, the Officer must add the contract to the Council's Contract Register to ensure compliance with the Local Government Transparency Code 2015. This must be done before raising a Purchase Order and the Purchase Order must be linked to the Contract Register entry.

7.11 The Purchase Order when raised must clearly state the Framework reference number for the avoidance of doubt.

## 8 PROCURING VIA A DYNAMIC MARKET

8.1 Dynamic Markets may only be used for above-threshold procurements, unless otherwise permitted by law.

8.2 A Dynamic Market is considered a compliant procurement route when:

- It has been entered into by the Council in compliance with these Rules, or
- Another contracting authority, PSBO or central government has tendered the Dynamic Market in compliance with national procurement law, and the Council is named as a potential user of the arrangement.

8.3 Dynamic Markets may only be used via a further competition and inviting bids from all suppliers. There is no possibility of making a Direct Award from a Dynamic Market.

8.4 Approval to procure and award must be sought in compliance with the Delegated Authorities Matrix at Appendix 1.

8.5 The contract must be signed/sealed in accordance with the Delegated Authorities Matrix. A signed PDF copy of the contract must be sent to the Procurement Team.

8.6 Officers should consider applying a voluntary standstill period where a framework award is high value, high risk, strategically significant, or where there is a heightened likelihood of challenge. A Contract Details Notice must be published within thirty (30) days of the contract being entered into.

8.7 Where the contract is valued over £5m, a redacted copy of the contract must be published within ninety (90) days.

8.8 Where the Council is using an external Dynamic Market, the Officer must add the contract to the Council's Contract Register to ensure compliance with the Local Government Transparency Code 2015. This must be done before raising a Purchase Order and the Purchase Order must be linked to the Contract Register entry.

## 9 PROCUREMENTS VALUED UNDER £10,000

9.1 Obtaining value for money is the primary objective of all procurements, however multiple quotations at this value are not essential. It is advised that multiple quotes are requested wherever possible though. If multiple quotes are requested, the Officer must also follow the steps provided at 10.3 below.

9.2 Quotations must be requested electronically via email and all quotes received must be in direct reply to this email request.

9.3 Approval to procure and award must be sought in compliance with the Delegated Authorities Matrix at Appendix 1.

9.4 The contract must be signed/sealed in accordance with the Delegated Authorities Matrix.

9.5 Where the total value of the contract is £5,000 (excluding VAT) or over the Officer must add the contract to the Council's Contract Register to ensure compliance with the Local Government Transparency Code 2015. If raising a Purchase Order this must be done beforehand and the Purchase Order must be linked to the Contract Register entry.

9.6 The terms of the Purchase Order should be sufficient for a contract of this value, unless the Officer believes the complexity of the requirement commands more bespoke terms. If so, these bespoke terms should be obtained from 3C Legal Services/the Council's legal advisors. The Purchase Order must clearly state what the Council requires from the supplier.

9.7 Where the purchase is being made via a Council Procurement Card, the Officer must ensure that payment is only made following contract signature.

## 10 PROCUREMENTS VALUED BETWEEN £10,000 AND £49,999

10.1 The Officer must seek a minimum of three (3) comparable written quotations, wherever possible at least two (2) of the quotations must be from local suppliers. Officers should evidence their findings on their Procurement Plan.

10.2 Quotations must be requested with a clear deadline for receipt electronically via email or the Council's e-tendering system. These quotations must be received via the same medium.

10.3 The written quotations must include the following information as a minimum:

- Details of the goods, services or works to be supplied;
- Where and when delivery is to take place;
- The total value of the contract; and
- Acceptance of the Councils terms and conditions that apply including payment terms.

10.4 Approval to procure and award must be sought in compliance with the Delegated Authorities Matrix at Appendix 1.

10.5 The contract must be signed/sealed in accordance with the Delegated Authorities Matrix. A signed PDF copy must be sent to the Procurement Team.

10.6 The Officer must raise a Purchase Order. The terms of this Purchase Order should be sufficient for a contract of this size/nature, unless the Officer believes the complexity of the requirement commands more bespoke terms. If so, these bespoke terms should be obtained from 3C Legal Services/the Council's legal advisors. The Purchase Order must include the information provided by the supplier as detailed in section 10.3 above.

10.7 The Officer must add the contract to the Council's Contract Register to ensure compliance with the Local Government Transparency Code 2015. This must be done before raising a Purchase Order and the Purchase Order must be linked to the Contract Register entry.

10.8 Where the total contract is valued at or above £30,000 a Contract Details Notice must be published on the government's "Find a Tender" service within thirty (30) days of the contract being entered into.

## 11 PROCUREMENTS VALUED BETWEEN £50,000 AND THE RELEVANT UK PROCUREMENT THRESHOLD

11.1 The Officer must consult with the Procurement Team before commencing the procurement or conducting any form of market engagement. A Procurement Initiation Form is available on the intranet. A Procurement Lead officer from the Procurement team will be assigned to support the procurement.

11.2 Approval for the procurement and the award of a contract must be sought in compliance with the Delegated Authorities Matrix at Appendix 1. Alongside this, a Procurement Plan must be developed by the Officer in consultation with the Procurement Lead, which a Corporate Director must approve before the procurement can be published.

11.3 If no suitable Framework or Dynamic Market is identified an open tender process must be followed. It is not possible to restrict the submission of tenders by reference to an assessment of suppliers' suitability to perform the contract. The Councils standard contract terms for goods or services must be used unless the Officer feels these are not sufficient. Where this is the case bespoke terms should be obtained from 3C Legal Services/the Council's legal advisors. All works related contracts will need to be bespoke in standard contract forms such as JCT (Joint Contracts Tribunal), NEC (New Engineering Contract) or similar.

11.4 The Council must have regard to the fact that small and medium sized enterprises may face particular barriers in competing for a contract and consider whether such barriers can be removed or reduced whilst remaining complaint with legislation.

11.5 The Officer must consider the inclusion of social value criteria in the evaluation methodology in discussion with the Procurement Lead.

11.6 All relevant procurement documentation, including details of the evaluation criteria, will be developed by the Officer in consultation with the Procurement Lead.

11.7 A Below Threshold Tender Notice must be published on the government's "Find a Tender" service.

11.8 Tenders must be evaluated according to the advertised evaluation criteria. Clarification questions may be asked of bidders providing the response would not have the effect of materially changing the tender received.

11.9 An award report will be prepared by the Procurement Lead and must be approved in accordance with the Delegated Authorities Matrix in Appendix 1 before the award can take place.

11.10 All bidders must be notified of the award decision simultaneously via the Council's e- tendering system whether their tender was successful or not, the Procurement Lead will prepare the relevant letters.

11.11 The contract must be signed/sealed by both parties before contract delivery starts, this should be done using the Council's e-sign software. The Officer must ensure that the Procurement Team is in receipt of a copy of the fully signed contract.

11.12 A Contract Details Notice must be published on the government's "Find a Tender" service within thirty (30) days of the contract being entered into.

11.13 The Officer must add the contract to the Council's Contract Register to ensure compliance with the Local Government Transparency Code 2015. This must be done before raising a Purchase Order and the Purchase Order must be linked to the Contract Register entry.

11.14 Relevant documentation from the procurement process, particularly the tenders received and the evaluation process, must be retained by the Officer in compliance with the Council's Retention Policy.

## 12 PROCUREMENTS VALUED ABOVE THE RELEVANT UK PROCUREMENT THRESHOLD

12.1 The Officer must consult with the Procurement Team before commencing the procurement or conducting any form of market engagement.

12.2 Approval for the procurement and the award of a contract must be sought in compliance with the Delegated Authorities Matrix at Appendix 1. Alongside this, a Procurement Plan will be developed by the Officer in consultation with the Procurement Lead. This Procurement Plan must consider the application of Lots. A Corporate Director must approve this Plan before the procurement can be published.

12.3 If no suitable Framework or Dynamic Market is identified either an open tender or competitive flexible procedure (multi stage) must be followed. The Councils standard contract terms for goods or services must be used unless the Officer feels these are not sufficient. Where this is the case bespoke terms should be obtained from 3C Legal Services/the Council's legal advisors. All works related contracts will need to be bespoke in standard contract forms such as JCT (Joint Contracts Tribunal), NEC (New Engineering Contract) or similar.

12.4 The Council must have regard to the fact that small and medium sized enterprises may face particular barriers in competing for a contract and consider whether such barriers can be removed or reduced whilst remaining compliant with the legislation.

12.5 The Officer must consider the inclusion of social value criteria in the evaluation methodology in discussion with the Procurement Lead.

12.6 Where preliminary market engagement is used to inform the procurement process, a Preliminary Market Engagement Notice must be published on the government's "Find a Tender" service.

12.7 All relevant procurement documentation, including details of the evaluation criteria, will be developed by the Officer in consultation with the Procurement Lead.

12.8 A Tender Notice must be published on the government's "Find a Tender" service via the Council's e-tendering system with associated tender documents.

12.9 Tenders must be evaluated according to the advertised evaluation criteria, clarification questions may be asked of bidders providing the response would not have the effect of materially changing the tender received.

12.10 An award report will be prepared by the Procurement Lead and must be approved in accordance with the Delegated Authorities Matrix in Appendix 1 before the award can take place.

12.11 All bidders must be notified of the award decision simultaneously via the Council's e-tendering system whether their tender was successful or not. The Procurement Lead will prepare the relevant assessment summaries. Once assessment summaries have been sent to bidders, a Contract Award Notice must be published on the government's "Find a Tender" service via the Council's e-tendering system.

12.12 The publication of the Contract Award Notice starts the mandatory eight (8) working days standstill period. If, during the standstill period, a challenge or request for feedback is received from an unsuccessful bidder, the standstill period must be paused until the matter is successfully resolved. No contract award can take place in the intervening period. The Officer in receipt of the challenge or request must contact the Procurement Lead and 3C Legal Services/the Council's legal advisors for advice before any response is made.

12.13 A Contract Details Notice must be published on the government's "Find a Tender" service via the Council's e-tendering system within thirty (30) days of the contract being entered into. Where the value of the contract is more than £5m, a redacted copy of the contract must be published within ninety (90) days of the contract being entered into. The Notice must contain details of the Key Performance Indicators (KPIs) (at least three (3)) that will be used to monitor the contract. These KPIs must be reported on annually by submitting a Contract Performance Notice on the government's "Find a Tender" service.

12.14 The contract must be signed/sealed by both parties before contract delivery starts, this may be done using the Council's e-sign software. The Officer must ensure that the Procurement Team is in receipt of a copy of the fully signed contract.

12.15 The Officer must add the contract to the Council's Contract Register to ensure compliance with the Local Government Transparency Code 2015. This must be done before raising a Purchase Order and the Purchase Order must be linked to the Contract Register entry.

12.16 Relevant documentation from the procurement process, particularly the tenders received and the evaluation process, must be retained by the Officer in compliance with the Council's Retention Policy.

## 13 EVALUATION OF TENDERS

13.1 The award criteria may be based on price alone or on that which represents the Most Advantageous Tender received. In relation to Contracts above the UK Procurement Threshold, any award must be weighted accordingly and based on the Most Advantageous Tender.

13.2 Tenders received within one hour after the fixed closing date and time or tenders which are not submitted in accordance with these Rules and any criteria set out in the procurement documentation will be disqualified unless otherwise agreed in writing by the Monitoring Officer.

13.3 If there is an obvious ambiguity or error in the tender and that ambiguity or error appears to have a simple explanation, bidders may be invited to correct their tender. Advice should be sought from the Procurement Manager before further action is taken.

13.4 Evaluation must be conducted in accordance with the published criteria and where the contract is valued above £50,000 it must involve individual evaluation followed by moderation to reach an agreed final tender score.

## 14 SOCIAL VALUE

14.1 The Public Services (Social Value) Act 2012 requires the Council to consider at the pre-procurement stage:

- How the proposed procurement might improve the economic, social, and environmental well-being of Huntingdonshire;
- How the Council may act with a view to securing that improvement in conducting the process of the procurement; and
- Whether it should undertake any community consultation on the above.

14.2 When undertaking a procurement of any value, Officers are required to review the Council's Social Value Policy and in doing so, ensure that the relevant process is followed that aligns to the total contract value.

## 15 ELECTRONIC SIGNATURES AND SEALS

15.1 The Council may execute, seal, or sign any agreement by electronic means.

15.2 For contracts that require a seal, the Monitoring Officer may adopt such means of sealing as from time to time they consider appropriate. This may include allowing electronic sealing in accordance with section 7A (1) of the Electronic Communications Act 2000 (or other subsequent legislation). Affixing of an electronic seal approved in this way shall be of the same legal effect as affixing the common seal of the Council by hand. The seal shall be attested by the authorised officer of the Council.

## 16 CONTRACT AWARD

16.1 Every contract entered into by the Council shall contain provisions appropriate to the nature, value and risk of the arrangement and, as a minimum, shall address:

a) The goods, services or works to be provided;
b) The contract term and any extension provisions;
c) Pricing and payment arrangements
d) Performance standards and, where appropriate, key performance indicators;
e) Contract management, monitoring and escalation arrangements;
f) Procedures for variations and modifications; and
g) Termination rights and exit arrangements.

16.2 Any contract award must be approved in accordance with the Delegated Authorities Matrix available in Appendix 1.

16.3 Contracts must be signed/sealed in accordance with the Delegated Authorities Matrix. The use of e-sign and electronic sealing are acceptable. Officers must ensure that a copy of the signed contract is sent to the Procurement Team.

16.4 All contracts valued over £5,000 (excluding VAT) must be added to the Council's Contract Register by the Officer and all related Purchase Orders must be linked to that contract.

16.5 The Officer named in the Contract Register will act as the Contract Manager and will be responsible for ensuring the obligations of these Rules and any relevant legislation are fulfilled. Further guidance is available in the Procurement Guide and the Contract Management Guidance.

16.6 A Contract Owner must also be recorded in the Contract Register entry who will be responsible for ensuring individuals details are kept up to date. These should be checked periodically but at least every six months

## 17 CONFLICTS OF INTEREST

17.1 Officers must take all reasonable steps to identify and keep under review any conflicts of interest or potential conflicts of interest.

17.2 Any person who influences a decision must be included in the conflict of interest review.

17.3 Officers must take all reasonable steps to ensure that a conflict of interest does not put a supplier at an unfair advantage or disadvantage. If the officer deems that the advantage or disadvantage cannot be avoided, they should contact the Procurement Manager before progressing further with the procurement. This obligation starts when the need for the procurement is first identified and continues until the termination of the contract.

17.4 Where the procurement is valued over £50,000 a conflicts assessment must be prepared in writing by the Officer in conjunction with the Procurement Lead before the procurement is published. This should include details of all conflicts or potential conflicts of interest for both officers and members.

17.5 This assessment must include any lobbying of members by bidders during a live procurement and any member involvement in evaluation. If members are approached by bidders, they must contact the Monitoring Officer immediately.

17.6 The assessment must also include any steps that the Council has taken or will take to mitigate that conflict of interest. This may include any steps taken to demonstrate that there is no conflict of interest where one might be perceived.

17.7 The conflicts assessment must be kept under review and revised as necessary during the procurement and throughout the contract term. The Contract Manager will consult with 3C Legal Services/the Council's legal advisors, if a conflict should arise, to determine if the contract should continue, pause or end.

17.8 Any Officer who fails to declare a conflict of interest may be subject to disciplinary proceedings and risks being prosecuted under the Bribery Act 2010.

17.9 Any Member who fails to declare a conflict of interest may be subject to the Member Code of Conduct and the Monitoring Officer's standards process and risks being prosecuted under the Bribery Act 2010.

17.10 Officers and Members involved in a procurement will, at all times, act in a way that is consistent with the Employee Code of Conduct and Member Code of Conduct respectively.

## 18 RETENTION OF DOCUMENTS

18.1 All Contracts executed under seal (including the winning Tender/s and any documentation supplementary thereto) shall be held by the relevant Contract Manager for 12 years from the end date of the contract. A copy of the signed contract must also be kept alongside the contract register entry in the contracts database.

18.2 All other procurement documentation, including all expressions of interest, selection questionnaires, Invitations to Tender, unsuccessful Tenders, quotations, clarification responses, internal deliberations and recorded decisions shall be kept safe and secure by the relevant Contract Manager for a period of 3 years from the end date of the contract. At the end of this period, such documents shall be destroyed.

18.3 Contracts executed under hand shall be held by the relevant Contract Manager and again, a copy of the signed contract to be kept alongside the contract register entry in the contracts database for a period of 6 years from the end date of the contract.

18.4 All other procurement documentation as detailed above shall be retained for a period of 3 years.

18.5 For Contracts valued above £50,000 and where the Procurement Team are engaged to support the tender, all documents relating to the tender process including unsuccessful tender submissions will be retained by the Procurement Team for the required periods as detailed above.

## 19 PROCEDURE FOR THE DISPOSAL OF ASSETS

19.1 Where the appropriate Manager estimates the aggregate value of an asset or group of assets/goods to be worth less than £1,000, these may be donated to a recognised charity, voluntary or third sector organisation. “Manager” is defined at section 1.2. For the avoidance of doubt, the value shall be assessed based on the combined estimated value of all related assets or goods being disposed of at the same time. Assets or goods must not be separated into individual items, lots or donations for the purpose of circumventing the disposal thresholds contained within this section.

19.2 Where the value is estimated to be between £1,000 and £10,000 then the asset/s or goods may be sold on but in doing so, value for money must be achieved.

19.3 Where the value is estimated to exceed £10,000 fair market value must be sought. A valuer with relevant qualifications should be engaged to certify true worth, or appropriate market evidence gathered prior to the sale or disposal where applicable. When conducting the sale or disposal, this should be in one of the following ways using approved agents if appropriate:

- Sale by Tender
- Sale at a Named Figure
- Invited Offers
- Sale by Public Auction
- Part exchange or disposal as part of a replacement or aggregated transaction

19.4 If disposal to Officers is proposed, then the asset/s or goods shall be advertised internally to all Officers. Where a fixed price can’t be established; sealed bids must be sought.

19.5 Any disposal of assets should be reported to the Councils Finance Team regardless of any receipt of income from their sale.

## 20 INTERIMS, CONSULTANTS AND CONTRACTORS

20.1 The Hiring Manager responsible for appointing any Interim, Consultant or Contractor (ICC) must engage with the Council’s HR Recruitment Team in the first instance.

20.2 Following engagement with the HR Recruitment Team, the Hiring Manager is responsible for ensuring that any position deemed to be classed as Off-Payroll shall:
a) ensure that Off Payroll Working (IR35) regulations are applied prior to the supplier contract
b) complete the HMRC's Check Employment Status for Tax (CEST) on a contract-by-contract basis, not just as a one-off exercise for a particular supplier
c) ensure an agreed statement of works, letter of agreement and Status Determination Statement (SDS) are in place to enable monitoring of the contracted work against our expectations
d) send all documents relating to the CEST, statement of works, letter of engagement and SDS to the Council's recruitment team. These are legally binding documents and may be required in the future for audit purposes. This includes verification of Sole Traders/Self Employment.

20.3 If the ICC will be responsible to the Council for the management or supervision of a contract on its' behalf, then the Manager shall provide the ICC with a copy of these Rules and ensure that it shall be a condition of the engagement that the ICC shall:
a) comply with these Rules; and
b) any time during the carrying out of the contract produce to the appropriate Manager, on request, all the records maintained in relation to the contract; and
c) on completion of the contract transfer all records produced or received that relate to the contract to the appropriate Manager.

## 21 EXCEPTIONS TO THESE RULES

21.1 These Rules apply to every procurement carried out by or on behalf of the Council.

21.2 Exceptions will only be valid if the Council's online waiver system is used and appropriate approval has been sought and gained prior to the contract start date. Waivers should be sought as early as possible to ensure there is time to run a procurement process should the waiver be rejected.

21.3 Retrospective waivers are only permitted where:
a) it has been necessary to act urgently because of an unforeseen emergency which involves immediate risk of injury or damage; or
b) to prevent serious disruption to services.

21.4 Where a waiver valued over the relevant UK procurement threshold is required, advice must be sought from 3C Legal Services/the Council's appointed legal advisor as to the applicability of sections 41, 42 and 43 (and the associated appendices) of the Procurement Act (2023). The Council cannot be exempt from UK law.

21.5 Where a repeat or consecutive waiver is requested, the value of the proposed exception must be aggregated with the value of all preceding waivers relating to the same or substantially similar requirement and the appropriate Rule applied. For example, this may take the total value above the relevant UK procurement threshold

(see 21.4 above). The officer seeking the waiver must explain why a compliant procurement process has not yet been completed and what actions are being taken to ensure future compliance.

21.6 Where the total value of the ensuing contract exceeds £5,000 (excluding VAT) it must be added to the Council's Contract Register to ensure compliance with the Local Government Transparency Code 2015.

21.7 Where the total value of the ensuing contract is valued at or above £30,000 a Contract Details notice must be published on the government's "Find a Tender" service.

## APPENDIX 1 – DELEGATED AUTHORITIES MATRIX

| | **Budget Managers** | **Heads of Service** | **Corporate Directors (CLT)** | **Chief Executive / Section 151 Officer** | **Cabinet*** ** |
|---|---|---|---|---|---|
| **Procurement Plan approval*** | N/A | N/A | Up to £250k | Up to £500k | Above £500k |
| **Contract Award approval**** | Up to £30k | Up to £100k | Up to £250k | Up to £500k | Above £500k |
| **Contract Signing / sealing** | Up to £30k | Up to £100k | Up to £250k | Unlimited | N/A |
| **Official Purchase Order** | Up to £30k | Up to £100k | Up to £250k | Unlimited | N/A |

*** Procurement Plan approval** – The Procurement Plan will detail the work that has been done to get to the point of going out to tender e.g.; assessment of routes to market, budget availability and approval etc. A tender must not be published until approved at the relevant level as defined in the matrix above.

**** Contract Award approval** – This is a detailed explanation of the quotation/tender process
highlighting dates of publication and closure, number of bidders, quality/price scores and the recommendation of who should be awarded the contract. No contracts may be entered into until approved in writing at the relevant level.

***** Cabinet approval –** Where Article 13, section 3.1(b) Key Decisions may apply. Consideration should be given for any time required for scrutiny of decisions within the Constitution.

## APPENDIX 2 UK PROCUREMENT THRESHOLDS

These thresholds are effective from 1st January 2026 and are inclusive of VAT.

Goods and Services threshold: £207,720

Works threshold: £5,193,000

Concessions threshold: £5,193,000

Light Touch Regime threshold: £663,540

# OFFICER EMPLOYMENT PROCEDURE RULES

## A. RECRUITMENT AND APPOINTMENT

### 1. Declarations

(a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, step-child, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council or of the partner of such person.

(b) No candidates so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

### 2. Seeking Support for Appointment

(a) Subject to paragraph (c), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment to the Council. The content of this paragraph will be included in any recruitment information.

(b) Subject to paragraph (c), no Councillor will seek support for any person for any appointment with the Council.

(c) Nothing in paragraphs (a) and (b) will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

### 3. Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint the Head of Paid Service or a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will-

(a) draw up a statement specifying-

(i) the duties of the officer concerned; and

(ii) any qualifications or qualities to be sought in the person to be appointed.

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph 3 (a) to be sent to any person upon request.

## 4. Appointments

### Head of Paid Service

The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee of the Council appointed for that purpose and before an offer of appointment is made to the selected candidate and any salary packages that exceed £100,000 are proposed. That committee must include the relevant Executive Councillor.

### Other Chief Officers

A committee of the Council appointed for that purpose will appoint Chief Officers (other than the Head of Paid Service). That committee must include the relevant Executive Councillor in relation to the post to be filled and be politically balanced.

### Other Employees

Appointment of employees at Head of Service level and below is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

### Assistants to Political Groups

In the event of an appointment of an assistant to a political group such appointment shall be made in accordance with the wishes of that political group.

### Cabinet Notification

An offer of appointment as Head of Paid Service or Chief Officer shall not be made by the Council or Committee (as appropriate) until -

(i) the Council or Committee has supplied the Head of Paid Service with details of the proposed appointment;

(ii) the Head of Paid Service has supplied Members of the Cabinet with details of the proposed appointment and allowed a period for objection to the offer by the Executive Leader on behalf of the Cabinet; and

(iii) the Executive Leader has informed the Head of Paid Service that there is no objection to the offer, such an objection has not been received within the requisite period or the Council or panel is satisfied that any objection is not material or well-founded.

## B. DISCIPLINARY ACTION

### 1. Head of Paid Service, Monitoring Officer and Responsible Financial Officer

Disciplinary action in respect of the Head of Paid Service, Monitoring Officer and Responsible Financial Officer may be taken only by the full Council or a committee of the Council appointed for that purpose in accordance with the Council's disciplinary policy and procedure and their terms and conditions of employment. No disciplinary action, other than suspension, may be taken except after consideration of a recommendation in a report made by a designated independent panel under the Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015 (investigation of alleged misconduct).

An officer may be suspended by the Council or committee for the purpose of investigating alleged misconduct, but the suspension must be on full pay and of no more than two months duration.

### 2. Other Chief Officers

Disciplinary action against other Chief Officers (with the exception of those to which paragraph B1 applies) shall be dealt with under the Council's disciplinary policy and procedures and their terms and conditions of service. In the case of suspension, such action may be taken by the Senior Officers Committee.

### 3. Other Employees

Disciplinary action in respect of other employees may be taken in accordance with the Council's disciplinary procedure and rules adopted by the Employment Committee but such action may not involve councillors.

## C. DISMISSAL

### 1. Head of Paid Service, Monitoring Officer and Responsible Financial Officer

The full Council must approve the dismissal of the Head of Paid Service, Monitoring Officer and Responsible Financial Officer following the recommendation of such a dismissal by the Independent Panel of the Council appointed for that purpose. The Panel must include at least one member of the Cabinet.

### 2. Other Chief Officers

A committee of the Council appointed for that purpose may approve the dismissal of a Chief Officer (not included in section C1 above) or their equivalent. That committee must include at least one member of the Cabinet.

**3. Other Employees**

The dismissal of other employees at head of service level or below is the responsibility of the Head of Paid Service or his/her nominee and may not be made by Councillors.

**4. Cabinet Notification**

A notice of the dismissal of a Chief Officer, Monitoring Officer, S151 Officer shall not be made by the Council or committee (as appropriate) until –

(i) the Council or committee has supplied the Head of Paid Service with details of the proposed dismissal;

(ii) the Head of Paid Service has supplied members of the Cabinet with details of the proposed dismissal and allowed a period for objection to the dismissal by the Executive Leader on behalf of the Cabinet; and

(iii) the Executive Leader has informed the Head of Paid Service that there is no objection to the dismissal, such objection has not been received within the requisite period or the Council or committee (as appropriate) is satisfied that any objection is not material or well-founded.

## D. APPEALS

1. An appeal by any employee, other than statutory officers, against any disciplinary action or dismissal by the Council, a Panel or the Head of Paid Service or his/her nominee may be heard by an Appeals Panel comprising the Chief Executive Officer, the Corporate Director or Head of Service excluding the Corporate Director or Head of Service in whose Service the employee was employed at the time of his/her dismissal and a representative of the Staff Council but not from the Division from which the employee is employed convened by the Elections and Democratic Services Manager under the Council's disciplinary procedure rules.

## E. SUPPLEMENTARY

1. In the event of the above Rules applying to a case involving an appointment or dismissal in relation to the Head of Paid Service, the references relating to the action to be taken in these Rules by the Head of Paid Service shall be undertaken by the Monitoring Officer, paying regard to the recommendations made by the Independent Panel.

## F. INDEPENDENT PANEL

1. The Panel as described in the above Rules should be comprised of at least two independent persons and must include at least one member of the Cabinet. The Panel membership must be agreed 20 working days prior to a meeting and will be arranged by the Monitoring Officer or in the case if any action against that officer, by the Deputy Monitoring Officer.

Terms of Reference for the Panel

i) To investigate proposed disciplinary action against a Chief Officer, Monitoring Officer or S151 Officer.
ii) To offer advice, views or recommendations to Council on the proposed course of action, including any proposal for dismissal.

# Part 5

# Codes and Protocols

# CODE OF CONDUCT FOR MEMBERS
# Based on LGA Model Councillor Code of Conduct 2020

## Introduction

The Local Government Association (LGA) has developed this Model Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for Councils to adopt in whole and /or with amendments.

All Councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for- purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

a) is a member of any committee or sub-committee of the authority, or;
b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## Purpose of the Code of Conduct:

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

**General principles of councillor conduct:**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

**Application of the Code of Conduct:**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including

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

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

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

**Standards of councillor conduct:**

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

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

**General Conduct**

**1. Respect As a councillor–**

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

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

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

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

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

**2. Bullying, harassment and**

**discrimination As a councillor:**

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

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

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

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

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

**3. Impartiality of officers of the**

**Council As a councillor**

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

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

**4. Confidentiality and Access to**

**Information As a councillor:**

**4.1 I do not disclose information:**

- **a. given to me in confidence by anyone**
- **b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - **i. I have received the consent of a person authorised to give it:**
  - **ii. I am required by law to do so;**

iii. **the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**

iv. **The disclosure is:**
1. **reasonable and in the public interest; and**
2. **made in good faith and in compliance with the reasonable requirements of the local authority; and**
3. **I have consulted the Monitoring Officer prior to its release.**

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

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

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

## 5. Disrepute

### As a councillor

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

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

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

## 6. Use of position As a councillor:

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

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

**7. Use of local authority resources and facilities**

**As a councillor:**

**7.1 I do not misuse council resources.**

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

**a) act in accordance with the local authority's requirements; and**

**b) ensure that such resources are not used for political purposed unless that use could reasonable be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

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

Examples include:

- office support,
- stationery,
- equipment such as phones, and computers
- transport

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

**8. Complying with the Code of Conduct As a councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/ or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

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

**Protecting your reputation and the reputation of the local authority**

## 9. Interests

**As a councillor:**

**9.1 I register and disclose my interests.**

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

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

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

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

## 10. Gifts and Hospitality As a councillor:

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

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

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

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

you are unsure, do contact your Monitoring Officer for guidance.

## Appendix A – The Seven Principles of Public Life

The principles are:

### Selflessness

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

### Integrity

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

### Objectivity

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

### Accountability

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

### Openness

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

### Honesty

Holders of public office should be truthful.

### Leadership

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

## Appendix B Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests).**

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

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

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence orintimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

**Non participation in case of disclosable pecuniary interest**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

**Disclosure of Other Registerable Interests**

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

in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

   a) your own financial interest or well-being;
   b) a financial interest or well-being of a relative or close associate; or
   c) a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2

   you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:
   a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;

   b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

   You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

   If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

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

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests Regulations 2012

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

| | |
|---|---|
| Securities | Any beneficial interest in securities* of a body where—<br><br>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and<br>(b) either—<br>(i) ) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

For this purpose –

"director" includes a member of the committee of management of an industrial and provident society;

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

**Table 2: Other Registerable Interests**

You must register as an Other Registerable Interest:

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

of which you are a member or in a position of general control or management.

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code. The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations.

These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2**: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3**: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4**: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7**: Local authorities should have access to at least two Independent Persons.

**Best practice 8**: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10**: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish Councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues. The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

# CODE OF CONDUCT COMPLAINT PROCESS

## 1. CONTEXT

1.1 Under Section 28 of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a Member or co-opted Member of the authority or of a parish council (the "subject Member") within the authority's area has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.

## 2. THE CODE OF CONDUCT

2.1 The Council has adopted a Code of Conduct for Members, which is published on the Council's website and available for inspection on request from the Council's Offices (see address below).

2.2 Each Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council's Code of Conduct, it should be available on any website operated by the Parish Council or request the parish clerk to allow you to inspect a copy at their offices.

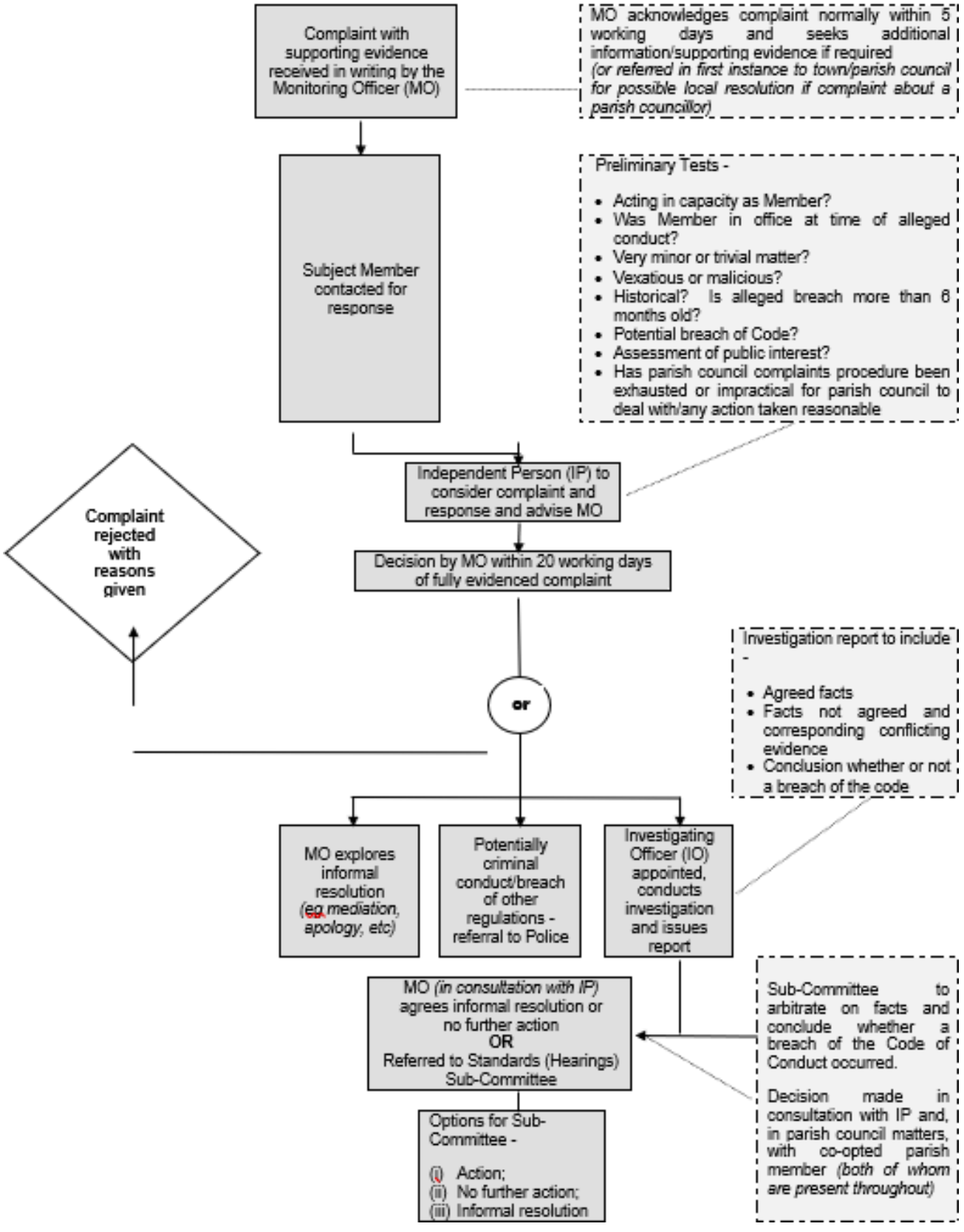
## 3. MAKING A COMPLAINT

3.1 If you wish to make a complaint, please write

to: The Monitoring Officer
Huntingdonshire District
Council Pathfinder House
St Mary's
Street
Huntingdon
PE29 3TN

or email: CodeofConduct@huntingdonshire.gov.uk

# COMPLAINTS PROCEDURE FLOWCHART



# MEMBERS' PLANNING CODE OF GOOD PRACTICE

## INTRODUCTION

The aim of this shortened version of the code of good practice is to ensure that in the operation of the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose of planning is to control the development and use of land in the public interest. Your role as a member of the Planning Authority is to make all planning decisions openly, impartially, with sound judgement and for justifiable reasons.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of her staff, preferably well before any meeting takes place.

### 1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first and then apply the rules in the Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of dealing with all planning matters.

### 2. Development Proposals and Interests under the Members' Code

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with employees and other members.
- **Do** then act accordingly. **Where your interest is a disclosable pecuniary interest:-**

  - **Do** disclose the interest and withdraw immediately from the room or chamber where a meeting is being held for the duration of any discussion and/or voting in the matter.
  - **Don't** attempt to improperly influence the meeting.
  - **Don't** get involved in the processing of the application.
  - **Don't** seek or accept any preferential treatment or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor.
  - **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a disclosable pecuniary interest to an

appropriate officer, in person or in writing, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public.

- **Do** notify the Monitoring Officer in writing of your own interest (your own application or one submitted by your spouse/partner or other direct relative) and note that:

    - notification to the Monitoring Officer should be made no later than submission of the application;
    - the application will always be submitted to the Development Management Committee for determination and not dealt with by officers under delegated powers; and
    - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers.

## 3. Fettering Discretion in the Planning Process

- **Don't** fetter your discretion and therefore your ability to participate in planning decision-making at the Council by making up your mind, or clearly appearing to have made up your mind on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of hearing the officer's presentation and evidence and arguments on both sides.
- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for a proposal.
- **Do** also be aware that, whilst the Members' Code of Conduct provides for a presumption that you may regard yourself as not having a disclosable pecuniary interest in matters which relate to the organisations mentioned below:

    - another local or public authority of which you are a member; or
    - a body to which you have been appointed or nominated by the Council as its representative

- you must exercise your discretion in deciding whether or not to participate in each case and where:

    - you have been **significantly** involved in the preparation, submission or advocacy of a planning proposal on behalf of such a body; or

- you are a trustee or company director of the body submitting the proposal and were appointed by the Council

- you would be advised always to disclose a non-pecuniary interest and may consider whether it would be appropriate for you to withdraw from the meeting.

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the town or parish council, for example, or both a district and county councillor), provided:

  - the proposal/policy does not substantially affect the well-being or financial standing of the consultee body;
  - you make it clear to the consultee body that:

    - your views are expressed on the limited information then before you;
    - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Development Management Committee or the District Council and you have had the opportunity to consider all of the relevant information. and
    - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Development Management Committee or the District Council; and

  - you disclose the non-pecuniary interest regarding your membership or role when the Development Management Committee or District Council comes to consider the proposal.

- **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but it would be preferable for you to do so.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- **Do** take the opportunity to exercise your separate speaking rights as a member under the Council Procedure Rules

where you have represented your views or those of local electors before the meeting and fettered your discretion, but do not have a disclosable pecuniary interest. Where you do:

- you must give written notice to and obtain the prior permission of the Chair that you wish to speak in this capacity before the meeting commences;
- remove yourself from the member seating area for the duration of that item, and
- ensure that your actions are recorded.

## 4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Do** try and avoid any meeting with applicants, developers or groups of objectors unless it has been organised by Officers.

**In addition, and in respect of presentations by applicants/developers:**

- **Do** try and avoid attending a planning presentation unless an Officer is present and/or it has been organised by officers.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals but do not express any strong view or state how you or other members might vote.

## 5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, you cannot express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal.
- **Do** copy or pass on any lobbying correspondence you receive to the Chief Planning Officer, Head of Development or Planning Service Manager (Development Management) at the earliest opportunity.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

- **Do** note that, unless you have a disclosable pecuniary interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:

  - listening or receiving viewpoints from residents or other interested parties as long as you make yourself equally available to those of differing viewpoints if requested to do so;

  - making comments to residents, interested parties, other members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind; or

  - seeking information through appropriate channels.

## 6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, but disclose a non-pecuniary interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Development Management Committee or Council that you have reserved judgement and the independence to make up your own mind on each separate proposal.
- **Don't** lobby fellow members in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any planning matter at any sort of political group meeting or lobby any other member to do so.

## 7. Site Visits

- **Do** try to attend site visits organised by the Council where possible.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party with the exception of a ward member.
- **Don't** express opinions or views to anyone.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit or by invitation. If you feel it is essential to accept an invitation to visit a site other than

through attending an official site visit do exercise caution and ensure you comply with these good practice rules.

## 8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Development Management Committee or Council's proceedings (orally or in writing) as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

## 9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Employees and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct.

## 10. Decision-Making

- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and, where regard is to be had to the Development Plan, make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## 11. Training

- Training on planning matters will be provided and updated as necessary. Specialised training is mandatory for Members who wish to serve on the Development Management Committee.

# MEMBERS' LICENSING CODE OF GOOD PRACTICE

## BACKGROUND

The enactment of the Licensing Act 2003 and Gambling Act 2005 transferred substantial additional responsibilities for licensing to local government and established the Council as the licensing authority for the regulation of various forms of licensable activities. These responsibilities are undertaken by the Licensing Committee and its sub-committees. However, the Council has other licensing responsibilities that are undertaken by the Licensing and Protection Committee and associated application sub-groups. Whichever the forum, Members are acting in a quasi-judicial capacity in carrying out the Council's licensing functions.

This Code of Good Practice is designed to apply the principles contained in the Members Code of Conduct to Members' licensing responsibilities and to support and maintain high ethical standards in local government. It applies to the actions of the Council both in its statutory capacity as the licensing authority via the Licensing Committee and its non-executive functions that are the responsibility of the Licensing and Protection Committee. For the purposes of this Code, the Council is collectively described as the licensing authority.

This Code has regard to both the Members Planning Code of Good Practice previously adopted by the Council and LACORS' guidance on the role of elected members in relation to Licensing Committee hearings under the Licensing Act 2003.

## INTRODUCTION

The aim of the Code is to ensure that in the operation of the licensing process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose of licensing is to regulate certain activities in the public interest and to promote the licensing objectives defined in the legislation. In addition, the authority must have regard to statutory guidance issued by the Secretary of State and the Gambling Commission.

Your role as a member of the licensing authority is to make decisions openly, impartially, with sound judgement and for justifiable reasons.

This Code of Good Practice also applies to Members at all times when involving themselves in the licensing process. It applies equally to licensing enforcement and licensing policy issues as it does to licensing applications. This includes taking part in decision-making meetings of the licensing authority and when involved in less formal occasions, such as meetings with officers or the public and consultative meetings.

References to officers in this Code of Good Practice relate to employees of the Council.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his/her staff, preferably well before any meeting takes place.

## 1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first: these must always be complied with.
- **Do** then apply the rules in this Licensing Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of dealing with all licensing matters. If you do not abide by this Code of Good Practice, you may put:

  - the licensing authority at risk of proceedings as to the legality or maladministration of the related decision; and

  - yourself at risk of either being named in an Ombudsman's report made to the Corporate Governance Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint to the Monitoring Officer.

## 2. Licensing Proposals and Interests under the Members' Code

Your interest in a licensing matter may take a variety of forms. As a member of the Cabinet or the relevant executive councillor, you may have either collective or individual responsibility for premises in the Council's ownership or a licensable activity which the Council is promoting for which a licence is required or has already been granted. You may be a member of another organisation or body that is applying for a licence or is carrying out a licensable activity. You may be an employee of a responsible authority defined in the legislation or you may be an interested party because you live or have business premises in the vicinity of an application site or licensed premises. You may be a member of a lobby group or campaign. You may be the applicant for a licence or the provider of a licensable activity yourself or a member of a registered club that is doing so. You may be a supplier of goods to an applicant or an existing licensee or club or you may act in some capacity on their behalf. You may also be an existing licensee or a member of a club whose business may be affected if a licence or club premises certificate is granted for a similar activity elsewhere.

Whatever your interest,

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with employees and other members.
- **Do** then act accordingly.

- **Where your interest is a disclosable pecuniary interest:-**

- **Do** disclose the interest and withdraw immediately from the room or chamber where a meeting is being held for the duration of any discussion and/or voting in the matter.
- **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the licensing authority.
- **Don't** represent an applicant or responsible authority at a licensing sub-committee hearing or applications sub-group meeting.
- **Don't** try to represent an interested party if you have played an active role in supporting or opposing an application for a licence. Ask another member to do so in your place.

  **Don't** get involved in the processing of the application or the review of a licence or certificate that has already been issued.
- **Don't** seek or accept any preferential treatment or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable pecuniary interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
- **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a disclosable pecuniary interest to an appropriate officer, in person or in writing, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public. (For example, where you have a disclosable pecuniary interest in a proposal to be put before a hearing or meeting, you will have to withdraw from the room or chamber whilst the hearing or meeting considers it, whereas an ordinary member of the public would be able to observe the meeting's consideration of it from the public gallery.)
- **Do** notify the Monitoring Officer in writing of your own interest and note that:

  - notification to the Monitoring Officer should be made no later than submission of the application; and
  - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers.

## 3. Fettering Discretion in the Licensing Process

- **Don't** fetter your discretion and therefore your ability to participate in licensing decision-making by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), as to how you will vote on any licensing matter prior to its formal consideration at a hearing or meeting of the licensing authority and hearing the representations and evidence on both sides. Fettering your discretion in this way and then taking part in the decision will put the licensing authority at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for a proposal. (This is more than a matter of membership of both the proposing and licensing

determination bodies, but because through your significant personal involvement in preparing or advocating the proposal you will be, or could be perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its licensing merits.)

- **Do** also be aware that, whilst the Members' Code of Conduct provides for a presumption that you may regard yourself as not having a disclosable pecuniary interest in matters which relate to the organisations mentioned below -

  - another local or public authority of which you are a member; or
  - a body to which you have been appointed or nominated by the Council as its representative.

You must exercise your discretion in deciding whether or not to participate in each case and where:

- you have been **significantly** involved in the preparation, submission or advocacy of a licensing proposal or in an activity that has been licensed on behalf of such a body; or
- you are a trustee or company director of the body submitting the proposal and were appointed by the Council.

You should always disclose the interest and consider whether it is appropriate to withdraw from the meeting.

- **Don't** sit as a member of a licensing sub-committee if the applicant lives or the premises are situated in the Ward that you represent or if an application is being made to review a licence or certificate held by a resident or premises in your Ward.
- **Don't** sit as a member of a licensing sub-committee where you have fettered your discretion. Because of the limited size of licensing sub-committees, you should advise officers as soon as it becomes apparent to you that you have fettered your discretion and certainly before the meeting commences to enable an alternative sub- committee to be convened. You do not have to withdraw from the room where the meeting is taking place, but it would be preferable for you to do so.
- **Do** take the opportunity (if you not sitting on the licensing sub- committee or you do not have a personal and prejudicial interest) to exercise your rights as a member to speak on behalf of an applicant or interested person even if you have represented your views or those of others before the meeting and fettered your discretion.

## 4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for licensing, procedural or technical advice to officers.
- **Don't** attend any meeting with applicants or interested parties if you are a member of a sub-committee. Pre-application discussions, if held for clarification purpose will involve officers only who will ensure that those present are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the sub-committee.
- **Do** otherwise meet with an applicant or interested party if you are considering representing their interests or speaking on their behalf at a

hearing of a sub-committee of which you are not a member.

## 5. Lobbying of Councillors

- **Do** explain, if you are a member of a sub-committee or sub-group, to those who may be attempting to lobby you that you cannot listen to what is said as this will prejudice your impartiality and therefore your ability to participate in the decision making process.
- **Do** remember that, as a member of the Licensing Committee or Licensing and Protection Committee, you will probably be unaware whether an application will be determined by a sub-committee or whether you will be a member of that determining body until you have been notified by officers. If you have been lobbied by an applicant or interested party, you should notify officers as soon as it comes to your attention that you have been invited to sit on a relevant sub-committee. In such circumstances, you should not take part in that hearing or meeting and officers will make arrangements for the application to be dealt with by another sub-committee or for another member to take your place on a sub- group.
- **Don't** feel constrained, if you are not a member of a sub-committee, to receive an approach from an applicant or interested party and, having considered the information that they have supplied, to agree to speak or make representations on their behalf at a meeting of a sub-committee.
- **Do** remember, if you are a member of a sub-committee, that your overriding duty is to the whole community and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a licensing application or who may be providing a licensable activity. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum; its acceptance is declared as soon as possible and remember to register the gift or hospitality with the Monitoring Officer where its value is over £50 in accordance with the Members' Code of Conduct.
- **Do** copy or pass on any lobbying correspondence you receive if you are a member of a sub-committee to the Elections and Democratic Services or Licensing Manager at the earliest opportunity in order that it can be placed on the appropriate licensing file and is open for inspection before a decision is made.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you are a member of a sub-committee or you have a disclosable pecuniary interest, you will not have fettered your discretion or breached this Licensing Code of Good Practice through:

  - listening or receiving viewpoints from residents or other interested parties as long as you make yourself equally available to those of differing viewpoints if requested to do so;
  - making comments to residents, interested parties, other members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind; or
  - seeking information through appropriate channels
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## 6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose licensing proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest and have to withdraw.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular licensing proposals, such as a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the licensing authority that you have reserved judgement and the independence to make up your own mind on each separate proposal.
- **Don't** excessively lobby fellow members regarding your concerns or views nor attempt to persuade them how they should vote in advance of the meeting at which any licensing decision is to be taken.
- **Don't** decide or discuss how to vote on any licensing application or policy matter at any sort of political group meeting or lobby any other member to do so. Political group meetings should never dictate how members should vote on any licensing issue.

## 7. Site Visits

- **Do** try to attend site visits organised by the licensing authority if you are a member of the Licensing Sub-Committee or the Licensing and Protection Sub-Committee If you are unable to take part in a site visit, you will be unable to take part in the Sub-Committee hearing. You should therefore notify the Elections and Democratic Services Manager as soon as it comes to your attention that you are unable to attend a site visit that has been organised. Where a site visit takes place, Members will be accompanied by officers of the authority.
- **Do** ensure that you treat the site visit only as an opportunity to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from the applicant or an interested party at the site visit. Where you are approached by the applicant or an interested party, direct them to or inform the officer present.
- **Don't** express opinions or views to anyone.
- **Do** exercise your discretion, if you are not a member of the sub-committee as to whether to accept an invitation to visit a site which is the subject of an application or provides a licensable activity. Where you do accept an invitation, do exercise caution and ensure you comply with these good practice rules.

## 8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you in isolation if you are a member of a sub-committee during the hearing or meeting proceedings (orally or in writing) as this may give the appearance of bias .

## 9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or

submitting views to the Elections and Democratic Services Manager and Licensing Manager but hearing or meeting reports will contain only representations that have been submitted in the manner prescribed by the legislation. Your attention is drawn to the danger of fettering your discretion on a matter which is covered in Section 3 of this Code.)

- **Do** recognise that officers are part of a management structure and discuss a proposal, outside of any arranged meeting, only with the Elections and Democratic Services Manager or Licensing Manager or those officers who are authorised by them to deal with the proposal at a member level.
- **Do** recognise and respect that officers involved in the processing and determination of licensing matters must act in accordance with the Council's Code of Conduct for Employees and the requirements of the licensing legislation. As a result, licensing officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence and thepromotion of licensing objectives, which may on occasion be at odds with the views or opinions of members.

## 10. Decision-Making

- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with the licensing legislation and make decisions in accordance with statutory licensing objectives, having regard to guidance that has been issued under the relevant legislation and the authority's statement of licensing policy.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information and, if necessary, adjourn the hearing or meeting until the information has been provided and you have had an opportunity to consider it.
- **Don't** vote or take part in the hearing or meeting on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to the licensing objectives or the statutory guidance issued by the Secretary of State or Gambling Committee or the authority's statement of licensing objectives, that you clearly identify and understand the reasons leading to this conclusion/decision. These reasons must be given prior to the vote being taken and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge

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## 11. Training

- Training on licensing matters will be provided and updated as necessary. All Members should endeavour to receive training to enable them to carry out their role properly and effectively. Specialised training is mandatory for Members who wish to serve on the Licensing and Protection Committee /Licensing Committee. A review of training undertaken by Members of the Committees will be maintained by the Elections and Democratic Services Manager.

# MEMBER/OFFICER PROTOCOL

## 1. Introduction

1.1 Government guidance for the preparation of local authority constitutions refers to the perceived requirement for a protocol to underpin member/officer relations. This accords with the recommendations of the Nolan Committee's Report on Standards of Conduct in Local Government

that every local authority should have its own written statement or protocol governing relations between members and officers.

1.2 The guidance suggests that protocols should be developed locally to reflect local political arrangements and approaches but gives an indication of those areas that are expected to be covered in each protocol. In adopting this protocol, the Council has had regard to broad headings proposed in the guidance.

1.3 The purpose of this protocol is to guide members and employees of the Council in their relationships with one another. It is not intended to be prescriptive or comprehensive and seeks simply to offer guidance on some of the issues that most commonly arise.

## 2. Principles Underlying Member/Employee Relations

2.1 The Nolan Report suggests that 'No local authority can function properly without a good relationship between its councillors and its officers. Where the relationship breaks down, an atmosphere of suspicion or dislike can make it very difficult to devise and implement policies in any consistent way.' The general principles which govern the conduct of members (selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership) which are embodied in The Relevant Authorities (General Principles) Order 2001 require members to respect the impartiality and integrity of an authority's statutory officers and other employees. Those principles are equally appropriate for employees in their dealings with members.

2.2 This protocol should also be read in conjunction with the Members Code of Conduct and Employees Code of Conduct which are designed to ensure high standards of conduct and probity within the Council. Together they contribute to the effective and efficient transaction of Council business and ensuring that the Council is not brought into disrepute. Public confidence in the integrity and honesty of both members and employees is critical to the Council's community leadership role and compliance with the Codes and this Protocol will serve to enhance local democracy.

## 3. The Roles of Members and Employees

3.1 The roles of members and employees have changed with the Local Government Act 2000 and the introduction of executive decision-making
– on occasions by individual members as opposed to collectively in committee. The greater impact upon the time of individual members brought about by the new system, together with the introduction of pensionable allowances, have tended to blur the traditional distinction between the roles of members and employees. Nevertheless, members and employees do have separate roles which should be readily distinguishable. These are defined more specifically in

the Council's constitution.

3.2 Members are democratically elected and are accountable to the electorate for their actions. An important feature of each member's role is to represent the interests of his/her constituents, irrespective of how they may have voted in an election. The expectation is that members will be more aware of the views of their constituents on major policy developments before decisions are taken collectively at full Council meetings. The Executive Leader and other executive councillors are responsible for the delivery of those policies. Members who sit on overview and scrutiny have an important role in both holding the executive to account and in contributing to policy development. Members of regulatory committees make decisions on applications by the public for permissions and licences of varying types.

3.3 Employees are responsible for day-to-day managerial and operational decisions within the Council and should provide support to both the executive and all members in their several roles. They are employed by and accountable to the Council as a whole. The Cabinet system can create tensions and conflicts of interest for employees servicing both the executive and overview and scrutiny and the executive and the Council. Members should recognise the potential difficulties that this can present and should respect the obligation placed on employees to serve the Council as a whole.

3.4 In this protocol, any reference to a senior officer is a reference to the Head of Paid Service, Corporate Directors, Assistant Directors and Heads of Service as defined in the Council's constitution.

3.5 Certain employees, commonly referred to as "statutory officers", derive some duties and responsibilities directly from legislation. The Council's statutory officers are –

- the Head of the Paid Service is the Council's principal adviser on matters of general policy;
- the Council's Monitoring Officer is required to report on any proposals, decisions or omissions which in his view are likely to result in a contravention of the law or which fail to comply with legal duties, are unjust or fail to take account of an applicable code of practice; and
- the Section 151 Officer who as the Council's Chief Financial Adviser is required to report on any proposal, decision or course of action which would involve incurring unlawful expenditure, or is unlawful or is likely to cause a loss or deficiency or if the Council was proposing to enter an item of account unlawfully.

3.6 There may be occasions when a Statutory Officer's responsibilities may conflict or not wholly correspond with a strategy, policy, decision or course of action proposed/taken by the Council or a member. In those circumstances members should acknowledge the primacy of the statutory responsibilities and treat the Statutory Officer with the same courtesy and respect shown to them and to other employees in all other dealings.

## 4. Employer/Employee Issues

4.1 Any dealings between members and employees should be conducted with mutual respect, trust and courtesy. Members should recognise and have due

regard to their role as an employer in their dealings with employees and be conscious that inappropriate conduct or behaviour on their part could lead to a case being brought to an employment tribunal by an aggrieved employee. It is proper for a member to make written or oral representations about a matter affecting a constituent who also happens to be an employee but he/she should avoid taking a proactive part or represent or act as an advocate on behalf of the employee in any disciplinary or grievance procedures brought against the Council by the employee.

4.2 Members should not place inappropriate pressure on employees and must ensure that all communication between them (including written communication) does not bring the Council into disrepute, cause any embarrassment to them, or lead to a breakdown of mutual trust, respect and courtesy in member/employee relations.

4.3 In seeking advice and support, members should recognise that, whilst those employees owe an overriding duty to the Council as a whole, such duties are first expressed to their respective line managers and the Head of Paid Service and not to an individual member. For this reason, members should not give direct instructions to employees, unless they are authorised to do so by the Council's constitutional arrangements. If so authorised, instructions should, under normal circumstances, still be given to a senior officer and not to a more junior employee.

4.4 In particular, members and employees should promote equality by not discriminating unlawfully or otherwise against any person. They should treat people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. Such principles will apply equally to the implementation of personnel and other policies, recruitment and promotion as they apply to day to day dealings with members of the public.

## 5. Personal Relationships

5.1 Guidance on personal relationships is contained in the Codes of Conduct. Provided these are observed, more informal exchanges may be appropriate between members and employees outside business meetings and formal events.

5.2 It is important that there should be a close working relationship between executive councillors, chairmen and leaders of political parties with the Head of Paid Service, Corporate Directors, Assistant Directors and Senior Officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the issue of impartiality into doubt.

## 6. Relationships between Cabinet and Employees

6.1 Any decision by an executive councillor or collectively by the Cabinet must be supported by a written report by the appropriate employee. An employee's obligation to the whole Council requires the advice to be tendered professionally and impartially and executive councillors should not seek to suppress or amend any aspect of such professional advice.

6.2 Reports to the Cabinet will normally be produced by employees but there may

be occasions when an executive councillor prepares a report. In either situation, the appropriate employee shall place on record his/her professional advice to the Cabinet and ensure that advice is considered when a decision is taken.

6.3 As part of their duties, employees will represent (both internally and externally) the decisions of the Cabinet or an individual executive councillor. Other members should recognise that, in doing so, an employee is representing an executive decision of the Council.

## 7. Relationships between Overview and Scrutiny and Employees

7.1 Overview and scrutiny plays an important role within the Council in holding the executive to account and in the formulation of policy. The Council has a post exclusively to support the overview and scrutiny process but the Panels may seek the advice of the Monitoring Officer and the Responsible Financial Officer where they consider there is doubt about the legality or financial probity of any decisions or prospective decisions of the executive or where these may be contrary to the Council's policy and financial framework.

7.2 When requiring employees to give evidence to an Overview and Scrutiny Panel, the Panel and its Chair shall not, without the consent of a Chief Executive Officer or a senior officer, request the attendance of a junior employee. When employees are required to give evidence before an Overview and Scrutiny Panel, questions should be confined, so far as is possible, to questions of fact and explanation of any professional opinion relating to policies and decisions. Employees must respond to questions from members in an open, constructive and helpful manner. Employees must not be misleading or economical with the truth in their answers. The Chair of an Overview and Scrutiny Panel shall ensure that executive councillors and employees are not questioned (whether through the nature, tone or language used) in such a manner as could be considered by a reasonable person to be hostile, offensive, derogatory, harassing, bullying, discriminatory or otherwise unacceptable or inappropriate.

7.3 Where they consider it appropriate, the Chairmen of the Overview and Scrutiny Panels may ask the Head of Paid Service, Corporate Directors, Assistant Directors and Senior Officers to explain any advice given to executive councillors and explain any decision(s) that they may have taken under the Council's scheme of delegation. Any private or confidential matter must be dealt with in a private or confidential manner.

## 8. Relationships between Other Panels and Employees

8.1 Decisions made by other Panels, Committees etc. must be taken collectively, normally following the receipt and consideration of a report by the appropriate employee. Such advice will be independent and professional. Because of the nature of the business conducted by the Development Management Committee, a separate Code of Conduct for Planning has been approved by the Council.

## 9. Relationships between Political Groups and Employees

9.1 Political groups comprising members of an individual political party are a recognised feature of local government and it is common practice for such groups to give preliminary consideration to matters of business in advance of

their consideration by a relevant Council body.

9.2 Employees will not attend group meetings of District Council political parties.

9.3 Employee support to members of political groups must not extend beyond providing information in relation to matters of Council business. When giving advice in such circumstances, employees must demonstrate political impartiality and must not suppress their professional advice in the face of political views. Employees must not champion, defend, action or spend any resources of the Council on, or be held responsible for actioning in any way whatsoever, the decisions of a political group, unless and until such decisions have become the formal decisions of the Council and any consequential provision has been made in the Council's Medium Term Plans and/or Revenue Budget.

## 10. Relationships between Individual Members and Employees

10.1 The Executive Leader, Deputy Executive Leader, Executive Councillor, Panel/Committee Chair, Group Leader or such other members nominated by a Group Leader may request a briefing from the Head of Paid Service, Corporate Directors or senior officer on matters of policy which have already been or may be discussed by the Council or within its decision- making or advisory processes. All such requests should be addressed to the appropriate senior officer.

10.2 Local members have an important role to play in representing the Council in their constituencies, responding to the concerns of their constituents, in meetings with partners and when serving on outside organisations. It is essential for the efficient functioning of the Council that members should be fully informed about matters on which they may be required to make decisions or which affect their wards. Senior Officers should ensure that all relevant staff are aware of the requirement to keep local members informed and that, as far as practicable, the timing of such information allows members to contribute to those decisions. Local members shall also be kept informed about matters affecting their wards during the formative stages of policy development. Whenever a public meeting is organised by the Council to consider a local issue, all of the members representing the ward(s) affected should as a matter of course be invited to the meeting.

10.3 Members will be asked by their constituents, from time to time, to pursue matters on their behalf. Where such matters affect the Council, a member may request information or advice from the appropriate employee and such a request should only be refused if a member cannot demonstrate a 'need to know' – see paragraph 11.2 post. Such action is without prejudice to the right of a member to raise an item at any meeting of the Cabinet or another committee and particularly an Overview and Scrutiny Panel.

## 11. Access to Documents and Information

11.1 A member's right to access to documents and information is described in the Access to Information Procedure Rules in the Council's constitution.

11.2 In addition, a member has a right to inspect Council documents **so far as his/her access to the documents is reasonable and necessary to enable the member properly to perform his/her duties as a member of the Council**. This principle is commonly referred to as the 'need to know' principle. It applies equally to the leaders of political party groups who, although they may be able more readily to substantiate a requirement for information, still have to demonstrate that their request is proper and reasonable and give adequate reasons for requiring the information. Access to such information will vary from member to member and will arise at different times. As such, a member's 'need to know' will be considered on a case by case basis and will not last indefinitely.

11.3 The right of access to information is subject to an additional safeguard and if the motive of the member in requesting to see documents is indirect, improper or ulterior, a request to inspect documents will be refused. Furthermore, the law does not entitle a member to go on a 'roving or fishing expedition' or to receive every working document that employees have access to or may have had access to in the past.

11.4 A member is only entitled to see those documents that are relevant background papers mentioned in any report to a meeting or which are to be taken into consideration in the making of an executive decision by an executive councillor or a key decision by an employee or where information would be available under the Freedom of Information Act 2000. However, an Overview and Scrutiny panel may request information that is exempt or confidential if it relates to a matter that they are scrutinising.

11.5 Confidential information that is obtained by a member must not be disclosed to another person. Any such breach of confidence may result in a complaint to the Monitoring Officer or, if sufficiently serious, to a civil action against the member and/or the Council for damages.

## 12. Relations with the Media

12.1 The Council's current structure is designed to raise the public and media profile of executive councillors and to make the members of the Cabinet both collectively and individually directly accountable for the decisions taken. Media support and presentation by employees will reflect this principle and advice to executive councillors in relation to the media will be provided if required.

12.2 The Chair of Overview and Scrutiny Panels shall ensure that all media statements relating to that function have the support of the relevant Panel. Any such

statements must be consistent with the Council's intent that the overview and scrutiny function shall help to achieve a culture of continuous improvement throughout the Council.

12.3 The Council's Communications Team and other employees will assist other non-Cabinet members in their relations with the media. Any employee assisting a member with media relations must act at all times in the interests of the whole Council and in a politically impartial manner. Other than factual statements, members should not seek assistance from an employee with the preparation or issue of any media statement that will adversely affect the reputation of the Council.

12.4 Members are also reminded of the need to comply with the Code of Recommended Practice on Local Authority Publicity issued by the Secretary of State, a copy of which is available on request and on the intranet.

## 13. Other Support

13.1 Members are provided with a range of information and communication equipment and other support services to assist them in their policy and representative roles. Members should not use such equipment and support in connection with party political or campaigning activity or for purposes not related to Council business.

## 14. Arbitration

14.1 Where necessary, the Head of Paid Service (or in her absence the Monitoring Officer) will arbitrate on the interpretation of this protocol.

# PROTOCOL FOR THE RELATIONSHIP BETWEEN THE EXECUTIVE LEADER OF THE COUNCIL AND THE HEAD OF PAID SERVICE

## 1. THE NEED FOR A PROTOCOL

1.1 The CIPFA/Solace publication on 'Good Governance in Local Government' forms the framework for the Council's Code of Governance. It recommends the development of a protocol to ensure that the Executive Leader and Head of the Council's Paid Service negotiate their respective roles early in their relationship and that a shared understanding of roles and objectives is maintained.

1.2 The Council acknowledges that a successful working relationship is critical to its success and the achievement of its policies and strategies both in terms of the authority itself and its relationship with partners. Both roles are defined in legislation and in the Council's constitution which should be read in conjunction with this protocol. A mutual understanding of each other's responsibilities, especially as incumbents change, is key to the development of respect, tolerance and a shared appreciation of their respective roles both individually and to set the tone for good member/employee relationships throughout the authority.

## 2. SHARED VALUES

2.1 The Nolan Committee's Report on Standards of Conduct in Local Government which provides the backdrop for improved standards of conduct in local government saw a need for a written statement or protocol governing relations between members and officers. The Committee commented in their final report that 'one particular area that gave us cause for concern was the potential for improper behaviour if the normal professional relationship between member and officer became unsatisfactory by being too comfortable or too combative'. That is especially appropriate in the case of the Executive Leader and Head of Paid Service.

2.2 Member standards of conduct are now governed by the Members Code of Conduct based upon the statutory model code. Employee standards are set by the Employees Code of Conduct. A protocol on member/employee relations, again embodied in the constitution, sets out the importance of effective relationships but there is a danger that these will founder if a good example is not set at the highest level by the Executive Leader and Head of Paid Service.2.3 Mutual respect and trust should be founded on the ten principles of public life which the Executive Leader and Head of Paid Service have undertaken to uphold. The principles, which apply equally to members and employees

2.3 In addition, the Council has adopted a series of policies that apply equally to the roles of the member and employee which includes a dignity at work policy and corporate equality policy.

2.4 The Executive Leader and the Head of Paid Service subscribe to those general principles and policies which underpin the high standards of behaviour and relationships necessary for the Council to offer effective leadership in the community and fulfil its statutory functions.

2.5 All dealings between the Executive Leader and the Head of Paid Service should be conducted with mutual respect, trust, honesty and courtesy. Neither should place inappropriate pressure on the other and, in their dealings with each other, they should not do anything that brings the Council into disrepute, cause any embarrassment either to themselves or the Council or lead to a breakdown in member/employee relations.

2.6 The roles of each are defined in legislation but it is the sum of the parts that makes the unique partnership that is effective local government. In furtherance of that principle, the Executive Leader and Head of Paid Service undertake to recognise –

- The need for a close working relationship
- The requirement for an understanding of each other's roles and responsibilities
- The desirability of regular liaison through both formal and informal means
- The importance of effective communication
- A respect for each other's views, advice, guidance and integrity
- The need for openness and mutual understanding
- The desirability of maintaining impartiality and independence of role
- The need to avoid bias and prejudice
- The need to demonstrate effective leadership and their responsibility to set an example for others
- That any tensions that arise in their relationship need to be resolved swiftly and amicably

2.7 In addition, they acknowledge –

- The Executive Leader's position as leader of the majority political party group
- The Head of Paid Service's wider role to serve the Council and members as a whole, irrespective of political party.

2.8 To assist in that mutual recognition of each other's roles and responsibilities, these are summarised below.

## 3. THE ROLE OF THE EXECUTIVE LEADER

3.1 The Council has chosen to adopt the executive leader and cabinet model of executive arrangements under the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007.

3.2 Under these arrangements, the Executive Leader is elected by the Council from

among its membership for a four year term or until his term of office comes to an end as a councillor or he is removed from office by the Council, whichever is the earliest. The Executive Leader's primary functions are to –

- Arrange for the discharge of the executive functions of the Council, including the arrangements for executive responsibilities
- Appoint a Deputy Executive Leader of the Council
- Determine the size and membership of the Cabinet
- Act as chair of meetings of the Cabinet
- Provide the political leadership of the Council
- Act as the leader of his (usually the majority) political party group

3.3 These are explained in greater detail in Article 7 and the Cabinet Procedure Rules contained in the Council's constitution.

3.4 The Executive Leader is responsible for ensuring that the Council promotes the economic, social and environmental well-being of Huntingdonshire and its inhabitants and its development through the effective exercise of collective and individual responsibilities within the Council's decision-making processes.

3.5 Through the effective operation of the Cabinet, the Executive Leader is accountable for -

- Proposing the Council's policy framework and setting priorities and objectives
- Overseeing the implementation of policies and strategies to achieve priorities and objectives
- Proposing the Council's budget to achieve its objectives
- Managing the process for allocating resources to policy priorities
- Ensuring the Council fulfils its statutory duties
- Creating strategic frameworks for effective partnership working
- Publishing a Notice of Executive Decisions of future executive decisions
- Making policy decisions in an open and accountable way
- Ensuring continuous improvement in service standards and monitoring performance
- Providing political leadership of the Council
- Communicating and advocating the Council's priorities, objectives and decisions.

3.6 The Head of Paid Service, as principal policy adviser, will ensure that the Executive Leader and Cabinet are provided with the appropriate advice and information to enable them to take informed decisions and they will have regard to such advice in reaching their decisions.

3.7 As leader of a party political group, the Executive Leader will not seek advice from the Head of Paid Service in relation to party political business and will not expect the Head of Paid Service nor any of his staff to attend a meeting of the political group.

3.8 The Executive Leader has no line management responsibilities for Council employees who are responsible to the Council as a whole. Any concerns over the performance of employees either individually or collectively will be referred by the Executive Leader to the Head of Paid Service to address as he considers appropriate. Matters relating to the appointment, dismissal and disciplinary

action in respect of employees are contained in the Officer Employment Procedure Rules set out in the Council's constitution. However, the Executive Leader, in conjunction with other leading Members, is responsible for the annual assessment of the performance of the Head of Paid Service and in the award of performance related salary increments.

## 4. THE ROLE OF THE HEAD OF PAID SERVICE

4.1 The Head of Paid Service has overall corporate management and strategic responsibility for the Council and its delivery of services as defined in Article 12 of the Council's constitution. S/he is responsible for the provision of professional and impartial advice to all aspects of the decision-making process and is accountable to the Council for the implementation of strategies, policies and decisions.

4.2 The Head of the Paid Service of the Council has certain defined responsibilities under the Local Government and Housing Act 1989 to report on –

- The co-ordination of the discharge of the Council's functions
- The level, organisation, grades and management of employees required to discharge those functions.

4.3 The Head of Paid Service acts as the Council's proper officer under the Local Government Act 1972 and a variety of other legislation. The Chief Executive Officer acts as the Electoral Registration Officer for the purposes of electoral administration arrangements. S/he also carries the separate appointment of Returning Officer for the purpose of elections to the Council.

4.4 The Head of Paid Service is accountable to the Council as a whole. His/Her post is politically restricted inasmuch as she is not permitted to be an elected member of another authority. While this does not prevent the Head of Paid Service from being a member of a political party, it is recognised that this is inadvisable if she is to maintain a politically impartial role in advising the Council. As such, the Head of Paid Service is required to work effectively with all elected members within the Cabinet and Scrutiny system of governance and to be able to demonstrate political sensitivity and an ability to interpret political will.

4.5 The Head of Paid Service's performance will be monitored annually by the Executive Leader and other leading members under the Council's performance related pay scheme and his/her terms and conditions of employment are defined in the Officer Employment Procedure rules.

4.6 The Head of Paid Service has responsibility for promoting community cohesion and undertaking an overview of the Council's strategies by translating them into service plans and practical actions, gaining corporate support and ensuring compliance. The Head of Paid Service has leadership responsibility for overseeing the Council's statutory responsibilities under the Race Relations (Amendment) Act 2000 to eliminate unlawful discrimination, promote equal opportunities and promote good relations between people from different racial groups.

4.7 The Head of Paid Service is responsible for ensuring that the following key values and behaviours approved by the Council are upheld and complied with both personally and by the Council's employees –

- Putting the customer first, both internally and externally
- Valuing, respecting and protecting dignity
- A willingness to challenge and change
- Delivering excellence and value for money

## 5. PUBLICITY

5.1 The Council has a Communications Strategy that deals with relations with the media and its customers. It is acknowledged that one of the intentions of the current legislative requirements for governance arrangements is to raise the profile of the executive and make the Executive Leader and Cabinet accountable for their decisions and actions. It follows that media presentation and media support will reflect this. Advice to the Executive Leader in relation to the media will be provided on a confidential basis if requested. Any employee assisting the Executive Leader with media relations will act at all times in the interests of the whole Council and in a politically impartial manner.

5.2 In particular, the Executive Leader and the Head of Paid Service will have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

# Part 6

# Members' Allowances Scheme

**Members' Allowances Scheme**

The payment of allowances to Members of the District Council will be made in accordance with this Scheme.

A Member may by written notice to the Elections and Democratic Services Manager elect to forego all or part of his or her entitlement to an allowance.

It is a condition of payment of all allowances that the duty for which they are paid will have been approved before it is undertaken. The Council cannot decide afterwards that an allowance should be paid.

## Operation of Scheme

This Scheme shall come into operation on 1st April 2023, following its approval by Council on 29th March 2023. Elected Members of Huntingdonshire District Council may claim the following Allowances as specified in this scheme:

- Basic Allowance
- Special Responsibility Allowance
- Travel Allowance
- Child and Dependent Carers Allowance
- Allowances for Appointments to the Cambridgeshire and Peterborough Combined Authority.

## Basic Allowance

Each year a Basic Allowance shall be paid to each District Councillor. The amount of the Basic Allowance shall be calculated at the rate of £5,303 per annum.

## Special Responsibility Allowances

Each year a Special Responsibility Allowance in the amount and to the District Councillors specified in Schedule 1 to this Scheme shall be paid. No District Councillor may receive more than one Special Responsibility Allowance other than ordinary Members of the Development Management Committee who will be entitled to receive an allowance in addition to one other Special Responsibility Allowance. The Council's representatives on the Cambridgeshire and Peterborough Combined Authority Board, Overview and Scrutiny Committee and Audit and Governance Committee are also exempt from this rule.

## Annual Adjustment

The Basic Allowance, Special Responsibility Allowances and Independent Person Allowances shall be increased annually in line with the percentage increase in staff salaries from the date of the annual meeting in May 2024 for a period of up to three years. After this period, the scheme shall be reviewed again by the Independent Remuneration Panel.

## Travel Allowances

Travel Allowances shall be payable where they are necessarily incurred in performing the following duties –

- attending a meeting of the Council, Cabinet or any Panel, Committee, Sub-

Group, Advisory Group or other appointed body.

- ❖ attending a meeting of any body to which the Council appoints representatives, when attending as the Council's appointed representative.
- ❖ attending any other meeting or joint meeting authorised by the Council provided that Members of at least two political groups have been invited to it.
- ❖ attending a meeting of any association, organisation or body of which the Council is a member.
- ❖ undertaking any duty (including training courses, seminars, workshops or other events) which a Member is invited to attend by a Chief Executive Officer, Corporate Director, Assistant Director or Head of Service, provided that the duty has been approved previously by the Elections and Democratic Services Manager;
- ❖ undertaking any duty which a Member is required to undertake by virtue of their election or appointment to an office in accordance with the Council's Standing Orders, Financial Regulations, Code of Procurement, Scheme of Delegation or other approved strategy, policy or procedure; and
- ❖ undertaking any other duty or class of duty previously approved by the Council in connection with the discharge of its functions.

Claims for travelling and motor mileage allowances will be payable at the rate in force on the day on which the qualifying duty is undertaken.

The following points should be noted:-

- The amount to be reimbursed in respect of qualifying duties is the actual amount spent; and
- Receipts must be produced in respect of all claims for expenses incurred

otherwise claims may be returned to a Member unpaid.

Travelling Allowances should be payable to Councillors and Independent Persons in connection with any approved duties. The amount of travel payable shall be in line with HM Revenue and Customs' rates.

**Subsistence Allowances**

Subsistence is not payable with the exception of 'special circumstances' such as overnight stays i.e., where a meal is included in the accommodation price i.e., Bed and Breakfast rate or the Councillor has agreed with the Elections and Democratic Services Manager in advance of travel that the overnight meal allowance rate is appropriate. Receipts will need to be provided.

**Child and Dependent Carer's Allowance**

Councillors who pay for childcare or for the care of elderly and/or disabled dependants while they are engaged on Council duty may claim a Child and Dependants Carers' Allowance at cost based upon production of receipts and in the case of specialist care a requirement of medical evidence that that this type of care provision is required. There is no monthly maximum claim when undertaking approved duties.

**Parental Leave**

The Council has adopted the following approach as a basis of a policy to support parental leave for councillors –

❖ All Councillors shall continue to receive their Basic Allowance in full for a period up to six months in the case of absence from their Councillor duties due to leave relate to maternity, paternity, adoption, shared parental leave or sickness absence

❖ Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period of six months, in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence

❖ Where for reasons connected with sickness, maternity leave, adoption leave, paternity leave or shared parental leave a Councillor is unable to attend a meeting of the Council for a period of six months, a dispensation by Council can be sought in accordance with Section 85 of the Local Government Act 1972

❖ If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of a party group position the party group) the replacement shall be entitled to claim a Special Responsibility Allowance pro rata for the period over which the cover is provided.

❖ If a Councillor stands down, or an election is held during the period when a Councillor is absent due to any of the above and the Councillor is not re-elected or decides not to stand down for re-election, their Basic Allowance any Special Responsibility Allowance will cease from the date they leave office.

**Independent Persons**

The Independent Member Persons (IPs) appointed by the Council shall receive an annual allowance of £1,119 (Head IP) and £525 (Deputy IP) and shall also be entitled to claim travel for attending appropriate meetings and training events.

**Pensions**

District Councillors shall not be entitled to join the Local Government Pension Scheme.

**Claims and Payments**

Basic and Special Responsibility Allowances shall be paid in 12 instalments on the 15th of each month by BACS transfer, except in the year that a Councillor is re-elected when the payment for May will be made in June (or in a different month of the date of annual elections is changed for whatever reason).

Travelling and Care Allowances will be paid by BACS transfer on the 15th day of each month for claims received by the first day of that month.

Claims for Travelling and Care Allowances shall be made in writing on a form provided by the Elections and Democratic Services Manager within two months of the date on which the approved duty arises. The claim shall include a

disclosure that no other claim will be made in respect of that duty.

**Revocation**

All earlier Schemes relating to the payment of Members' Allowances are revoked with effect from 1 April 2023.

**Schedule 1 – Special Responsibility Allowances**

| Special Responsibility Allowance[1] | Remuneration per annum £ |
|---|---|
| **The Executive** | |
| Executive Leader | 15,910 |
| Deputy Executive Leader | 11,993 |
| Assistant Deputy Executive Leader | 10,341 |
| Other Cabinet Members | 8,751 |
| **Chair** | |
| Overview & Scrutiny Panels | 6,364 |
| Development Management Committee | 7,160 |
| Council | 4,773 |
| Licensing & Protection Committee/Licensing Committee | 7,160 |
| Employment Committee | 3,182 |
| Corporate Governance Committee | 3,081 |
| **Vice-Chair** | |
| Overview & Scrutiny Panels | 1,910 |
| Development Management Committee | 2,864 |
| Council | 1,910 |
| Licensing & Protection Committee/Licensing Committee | 2,148 |
| Employment Committee | 954 |
| Corporate Governance Committee | 954 |
| **Opposition Group** | |
| Leader – Principal Opposition | 5,569 |
| Deputy Leader[2] | 836 |
| **Leader Minor Opposition** | |
| Group Leader[3] | 836 |
| **Development Control Committee** | |
| Ordinary Members[4] | 716 |

**Dependant Carer's Allowance**

| | |
|---|---|
| Each qualifying District Councillor with children or elderly/disabled dependant[5] | Based at cost upon the production of receipts and in the case of specialist care a requirement of medical evidence that this type of care is required. No monthly maximum. |

## Cambridgeshire and Peterborough Combined Authority Allowances

| Special Responsibility Allowance | Remuneration per annum £ |
|---|---|
| Appointee to Cambridgeshire and Peterborough Combined Authority Board | 5,569 |
| Substitute Appointee to Cambridgeshire and Peterborough Combined Authority Board | 1,949 |

## Notes

1. No Member may receive more than one Special Responsibility Allowance with the exception of

   - all councillor representatives on the Cambridgeshire and Peterborough Combined Authority Board (including the substitute representative), the Overview and Scrutiny Committee and the Audit and Governance Committee.
   - All Ordinary Members of the Development Management Committee excluding the Chair, Vice Chair and Ex-Officio Cabinet Member appointed to the Committee.

2. Subject to the Group having at least eleven Members and being registered as a political group.

3. Subject to the party having a minimum of five Members and being registered as a political group.

4. Excluding the Chair, Vice-Chair of the Committee and Ex-Officio Cabinet Member appointed to the Committee

5. Childcare allowances will only be paid to childminders who are not members of the immediate family.

# Part 7

# Management Structure

# MANAGEMENT STRUCTURE

The senior management structure of the Council comprises a Chief Executive Officer, two Corporate Directors, Assistant Directors and Heads of Service who together comprise the Senior Management Team.

## DESIGNATED POSTS

The **Chief Executive Officer** is also the Council's "Head of Paid Service" and for the purpose of Section 4 of the Local Government and Housing Act 1989 is principal adviser on matters of general policy who is required to report to Council on the manner in which the discharge of the Council's functions is co-ordinated and the number and grades of Officers required for the discharge of functions by the organisation. The Chief Executive Officer is also the appointed Returning Officer and Electoral Registration Officer

The **Section 151 Officer** is designated as the Council's Responsible Financial Officer and is required to report to the Council (or the Cabinet in the case of an executive function) if s/he considers 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.

The Council's **Monitoring Officer** is required to report to the Council (or to the Cabinet in the case of an executive function) on any proposals, decisions or omissions which in his view are likely to result in a contravention of the law or which fail to comply with legal duties, are unjust or fail to take account of an applicable Code of Conduct.

Other responsibilities are summarised in Article 12 of the Constitution and in the Council's Scheme of Delegation.

The Council's management structure is published on our website and may be inspected via the following link.

Huntingdonshire District Council Management Structure

A management structure chart is currently being updated and will be produced below when available.

Currently Being Updated,