South Holland District Council Constitution

Note for readers: When reading the Constitution please take into account the definitions contained within the Glossary of Terms.

Contents

1	**Constitution Index**	(Pages 1 - 3)
2	**Glossary of Terms**	(Pages 4 - 7)
3	**PART 1 - Summary and Explanation**	(Pages 8 - 11)
4	**PART 2 - Articles**	(Pages 12 - 28)
5	**PART 3 - Delegations**	(Pages 29 - 71)
6	**PART 4 (a) - Procedural Standing Orders**	(Pages 72 - 104)
7	**PART 4 (b) - Financial Procedure Rules**	(Pages 105 - 148)
8	**Part 4(c) - Financial Management Standards**	(Pages 149 - 189)
9	**PART 4(d) - Access to Information Rules**	(Pages 190 - 201)
10	**PART 5 - Codes and Protocols**	(Pages 202 - 212)
11	**PART 6 - Scheme of Payment of Members Allowances under the Local Authorities (Members Allowances) (England) Regulations 2003**	(Pages 213 - 218)

Constitution Index

		PAGE
Glossary of Terms		**1**
Part 1 – Summary and Explanation		**5**
Part 2 – Articles		**9**
Article 1	The Constitution	9
Article 2	Members of the Council	10
Article 3	Citizens and the Council	11
Article 4	The Full Council	12
Article 5	Chairing the Council	13
Article 6	Overview and Scrutiny	14
Article 7	The Cabinet	15
Article 8	Regulatory Committees and other Committees	16
Article 9	Standards and Member Conduct	16
Article 10	Arrangements with other Partners	16
Article 11	Officers	18
Article 12	Decision Making	21
Article 13	Finance, Contracts and Legal Matters	22
Article 14	Review and Revision of the Constitution	23
Article 15	Suspension, Interpretation and Publication of the Constitution	24
Part 3 – Delegations		**26**
Section A	Responsibility for Functions	26
Section B	Responsibility for Non-Executive Functions	26
Section C	Responsibility for Executive Functions	27
Section D	Delegations to Committees	28
	Council	29
	Cabinet	34
	Planning Committee	39
	Governance and Audit Committee	41
	Standards Panel	43
	Performance and Monitoring Panel	43
	Policy and Development Panel	46
	Joint Performance and Monitoring Panel and Policy Development Panel	47
	Appointments and Disciplinary Committee	48
	Appointments and Disciplinary Appeals Committee	50
	Appeals Panel	51
	Settlement Agreement Sub-Committee	51
	Licensing Committee	52
	Licensing Panel	52
	Committee of the Licensing Authority	53
	Panel of the Committee of the Licensing Authority	53
Section E	Cabinet Portfolios	54
Section F	Responsibility for Functions	55
	Officer Delegations	55
	F1 General Clauses and Delegations relating to Non-Executive and Executive Functions	55
	F2 Delegations to Chief Executive	61

	F3 Delegations to Executive Directors	63
	F4 Delegations to Senior Legal Officer, Solicitor to the Council and the Legal Services Manager	66
	F5 Delegation to the Executive Manager Growth	66
	F6 Delegation to Monitoring Officer	66
Part 4A – Procedural Standing orders		**67**
SO 1	Meetings of the Council	67
SO 2	Election of Chairman and Vice-Chairman	67
SO 3	Chairman of Meeting	67
SO 4	Quorum	67
SO 5	Order of Business (Council)	68
SO 6	Questions on Notice	69
SO 7	Questions without Notice	70
SO 8	Notice of Motion	71
SO 9	Motion and Amendments which may be proposed without notice	72
SO 10	Minutes	73
SO 11	Rules of Debate for Council Meetings	73
SO 12	Motions affecting Persons Employed by the Council	76
SO 13	Conduct	77
SO 14	Disturbance by Members of the Public	77
SO 15	Rescission of Previous resolution (Full Council Only)	77
SO 16	Voting	78
SO 17	Voting on Appointments	78
SO 18	Record of Attendances	79
SO 19	Interpretation of Standing Orders	79
SO 19 A	Postponement of Full Council Meetings	79
Section 2 – Council and the Executive		79
SO 20	Form of Executive	79
SO 21	Appointment of Leader and Deputy Leader	79
SO 22	Delegation of Executive Functions	80
SO 23	Constitution of the Cabinet	81
SO 24	Incapacity of Leader	81
SO 25	Responsibilities of Cabinet	81
SO 26	Urgent Action	81
SO 27	Minor Amendments to Policy Framework	81
SO 28	Recording of Executive Decisions	82
SO 29	Conflict between Council and Cabinet	82
SO 29 A	Cancellation or Postponement of Cabinet Meeting	82
Section 3 – Non Executive Functions – Standing Orders relating to Committees		83
SO 30	Appointment of Committees for Non-Executive Functions	83
SO 31	Proceedings to be Confidential	83
SO 32	Ex-Officio Members of Committees	83
SO 33	Information to be sent to Members	83
SO 34	Election of Chairman and Vice-Chairman of Committees	83
SO 35	Postponement or Cancellations of Committee Meeting	84
SO 36	Special Meetings of Committee	84
SO 37	Sub-Committees	84
SO 38	Quorum of Committees and Sub-Committees	84
SO 39	Voting in Committees and Sub-Committees	85
SO 40	Standing Orders to apply to Committees and Sub-Committees	85
SO 41	Public Speaking	86
SO 42	Rights of other Members to attend Committee or Sub-Committee	86
SO 43	Consideration of Matters by Overview and Scrutiny Committee	87
SO 44	Ad Hoc Bodies	87

Section 4 – General Regulation of Business		87
SO 45	Interest of Members in Contracts and other matters	87
SO 46	Interest of Officers	87
SO 47	Employment – Canvassing of and Recommendations by Members	88
SO 48	Employment – Relatives of Members or Officers	88
SO 49	Common Seal and Signing of Documents	88
SO 50	Authentication of Documents for Legal Proceedings	89
SO 51	Inspection of Documents	89
SO 52	Inspection of Lands, Premises, etc	89
SO 53	Variation and Revocation of Standing Orders	90
SO 54	Suspension of Standing Orders	90
SO 55	Standing Orders to be given to Members	90
SO 56	Vacation of Office by failure to attend Meetings	90
Section 5 – Standing Orders Relating to Staff		91
SO 57	Recruitment of Chief Officers and Deputy Chief Officers	91
SO 58	Appointment of Head of the Paid Service	92
SO 59	Appointment of other Chief Officers and Deputy Officers	92
SO 60	Disciplinary Action – Protected Officers	92
SO 61	Disciplinary Action – Non Protected Staff	93
SO 62	Assistants for Political Groups	94
Section 6 – Standing Orders relating to Policy Framework and Budget		94
SO 63	Procedure for Approval of Plans and Strategies	94
SO 64	Procedure for Approval of Council Tax/Budget	95
SO 65	Recording of Budget Decisions	97
SO 66	Filming/Audio Recording of Meetings	97
Part 4B – Financial Procedure Rules		**95**
Contract procedure Rules		136
Part 4C – Financial Management Standards		**137**
Part 4D – Access to Information Procedure Rules		**178**
Part 5 – Codes and Protocols		**181**
Section 1 – Members' Code of Conduct		181
Section 2 – Protocol on Officer/Member Relations		189
Part 6 – Scheme for Payment of Allowances		**192**
Part 7 – Management Structure		**198**

CONSTITUTION INDEX

		PAGE
GLOSSARY OF TERMS		**1**
PART 1 – SUMMARY AND EXPLANATION		**5**
PART 2 – ARTICLES		**9**
ARTICLE 1	THE CONSTITUTION	9
ARTICLE 2	MEMBERS OF THE COUNCIL	10
ARTICLE 3	CITIZENS AND THE COUNCIL	11
ARTICLE 4	THE FULL COUNCIL	12
ARTICLE 5	CHAIRING THE COUNCIL	13
ARTICLE 6	OVERVIEW AND SCRUTINY	14
ARTICLE 7	THE CABINET	15
ARTICLE 8	REGULATORY COMMITTEES AND OTHER COMMITTEES	16
ARTICLE 9	STANDARDS OF MEMBER CONDUCT	16
ARTICLE 10	ARRANGEMENTS WITH OTHER PARTNERS	16
ARTICLE 11	OFFICERS	18
ARTICLE 12	DECISION MAKING	21
ARTICLE 13	FINANCE, CONTRACTS AND LEGAL MATTERS	22
ARTICLE 14	REVIEW AND REVISION OF THE CONSTITUTION	23
ARTICLE 15	SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION	24
PART 3 – DELEGATIONS		**26**
SECTION A	RESPONSBILITY FOR FUNCTIONS	26
SECTION B	RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS	26
SECTION C	RESPONSIBILITY FOR EXECUTIVE FUNCTIONS	27
SECTION D	DELEGATIONS TO COMMITTEES	28
	COUNCIL	28
	CABINET	32
	PLANNING COMMITTEE	36
	GOVERNANCE AND AUDIT COMMITTEE	38
	STANDARDS PANEL	40
	PERFORMANCE MONTORING PANEL	40
	POLICY DEVELOPMENT PANEL	43
	JOINT PERFORMANCE MONITORING PANEL AND POLICY DEVELOPMENT PANEL	44
	JOINT APPOINTMENTS AND DISCIPLINARY COMMITTEE	45
	JOINT APPOINTMENTS AND DISCIPLINARY APPEALS COMMITTEE	47
	APPEALS PANEL	47
	GRIEVANCE PANEL	47
	SETTLEMENT AGREEMENT SUB-COMMITTEE	47
	LICENSING COMMITTEE	48
	LICENSING PANEL	48
	COMMITTEE OF THE LICENSING AUTHORITY	49
	PANEL OF THE COMMITTEE OF THE LICENSING AUTHORITY	49
SECTION E	CABINET PORTFOLIO'S	49
SECTION F	RESPONSIBILITY FOR FUNCTIONS	51
	OFFICER DELEGATIONS	51

	F1 GENERAL CLAUSES AND DELEGATIONS RELATING TO NON-EXECUTIVE AND EXECUTIVE FUNCTIONS	51
	F2 DELEGATUIONS TO CHIEF EXECUTIVE	56
	F3 DELEGATIONS TO EXECUTIVE DIRECTORS	58
	F4 DELEGATUONS TO SENIOR LEGAL OFFICER, SOLICITOR TO THE COUNCIL AND THE LEGAL SERVICES MANAGER	61
	F5 DELEGATION TO THE EXECUTIVE MANAGER GROWTH	61
PART 4A – PROCEDURAL STANDING ORDERS		**62**
SO 1	MEETINGS OF THE COUNCIL	62
SO 2	ELECTION OF CHAIRMAN AND VICE-CHAIRMAN	62
SO 3	CHAIRMAN OF MEETING	62
SO 4	QUORUM	62
SO 5	ORDER OF BUSINESS (COUNCIL)	63
SO 6	QUESTIONS ON NOTICE	64
SO 7	QUESTIONS WIHOUT NOTICE	65
SO 8	NOTICE OF MOTION	66
SO 9	MOTION AND AMENDMENTS WHICH MAY BE PROPOSED WITHOUT NOTICE	67
SO 10	MINUTES	68
SO 11	RULES OF DEBATE FOR COUNCIL MEETINGS	68
SO 12	MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL	71
SO 13	CONDUCT	72
SO 14	DISTURBANCE BY MEMBERS OF THE PUBLIC	72
SO 15	RECISSION OF PREVIOUS RESOLUTION (FULL COUNCIL ONLY)	72
SO 16	VOTING	73
SO 17	VOTING ON APPOINTMENTS	73
SO 18	RECORD OF ATTENDANCES	74
SO 19	INTERPRETATION OF STANDING ORDERS	74
	SECTION 2 – COUNCIL AND THE EXECUTIVE	74
SO 20	FORM OF EXECUTIVE	74
SO 21	APPOINTMENT OF LEADER AND DEPUTY LEADER	74
SO 22	DELEGATION OF EXECUTIVE FUNCTIONS	75
SO 23	CONSTITTUION OF THE CABINET	76
SO 24	INCAPACITY OF LEADER	76
SO 25	RESPONSIBILITIES OF CABINET	76
SO 26	URGENT ACTION	76
SO 27	MINOR AMENDEMENTS TO POLICY FRAMEWORK	76
SO 28	RECORDING OF EXECUTIVE DECISIONS	76
SO 29	CONFLICT BETWEEN COUNCIL AND CABINET	77
	SECTION 3 – NON EXECUTIVE FUNCTIONS – STANDING ORDERS RELATING TO COMMITTEES	77
SO 30	APPOINTMENT OF COMMITTEES FOR NON-EXECUTIVE FUNCTIONS	77
SO 31	PROCEEDINGS TO BE CONFIDENTIAL	77
SO 32	EX-OFFICIO MEMBERS OF COMMITTEES	77
SO 33	INFORMATION TO BE SENT TO MEMBERS	78
SO 34	ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES	78
SO 35	POSTPONEMENT OR CANCELLATION OF COMMITTEE MEETING	78
SO 36	SPECIAL MEETINGS OF COMMITTEES	78
SO 37	SUB-COMMITTEES	78
SO 38	QUORUM OF COMMITTEES AND SUB-COMMITTEES	79
SO 39	VOTING IN COMMITTEES AND SUB-COMMITTEES	79
SO 40	STANDING ORDERS TO APPLY TO COMMITTEES AND SUB-COMMITTEES	79
SO 41	PUBLIC SPEAKING	80
SO 42	RIGHTS OF OTHER MEMBERS TO ATTEND COMMITTEE OR SUB-COMMITTEE	80

SO 43	CONSIDERATION OF MATTERS BY OVERVIEW AND SCRUTINY COMMITTEE	81
SO 44	AD HOC BODIES	81
	SECTION 4 – GENERAL REGULATION OF BUSINESS	81
SO 45	INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS	81
SO 46	INTEREST OF OFFICERS	81
SO 47	EMPLOYMENT – CANVASSING OF AND RECOMMENDATIONS BY MEMBERS	82
SO 48	EMPLOYMENT – RELATIVES OF MEMBERS OR OFFICERS	82
SO 49	COMMON SEAL AND SIGNING OF DOCUMENTS	82
SO 50	AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS	83
SO 51	INSPECTION OF DOCUMENTS	83
SO 52	INSPECTION OF LANDS, PREMISES, ETC	83
SO 53	VARIATION AND REVOCATION OF STANDING ORDERS	84
SO 54	SUSPENSION OF STANDING ORDERS	84
SO 55	STANDING ORDERS TO BE GIVEN TO MEMBERS	84
SO 56	VACATION OF OFFICE BY FAILURE TO ATTEND MEETINGS	84
	SECTION 5 – STANDING ORDERS RELATING TO STAFF	84
SO 57	RECRUITMENT OF JOINT CHIEF OFFCIERS AND JOINT DEPUTY CHIEF OFFICERS	84
SO 58	APPOINTMENT OF JOINT HEAD OF THE PAID SERVICE	85
SO 59	APPOINTMENT OF OTHER JOINT CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS	85
SO 60	DISCIPLINARY ACTION – PROTECTED OFFICERS	86
SO 61	DISCIPLINARY ACTION – NON PROTECTED STAFF	87
SO 62	ASSISTANTS FOR POLITCAL GROUPS	87
	SECTION 6 – STANDING ORDERS RELATING TO POLICY FRAMEWORK AND BUDGET	87
SO 63	PROCEDURE FOR APPROVAL OF PLANS AND STRATEGIES	87
SO 64	PROCEDURE FOR APPROVAL OF COUNCIL TAX/BUDGET	88
SO 65	RECORDING OF BUDGET DECSIONS	90
SO 66	FLIMING/AUDIO RECORDING OF MEETINGS	90
	PART 4B – FINANCIAL PROCEDURE RULES	**91**
	CONTRACT PROCEDURE RULES	106
	CONTRACT STANDING ORDERS	127
	PART 4C – FINANCIAL MANAGEMENT STANDARDS	**129**
	PART 4D – ACCESS TO INFORMATION PROCEDURE RULES	**170**
	PART 5 – CODES AND PROTOCOLS	**180**
	SECTION 1 – MEMBERS' CODE OF CONDUCT	180
	SECTION 2 – PROTOCOL ON OFFICER/MEMBER RELATIONS	183
	PART 6 – SCHEME FOR PAYMENT OF ALLOWANCES	**191**
	PART 7 – MANAGEMENT STRUCTURE	**197**

GLOSSARY OF TERMS

Throughout this Constitution the following words have the following meanings:

Definitions Relating To Legislation

"the 1972 Act" means the Local Government Act 1972;

"the 1989 Act" – the Local Government and Housing Act 1989;

"the 2000 Act" means the Local Government Act 2000;

"the 2000 Regulations" means the Local Authorities (Functions and Responsibilities) (England) Regulations, 2000;

"the 2004 Act" means the Planning and Compulsory Purchase Act 2004

"the 2007 Act" means the Local Government and Public Involvement in Health Act 2007;

Definitions Relating To Staff

"**Chief Officer**" means (unless otherwise stated)

a) the Head of the Paid Service

b) the Monitoring Officer and the Section 151 Officer

c) any officer for whom the Head of the Paid Service is directly responsible

d) any officer who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to the Head of the Paid Service, excluding any person whose duties are solely secretarial or clerical or are otherwise in the nature of support services

e) any officer who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to the local authority itself, or to any committee or sub-committee of the authority

Chief Officers currently comprise the Head of the Paid Service, the Chief Executive, and the Directors (the S151 Officer is also a Director).

"**Deputy Chief Officer**" means (unless otherwise stated) any officer who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to one or more of the above statutory or non-statutory Chief Officers, excluding any person whose duties are solely secretarial or clerical or are otherwise in the nature of support service. Deputy Chief Officers currently includes Assistant Directors.

"**Directors**" means tier 2 officers (immediately below the post of Chief Executive, whether or not a Chief Executive is actually in post). Currently the Executive Directors.

"Assistant Directors" means tier 3 officers (immediately below the Directors). Currently the Assistant Directors.

"Service Managers" means tier 4 officers (immediately below the Assistant Directors) who manage each service unit. Currently the Service Managers.

"Chief Executive" – the Chief Executive for the time being or such person as he or she may appoint to represent him or her for the purpose of this Constitution;

"Head of the Paid Service" means the officer appointed in accordance with Section 4 of the 1989 Act. The Head of the Paid Service is usually the Chief Executive;

"Monitoring Officer" means the officer appointed under section 5 of the 1989 Act, currently the Assistant Director for Governance or, if he or she is unable to act owing to absence or illness, the person nominated as his or her deputy;

"Proper Officer" means such officers as are designated Proper Officer by law, a list of which is maintained by the Senior Legal Officer

"Section 151 Officer" means the officer appointed under section 151 of the 1972 Act to administer the Council's financial affairs, currently the Executive Director Strategy & Resources

"**Senior Legal Officer"** currently means the Assistant Director for Governance.

"Electoral Registration Officer" means the officer appointed under section 8 of the Representation of the People Act 1983. The Electoral Registration Officer is currently the Assistant Director - Corporate.

"Returning Officer" means the officer appointed under section 35 of the Representation of the People Act 1983. The Returning Officer is currently the Assistant Director - Corporate.

Definitions Relating To The Executive

"Cabinet" – means between two and nine elected Council members appointed by the Leader and who, with the Leader, form the Cabinet.

"Call-In" – means the consideration by an Overview and Scrutiny Committee of an Executive Decision made but not yet implemented, which may result in the recommendation that the decision be reconsidered by the person or persons who made that decision or that the decision be reviewed by full Council in accordance with Section 9F (2)(a) and (4) of the 2000 Act.

"Executive" means the Leader, the Cabinet, any committee of the Cabinet, any individual Cabinet Member, any Executive joint committee, any Council officer, and any other authority collectively or individually discharging Council Executive Functions by making Executive Decisions

"Executive Decision" means a decision which must be discharged by the Executive

"Executive Function" means any function which is the responsibility of the Executive in accordance with section 9D of the 2000 Act

"Cabinet Member" means any member of the Cabinet including the Leader and Deputy Leader. Please note the Chairman and Vice Chairman of the Council cannot be Cabinet Members.

"Key Decision" means a decision which, in relation to an Executive Function, has a significant effect on communities in two or more Wards of the Council and/or is likely to result in the Authority incurring expenditure, generating income or making savings in any single financial year above the capital expenditure threshold or the revenue expenditure threshold currently laid down by the Council (both figures are increased annually in line with RPI-x (the retail prices index excluding mortgage interest payments));

"Leader of the Council" – such person as the Council shall so elect to be Leader of the Cabinet.

"Deputy Leader of Council" - such person as the Leader may appoint to the role of Deputy Leader of the Council and such person as the Leader may appoint to the role of Deputy Leader of the Cabinet.

"Non-Executive Functions" means those functions specified in legislation which cannot be discharged by the Executive or, where there is a Local Choice, which the Council has decided shall not be discharged by the Cabinet.

"Portfolio Holder" means an individual Cabinet Member with delegated authority from the Leader to make decisions on a number of matters, known as a portfolio.

Miscellaneous Definitions

"authority" – means the South Holland District Council acting by any means which it may lawfully adopt;

"Budget" means the Budget requirement of the Council (as provided for in the Local Government Finance Act 1992 or any re-enactment thereof), all the components of the Budget, such as budgetary allocation to different services and projects, proposed taxation levels, council tax base, contingency funds ('reserves' and 'balances'), any plan or strategy for the control of the local authority's borrowing or capital expenditure including the Treasury Management Policy. For the sake of certainty where an Executive Decision require the virement of monies between budgets or from reserves and the decision maker is authorised to make such virement under the Financial Procedure Rules in this Constitution, such decisions will be considered to be within the budget and therefore an Executive Decision.

"confidential" – 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, or by virtue of any enactment, as defined in the Access to Information Procedure Rules

"Council" – the South Holland District Council;

"exempt" – as defined by Schedule 12A of the 1972 Act and the Access to Information Procedure Rules of the Constitution.

"Local Choice" – the Council has a local choice whether to reserve a number of functions specified in the 2000 Regulations as Executive Functions, or as Non-Executive Functions. The Council also has a local choice to decide which plans and strategies should form part of

the Policy Framework in addition to those plans and strategies which are required by the 2000 Regulations to be part of the Policy Framework.

"member" – in relation to the Council means a member of the Council; in relation to any other body means a person appointed as a member of that body, whether or not entitled to vote;

"Overview and Scrutiny Committees" means a committee or committees of the Council established in accordance with Section 9F of the 2000 Act, currently being the Policy Development Panel and the Performance Monitoring Panel and any Task-Groups appointed by them;

"**Petitions Scheme**" means a scheme for receiving and if appropriate debating petitions submitted by the public – the process is managed by the Council's Democratic Services Team.

"Policy Framework" means all plans and strategies either (a) required by the 2000 Regulations to be approved by full Council (rather than by Cabinet) and (b) any Local Choice plans and strategies which the Council has chosen to be approved by full Council (rather than by Cabinet). Further details of the Policy Framework are set out in Article 4.

"Political Balance" means the duty under section 15 of the 1989 Act, where the members of the Council are divided into different Political Groups, to appoint members to committees, sub-committees, Panels and certain other bodies proportionally to the number of members of each Political Group

"Political Groups" – a Political Group as defined in the Local Government (Committees etc.) Regulations 1990 or any statutory modification or re-enactment thereof;

"Regulatory Committee" – a committee undertaking "quasi-judicial" functions of the Council (such as licensing and development control)

"**Standing Committee"** means a Committee (whether required by statute or otherwise) which has been established by the full Council on a permanent basis to do its assigned work on an ongoing basis. The Standing Committees established by the full Council are detailed in Part 3 of Section D of the Constitution (Delegations to Committees) and exclude full Council, Cabinet and any Committees of the Cabinet (there are presently no Committees of the Cabinet)

"Virtual meeting" means a virtual meeting held under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

"Working Day" excludes Saturday, Sunday and bank and public holidays;

PART 1 - SUMMARY AND EXPLANATION

1.0 THE COUNCIL'S CONSTITUTION

1.1 South Holland District Council has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these 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 15 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols towards the end of the document.

2.0 What's In The Constitution?

2.1 Part 2 contains the Articles. Article 1 of the Constitution explains the purpose of the Constitution and commits the Council to exercise all its powers and duties in accordance with the law and this Constitution. Articles 2 – 15 explain the rights of citizens and how the key parts of the Council operate. These are:

a) Members of the Council (Article 2);

b) Citizens and the Council (Article 3);

c) The Council Meeting (Article 4);

d) Chairing the Council (Article 5);

e) Overview and Scrutiny of decisions (Article 6);

f) The Cabinet (Article 7);

g) Regulatory Committees and other committees (Article 8);

h) The Standards Panel (Article 9);

i) Arrangements with Other Partners (Article 10);

j) Officers (Article 11);

k) Decision making (Article 12);

l) Finance, contracts and legal matters (Article 13);

m) Review and revision of the Constitution (Article 14);

n) Suspension, interpretation and publication of the Constitution (Article 15).

2.2 Part 3 describes how decisions are made. The Leader is responsible for making Executive Decisions, but in practice delegates responsibility for much of the decision-making to Cabinet, Committees of the Cabinet, Cabinet Members and officers. In turn

the Cabinet, Committees of the Cabinet and Cabinet Members may delegate responsibility further. The full Council is responsible for making Non-Executive Decisions, but again in practice delegates responsibility for much of the decision-making to Committees, Sub-Committees and officers. Part 3 explains which responsibilities are delegated to Cabinet, Committees of the Cabinet, Cabinet Members, Committees and Sub-Committees of the Council, and officers.

2.3 Part 4 contains (a) Standing Orders, which are the rules governing how the Executive, and the full Council and its Committees and Sub-Committees, works; general issues relating to Council business; how senior staff are appointed and dismissed; and how the Budget and Policy Framework are determined; (b) Financial Procedure Rules, which establish a framework for managing the Council's financial affairs including the procedures for awarding of contracts; (c) Access to Information Procedure Rules which set out the rights of members of the public to access agendas, reports, background papers and minutes, and to attend meetings; the rules for making Key Decisions and publishing details of Executive Decisions; and rights of access for members.

2.4 Part 5 contains (a) the Council's Code of Conduct for members, which details behaviours expected of members, and co-opted members, of the Council; and (b) a protocol on officer/member relations which encourages an atmosphere of mutual trust and respect between officers and members.

2.5 Part 6 contains the Council's approved scheme for payment of allowances to members. Part 7 contains details of the Council's current management structure.

3.0 **How the Council Operates**

3.1 The Council is composed of 37 Councillors elected every four years. Councillors are democratically accountable to the residents of their electoral area. 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.

3.2 The Council currently operates a Leader and Cabinet (Executive) structure. Some Councillors have specific responsibilities and decision-making for an area of the Councils activities (a portfolio).

3.3 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 is also responsible for appointing the Leader who then appoints a Cabinet (together formally entitled "the Executive") and for appointing committees and sub-committees, some of which are responsible for overseeing and reviewing the decisions of the Cabinet, while others discharge regulatory responsibilities or other functions which by law may not be discharged by the Cabinet, for example planning and licensing.

4.0 **How Decisions are Made**

4.1 The Leader is responsible for the discharge of Executive Functions. The Leader may delegate such functions to the Council's Executive, (which will in practice be called "the Cabinet") and to others. The Cabinet is made up of the Leader and up to nine other Councillors. When major decisions are to be discussed or made, these are published in the Cabinet's Key Decision Plan in so far as they can be anticipated. Where delegated, these Key Decisions are made at meetings of the Cabinet, which will generally be open for the public to attend except where personal or confidential matters are being discussed, or by officers. 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. However, where the Executive or any officer has authority to vire funds between budgets this will be considered to be 'within Budget' and will not need to be referred to the Council.

5.0 Overview and Scrutiny

5.1 There are two Overview and Scrutiny Committees who support the work of the Cabinet and the Council as a whole.

5.2 They allow a wider involvement in Council business by involving non-councillors from the wider public sector, voluntary and community groups to help them in their work. They may make reports and recommendations to the Cabinet and the Council as a whole on its policies, Budget and service delivery.

5.3 The Performance Monitoring Panel can "Call-In" a decision of the Cabinet which has been made but not yet implemented. They may recommend that the Cabinet reconsider their decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions or the development of policy.

6.0 The Council's Staff

6.1 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 protocol (to be found in Part 5) governs the relationships between Officers and Councillors.

7.0 Citizens' Rights

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

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

8.0 Merged Services Organisation

8.1 Acting in partnership with East Lindsey District Council this Council has set up a separate company called Compass Point Business Services (East Coast) Ltd that is wholly owned by both Councils to deliver back office support services which initially comprise:

(a) Human Resources;

(b) Information and Communications Technology;

(c) Financial Services;

(d) Customer Services;

(e) Revenues; and

(f) Benefits.

8.2 The Merged Services organisation has a Board of Directors which comprises the Managing Director together with a Chief Officer and two Councillors from each Council. The two respective Councils are sole shareholders of the Company which is therefore legally defined as a Local Authority Company.

8.3 The Articles of Association for the Company provide the regulations covering the relationships between the Shareholders and the Directors of the Company. Together with the Shareholders Agreement they form the Constitution of the Company.

PART 2 – ARTICLES

ARTICLE 1– THE CONSTITUTION

1.0 **Powers of the Council**

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

1.2 The Constitution

1.3 This Constitution, and all its appendices, is the Constitution of South Holland District Council.

2.0 **Purpose of the Constitution**

2.1 The purpose of the Constitution is to:

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

b) support the active involvement of citizens in the process of local authority decision-making;

c) help Councillors represent their constituents more effectively;

d) enable decisions to be taken efficiently and effectively;

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

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

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

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

3.0 **Interpretation and Review of the Constitution**

3.1 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.

3.2 The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

4.0 **Interpretation of Terms**

4.1 Throughout this Constitution references to the masculine gender shall be taken to mean both the masculine and the feminine gender and expressions in the singular shall include, where appropriate, the plural.

ARTICLE 2 – MEMBERS OF THE COUNCIL

1.0 **COMPOSITION AND ELIGIBILITY**

1.1 **Composition**

1.1.1 The Council will comprise 37 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission and approved by the Secretary of State.

1.2 **Eligibility**

1.2.1 Only registered voters of the District or those living or working there will be eligible to hold the office of Councillor.

1.3 **Election and Terms of Councillors**

1.3.1 The regular election of Councillors will usually be held on the first Thursday in May every four years beginning in 2015. The Terms of Office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

1.3.2 Following an ordinary election of district councillors, it is a requirement that all Political Group appointments are reported to the Chief Executive or the Director responsible for Democratic Services.

1.3.3 Following the election of a Leader, it is a requirement that, within seven days of his/her appointment, the Leader shall appoint a Cabinet and shall report the names of the Cabinet members to the Chief Executive or the Director responsible for Democratic Services.

1.4 **Roles and functions of all Councillors**

1.4.1 Key roles

All Councillors will:

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

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

(c) effectively represent the interests of their ward and of individual constituents;

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

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

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

1.5 **Rights and Duties**

1.5.1 Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

1.5.2 Councillors shall not disclose or make public any information which is confidential or exempt. If Councillors are unsure as to whether such information may be considered confidential or exempt they must seek the advice of the Monitoring Officer.

1.5.3 For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules which can be found elsewhere in this Constitution.

1.6 **Conduct**

1.6.1 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.

1.7 **Allowances**

1.7.1 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

1.0 **Introduction**

1.1 Citizens have a number of rights and responsibilities. The following list is a general summary of rights in terms of information, the opportunity to participate and the ability to make complaints.

2.0 **Citizens' Rights**

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

3.0 **Voting and petitions**

3.1 Citizens on the electoral roll for the area have the right to:

(a) Vote;

(b) Sign a petition to request a referendum for an elected mayor form of Constitution;

(c) Sign any other petition they wish to support.

4.0 **Complaints**

4.1 Citizens have the right to complain to:

(a) the Council itself under its Complaints Scheme;

(b) The Local Government Ombudsman after using the Council's own complaints scheme; or

(c) the Monitoring Officer about a breach of the Councillor's Code of Conduct.

5.0 **Citizens' Responsibilities**

5.1 Citizens must not harass or 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

1.0 **Introduction**

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

1.2 The full Council provides a central forum for debate and gives the opportunity for Councillors to ask questions about the Council or matters affecting the Council.

2.0 **THE COUNCIL**

2.1 **Role**

2.1.1 A meeting of the Council is one which all 37 members are entitled to attend and to speak and vote. The Council is responsible for the Budget and Policy Framework of the Council and for all of the functions not the responsibility of the Cabinet. It will carry out some functions itself but others will be delegated to Committees or named officers.

3.0 **Plans and Budgets**

3.1 The Council is responsible for the determination of its Budget and Policy Framework. The Council is responsible for regulatory and other non-Cabinet functions and has a role in holding the Cabinet to account.

4.0 **Policy Framework**

4.1 The Policy Framework means the following categories of plans and strategies:

4.2 Those required by law to be adopted by the Council comprising the following,

a) Licensing Authority Policy Statement (Licensing Act);

b) Plans or Strategies for the control of the authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision (Medium Term Financial Strategy, Treasury Policy Statement and Clauses to be adopted, Treasury Management Strategy Statement Minimum Revenue Provision Policy Statement and Annual Investment Strategy)

4.3 Those Local Choice plans and strategies which the Council has chosen to adopt as part of the Policy Framework comprising the following:

a) Corporate Plan;

b) Gambling Act 2005 (Gambling Policy); and

c) Asset Management Strategies.

d) HRA Housing Delivery Framework

e) Welland Homes Housing Delivery Framework

5.0 **Budget**

5.1 Responsibility for the Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, determining the Council tax base, setting the Council tax level, decisions relating to the control of the Council's borrowing requirements, investments, the control of its capital expenditure and the setting of expenditure limits and permitted Budget transfers.

6.0 **Functions of the full Council**

6.1 The functions which are exercised by the full Council are described in Part D (Delegations to Committees) of Part 3 to this Constitution. These include functions which must be exercised only by the full Council either by law or because the Council has decided to retain decision –making power, and functions which may to some extent be exercised only by full Council

7.0 **Council Meetings**

7.1 There are four types of Council meeting:

(a) the annual meeting;

(b) ordinary scheduled meetings;

(c) extraordinary meetings (called under Schedule 12 to the Local Government Act 1972); and

(d) special meetings (called for a special and particular purpose)

and they will be conducted in accordance with the Procedural Standing Orders in Part 4 of this Constitution.

ARTICLE 5 – CHAIRING THE COUNCIL

1.0 The Chairman of the Council will be elected and the Vice-Chairman of the Council will be appointed by the Council annually. The Chairman and in his/her absence the Vice-Chairman, will have the following responsibilities:-

1.1 to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

1.2 to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;

1.3 to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account;

1.4 to promote public involvement in the Council's activities;

1.5 to be the conscience of the Council;

1.6 to attend or be represented at such civic and ceremonial functions as he/she determines appropriate;

ARTICLE 6 – OVERVIEW AND SCRUTINY

1.0 **INTRODUCTION**

1.1 The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committees should be powerful committees that can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies. The Overview and Scrutiny Committees may establish Task and Finish Groups to undertake a specific task within its terms of reference.

1.2 Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Overview and Scrutiny Committees should not shy away from the need to challenge and question decisions and make constructive criticism.

1.3 In order to achieve this, the Council have appointed a Performance Monitoring Panel and Policy Development Panel which will:-

(g) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether by the Cabinet or another part of the Council or any of its Committees;

(h) make reports or recommendations to the Council or the Cabinet in connection with the discharge of any functions;

(i) consider any matter which affects the Council's area or its inhabitants

(j) exercise the right to Call-In for reconsideration of decisions made but not yet implemented by the Cabinet and Officers; and

(k) to review or scrutinise decisions of the Council relating to the discharge of any functions of the Merged Services organisation and/or its performance.

1.4 The Council or the Overview and Scrutiny Committees may from time to time establish such other committees or Task and Finish Groups as it sees fit.

1.5 If there is an important matter that is relevant to the Performance Monitoring Panel and the Policy Development Panel then a special Joint Scrutiny Panel meeting will be called. As Joint Scrutiny Panel meetings are held infrequently they are not included in the calendar of meetings and are arranged as required.

1.6 The membership of the Joint Scrutiny Panel shall consist of the members of the two separate Panels.

1.7 The special joint meeting shall as its first item of business elect a Chairman for the duration of that meeting.

1.8 The Joint Scrutiny Panel is not a decision making body, and can only make recommendations.

1.9 Any vote taken at the Joint Scrutiny Panel will taken as a single entity, i.e. the Panels will not vote separately. Any member who sits on both the Performance Monitoring Panel and the Policy Development Panel shall have, as a member of the Joint Scrutiny Panel, only one vote.

ARTICLE 7 – THE CABINET

1.0 **INTRODUCTION**

1.1 The Cabinet is appointed to carry out 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. Many decisions will be made by the Cabinet, rather than the full Council.

2.0 **Form and Composition of the Cabinet**

2.1 The Cabinet will consist of:-

(a) the Leader; and

(b) at least two but not more than 9 Councillors appointed to the Cabinet by the Leader, but the Chairman and Vice-Chairman of the Council may not be appointed as Cabinet members.

3.0 **Role of the Leader**

3.1 The Leader will carry out all of the Council's Executive Functions

3.2 If the Council fails to appoint a Leader, the Executive Functions shall vest in the Chief Executive or, in the absence of the Chief Executive, each and any of the Directors until such time as the Leader is appointed.

4.0 **Deputy Leader**

4.1 **Appointment**

4.1.1 The Leader may designate up to two Cabinet Members as Deputy Leaders.

4.2 **Duties of the Deputy Leader**

4.2.1 The Deputy Leader may exercise all the functions of the Leader where the position is vacant or where the Leader is absent or is otherwise unable to act.

4.3 **Removal from Office**

4.3.1 The Leader may, if he/she thinks fit, remove the Deputy Leader from office at any time.

5.0 **Other Cabinet Members**

5.1 Other Cabinet Members will be Councillors appointed to the position of Cabinet Member by the Leader. Each Cabinet Member shall hold office until:-

(a) he/she resigns from that office; or

(b) he/she is removed from that office by the Leader upon such notice (if any) as the Leader considers appropriate;

(c) he/she ceases to be a Councillor.

5.2 The Leader may at any time appoint a Cabinet Member to fill any vacancies.

6.0 **Proceedings of the Cabinet**

6.1 The proceedings of the Cabinet shall take place in accordance with the Procedural Standing Orders in Part 4 of this Constitution.

7.0 **Cabinet Support Members**

7.1 Other Councillors may, from time to time, be designated by the Leader as Cabinet Support Members. Such Councillors will not be a Cabinet Member and will not participate in Executive Decision making, but may work closely with a Cabinet Member.

ARTICLE 8 – REGULATORY COMMITTEES AND OTHER COMMITTEES

1.0 **INTRODUCTION**

1.1 The Council will appoint Standing Committees to undertake a variety of regulatory and other functions that are the responsibility of the Council but which do not have to be carried out by the full Council.

2.0 **Other Committees and Sub-Committees**

2.1 Where the Council appoints members to Standing Committees and where a committee appoints members to sub-committees or panels such appointments shall be subject to the right of a Political Group to make nominations for those appointments in accordance with rules on Political Balance.

2.2 The Council may appoint Area Committees or joint committees as it sees fit if it is satisfied that to do so will ensure improved service delivery in the context of best value and with more efficient, transparent and accountable decision making.

2.3 The Council will consult with relevant parish councils and the Chairman of relevant parish meetings when considering whether and how to establish area committees.

ARTICLE 9 – STANDARDS OF MEMBER CONDUCT

1.0 Responsibility for dealing with complaints about Councillors is delegated to the Standards Panel. (See Part 3D – Delegations to Committees).

ARTICLE 10 – ARRANGEMENTS WITH OTHER PARTNERS

1.0 INTRODUCTION

1.1 There are a number of circumstances where the Council or the Cabinet is entitled to carry out certain functions jointly with another local authority.

1.2 The Council works with a number of other authorities including joint back office functions with East Lindsey District Council and Boston Borough Council (PSPSL) and joint development plan arrangement with Boston Borough Council and Lincolnshire County Council (South East Lincolnshire Joint Strategic Planning Committee).

2.0 Joint Arrangements

2.1 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, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

2.2 The Cabinet 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. Except as set out below, or as permitted or required by Law, the Cabinet may only appoint Cabinet Members to such joint committees and those Members need not reflect the political composition of the Council as a whole.

2.3 The Cabinet may appoint members to a Joint Committee from outside the Cabinet where the Joint Committee has functions for only part of the area of the Council and that area is smaller than two fifths of that local authority, by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor who is a member for a ward contained within the area. Political Balance requirements do not apply to such appointments.

3.0 Access to Information

3.1 The Access to Information Procedure Rules apply:

(a) If all the Members of a Joint Committee are Cabinet Members in each of the participating authorities, then its access to information regime is the same as that applied to the Cabinet.

(b) If the Joint Committee contains members who are not on the Cabinet of any participating authority, then the Access to Information Rules in part V of the 1972 Act (as amended) will apply.

4.0 Delegation to and from Other Local Authorities

4.1 The Council can delegate Non-Executive Functions to another local authority or, where those functions are the responsibility of the executive of another local authority, to that executive.

4.2 The Cabinet can delegate Executive Functions to another local authority or the Executive of another local authority as set out in law.

4.3 The decision whether or not to accept such a delegation from another local authority is reserved to the full Council.

5.0 **Contracting Out**

5.1 The Council (in respect of non-Executive Functions) and the Cabinet (in respect of Executive Functions) may contract out to another body or organisation such functions as are permitted by law:-

5.2 A Merged Service Organisation called Public Sector Partnership Services Ltd has been set up by East Lindsey District Council, South Holland District Council and Boston Borough Council to deliver initially back office support services:

a) Human Resources;
b) Information and Communications Technology;
c) Financial Services;
d) Customer Services;
e) Revenues; and
f) Benefits.

5.3 The Company was formally approved by South Holland District Council and East Lindsey District Council on 28 July 2010 and came into being from 1 August 2010 at which point relevant staff were transferred to it from the councils under TUPE legislation. Boston Borough Council joined on 1 April 2021.

5.4 **Governance**

5.4.1 Public Sector Partnership Services Ltd is a separate company wholly owned by the three councils each of which owns a share the notional value of which is calculated in proportion to its relative size and financial turnover and reflects the initial funding it contributed to development of the project. However, irrespective of the notional value, each council has an equal vote and the company is a 'deadlocked' organisation which means that all shareholders must agree on all issues to enable it to continue to function.

5.4.2 Because of this arrangement the Merged Services Organisation is a Local Authority Controlled company and the participating councils can hand work to it without going through a tendering exercise under the so called Teckal exemption.

5.4.3 The company has its own Board of Directors which consists of the Chief Executive of East Lindsey District Council, and a Chief Officer or Deputy Chief Officer of South Holland District Council and two Councillors from each Authority, together with two Directors appointed by Boston Borough Council. This Board will control the activities of the company and whilst servicing thereon Councillors will represent the interests of the Company.

5.4.4 Decisions relating to the Merged Services Organisation will be taken at the Cabinet (if an executive function) or the full Council (if a non-executive function) of each authority. The Articles of Association for the Company provide the regulations covering the relationships between the shareholders and the Directors of the Company. Together with the Shareholders Agreement they form the constitution of the Company.

ARTICLE 11 – OFFICERS

1.0 MANAGEMENT STRUCTURE

1.1 General

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

1.2 Chief Officers/Deputy Chief Officers

1.2.1 The Council will engage persons for the following posts, who will be designated Chief Officers.

1.3 Post Functions and Areas of Responsibility

Post	Duties
Chief Executive	• Overall corporate management and operational responsibility (including overall management and responsibility for all officers) • Principal advisor to the Council on general policy • Overall responsibility for delivering the Council's policies and programmes • Provision of professional advice to all parties in the decision-making process • To act as Head of the Paid Service (except during any period where the Council decides not to appoint a Chief Executive at which time a Head of Paid Service will be appointed separately) • Representing the Council on partnerships and external bodies (as required by statute or the Council) • Responsibility for a system of record keeping for all the Council's decisions
Director – Strategy and Resources	• Responsible for the services shown in the current portfolio list
Director – Place & Delivery	• Responsible for the services shown in the current portfolio list

1.4 Statutory Officers

1.4.1 The Council must, by law, designate one of their officers as:

- Head of Paid Service
- Monitoring Officer
- Section 151 Officer

The Glossary of Terms (Definitions Relating to Staff) states which officers are currently designated.

1.4.2 Such posts will have the functions described in 1.6 to 1.8 below.

1.5 **Structure**

1.5.1 The Head of the Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

1.6 **Functions of the Head of the Paid Service**

1.6.1 The Head of the Paid Service will keep under review 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

1.6.2 The Head of the Paid Service may not be the Monitoring Officer but may hold the post of S151 Officer if a qualified accountant.

1.7 **Functions of the Monitoring Officer**

1.7.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

1.7.2 After consulting with the Head of the Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an Executive Function, if he or she considers that 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.

1.7.3 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Panel.

1.7.4 Notwithstanding the duty of confidentiality, the Monitoring Officer shall be at liberty to disclose any information relating to the Council's affairs, and provide copies of any records or documents belonging to the Council to the Standards Panel, for the purposes of investigation or determination of a complaint against a Member.

1.7.5The Monitoring Officer will conduct investigations into matters and carry out any other actions as directed by the Standards Panel and make reports or recommendations in respect of them to the Standards Panel.

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

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

1.7.8 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. Where the Monitoring Officer considers that a Member(s) has acted contrary to his/her advice it is open to him/her to issue a report to the Council under s.5 and s5A of the 1989 Act, or seek judicial review, as he or she considers appropriate in the circumstances.

1.7.9 The Monitoring Officer cannot be the Section 151 Officer.

1.8 **Functions of the Section 151 Officer**

1.8.1 After consulting with the Head of the Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full 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.

1.8.2 When the report is completed the Section 151 Officer shall send a copy to:

(a) the current auditor of the Council's accounts; and,

(b) each Member of the Council.

1.8.3 The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.

1.8.4 The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

1.8.5 The Section 151 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.

1.8.6 The Section 151 Officer will provide financial information to the media, members of the public and the community.

1.9 **Duty to Provide Sufficient Resources to the Monitoring Officer and Section 151 Officer**

1.9.1 The Council will provide the Monitoring Officer and Section 151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

1.10 **Conduct**

1.10.1 Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations.

1.11 **Employment**

1.11.1The recruitment, selection and dismissal of officers will comply with Standing Orders and policies that are for the time being in force.

ARTICLE 12 - DECISION MAKING

1.0 **Responsibility for Decision Making**

1.1 The Council will issue and keep up to date a record of what part of the Council or which 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.

2.0 **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 of openness;

(c) equal opportunities for all;

(d) clarity of aims and desired outcomes;

(e) consideration of any alternative options; and,

(f) the giving of reasons for the decision and the proper recording of those reasons.

3.0 **Type of Decision**

3.1 Decisions reserved to full Council. Decisions relating to the functions listed in Part 3 (functions of the full Council) will be made by the full Council and will not be delegated.

3.2 Non-Executive Decisions that have been delegated by the council to committees, sub-committees or officers;

3.3 Key Decisions – significant Executive decisions made by the Executive–

3.4 Other Executive Decisions

4.0 **Decision Making**

4.1 Subject to the following Article every decision making body will follow the Procedural Standing Orders set out in Part 4 of this Constitution when considering any matter.

5.0 **Decision Making by Council Bodies Acting as Tribunals or in a quasi judicial manner**

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

ARTICLE 13 - FINANCE, CONTRACTS AND LEGAL MATTERS

1.0 **Financial Management**

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

2.0 **Contracts**

2.1 Every contract for the procurement of goods, services or works made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

3.0 **Legal Proceedings**

3.1 The Head of the Paid Service, the Monitoring Officer and the Senior Legal Officer, are authorised to institute, defend, participate in or settle any legal proceedings and take all necessary steps in any case where any of these officer consider such action is necessary to give effect to decisions of the Council or in any case where any of these officers consider that such action is necessary to protect the Council's interests.

3.2 In addition to any other specific delegations the Head of the Paid Service, the Monitoring Officer and the Senior Legal Officer have delegated powers to authorise officers to appear in court on the Council's behalf.

4.0 **Authentication of Documents**

4.1 For information about authentication of documents see Standing Order 50.

5.0 **Common Seal of the Council**

5.1 For information about the Council's common seal, and the sealing and execution of documents, see Standing Order no. 49.

ARTICLE 14 - REVIEW AND REVISION OF THE CONSTITUTION

1.0 **Duty to Monitor and Review the Constitution**

1.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Section 151 Officer shall be responsible for keeping under review the Financial Procedure Rules set out in Part 4 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. He/she shall report any amendments made to Part 4 for the next available Council meeting for noting.

2.0 **Changes to the Constitution**

2.1 Subject to below, changes to the Constitution will only be approved by the full Council. The Council may if it considers necessary appoint a special committee to make recommendations for that purpose.

3.0 **Minor Changes**

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

a) A minor variation; or

b) Required to be made to remove any inconsistency or ambiguity; or

c) Required to be made so as to put into effect any decision of the Council or its committees or the Cabinet,

then the Monitoring Officer or the Senior Legal Officer may make such a change. Any such change made by the Monitoring Officer or the Senior Legal Officer shall come into force with immediate effect but shall (unless a minor typographical, referencing or numbering change) be referred to full Council as soon as is reasonably possible and shall continue to have effect only if full Council agree. Minor typographical, referencing and numbering changes shall not require the approval of Full Council.

3.2 Changes required to the Constitution, including the Log of Delegations to Officers, as a result of a report already approved by Council, including any approved review of the staffing structure, shall come into immediate effect.

4.0 **Legislative Change**

4.1 Any part of the Constitution, including the Log of Delegations to Officers, may be amended by the Monitoring Officer or the Senior Legal Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer or the Senior Legal Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Council meeting only where the changes constitute more than variations to statutory references.

5.0 **Change to a Mayoral Form of Executive**

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

ARTICLE 15 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

1.0 **SUSPENSION OF THE CONSTITUTION**

1.1 **Limit to Suspension**

1.1.1 The Articles of this Constitution may not be suspended. The Standing Orders in Part 4 of this Constitution may be suspended by the full Council, or any committee to which they relate, to the extent permitted within those Rules and the law.

1.2 **Procedure to Suspend**

1.2.1 A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of councillors is 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.

1.3 **Interpretation**

1.3.1 The ruling of the Chair of the Council (or other person presiding) as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

1.4 **Publication**

1.4.1 The Monitoring Officer will make available a copy of this Constitution to each member of the Council upon delivery to her of that individual's declaration of acceptance of office on the member first being elected to the Council.

1.4.2 The Monitoring Officer will ensure that this constitution is available on the council website and can be purchased on payment of a reasonable fee.

PART 3 – DELEGATIONS

SECTION A - RESPONSIBILITY FOR FUNCTIONS

1.0 **Executive and Non-Executive Functions**

1.1 The Glossary contains an explanation of the meaning of Executive Functions and Non-Executive functions. Detail in respect of such functions may be found in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which can be found at the link below:

http://www.legislation.gov.uk/uksi/2000/2853/contents/made

2.0 **The Exercise of Executive Functions**

2.1 Executive Decisions will be taken by the Leader unless they are delegated to Cabinet, a sub-committee of Cabinet, individual Cabinet Members or officers or are dealt with under joint arrangements.

3.0 **Who may exercise Officer Delegations?**

3.1 Where a function has been delegated to an officer(s) ("delegated officers"), the decision may be taken in the name of (but not necessarily personally by) such delegated officer(s) by another officer(s) ("authorised officer(s)") in accordance with arrangements made from time to time by such delegated officer(s) for this purpose.

SECTION B - RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

1.0 **General Provisions**

1.1 There shall be delegated to every Committee and Sub-Committee of the Council full powers to act in all matters covered by the Committee or Sub-Committee's Terms of Reference, subject to compliance with Procedural Standing Orders and / or financial regulations for the time being in force.

1.2 Each Committee shall be authorised to appoint Sub-Committees and to delegate any part of its functions to a Sub-Committee and to any officer.

1.3 Members of all Sub-Committees shall be confined to members of the appointing Committee unless otherwise authorised by the Council.

1.4 It shall be a condition of all delegation to all Committees and Sub-Committees that they shall report all important steps taken by them in exercising their delegated powers to the extent necessary to ensure that all members of the Council are broadly aware of the progress and the problems of the Council in every sphere; this provision will be satisfied by a copy of confirmed or unconfirmed minutes from the Committee or Sub-Committee being reported to Council.

1.5 No general reference of a power, duty, function or other matter to a Committee or Sub-Committee shall include any matters specifically referred to another Committee or Sub-Committee.

1.6 Every Committee and Sub-Committee shall have power to appoint delegates to attend conferences and meetings concerned with matters which come within the terms of reference of the Committee.

1.7 Each Committee may recommend to Council the making of bye-laws relevant to any function of the Committee.

1.8 Each Committee shall have the power to recommend to Council changes in its structure, constitution, membership and functions.

1.9 Each Committee and Sub-Committee shall, so far as the context practically and legally allows, exercise its powers in accordance with the Council's Policy Framework (in particular with the Council's Business Plan and Environment Strategy), and in accordance with the Budget as approved or as properly varied.

1.10 For the avoidance of doubt, the terms 'Committee' and 'Sub-Committee' do not include Tasks Groups or other informal member working groups.

SECTION C - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

1.0 The Leader is responsible for the discharge of Executive Functions and may delegate those functions to:

a) The Cabinet

b) Individual Portfolio Holders

c) Committees of the Cabinet

d) Officers of the Council

e) Individual Members to the extent that the function is exercisable in relation to the ward for which the individual member is elected and subject to Section 236 of the 2007 Act

1.1 The table attached at Section E indicates how the Leader has allocated portfolios (lead responsibilities) for particular Executive Functions among individual Cabinet Members. Cabinet Support Members do not have delegated powers.

1.2 All decisions under Section D4 must only be taken by the Cabinet Member after consideration of a written report by a Chief Officer and must be evidenced by a form ("Portfolio Holder Decision Proforma") signed by the Cabinet Member and delivered to the Democratic Services Team.

SECTION D - DELEGATIONS TO COMMITTEES

1.0 The quorum of each committee and sub-committee shall be 3 or one third (whichever is the greater) of the total number of its members not including non-voting ex-officio members or as otherwise specified in legislation or as specified below.

1.1 The quorum of meetings of the Cabinet shall be 3.

1.2 Composition of each committee and sub-committee shall be appointed in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

1.3 Arrangements for the South East Lincolnshire Joint Strategic Planning Committee are set out in the South East Lincolnshire Joint Strategic Planning Committee Order 2011 (SI 2011/1455)

1.4 Substitution of members is permitted for the **Planning Committee** subject to the following:

(a) substitutions will be for individual meetings only
(b) substitutes will be appointed by group leaders or their representatives for that political group.
(c) notice of the substitution by a group leader or his/her representative must be submitted to the Senior Legal Officer by noon on the day of the meeting.
(d) substitute members will have all of the powers and duties of any ordinary members of the Committee but will not be able to exercise any special powers or duties exercisable by that person they are substituting (eg acting as Chairman or Vice-Chairman).
(e) substitute members may attend meetings in that capacity only to take the place of the ordinary member for whom they are the designated substitute, and where the ordinary member will be absent from the whole of the meeting.
(f) only members who have attended approved planning training during the previous twelve months will be eligible to attend as a substitute

1.5 Substitution of members is permitted for the **Performance Monitoring Panel and the Policy Development Panel** subject to the following:

(a) substitutions will be for individual meetings only
(b) substitutes will be appointed by group leaders or their representatives for that political group from those members who are not on the Cabinet or on the relevant Panel
(c) notice of the substitution by a group leader or his/her representative must be submitted to the Senior Legal Officer by noon on the day of the meeting.
(d) substitute members will have all of the powers and duties of any ordinary members of the Committee but will not be able to exercise any special powers or duties exercisable by that person they are substituting (eg acting as Chairman or Vice-Chairman).
(e) substitute members may attend meetings in that capacity only to take the place of the ordinary member for whom they are the designated substitute, and where the ordinary member will be absent from the whole of the meeting.

1.6 Substitution of members is also permitted for:

- The **Chairman's Panel** for individual meetings (including for the Chairman and Vice-Chairman of the Planning Committee), so long as the substitute is a member of the Planning Committee and the political balance is retained. Substitutions will apply for individual meetings only but there is no requirement for the Senior Legal Officer to be notified.
- The **Chief Officer Employment Panel** where 3 named members may act as substitute.
- The **Licensing Panel**, and the **Panel of the Committee of the Licensing Authority**. Substitutions will apply for individual meetings only. Substitutes must

be a member of the parent Committee and must have completed licensing training.

1.7 Substitutions are not permitted for:

- Governance and Audit Committee
- Standards Panel
- Chief Officer Employment Appeals Panel
- Appeals Panel
- Settlement Agreements Sub-Committee
- Licensing Committee
- Committee of the Licensing Authority

COUNCIL BODY	MEMBERSHIP	FUNCTIONS / TERMS OF REFERENCE
Council	All Members Quorum 13 (SO 38)	1. The approval or adoption of the following, including any changes to them except for changes authorised elsewhere in these Terms of Reference or Standing Orders: (a) the Constitution (b) the Policy Framework insofar as this is not an Executive Function (see SO 63) (c) setting Council Tax (d) the Budget insofar as this is not an Executive Function (see SO 64), (e) Codes of Conduct for members and officers (f) Members Allowance Scheme (g) Appointment of representatives to joint authorities and joint committees, unless the appointment is a Cabinet function or has been delegated by the Council (Non-Executive Functions only) (h) payments or other benefits relating to complaints or finding of maladministration, other than minor payments/benefits of up to £1,000 2. Approval of any expenditure not provided for in the Budget, except as otherwise specifically provided elsewhere in this Constitution 3. Except for Executive Functions, the following are reserved to full Council a) to exercise powers not previously exercised by the Council

		b) to cease to exercise any power of the Council c) action involving the exercise of any of the powers of the Council by any person or body other than the Council or a committee or officer of the Council d) to participate in the creation of, or undertake any of the responsibilities of, another body. e) determining which Committees, Sub-Committees, working parties, Boards, Panels etc shall be established as Standing Committees, the terms of reference of each body, the number of members (voting and non-voting) that each consists of and making the necessary appointments to the bodies 4. Electing and removing the Leader 5. Duty to designate posts as the Head of the Paid Service. The Monitoring Officer, the Section 151 Officer, the Electoral Registration Officer and the Returning Officer 6. Approving in association with any other Council with whom any such appointments are jointly made, the appointment or dismissal of the Head of the Paid Service (as required by current regulations) the dismissal of the Monitoring Officer or Section 151 Officer (as required by current regulations) and the taking of any disciplinary action short of dismissal in relation to the Head of the Paid Service, Monitoring Officer or Section 151 Officer. 7. Power to appoint Proper Officers for any purpose where such appointments have not been made by the Chief Executive under Part 3 Section F2 – Delegation to Chief Executive. 8. Appointing the Council's Independent Person under the Localism Act 2011 9. Approving an increase in rents for Council housing properties 10 Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills 11. Delegating Non-Executive Functions to Committees, Sub-Committees and officers, subject to the right to amend the Delegation Scheme from time to time as may be required 12. Receiving reports from the Leader, the Cabinet, the Governance and Audit Committee which they have referred to Council 13. Functions relating to name and status of areas and individuals as detailed in Schedule 1 of the 2000

		Regulations 14. Authorising the making of any application to the Secretary of State for disposal of housing land under section 135 (programmes for disposals) of the Leasehold Reform Housing and Urban Development Act 1993, or for the inclusion of a disposal in a disposals programme, and for consent to that disposal under section 32 or 43 of the Housing Act 1985 (regulation 4(5) SI 2000/2853) 15. Making a request under s14A(1) of the Local Government Act 1992 for single-member electoral areas 16. Passing a resolution to change a scheme for elections under section 32(1), 37(1) or 39(1) of the 2007 Act, plus all other functions relating to elections detailed in part D of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 17. Making an order giving effect to recommendations made in a community governance review under s88 of the 2007 Act, plus all other functions relating to community governance detailed in part EB of Schedule 1 of the 2000 Regulations 18. Making a change in governance arrangements under paragraph 3 or 8 of Schedule 4 to the 2007 Act 19. The making of an agreement to prepare one or more joint development plan documents 20. The making of an agreement to establish a joint planning committee to act as a local planning authority etc as detailed in Regulation 4 of the 2000 Regulations. 21. The making of a request to the Secretary of State for the revocation of an order constituting a joint committee as the local planning authority 22. Power to make Standing orders, including standing orders as to contracts 23. Powers to provide staff etc for the Head of the Paid Service and the monitoring officer and any person nominated by the monitoring officer 24. Voting rights scheme for co-opted members of any Overview and Scrutiny Committee 25. Functions relating to local government pensions as detailed in Schedule 1 of the 2000 Regulations 26. Functions relating to smoke free zones as detailed in Schedule 1 of the 2000 Regulations 27. Functions relating to alcohol restrictions as detailed in Schedule 1 of the 2000 Regulations

		28. The appointment of any individual: (a) to any office other than an office in which he/she is employed by the Council where this is not an executive function; (b) to any body other than: the Council; a joint committee of two or more authorities; or to any committee or sub-committee of such a body, and the revocation of any such appointment. (The above function is detailed at Schedule 2 of the 2000 Regulations and may be carried out by both the full Council and the Cabinet) (Appointments to outside bodies may be made for more than one municipal year, including periods up to the date of the next District Council election). 29. Power to appoint staff and determine terms and conditions. 30. Duty to designate officer as the head of the authority's paid service and to provide staff etc. 31. Duty to designate officer as the monitoring officer and to provide staff etc. 32. Duty to make arrangements for proper administration of financial affairs etc. 33. Powers relating to complaints about high hedges. 34. All other matters which, by law, must be reserved to the decision of the Council as a whole. 35. The taking of decisions in respect of Council companies except where the decision would be an Executive Decision.

Cabinet	**Cabinet Members** **Quorum 3 (SO 38)** **Maximum 9 members (excluding the Leader)** **The Chairman and Vice-Chairman of the Council may not be appointed as Cabinet members.**	**EXECUTIVE POWERS** **ARRANGEMENTS BY LEADER FOR CABINET DELEGATIONS** **D1 – GENERAL PROVISIONS RELATING TO EXECUTIVE POWERS** 1. The Delegated Powers under Part 3 Section C are determined by the Leader in accordance with powers conferred by the 2000 Act. 2. Part 3 Section C applies to Executive Functions. The terms 'Executive', 'Executive Functions', 'Non-Executive Function', 'Policy Framework' and 'Budget' are defined in the Glossary 3. Subject to Standing Order no. 26, Executive Functions may only be exercised if (a) they fall within the Policy Framework and (b) they are within the Budget 4. The delegations in Parts D2, D3 and D4 below may be changed by the Leader by giving notice in writing of the changes to the Chief Executive or the Director responsible for Democratic Services. The Chief Executive or the Director will notify all members of the Council of any changes as soon as possible. 5. Any Executive Functions not expressly delegated to the Cabinet or a Cabinet Member under Section D or officers under Section F will be exercisable by the Leader. 6. Where either the Leader, a Cabinet Member, the Chief Executive or a Chief Officer indicates formally that a delegated power under Part D4 (Powers delegated to Cabinet Members) should not be exercised in respect of a particular matter that matter shall be referred to the Cabinet for decision. 7. All Executive Decisions are subject to the Call-In procedure set out later in Part 3, other than urgent decisions (as set out in the Access to Information Procedure Rules), decisions made during a major incident under the emergency powers in Paragraph 5 of Part 3 Section F2, and non-Key Decisions made by officers. **D2 POWERS AND RESPONSIBILITES** 1. To determine the Scheme of Delegation of Cabinet Functions to Cabinet, Cabinet Members and officers

		in accordance with Standing Orders and Part D1 of these Terms of Reference 2. To appoint members of the Council to the position of Cabinet Member and, if appropriate, Cabinet Support Member. Written notice of the appointment must be given to the Chief Executive or the Director responsible for Democratic Services and the appointment will take effect on receipt of such a notice. The Chief Executive or Director will notify all members of the Council of any notices as soon as possible. 3. To exercise any Executive Functions not expressly delegated to Cabinet, Cabinet Members or officers. 4. To determine (as the Leader sees fit) any executive matter that is of strategic importance or which raises issues that affect more than one portfolio, or refer any such matter to the Cabinet or (in so far as the law permits) to the Full Council. 5. Delegation of an Executive Decision by the Leader shall not prevent the Leader from exercising that Executive Function, provided that the Executive Decision has not already been made and implemented. 6. The Leader shall not exercise a power in respect of any matter in which he/she has a Disclosable Pecuniary or other Interest under the Code of Conduct, but shall instead refer the matter to Cabinet. **<u>The Deputy Leaders</u>** 1. Power to exercise any of the powers of the Leader in the temporary absence or incapacity of the Leader.
		D3 - DELEGATIONS TO CABINET
		1. **Constitution** Cabinet will consist of the Leader and up to nine Cabinet Members (including the Deputy Leader(s)) duly appointed under the provisions in Part D2. 2. **Delegated Powers** (a) To deal with any matters within Executive Functions which raise points of strategic importance or policy, subject to reference to Council if a decision would require an alteration to the Policy Framework (b) To deal with any matter within Part D4 referred to it by the Leader, a Cabinet Member, Chief Executive

		or Chief Officer (c) To consider and recommend to Council: (i) the amount of the Council Tax to be levied; (ii) a draft budget; and (iii) any policies or strategies within which form part of the Policy Framework, or amendments. (d) To be responsible for the overall allocation and control of resources within the parts of the Budget which relate to Executive Functions (e) To review, research and plan the effectiveness of all services and arrangements for implementing policies and achieving objectives (f) To agree general terms and conditions or schemes relating to grants, subject to any policies within the Policy Framework. (g) To settle any policies or strategies which fall outside the Policy Framework (h) To deal with any matters relating to corporate improvement (i) To deal with Executive Function matters which involve more than one Portfolio area (i.e. Cross-cutting issues), referred by the Leader (j) To approve external funding programmes such as European Objective 2, Rural Priority Area, Market Towns Initiative and Single Regeneration Budget and all applications in connection with these programmes, which fall within Budget (k) To authorise all steps in connection with the making of Compulsory Purchase Orders. (l) To authorise Capital Projects within Budget. (m) To approve Discretionary Renovation Grants (excluding Home Repairs Assistance Grants) and Disabled Facilities Grants exceeding mandatory level (£20,000). (n) To authorise the release of Capital Monies after consideration of a financial appraisal. (o) To consider and respond to recommendations made by an Overview and Scrutiny Committee hearing on a Councillor Call for Action, in accordance with the

		protocol adopted by the Council. (p) The taking of decisions in respect of Council companies including the appointment of shareholder representatives except where the Company is exercising Non-Executive Functions, or where the establishment of the company would be outside the Policy Framework or budget. (q) Any and all issues where the Council acts as trustee. (r) The appointment of any individual: (i) to any office other than an office in which he/she is employed by the Council where this is an executive function ; (ii) to any body other than: the Council; a joint committee of two or more authorities; or to any committee or sub-committee of such a body, and the revocation of any such appointment. (The above function is detailed at Schedule 2 of the 2000 Regulations and may be carried out by both the full Council and the Cabinet.) (Appointments to outside bodies may be made for more than one municipal year, including periods up to the date of the next District Council election). 3. The following functions, detailed at Schedule 2 of the 2000 Regulations, are reserved to Cabinet unless otherwise delegated to an officer of the Council, a) Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the 2000 Regulations b) Any function relating to contaminated land c) The discharge of any function relating to the control of pollution or the management of air quality d) The service of an abatement notice in respect of a statutory nuisance e) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area f) The inspection of the authority's area to detect any statutory nuisance g)The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 h) The making of agreements with local authorities and other bodies for the placing of staff at the disposal of those other authorities or bodies.
		D4 DELEGATIONS TO CABINET MEMBERS

		General provisions relating to each Cabinet Member **Delegations** 1. Subject to paragraphs 2 to 7 of Part D1 each Cabinet Member shall have the power to make decisions within areas of responsibility determined by the Leader, ("Portfolios"). A copy of the current schedule of Portfolios shall be appended to these Delegations 2. Power to deal with grant applications within the remit of the Portfolio 3. Any functional area within each Portfolio includes power for the Cabinet Member to authorise the acquisition (within agreed Budget) or disposal of land or an interest in land held for that purpose ("land" to include any buildings on the land), subject to consultation with Ward Members and the appropriate Chief Officer at a price not less advantageous than a qualified valuer's valuation. 4. No delegated powers under this Part (Delegations to Cabinet Members) shall be used where the matter in question directly affects the interests of the Ward of the Cabinet Member with delegated power to make a decision on the matter, or where the Cabinet Member has a Disclosable Pecuniary or other Interest under the Code of Conduct and such matters will be referred to Cabinet for decision 5. Each of the powers under this Part shall include power to authorise the commencement of criminal or civil legal proceedings. [NB: This power relates only to Executive Functions]. 6. A Cabinet Member has the power to amend the scale of fees and charges for any functions falling within his/her Portfolio**.** 7. All decisions under Part D4 must only be taken by the Cabinet Member after consideration of a written report by a Chief Officer and must be evidenced by a form ("Portfolio Holder Decision Proforma") signed by both the Cabinet Member and the relevant officer and delivered to Democratic Services. 8. Where the Leader indicates formally that a delegated power under this Part should not in a particular matter be used, that matter shall be referred to Cabinet for decision.

Planning Committee	**11 members** **Quorum 4 (SO 38)** **Substitutions: see paragraphs 1.4 to 1.7 above**	1. To carry out any of the Council's functions under town and country planning development legislation, including all Town and County Planning and Development functions listed at Schedule 1 of the 2000 Regulations, other than: (a) those reserved to full Council, (b) powers reserved to the Executive as specified by legislation from time to time. 2. The following function, detailed at Schedule 2 of the 2000 Regulations, is reserved to the Planning Committee : (a) The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land (b) To determine applications to pollard or fell trees which are considered by the relevant Director after consultation with the relevant Cabinet Member to be of extreme public importance or likely to set a precedent for applications. Where an item included on an agenda of a meeting of the Planning Committee relates specifically to a ward of the district that a ward member although not being a member of the Committee, may nevertheless attend that meeting and take part in any debate on the item, but not vote on the item. 3. Functions relating to public rights of way (in so far as they relate to District Council Functions). 4. Powers relating to the protection of important hedgerows. 5. Powers relating to the preservation of trees. **<u>Chairman's Panel</u>** 6. The Chairman's Panel comprises three members, following as closely as possible the Political Balance of the Planning Committee, and including the Chairman and Vice-Chairman of the Planning Committee. Relevant ward members, or a substitute, may attend meetings of the Chairman's Panel where the Panel is to consider an item that relates specifically to that member's ward.
Governance and Audit Committee	**7 non-Cabinet members, excluding the Chairman of the Council and the Chairman of the**	The purpose of the Governance and Audit Committee is to monitor governance, risk management and internal control arrangements at the Council, to provide independent assurance that these are effective and

	Performance Monitoring Panel and Policy Development Panel, and up to 2 Non-Voting Co-opted Independent Members. **Quorum 3 (SO 38)** **Substitutions: see paragraphs 1.4 to 1.7 above**	efficient. This is achieved through key regular items received by the Committee in relation to, but not limited to; internal and external audit, key finance items, governance reviews and strategic risk management reporting. **Internal Audit** 1. To consider and approve annually the Internal Audit plan of work, considering the scope and depth of the work in addressing the Council's significant risks and issues. 2. To consider the outcomes of the internal audit plan of work and to monitor management's progress in implementing agreed audit recommendations. 3. To consider and approve the Annual Report and Opinion of the Head of Internal Audit, ensuring that the systems of internal control, governance and risk management have been effective and efficient over the course of the year. 4. To consider the performance of the internal auditors in relation to the adherence to the Public Sector Internal Audit Standards. **External Audit** 5. To consider annually the External Audit plan of work. 6. To consider External Audit reports and letters. **Accounts / Finance** 7. To consider the extent of the Council's compliance with its own and other published financial statements and controls. 8. To review and approve the annual Statement of Accounts and the Annual Governance Statement contained therein. 9. To approve the Council's Treasury Management Strategy & Policy and subsequent performance against this. **Risk Management** 10. To monitor and approve policies for the effective development and operation of risk management

		and corporate governance in the Council. **Governance** 11. To review the Council's arrangements for governance, with particular regard to the Local Code of Corporate Governance. 12. To review allegations from whistleblowers; and to review and approve all Council policies and strategies that relate to the prevention of fraud and corruption including (but not limited to) policies on counter fraud, whistleblowing and money laundering. 13. To hold periodic private discussion with the Head of Internal Audit and the External Auditors to review working relationships and discuss any pertinent issues. 14. To commission ad-hoc work from internal and external audit. 15. To report annually to Full Council on the Committee's work and performance during the financial year. 16. To assess the Committee's own effectiveness on an annual basis against best practice. **Non-Voting Co-opted Independent Members** 17. The Committee is authorised to co-opt Independent Member(s) to the Committee. 18. Each appointment (including any re-appointments) to be for a term up to 4-years.

Standards Panel	**7 members** **Quorum 3 (SO 38)** **Substitutions: see paragraphs 1.4 to 1.7 above**	1. The promotion and maintenance of high standards of conduct within the Council. 2. To advise the Council on the adoption or revision of its Code of Conduct and its arrangements for dealing with complaints against Members. 3. To monitor and advise the Council on the operation of its Code of Conduct in the light of best practice or changes in legislation. 4. Functions relating to standards of conduct of members under the adopted arrangements. 5. To form a Hearing Panel consisting of 3 members of the Standards Panel as called by the Monitoring Officer, to deal with functions in relation to hearings relating to standards of conduct of Members under the arrangements as adopted by full Council.
Performance Monitoring Panel	**11 members** **Quorum 4 (SO 38)** **Substitutions: see paragraphs 1.4 to 1.7 above**	**OVERVIEW AND SCRUTINY (INCLUDING CALL-IN PROCEDURES)** 1. To review or scrutinise any decisions made, or other action taken, in connection with the discharge of any functions (this applies to both Executive Functions and Non-Executive Functions). (This power includes the power of Call-in which is described below) 2. To make reports or recommendations to the full Council or Cabinet in relation to the discharge of any functions (this applies to both Executive Functions and Non-Executive Functions 3. To make reports or recommendations to the full Council or Cabinet on matters which affect the authority's area or the inhabitants of the area. 4. review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas – this will be assisted by officers submitting quarterly Performance Indicator reports to the Panel; 5. question Cabinet Members and/or committees, Chief Officers, Deputy Chief Officers and Service Managers about: (a) their decisions and performance generally in comparison with service plans and targets over a period of time; (b) their decisions and performance in relation to particular decisions, initiatives and projects; and

		(c) their decisions and performance in respect of items which have been called-in; 6. question Directors of the Merged Services Organisation in respect of the discharge of any functions which are the responsibility of South Holland District Council. 7. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Panel and local people about their activities and performance; 8. question and gather evidence from any person (with their consent); 9. consider progress reports and the outcome of Best Value Reviews and submit reports to the Cabinet; 10. conduct research, community and other consultation in the analysis of performance monitoring; 11. liaise with other organisations operating in the area, whether national regional or local to ensure that the interests of local people are enhanced by collaborative working; 12. Revisit a number of implemented planning decisions; 13. report annually to the Council on the work programme 14. report to Council on matters relating to the Merged Services Organisation. 15. To consider any relevant Petitions under the Local Democracy, Economic Development & Construction Act 2009 referred to it by the Council or the petition organiser under the Council's Petitions Scheme, to instigate any necessary investigations and to make appropriate recommendations. **Call-In procedure for Executive Decisions(Call-in does not apply to Executive Decisions taken under Rules 12 to 15 of the Access to Information Procedure Rules, decisions made during a major incident under the emergency powers in Paragraph 5 of Part 3 Section F2, and non-Key Decisions made by officers.)** 1. No Executive action shall be taken to implement a decision by the Leader, a Cabinet Member or by the Cabinet, a Sub-Committee of the Cabinet or a Key Decision by an officer for a period of five clear Working Days from the date of publication of the decision to members, and if any reference is made

		within this time under the following paragraph, Executive action shall be further delayed pending consideration by the Performance Monitoring Panel. However, Executive action can proceed at once if the action is urgent and the procedures set out in the Access to Information Procedure Rules are followed 2. Where either a Ward Representative (in relation to a matter in their ward) or two members of the Performance Monitoring Panel or any three members formally request in writing (requests for Call-In must be given on a form designed for that purpose, and must be signed by each subscriber to the call-in) to the Senior Legal Officer (or such other officer as is nominated by the Senior Legal Officer) before the end of the five clear Working Day period specified in the above paragraph in relation to a particular decision by the Leader, a Cabinet Member or Cabinet, a Sub-Committee of Cabinet or an officer, then that decision shall be referred to the Performance Monitoring Panel. Such request must contain a justifiable reason for the reference and one or more of the signatories to the reference must forward to the Senior Legal Officer at least five clear Working Days before the date of the Committee which is to consider the matter a brief explanation or statement as to the concerns of the signatories in the matter, and what alternative decision(s) that member/those members consider should be taken. **Action on Call-In** 1. The power of the Overview & Scrutiny Committee under paragraphs 1&2 above to review or scrutinise a decision made but not implemented includes power; (a) to recommend that the decision be reconsidered by the person(s) who made it, or (b) to refer its function to review or scrutinise the decision to full Council (c) take no further action
		Reference of matters to the Performance Monitoring Panel (Councillor call for action) 1. Any member of the Performance Monitoring Panel may instruct the Senior Legal Officer to include on the agenda for a meeting of the Panel any matter relevant to the function of the Panel, and that matter must be discussed at the meeting. 2. Any member of the Council may instruct the Senior Legal Officer to include on the agenda for a meeting of the Panel any matter relevant to the function of the Panel (other than any “excluded matter” set down by

		law), and that matter must be discussed at the meeting. 3. Any member of a sub-committee of the Panel may instruct the Senior Legal Officer to include on the agenda for a meeting of the sub-committee any matter relevant to the functions of the sub-committee, and that matter must be discussed at the meeting.
Policy Development Panel	**11 members appointed in accordance with the Local Government (Committees and Political Groups(regulations 1990** **Quorum 4 (SO 38)** **Substitutions: see paragraphs 1.4 to 1.7 above**	1. Assist the Council and the Cabinet in the development of its Budget and Policy Framework by in-depth analysis of policy issues; (a) conduct research, community and other consultation in the analysis of policy issues and possible options; (b) consider and implement mechanisms to encourage and enhance community participation in the development of policy options; (c) question Cabinet Members and/or committees, Chief Officers, Deputy Chief Officers and Service Managers about their views on issues and proposals affecting the area; *(*d) question Directors of the Merged Services Organisation in respect of any functions which are the responsibility of the South Holland District Council; (e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; (f) make recommendations to the Cabinet, a committee of the Cabinet and/or Council arising out of the analysis of policy issues; and (g) report annually to the Council on the work programme; and (i) report to Council on matters relating to the Merged Services Organisation. 2. To make reports or recommendations to the full Council or Cabinet in relation to the discharge of any functions (this applies to both Executive Functions and Non-Executive Functions). 3. To make reports or recommendation to the full Council or Cabinet on matters which affect the

		authority's area of the inhabitants of the area. **<u>Reference of matters to the Policy Development Panel</u>** 1. Any member of the Policy Development Panel may; (a) instruct the Senior Legal Officer to include on the agenda for a meeting of the Panel any matter relevant to the function of the Panel, and that matter must be discussed at the meeting. (b) Any member of the Council may instruct the Senior Legal Officer to include on the agenda for a meeting of the Panel any matter relevant to the function of the Panel (other than any "excluded matter" set down by law), and that matter must be discussed at the meeting. (c) Any member of a sub-committee of the Panel may instruct the Senior Legal Officer to include on the agenda for a meeting of the sub-committee any matter relevant to the functions of the sub-committee, and that matter must be discussed at the meeting.
Joint Performance Monitoring Panel and Policy Development Panel	**Quorum 6 (SO 38)** **Substitutions: see paragraphs 1.4 to 1.7 above**	1. If there is an important matter that is relevant to the Performance Monitoring Panel and the Policy Development Panel then a special Joint Scrutiny Panel meeting will be called. As Joint Scrutiny Panel meetings are held infrequently they are not included in the calendar of meetings and are arranged as required. 2. The membership of the Joint Scrutiny Panel shall consist of the members of the two separate Panels. 3. The special joint meeting shall as its first item of business elect a Chairman for the duration of that meeting. 4. The Joint Scrutiny Panel is not a decision making body, and can only make recommendations. 5. Any vote taken at the Joint Scrutiny Panel will be taken as a single entity, i.e. the Panels will not vote separately. Any member who sits on both the Performance Monitoring Panel and the Policy Development Panel shall have, as a member of the Joint Scrutiny Panel, only one vote. 6. Substitution of members on the Joint Scrutiny Panel shall be for individual meetings only and will be

		appointed by Political Group leaders or their representatives from the pool of members comprising of those members who are not Cabinet Members or the relevant Panels. 7. Cabinet Support Members are permitted to sit on the Policy Development Panel and so may sit on the Joint Scrutiny Panel. Cabinet Support Members shall not take part in any item, or part of any item, that is concerned with scrutinising performance. Cabinet Support Members shall not take part in any item, or part of an item, that is concerned with a policy with which they have assisted the Portfolio Holder. **<u>Task and Finish Groups</u>** Task and Finish Groups will be set up and be time limited and have their terms of reference agreed by the Performance Monitoring Panel and/or Policy Development Panel.
Chief Officer Employment Panel	**3 Members** **(in accordance with Local Government (Committees and Political Groups) Regulations 1990)** **(Quorum 3 including at least one Cabinet Member)** **Substitutions: see paragraphs 1.4 to 1.7 above**	1. The making of recommendations to the Full Council on (i) the appointment of the Head of the Paid Service, the Monitoring Officer and the Section 151 Officer; and (ii) proposed dismissal of any of those officers in respect of misconduct, capability or for some other substantial reason. When dealing with potential dismissal of a statutory officer the Panel will carry out the necessary hearing in accordance with the model disciplinary procedure for the time being approved as part of the Joint Negotiating Committee ("JNC") Conditions of Service and prepare a report to the Full Council which report will be accompanied by the findings of the Independent Panel. 2. The taking of disciplinary or capability action, short of dismissal, against the Head of the Paid Service, the Monitoring Officer and the Section 151 Officer, in accordance with the JNC model disciplinary procedure. 3. Where required or recommended by the JNC model disciplinary procedure, the commissioning of an investigation by an Independent Investigator appointed in accordance with that procedure, including the setting of terms of reference for the investigation. 4. The consideration of any independent investigation in respect of a statutory Chief Officer. 5. Consideration of any submissions made by executive members following the 'Executive Objections Procedure' (under which the Proper Officer must notify all members of the Executive of any proposed dismissal and allow an opportunity for objections to be submitted) and the consideration of any reasonable representations

		submitted to the Panel by the Chief Officer Employment Panels of Boston Borough Council and East Lindsey District Council. 6. The appointment of any other Chief Officer or Deputy Chief Officer (this includes the Chief Executive where the post of Chief Executive is separate from the Head of Paid Service). 7. The dismissal of, or the taking of any action against any non-statutory Chief Officer or Deputy Chief Officer (this includes the Chief Executive where the post of Chief Executive is separate from the Post of Head of Paid Service) on the grounds of misconduct, capability or for some other substantial reason. 8. The suspension of any statutory Chief Officer, non-statutory Chief Officer or Deputy Chief Officer and the keeping under review of any such suspension. In exceptional circumstances, the Chairman of the Panel may authorise suspension where s/he considers such action necessary and urgent. 9. Approving staffing policies in respect of redundancy, early retirement and discretionary compensation. NOTE: a) Subject to (b) below, where any current or prospective (as the case may be) Chief Officer, or Deputy Chief Officer is shared with East Lindsey District Council and Boston Borough Council, by way of an agreement under s113 of the Local Government Act 1972, but is employed or to be employed by this Council, the members of this Panel shall meet informally with members of the Chief Officer Employment Panels of those two councils prior to any decision being made by this Panel on the appointment, disciplining or dismissal of such officer. Whilst the final decision on any such appointment, disciplining or dismissal of any such officer shall be the sole decision of this Panel, it shall have regard to any reasonable representations made by the members of the other two Panels. b) Where any decision (or recommendation to Full Council) to be made by this Panel relates to the disciplining or dismissal of a statutory Chief Officer, there shall be no consultation directly with the other Panels but any Independent Investigator shall be advised of the shared management arrangements and shall have the opportunity to seek feedback from either of the other councils as s/he sees fit. c) Subject to (d) below, where any current or prospective (as the case may be) Chief Officer or Deputy Chief

		Officer is shared or to be shared with East Lindsey District Council and Boston Borough Council, by way of an agreement under s113 of the Local Government Act 1972, but is employed or to be employed by one of the other Councils, the members of this Panel shall meet informally with members of the Chief Officer Employment Panels of those two councils prior to any decision being made by the Panel in question on the appointment, disciplining or dismissal of such officer. Whilst the final decision on any such appointment, disciplining or dismissal of any such officer shall be the sole decision of that other Panel, the members of this Panel shall provide such representations to the other Panel as this Panel considers reasonable. d) Where any decision (or recommendation to Full Council) to be made by the other Panel relates to the disciplining or dismissal of a statutory Chief Officer, there shall be no consultation directly with this Panel but any Independent Investigator shall be advised of the shared management arrangements and shall have the opportunity to seek feedback from this Council as s/he sees fit In the exercise of these functions the Panel must act in accordance with Standing Orders relating to Staff and the Local Authority (Standing Orders) (England) Regulations 2001 (as amended) including; **(a) Head of the Paid Service -** No offer of appointment may be made until the proposed appointment has been approved by the Full Council and until notice of the proposed appointment has been given by the Proper Officer to the Cabinet Members and the Leader has not reported any material and well-founded objections within the time given for response. No notice of dismissal may be issued until the proposed dismissal has been approved by the Full Council, taking into account the recommendation of the Independent Panel, and until notice of the proposed dismissal has been given by the Proper Officer to the Cabinet Members and the Leader has not reported any material and well-founded objections within the time given for response. **(b) Monitoring Officer and Section 151 Officer -** No offer of appointment may be made until notice of the proposed appointment has been given by the Proper Officer to the Cabinet Members and the Leader has not reported any material and well-founded objections within the time given for response. No notice of dismissal may be issued until the proposed dismissal has been approved by the Full Council, taking into account the recommendation of the Independent Panel, and until notice of the proposed dismissal has been given by the Proper Officer to the Cabinet Members and the Leader

		has not reported any material and wellfounded objections within the time given for response. **(c) Other Chief Officers and Deputy Chief Officers (this includes the Chief Executive where the post of Chief Executive is separate from the Post of Head of Paid Service)** – no offer of appointment may be made nor notice of dismissal issued until notice of the proposed appointment or dismissal has been given by the Proper Officer to the Cabinet Members and the Leader has not reported any material and well-founded objections within the time given for response. (Pursuant to decisions of Breckland District Council at its meeting on 8.4.21 and SHDC at its meeting on 28.4.21 this Council's Independent Person will be Breckland District Council's second Independent Person for the purposes of that Council's disciplinary procedures against statutory Chief Officers until such time as Breckland District Council may make alternative arrangements) (Any remuneration, allowances or fees paid to an independent person appointed to the Independent Panel must comply with Standing Order no. 60A.)
Chief Officer Employment Appeals Panel	**3 Members in accordance with Local Government (Committees and Political Groups) Regulations 1990)** **(Quorum 3 including at least one Cabinet Member)** **No member of the Chief Officer Employment Panel shall be appointed to this Panel** **Substitutions: see paragraphs 1.4 to 1.7 above**	1. Determining appeals in respect of decisions of the Chief Officer Employment Panel relating to the dismissal of any Chief Officer or Deputy Chief Officer (other than the Head of the Paid Service, Monitoring Officer or Section 151 Officer). 2. Determining appeals in respect of decisions of the Chief Officer Employment Panel relating to action short of dismissal in respect of any Chief Officer or Deputy Chief Officer including the Head of Paid Service, Monitoring Officer or Section 151 Officer. Note: In the exercise of these functions the Committee must act in accordance with Standing Orders relating to Staff and the Local Authority (Standing Orders) (England) Regulations 2001 (as amended)
Independent Panel	**4 members (to comprise of the Independent Person appointed by SHDC pursuant to s28(7) of the Localism Act 2011**	The Independent Panel shall consider any proposal to dismiss a statutory Chief Officer, including the Independent Investigator's report, in accordance with the model disciplinary procedure and at least twenty days prior to any decision of the Full Council relating to dismissal of the Statutory Chief Officer.

	together with the Independent Persons of East Lindsey District Council and Boston Borough Council.)	The Panel shall prepare its own report to Full Council setting out its findings.
Appeals Panel	**4 members (excluding any members involved in the original decision which is subject to appeal), not appointed in accordance with the Local Government (Committees and Political Groups) Regulations 1990** **(Quorum 3 (SO 38)** **Substitutions: see paragraphs 1.4 to 1.7 above**	(Excluding (a) matters reserved to the Chief Officer Employment Panel and the Chief Officer Employment Appeals Panel and matters dealt with under Standing Orders relating to Staff and (b) appeals under the Job Evaluation scheme where an alternative appeals procedure exists). To consider and determine any appeals by employees on staffing matters (including but not limited to grading, disciplinary action, dismissal, termination of employment for any reason, redundancy, retirement and grievance) where the Monitoring Officer or Section 151 Officer considers it inappropriate for the matter to be dealt with under officer delegations.
Settlement Agreements Sub-Committee	**4 members – not appointed in accordance with Local Government (Committees and Political Groups) Regulations 1990** **Quorum 3 (SO 38)** **Appointments to the sub-committee shall be two from each of the two largest Political Groups on the Council and appointments shall be made by the respective Political Group leaders when required.** **There shall be no substitution of members.**	1. The agreement of Heads of Terms for settlement agreements relating to the termination of an employee's employment with the Council where the cost to the Council is in excess of £30,000, subject to: (a) payments being financed through savings in the year in question or failing that from HRA or General Fund balances, subject to maintaining the minimum balances agreed by the Council. (b) The Chief Executive or, in the absence of the Chief Executive, any Director, submitting an annual report to both Chairman of the Performance Monitoring Panel and the policy Development Panel advising on the use of the delegated authority.

	Substitutions: see paragraphs 1.4 to 1.7 above	
Licensing Committee	**11 Members** **Quorum 4 (SO 38)** **Substitutions: see paragraphs 1.4 to 1.7 above**	1. To deal with all Policy related decisions relating to a) Hackney Carriage & Private Hire Vehicles, Operators and Drivers b) Sex Establishments c) Hypnotism d) Street Trading e) Functions relating to health and safety at work – functions under any of the relevant statutory provisions within the meaning of Part 1 (Health, Safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to extent that those functions are discharged otherwise than in the authority's capacity as an employer. f) Animal Welfare g) Any other Licensing provisions that the authority is required to undertake not mentioned elsewhere in this Constitution including all functions detailed at part B of Schedule 1 of the 2000 Regulations and where those functions either cannot be, or may be (but need not be), the responsibility of an authority's executive.
Licensing Panel	**3 Members** **(no quorum – all members must be present)** **Substitutions: 1 substitute may be appointed for each meeting – see paragraphs 1.4 to 1.7 above**	1. To deal with applications for licences for Hackney Carriages and Private Hire Vehicles, in so far as these are not delegated to officers, and all other licences/permits/registrations etc and functions detailed at Regulation 2 and Part B of Schedule 1 of the 2000 Regulations in so far as these are not delegated to officers and are not the responsibility of the Committee of the Licensing Authority. 2. To deal with applications for performances of Hypnotism, Drinking in Public Places Byelaws: Permits 3. To deal with objections to applications for permits for the use of the highway for the provision of facilities for refreshments under Section 115(E) of the Highways Act 1980. 4. Street Trading 5. To consider and determine applications for licences recommended for refusal, or recommendations for revocation of a licence.

Committee of the Licensing Authority	**11 Members** **(Same membership as Licensing Committee)** **Substitutions: see paragraphs 1.4 to 1.7 above**	1. To deal with all matters relating to the discharge by the Council of its Licensing functions under the Licensing Act 2003 and Gambling Act 2005, except for the requirement to determine the authority's Licensing Policy under section 5 of the Licensing Act 2003 and the Licensing Authority Policy Statement under section 349 of the Gambling Act 2005 (which are both full Council functions) and matters which are delegated by legislation or otherwise to Licensing Sub-Committees. 2. The Committee of the Licensing Authority shall appoint such number of sub-committees as it considers necessary to discharge any of the duties under the Licensing Act 2003 or the Gambling Act 2005 that are delegated to a sub-committee by the Committee of the Licensing Authority.
Panel of the Committee of the Licensing Authority	**3 Members (no quorum – all members must be present)** **Substitutions: 1 substitute may be appointed for each meeting - see paragraphs 1.4 to 1.7 above**	1. To deal with applications for grant, renewal or variations of premises licences, club certificates and personal licences under the Licensing Act 2003 and Gambling Act 2005 (or any subsequent Licensing legislation) where a hearing is required because either relevant representations, or a valid review notice or a valid objection notice has been received by the authority. 2. Any other Powers set from time to time by Licensing legislation or delegated by Licensing Committee

Certain Executive Functions and Non-Executive Functions have been delegated to officers. Details of those delegations can be found in the Tables in Part F of this section and any specific delegations contained in a list maintained by the Senior Legal Officer.

The committees set out above may from time to time add to or alter those delegations, as appropriate, within their functional responsibilities, as approved by Council.

SECTION E – CABINET PORTFOLIOS

Portfolio	Functions
Leader of the Council Portfolio Holder for Partnerships	• South & East Lincolnshire Council Partnership • Sub-Regional Strategy • Strategic Positioning • Holbeach Town Improvement • Towns, Villages and Parishes • South Holland Promote • FEZ, SWRR, MCCA (Greater Lincolnshire Mayoral Combined County Authority) and LCC Lead • Markets • Business Development

	• Open for Business • Business Continuity and Intelligence • Shared Management • Renewable Energy • Members Development • Legals • Democratic Services • Elections
Portfolio Holder for Community Development	• Leisure Centre Delivery • Spalding Town Improvements • South Holland Maintenance • Community Development • District Events • Community Assets Register • Community Cohesion and Support • Riverside • Britain in Bloom • Leisure Centre operations – Castle Sports Centre, Castle Poll and Peele • Christmas Decorations • Allotments • Sports and Playing Fields • Lighting • Sports Fields • Roads and Footpaths • Water Taxi • Play Scheme • Open Spaces • Community and Voluntary Sector Support
Portfolio Holder for Strategic and Operational Housing	• Housing Landlord • Tenant engagement and Tenant Influence Panel • Disabled Aids and Adaptations Appeals Panel (HRA) • HRA Property Management • Private Sector Housing • Homelessness • Sheltered Housing • PSPS Shareholder Representative • Welland Homes Shareholder Representative • Housing Strategy and Enabling • Strategic Housing Policy • HRA Housing Development Programme • HRA Communities • Unfit and Disrepair • Lifelines • Void Repairs • Sewerage Works • Right to Buy Admin • Council House Re-Buy Admin • Housing Advice • DFG and HMO's • S106 Rental Management

	• Rent Collection • Upgrades • Allocations • Gypsy and Traveller Sites • Rent Income Subsidies • Responsive Repairs
Portfolio Holder for Health & Wellbeing, Conservation & Heritage	• Health Promotion • Promote Wellbeing • Safeguarding Lead • Health Awareness • Ageing Better • Mental Health Lead • Active Lifestyle • Young Persons Lead • Conservation – Nature, Land, Buildings & Energy • Heritage – Sites, Buildings, Culture, Artefacts • Cemeteries • Tourism • Public Health England Lead • Betterment of Health • Clinic Quality Commission • Care England Lead • Lifestyle – Be Active • Dementia Lead • Healthy Eating • Vulnerability • Climate Change
Portfolio Holder for Public Protection	• Public Protection Management • Licensing • Food Safety • Public Health and Safety • Pollution Control • Power Stations • Dog Warden • Pest Control • Environmental Protection • Infectious Diseases • Enviro Crime • Land Charges • Police CC • CCTV • ASB and Community Safety • District Safety • Crime and Disorder
Portfolio Holder for Corporate and Environmental Services	• Network Digital Infrastructure • Communications • Corporate Planning and Risk Management • Corporate Innovation and Performance • Equality Diversity and Inclusion • GDPR

	• Transformation & Efficiency delivery • Organisational Design • Complaints • FOI • Environmental Services Delivery • Garden Waste Collection • Refuse Collection • PRIDE in South Holland • Street Scene, Cleaning • Recycling • Emergency Planning • Public Toilets • Grounds Maintenance • Fleet Maintenance
Deputy Leader Portfolio Holder for Finance	• Commercialisation, UKSPF and Levelling Up • Corporate Finance • Council Inward Investment and Funding • Customer Services ,ICT and HR (PSPS) – Operational • Corporate Health and Safety • Delivery Unit • Budget • Management Accounts • Capital Programmes and Administration • Treasury Management • External Audit • Internal Audit • Commissioning Contracts & Procurement • Pensions • Community Inward Investment • Grants for Growth, LEGE, Economic Development • S106's • Drainage Board Lead • Council Tax • Spalding Special Expenses • Business Rates • Universal Credit • Parish Precepts • Investment Income • System Support
Portfolio Holder for Assets & Strategic Planning	• Building & Land Assets, Inc. HRA & Commercial • Strategic Assets & Reviews • South Holland Homes Company Lead • Housing Asset Development Plan • Assets Management • Asset Programmed Maintenance • Local Plan Delivery • Planning Enforcement • Planning Development Management • Building Control • Facilities Management

	• Strategic Planning Policy • South Holland Centre Strategic and Operational • Ayscoughfee Hall Museum and Gardens Strategic and Operational • Right to Buy Sign Off • Council House Re-Buy Sign Off • Garages • Strategic Asset Management • Priory Road • West Marsh Road Depot • Bus Station • Short Street • Commercial Units • Woodlands • Car Parking

RESPONSIBILITY FOR FUNCTIONS

OFFICER DELEGATIONS

SECTION F1 – GENERAL CLAUSES AND DELEGATIONS RELATING TO NON-EXECUTIVE AND EXECUTIVE FUNCTIONS

1.0 Any mention in these Delegated Powers to any Act shall be deemed to extend to any Act amending or replacing the same and to any Regulation and Order made thereunder.

2.0 The powers delegated to Officers shall be exercised in accordance with:

(a) the Standing Orders of the Council;

(b) Financial Regulations; and

(c) the Law.

3.0 The powers shall be exercised in accordance with any policy or direction of the Council or of the Committee concerned (and mindful of the need to avoid any unlawful fetter of discretion) and in particular, so far as the context practically and legally allows, shall be exercised in accordance with the Council's Corporate Plan and other corporate procedures.

4.0 The powers delegated to officers permit them to **incur expenditure** as set out in the Finance Procedure Rules and to undertake any action that is incidental to the discharge of any function delegated

5.0 Where the Officer is aware that an individual matter raises issues of strategic importance or particular political sensitivity then before exercising any delegated power the Officer must consult the relevant Chairman or Portfolio Holder, and where the Chairman of a Committee or the Portfolio Holder indicates in writing before action is carried out that an individual matter should be referred to Full Council, Cabinet (or other relevant and appropriate Committee) for decision, then the power shall not be exercised and the matter shall be referred back to the Full Council, Cabinet or Committee as appropriate.

6.0 Where any matter involves considerations within the professional or technical competence of another officer or officers then, unless the person making the decision (acting reasonably) considers the other officer(s) need not be consulted, the Officer taking the decision shall consult with the other officer(s) before authorising action.

7.0 An Officer need not exercise his/her delegated power in any particular matter and shall not do so if in his or her opinion the matter involves questions of policy as yet undecided by the Council, Cabinet, or Committee or any substantial change from previous practice.

8.0 Any specific delegations in addition to those listed in this Part 3 Section F which are authorised by any decision-making body of the Council (other than short-term temporary delegations lasting less than six months) shall be recorded by the Senior Legal Officer in a central log kept for that purpose. Any sub-delegation made by an officer and lasting more than six months in duration shall be reported by that Officer to the Senior Legal Officer forthwith and the Senior Legal Officer shall record such sub-delegations in the central log

9.0 In accordance with Article 14, The Council's Monitoring Officer and the Senior Legal Officer are authorised to amend these delegations and the log of specific delegations as and when necessary in order to update the same in respect of staffing establishment changes (including changes to post titles) and changes to statutory references. Such amendments shall not require further authorisation

10.0 The Council's Monitoring Officer and Section 151 Officer are each authorised to delegate their powers during their absence or where s/he has a conflict of interest. Such delegation may be by way of appointing a Deputy Monitoring Officer or Deputy Section 151 Officer.

11.0 Where a decision to be made by any Officer under delegated authority meets the definition of an Executive Decision, that Officer shall be obliged to publish the decision. Where that Executive Decision is also a Key Decision, that Officer shall be obliged to comply with all relevant rules in this Constitution relating to Key Decisions (with particular regard to publishing Key Decisions in advance, publishing decision notices and complying with Call-In).

12.0 Chief Officers are authorised to perform any function delegated to an Assistant Director or Service Manager (except where a function is delegated to any Officer in his or her role as Monitoring Officer or Section 151 Officer). Where any delegation to an Assistant Director or Service Manager is subject to consultation with the relevant Portfolio Holder then exercise of that delegation by a Chief Officer will also be subject to consultation with the relevant Portfolio Holder.

13.0 Assistant Directors are authorised to perform any of the functions delegated to a Director, and Service Managers are authorised to perform any of the functions delegated to an Assistant Director (other than in either case any function of the Monitoring Officer or S151 Officer) provided that the relevant Director or Assistant Director (as the case may be) has not issued instructions to the contrary

14.0 Any officer with delegated powers has power to authorise staff within his/her control to carry out powers delegated to him/her, subject to any conditions or provisos which are imposed. For the avoidance of doubt wherever an officer delegates a function under this paragraph, or any other paragraph of this constitution, this power shall include the power to appoint the relevant officer as an "Authorised Officer" or a "Inspector" or such other title as may be required by legislation.

15.0 Any reference in this constitution, and in any separate record of specific delegations, to delegation to an officer at Chief Officer or Deputy Chief Officer level (regardless of post title) includes any Chief Officer or Deputy Chief Officer (as the case may be) who for the time being has responsibility for the department, service area or function in question, whether that officer is employed by the Council or placed at the disposal of the Council by another council pursuant to an agreement under s113 of the Local Government Act 1972.

16.0 Any reference in this constitution, and in any separate record of specific delegations, to delegations to Chief Officers or Deputy Chief Officers as a class (regardless of post titles) includes Chief Officers or Deputy Chief Officers (as the case may be) whether those officers are employed by the Council or are placed at the disposal of the Council by another council pursuant to an agreement under s113 of the Local Government Act 1972.

17.0 Each Chief Officer shall have the following general powers, and for the avoidance of doubt each officer is hereby appointed as an "Authorised Officer" or an "Inspector" or any other relevant title where legislation requires such appointment in order to undertake the following functions:

(a) To undertake the **strategic management and control** of the premises and assets for which she/he is responsible. This general power is in addition to any specific powers which may be given to him/her.

(b) To **dispose of** vehicles, stores and equipment that have been declared surplus for the best terms obtainable, subject to consultation with the S.151 Officer

(c) To be the **Proper Officer** for the purposes of Section 234 of the1972 Act (as detailed in the list maintained by the Senior Legal Officer), to sign any notice or document which falls to be given, made or issued in the course of the exercise of any power given to him/her by the Council or by these delegations or by other specific instructions) (ie for matters falling within the jurisdiction of the Chief Officer).

(d) For Directors, to exercise the powers of the other Directors in their absence and (unless the Chief Executive has given instructions to the contrary) the Chief Executive in his/her absence (other than any function of the Head of the Paid Service).

(e) To **appoint a person to act in his or her place** to exercise a specified power (including any power to act as the proper officer in relation to matters falling within the jurisdiction of the Chief Officer) for a relevant function:

(i) in his or her absence, or

(ii) when he or she is otherwise not available to exercise it at the relevant time, or

(iii) in accordance with any general directions given by him or her.

(f) To authorise any officer of the Council to **enter on land** for any purpose authorised by statute.

(g) Subject to the restrictions on incurring expenditure in the Financial Procedure Rules, to authorise **urgent action** (ie actions that are not otherwise delegated) requiring immediate decision on any matters subject to:

(i) consultation with the appropriate Portfolio Holder or Chairman of the Committee (where practicable);

(ii) a subsequent report to Cabinet or to another Committee where the matter is of strategic importance or particular political sensitivity; and

(iii) compliance with Standing Orders.

(h) To serve formal Notices **requiring information** to be given as to interests in land (which shall include the obtaining of information under section 330 of the Town and Country Planning Act 1990, and the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 as detailed at paragraphs 16 and 17 of Schedule 2 of the 2000 Regulations)

(i) To make **planning applications** in respect of a relevant function in relation to any of the Council's land.

(j) To authorise payments of compensation in connection with complaints (including those made to the Local Government Commissioner/Ombudsman) of up to £1000, subject to (i) the agreement of the Monitoring Officer and the appropriate Portfolio Holder or Chairman of Committee and (ii) informing the Performance Monitoring Panel;

(k) Subject to the above provisions and in particular to paragraph 5, to authorise enforcement action or prosecutions in relation to any legislation within the functional area of the Chief Officer.

(l) To exercise the following powers in relation to **staffing matters.**

	POWER ALLOCATED	EXERCISABLE BY
	Officers	
1.	Operation of the Council's offices and welfare facilities for staff.	Chief Officers.
	Salaries and Wages and General Conditions of Service	NOTE: Sections 2 to 11 are to be exercisable in consultation with the Human Resources Manager (and others where specified).
2.	The implementation of local and national agreements, except discretionary clauses not related to previous decisions taken by Committee.	Chief Executive or, in the absence of the Chief Executive, any Director.
3.	To implement all service reviews approved by the Council, including all subsidiary staffing matters including but not limited to determination of changes to terms and conditions of service and selection of individuals for slotting-in, appointment, redeployment or redundancy.	Chief Officers
4.	Interpretation of salary and wage awards to resolve minor	Chief Executive or, in the absence of the Chief Executive, any

	POWER ALLOCATED	EXERCISABLE BY
	anomalies.	Director.
5.	Power to amend grading or designation of employees, subject to the job evaluation process.	Chief Officers in consultation with the Chief Executive or, in the absence of the Chief Executive, any Director.
6.	Authority to increase the staffing establishment by the addition of a temporary fixed term post or posts, providing that costs are met from within existing Council budgets and subject to regular reporting through quarterly performance reports	Chief Officers in consultation with the S151 Officer.
7.	Authority to authorise progression within the local grades provided costs are met from existing approved Budgets within the relevant Portfolio.	Chief Officers.
8.	Authority to determine starting salaries within local grades.	Chief Officers.
9.	Exercise of discretionary powers in relation to the granting of annual leave and leave for special purposes contained in the conditions of service applicable to the employee.	Chief Officers.
10.	Power to make Acting-up payments to staff fulfilling any duties of a more senior post, provided costs are met from existing approved Budgets within the relevant Portfolio.	Chief Officers, after consultation with the relevant Portfolio Holder.
11.	Power to authorise overtime provided costs are met from existing approved Budgets within the relevant Portfolio.	Chief Officers.
Appointment and Dismissal of Staff		
12.	Except for matters reserved to the Appointments and Disciplinary Committee and the Appointments and Disciplinary Appeals Committee and matters dealt with under Standing Orders relating to Staff: • recruitment of staff (whether permanent, temporary or probationary and in whatever manner) • appointment of staff including grading (whether	The relevant Chief Officer in consultation with the Chief Executive or, in the absence of the Chief Executive, any Director and (in cases of disciplinary action, dismissal and termination of employment) in consultation with the Monitoring Officer and the Section 151 Officer subject to compliance with the Council's approved staffing policies UNLESS The Monitoring Officer or the Section 151 Officer considers it

	POWER ALLOCATED	EXERCISABLE BY
	permanent, temporary or probationary and in whatever manner) • disciplinary action, including dismissal, and termination of temporary, permanent or probationary employment for any reason (including but not limited to capability relating to skill, aptitude, ill health or any other physical or mental quality, efficiency of the service, redundancy or retirement) (EXCEPT termination of employment under a settlement agreement, subject to a settlement figure of £30,000 or above which shall be dealt with by full Council) including appeals in relation to any of those actions • grievance including determination of appeal This delegation does not include amending the establishment which function remains with full Council.	inappropriate for the matter to be dealt with under this delegation in which case the matter be delegated to the Chief Executive or, in the absence of the Chief Executive, any Director in consultation with the portfolio holder; OR (in relation to appeals) the matter shall be dealt with by the Appeals Panel.
Travelling and Subsistence Allowances		
13.	Power to authorise the granting of car loans and car allowances, and/or to operate the Council's car schemes.	Chief Officers.
Training		
14.	Power to authorise the attendance of employees on full time courses not exceeding four weeks in duration or on longer courses in accordance with previously approved arrangements.	Chief Officers.
15.	Power to authorise the attendance of employees on courses, in accordance with previously agreed arrangements, and to incur expenditure on training, provided that the costs can be met from within the Training Budget.	Chief Officers.
16.	Authority to waive wholly or partly the requirement for an	Chief Officers

	POWER ALLOCATED	EXERCISABLE BY
	officer to repay in full or part the amount of financial assistance received towards training because of early resignation or redundancy, where in all the circumstances it is considered appropriate, fair and reasonable.	
	Miscellaneous Staffing Matters	
17.	Power to authorise officers to engage in additional employment, where this does not conflict with their primary employment or the interests of the Council.	Chief Officers.
18.	Authority to reimburse the cost of damage to an employee's personal property and clothing up to £200 in any one case, provided the Chief Officer is satisfied that the damage was caused as a result of the employee pursuing Council business.	Chief Officers

F2 – DELEGATIONS TO CHIEF EXECUTIVE (note that under Part 3 Section F1 paragraph 15(d) the Directors have authority to exercise the powers of the Chief Executive in his/her absence)

1.0 To act as the Council's Head of Paid Service (except during any period where the Council decide not to appoint a Chief Executive at which time a Head of Paid Service will be appointed separately)

2.0 To exercise any of the powers of any Chief Officer with the exception of the statutory powers conferred on the Monitoring Officer and the Section 151 Officer

3.0 To be (along with any other officers duly appointed to act as Proper Officer, which appointments are detailed in the list of Proper Officers maintained by the Senior Legal Officer) the Proper Officer of the Council in relation to:

(a) The following provisions of the Local Government Act 1972 (Council):

Section 13(3)	(Parish Trustee)
Section 83(1)-(4)	(Witness and receipt of declaration of acceptance of office)
Section 84	(Receipt of declaration of resignation)

Section 88	(Convening of meeting of the Council to fill vacancy in the office of Mayor)
Section 89	(1)(b) (Receipt of notice of casual vacancy from two local government electors)
Section 100B(2)	(Exclusion from agenda papers made available to public any reports (or parts) likely to be taken in absence of public)
Section 100D(1)(a)	(Compilation of a list of background papers to a report)
Section 100D(5)(a)	(Identification of background papers on which a report is based)
Section 210(6) and (7)	(Charity functions of holders of offices with previous authorities transferred to Proper Officer, if no equivalent officer)
Section 229(5)	(Authentication of documents – certification of a photographic copy of a document in the custody of the Council)
Section 234	(Authentication of documents – signing of formal notices, orders or other documents made or issued under any enactment by the Council)
Section 238	(Authentication of documents – signing of certificate on any printed copy of the byelaws authenticating such print as a true and correct copy)
Schedule 12	(Issue and service of summons to meetings of Council and Committees, receipt of formal notification from Councillors of addresses to which such summons be sent)
Schedule 14	(Authentication of documents – certification of copy resolutions)

(b) any reference to any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October, 1972 to the Clerk of the Council which, by virtue of any provisions of the said Act, is to be construed as a reference to the Proper Officer of the Council.

(c) Section 41 of the Local Government (Miscellaneous Provisions) Act 1976 – authentication of documents – certification of copies of resolutions, orders, reports or minutes of the Council or any predecessor authority.

(d) Section 59 of the Public Health (Control of Diseases) Act 1984 – authentication of documents.

(e) Section 49 of the Food Safety Act 1990 – authentication of documents.

NOTES:

- some of the above functions are also specifically delegated to other officers in relation to matters falling within their jurisdiction.
- In accordance with paragraph 16(e) of part F1 above the Chief Executive, as with all other Chief Officers, has the power to appoint a person to act in his or her place to exercise any power to act as the proper officer for relevant functions

which comes within the jurisdiction of that person (i) in his or her absence, or (ii) when he or she is otherwise not available to exercise it at the relevant time, or (iii) in accordance with any general directions given by him or her.

4.0 To appoint appropriate officer(s) to act as Proper Officers where necessary, for functions which come within the jurisdiction of that officer except that the Chief Executive shall not have authority to appoint him or herself as a Proper Officer.

5.0 To exercise all powers in connection with elections except where any other officer is appointed as Returning Officer and/or Electoral Registration Officer.

6.0 Power, after consultation with the Leader, to declare an incident to be a major incident under the Peacetime Emergency Plans (or to acknowledge such declaration made nationally or regionally) and thereafter to take any necessary immediate action in respect of the incident including expenditure of money subject to:

- obtaining the agreement of the Leader, or Deputy Leader if the Leader is unable to act for any reason, and
- complying with Financial Management Standard 1.4 (Emergency Procedures);
- calling a meeting of Cabinet as quickly as possible where practicable.

Where the Chief Executive is unable to act for any reason authority be delegated to any individual Director. This delegation applies to executive and non-executive functions. Any executive decision taken under this emergency power must be published and the decision notice must make it clear that the decision is taken under this paragraph as an emergency decision and that call-in does not apply.

7. 0 To have the power in consultation with the Leader to invest in land (to include any buildings on the land) up to £3 Million and subject always to the Financial Procedure Rules.

F3 DELEGATIONS TO DIRECTORS

1.0 **General**

1.1 Power to take day-to-day operational and managerial decisions within the functional areas of the Portfolio(s) for which the Director is responsible, subject to the restrictions contained in the General Clauses (Part F1) or mentioned below.

2.0 **Functional Areas**

2.1 The functional areas for each Directorate may be amended from time to time by the Leader (for Executive Functions) or a Committee or Council (for Non Executive Functions). A list of current functions can be obtained from the Senior Legal Officer or from the Council's Website.

3.0 **Specific Delegations**

3.1 Power for the Assistant Director in charge of Planning & Development Control:

Planning Applications

To determine all Planning Applications (as defined below) (except Significant Applications as defined below) where the officer considers that, on balance, and after taking into account all material considerations including Human Rights Act issues, the

decision would be in general conformity overall with national planning policies and guidance, and the policies contained in the Local Plan and any Neighbourhood Plans.

a) The above power is subject to a weekly list being sent to all Members containing details of Planning Applications received.

b) "Planning Applications" for the purposes of these delegations include applications, notifications or consultations in connection with the following:

(i) Applications for full or outline planning permissions including (but not limited to) associated applications for reserved matter approval, condition compliance applications, variation/removal of conditions (s.73/s73A applications),
(ii) Applications to modify or vary planning obligations,
(iii) Advertisements consents
(iv) Listed buildings
(v) Prior approval notifications
(vi) Demolitions (including buildings in a conservation area)
(vii) Overhead power lines
(viii) Telecommunications
(ix) Applications or notifications from public authorities
(x) Agricultural notifications,
(xi) Minor amendments (including non-material amendments)
(xii) Applications for Certificates of Lawfulness of existing or proposed use of development,
(xiii) Applications for permission in principle and associated technical details consent (Town and Country Planning (Permission in Principle) Order 2017),
(xiv) Any other application under current or future legislation.

c) "Significant Applications" will include those where:

(i) the ward member or parish council has requested the application be determined by the Planning Committee or referred to Chairman's Panel and that request clearly relates to material planning considerations; or
(ii) the application is submitted by the Council's Building Consultancy Services; or
(iii) Officers believe that the application warrants the consideration of Chairman's Panel

in which case the Chairman's Panel will be consulted before the officer decides whether to determine the application under delegated powers or refer the matter to the Planning Committee for determination (this Panel is not a decision-making body). The Panel may meet in any way that it considers appropriate and any member of the Panel may be substituted by any other member of the Planning Committee at any time (see Part 3 Section D paragraph 1.6). For each application referred to Chairman's Panel, the officer concerned shall prepare an officer report and shall send that report at least three days in advance to each member of the Panel and any other Member who may attend the Panel meeting in their capacity as Ward Member;

(iv) Officers intend to approve an application contrary to the development plan
(v) The application is submitted by the Council or relates to land in which the Council has an interest
(vi) The application is submitted by a Member or Senior Officer (at the level of Service Manager or above) of the Council or involves a Member or Senior Officer interest
(vii) The application has been referred to Planning Committee following consultation with the Chairman's Panel

(viii) The officer believes that the application warrants the consideration of the Planning Committee due to a particular sensitivity or significant impact locally or which raise novel or contentious planning issues

in which case the matter must be referred to the Planning Committee for determination.

d) "Significant Applications" will not include:

(i) Prior approval notifications
(ii) Agricultural notifications
(iii) Certificates of Lawfulness
(iv) Permissions in principle
(v) Condition compliance
(vi) Minor amendments (including non-material amendments).

4.0 **Data Protection**

4.1 The **Senior Legal Officer** is the Data Protection Officer

5.0 **Regulation of Investigatory Powers**

5.1 Chief Officers are appointed as Authorising Officers for the purpose of authorising directed surveillance or the use of Covert Human Intelligence Sources for the purposes of the Regulation of Investigatory Powers Act 2000.

6.0 **Information**

6.1 The **Senior Legal Officer** is authorised to make all determinations on exemptions and fees under the Freedom of Information Act 2000.

6.2 The **Senior Legal Officer is** the Senior Reporting Officer (SRO) for the purposes of managing information risks generally and for monitoring authorisations granted under the Regulation of Investigatory Powers Act 2000.

6.3 The Assistant Director for Finance is the Senior Information Risk Officer (SIRO) for the purposes of taking overall ownership of the Council's information management framework, including its information risk policy.

7.0 **Delegations to the Section 151 Officer**

7.1 To be the responsible officer for the proper administration of the financial affairs of the Council in accordance with Section 151 of the Local Government Act 1972.

7.2 To be the Proper Officer of the Council in relation to certain financial matters as detailed in the list of Proper Officers maintained by the Senior Legal Officer.

7.3 To operate the Council's bank account including:

(a) the arranging of overdraft facilities as and when necessary and within such limit as may be approved by the Cabinet from time to time;

(b) arrangements for the opening, operation and closure of subsidiary bank accounts deemed necessary for the control of and accounting of Council monies;

(c) the management of day to day resources of the Council and the arrangements of such borrowing and investment of surplus monies deemed necessary.

7.4 Subject to the scheme of Treasury Management approved by the Council:

(a) to undertake the negotiation and receipt of or repayment of loans in accordance with such policy as may be laid down from time to time by the Cabinet and subject to the receipt of the necessary Government sanctions and consents;

(b) to make suitable arrangements for the investment and realisation of monies surplus to the Council's requirements;

(c) the execution and administration of Treasury Management decisions of Council or Audit Committee.

7.5. To pay all sums due to creditors.

7.6 deal, within the general policy laid down, with the Council's insurances.

7.7 Power to write off debts or authorise disposal of obsolete stores or equipment subject to the Council's approval to reporting procedures.

7.8. To be responsible for the system of Internal Audit in compliance with the Accounts and Audit Regulations.

7.9 To take or to authorise any action necessary to recover monies owed to the Council.

7.10 To exercise all functions relating to the billing, collection and recovery of Council Tax, National Non-Domestic Rates including taking or authorising any action necessary to recover any such monies owed to the Council and the operation of Council Tax Benefit.

7.11 To operate housing benefits in accordance with regulations and the policies of the Council, to take appropriate steps to recover overpayments and prosecute claimants for fraud in appropriate circumstances and to exercise local authority discretion in appropriate cases

7.12 To agree to accept Memorandum of Agreement s113 charges for staff into the budget for South Holland where this approval does not currently exist.

F4 – Delegations to Senior Legal Officer, Solicitor to the Council and the Service Manager responsible for Legal Services

1.1. To make Orders for the stopping up, diversion or creation of public rights of way arising from proposals for development or change of use. (Development Control)

1.2. To grant applications for the premature discharge of mortgage where an estate is to be settled or when satisfied that hardship would be caused.

1.3. To deal with the sale of repossessed property.

1.4. To deal with any applications for the sub-letting of property in mortgage to the Council, in accordance with established policy.

1.5. To approve applications for permission to sell land forming part of properties in mortgage to the Council where he/she is satisfied that adequate security will remain.

1.6. Power to institute or defend any civil or criminal proceedings in accordance with Article 13 paragraph 3.0.

1.7. Power to vary or discharge a covenant or term affecting land previously sold or leased by the Council where there is little or no value to the Council subject to consultation with the ward representative and Portfolio Holder.

1.8. Power to complete all necessary paperwork for release of such terms and covenants, or to discharge any charges (registered land, unregistered land and local land charges) that are no longer effective or in force

1.9 Authentication of documents for legal proceedings.

F5 Delegations to the Assistant Director responsible for Strategic Growth

1.0 Authority to vary or discharge a covenant or term affecting land previously sold or leased by the Council where there is a value to the Council, subject to consultation with the ward representative and Portfolio Holder.

Note: In addition to the delegations set out in this part of the Constitution please also refer to (i) the log of Specific Delegations maintained by the Senior Legal Officer; (ii) Contract Standing Orders; and (iii) Financial Procedure Rules.

F6 Delegations to the Monitoring Officer

1.1 The Monitoring Officer and/or the Deputy Monitoring Officer are authorised to delegate any other local authority final determination of complaints made under the Council's Standards Arrangements subject to consultation with the Chairman of the Council's Standards Panel and subject to the officer being satisfied that this is in the interests of fairness.

1.2 The Monitoring Officer and/or the Deputy Monitoring Officer is also authorised to accept similar delegations to South Holland District Council from other local authorities subject to consultation with the Chairman of the Standards Panel.

PART 4A - PROCEDURAL STANDING ORDERS

STANDING ORDER NO. 1

Meetings of the Council

1.1 The annual meeting of the Council and other scheduled meetings of the Council shall be held at such places, on such dates and at such times as may be fixed by the Council.

1.2 Extraordinary meetings of the Council may be called at any time. In accordance with paragraph 3 of Schedule 12 to the Local Government Act 1972, by:

(a) the Chairman of the Council, either on his/her own initiative or following receipt of a requisition from five members of the Council calling for an extraordinary meeting; or
(b) by 5 members of the Council if the Chairman refuses to call a meeting after receipt of a requisition or if, without so refusing, the Chairman does not issue, within 7 days after the requisition has been presented, a notice and summons to a meeting.

1.3 Those listed below may call a special meeting of the Council, after consultation with the Chairman of the Council, or instruct the Chief Executive or in his / her absence the Chief Officer responsible for Democratic Services to (after consultation with the Chairman of the Council) call a special meeting of the Council:

a. The Council by resolution;
b. The Head of the Paid Service;
c. The Monitoring Officer;
d. The Section 151 Officer; and
e. The Leader

STANDING ORDER NO. 2

Election of Chairman and Vice-Chairman

2.1 The Chairman of the Council shall be elected and the Vice-Chairman of the Council shall be appointed at the annual meeting.

2.2 At a meeting of the Council the Chairman, if present, shall preside. If the Chairman is absent from a meeting of the Council, then the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent, another member of the Council chosen by the members of the Council present shall preside.

STANDING ORDER NO. 3

Chairman of Meeting

3.1 Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

STANDING ORDER NO. 4

Quorum

4.1 The quorum of the Council shall be **one-third** of the total number of its members. Where more than one-third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the **quorum** shall be determined by reference to the number of members remaining qualified instead of by reference to the whole number of members of the authority.

4.2 If during any meeting of the Council the Chairman after counting the number of members present declares that there is not a quorum present the meeting shall stand adjourned

4.3 The consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or, if he / she does not fix a time, to the next ordinary meeting of the Council.

4.4 Where a virtual meeting is held, a member in remote attendance is present and attends the meeting, including for the purposes of the meeting's quorum, if at any time all three of the following conditions are satisfied, those conditions being that the member in remote attendance is able at that time:

- to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance; and
- to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
- to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

4.5 A member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in Standing Order 4.4 above are not met. In such circumstance the Chairman may, as he/she deems appropriate;

- where the issue relates to failure of the equipment, adjourn the meeting for a short period to permit the conditions for remote attendance of a member contained in 4.4 above to be re-established; or
- count the number of members in attendance for the purposes of the quorum;
- provided there is a quorum present at the meeting continue to transact the remaining business of the meeting in the absence of the member in remote attendance.

STANDING ORDER NO. 5

Order of Business

5.1 The quorum of the Council shall be **one-third** of the total number of its members.

5.2 Except as otherwise provided by the following paragraph (variation of order of business) of this Standing Order, the order of business at every ordinary or annual meeting of the Council shall be:

(a) Elect a person to preside if the Chairman and Vice-Chairman are not present.

(b) To deal with any business required by statute to be done before any other business.

(c) Approve and sign the minutes of the last meeting or, at a virtual meeting, approve the minutes ready for signature at a later date in accordance with Standing Order no. 10.

(d) To receive any declarations of interests from members

(e) To deal with any business expressly required by statue to be done.

(f) Receive any announcement from the Chairman, Leader or Cabinet Members.

(g) Answer any Questions on Notice.

(h) Answer any Questions without Notice

(i) To receive reports from the Cabinet and minutes and reports from the Council's committees and Panels.

(j) To receive the Cabinet's Key Decision Plan

(k) To consider motions in the order in which notice has been received under Standing Order No. 8.

(l) Receive any petitions in accordance with the current Petitions Scheme agreed by Council.

(m) Receive written reports from Councillors who represent the Council on outside bodies. Reports will normally be for information only. However, members may recommend that a matter be considered or investigated by officers and that the investigating officer be asked to submit a further detailed report.

(n) Other business, if any, specifically referred to in the summons.

(o) Any item of business which the Chairman is of the opinion should be considered as a matter of urgency by reason of special circumstances which shall be specified in the minutes.

5.3 **Variation of order of business**

5.3.1 Business falling under items (a), (b), or (c) of the above paragraph shall not be displaced, but the order of the remaining business may be varied:

(a) By the Chairman at his/her discretion, or

(b) By a resolution passed on a motion (which need not be in writing) duly moved and seconded, this shall be moved and put without discussion.

STANDING ORDER NO. 6

Questions on notice

6.1 Questions on notice at an ordinary or annual meeting of full Council

Subject to paragraph (6.3) a member of the Council may, at a meeting of the full Council, ask:

(a) the Chairman of the Council;

(b) a Cabinet member; or
(c) the Chairman of any committee, sub-committee or Panel

a question on any matter in relation to which the Council has powers or duties or which affects the district.

6.2 Questions on notice at committees, sub-committees and panel meetings

Subject to paragraph (6.3) a member of a committee, sub-committee or panel may, at a meeting of that committee, sub-committee or panel, ask the chairman a question on any matter in relation to which the Council has powers or duties or which affect the district and which falls within the terms of reference of that committee, sub-committee or panel.

6.3 Notice of questions.

(This rule **cannot** be suspended).

A member may only ask a question under paragraph (6.1) or (6.2) if either:

(a) he/she has given notice in writing of the question to the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services which must be received not later than 9.00 am three clear Working Days before the day of the meeting (which shall not include the day of receipt or the day of the meeting); or

(b) the question relates to urgent matters, he/she has the consent of the chairman or Cabinet Member to whom the question is to be put, the content of the question is given to the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services by midday on the day of the meeting and the Chief Executive does not consider the question to be out of order.

6.4 Response

An answer to a question under paragraph (6.1) or (6.2) may take the following form:

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

(b) A written answer circulated at the meeting or within 5 Working Days of the meeting to the questioner and all members. The answer may also be read out at the meeting in addition to a circulated written reply.

(c) The question shall be put and answered without discussion.

6.5 Supplementary question

A member asking a question under paragraph (6.1) or (6.2) may ask one supplementary question, without notice, of the member to whom the first question was put or by whom it was answered. The supplemental question must arise directly out of the original question or the reply.

6.6 Response to Supplementary question

If the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services considers the supplementary question to be out of order no response will be necessary. Otherwise an answer to a supplementary question under paragraph (d) may take the form of:

(a) a direct oral answer;

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

(c) where the reply cannot conveniently be given orally, a written answer circulated within 5 Working Days of the meeting where practicable to the questioner and all other members.

(d) The question shall be put and answered without discussion.

STANDING ORDER NO. 7

Questions without notice

(Except for paragraph (7.8) below this Rule **cannot** be suspended.)

7.1 A member of the Council may ask the Leader or appropriate Cabinet Member any question without notice on any matter within the Leader's or Cabinet Member's area of responsibility. When asking the question the member shall state why he/she believes the particular Cabinet Member is responsible for answering it.

7.2 The Cabinet member to whom a question is put may, with the consent of the Chairman of the meeting, ask that another Cabinet Member answers the question if it is considered that the other Cabinet Member is the appropriate Cabinet Member to answer it but reasons must be given.

7.3 If the Cabinet Member to whom the question is put is unable to answer the question a reply may be given by the Leader or in his/her absence the Deputy Leader.

7.4 A member asking a question under this Standing Order may ask one supplementary question, without notice, of the Cabinet Member who answered the original question. The supplementary question must arise directly out of the original question or the reply.

7.5 Answers to questions or supplementary questions under this Standing Order shall take the form of:

(a) a direct oral reply; or

(b) with the consent of the chairman of the meeting, a written answer where it is of a technical nature. Answers given in writing shall be given within 5 Working Days of the meeting and shall be sent to all members.

7.6 Questions and supplementary questions shall be put and answered without discussion.

7.7 Members wishing to ask a question under this Standing Order shall indicate such a wish by raising his/her hand and where in a virtual meeting, this shall be done by electronic means. The Chairman of the meeting shall determine the order for asking questions subject to the leader of the opposition group (or in his/her absence the

deputy leader) being afforded the right to ask the first question. Where there is more than one opposition/minority group the leader of each group shall be afforded the right to ask a question at each meeting and the order shall be determined by the size of the group, the leader of largest group being given priority. Subject to (7.8) below, there shall be no limit on the number of questions that any member, including the leader of the opposition or minority groups, shall be permitted to ask.

7.8 The period for questions under this Standing Order shall be limited to not more than 30 minutes per meeting, subject to the right for the Council to suspend this in accordance with Standing Orders.

STANDING ORDER NO.8

Notice of Motion

8.1 Notice of every motion other than a motion which may be moved without notice under Standing Order 9 shall be given in writing, signed by the member or members of the Council giving notice, and delivered, at least 9 clear Working Days before the next meeting of the Council, at the office of the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open to the inspection of every member of the Council.

Motions to be set out in summons

8.2 The Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services 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 or members giving the notice intimates in writing, when giving that notice, that he/she proposes to move it at some later meeting, or it has since been withdrawn in writing by all those giving it.

Motion not moved

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

Automatic reference to Committee

8.4 If the subject matter of any motion of which notice has been duly given comes within the province of any Sub-Committee, Committee or Committees, it shall, upon being moved and seconded, stand referred without discussion to such Sub-Committee, Committee or Committees, or to such other Sub-Committee, Committee or Committees as the Council may determine, for consideration and report.

Provided that the Chairman may, if he / she considers 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.

Scope of motions

8.5 Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the district

STANDING ORDER NO.9

Motions and amendments which may be proposed without notice

9.1. The following motions and amendments may be proposed without notice:-

(a) appointment of a Chairman of the meeting at which the motion is made.

(b) motions relating to the accuracy of the minutes.

(c) that an item of business specified in the summons has precedence.

(d) remission to a Committee or Cabinet of a matter properly before the Council

(e) reference back to Committee or Cabinet for further consideration of an item of report of that Committee.

(f) appointment of a Committee or members thereof or working group, occasioned by an item mentioned in the summons to the meeting.

(g) adoption of reports and recommendations of Committees or Cabinet or officers and any consequent resolutions.

(h) that leave be given to withdraw a motion.

(i) extending the time limit for speeches.

(j) amendments to motions.

(k) that the Council proceed to the next business.

(l) that the Council postpone consideration of an item until later in the meeting or to a later meeting .

(m) that the question be now put.

(n) that the debate be now adjourned.

(o) that the Council do now adjourn.

(p) suspending Standing Orders, in accordance with Standing Order No.54.

(q) motion under Section 100(A)(4) of the 1972 Act to exclude the press and public.

(r) that a member named under Standing Order 13 be not further heard or do leave the meeting.

(s) giving consent of the Council where the consent of the Council is required by these Standing Orders.

(t) where the position of Leader has become vacant, to elect a new Leader.

9.2 If on the passing of any motion or amendment under paragraph 1(e) of this Standing Order (reference back to Committee or Cabinet), action has previously been taken pursuant to the delegated powers of the Committee or Cabinet to an extent which makes it impracticable to deal with the item in the manner desired by the Council the motion or amendment shall have effect as requiring the Committee or Cabinet to re-examine the policy involved and report to the Council thereon before taking any further decisions or implementing decisions already taken involving the same question of policy.

9.3 A motion by the Chairman under paragraph 1(q) of this Standing Order (exclusion of press and public) shall take precedence over any other motion and shall without the need of a seconder be put forthwith without discussion or question. Provided that after the withdrawal of the press and public pursuant to any such motion a member may, notwithstanding any other provision of these Standing Orders, move that the press and public be re-admitted and upon that motion being seconded it may be discussed and voted upon.

STANDING ORDER NO.10

Minutes

10.1 Signing the Minutes:

Unless the next paragraph applies, the Chairman will sign the minutes of the proceedings at the next suitable meeting (including the annual meeting of thE Council). The Chairman will invite a member to 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.

At a virtual meeting the Chairman will invite a member to move that the minutes of the previous meeting be signed as a correct record and the minutes will be signed at the meeting or as soon as practicable thereafter. The only part of the minutes that can be discussed is their accuracy.

10.2 No requirement to sign minutes of previous meeting at extraordinary or special meeting.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting or a special meeting, then the next following meeting (being an ordinary or annual) will be treated as a suitable meeting for the purposes of signing of minutes.

STANDING ORDER NO.11

Rules of Debate for Council Meetings

11.1. **Presentation of Committee or Cabinet reports**

(a) When the Chairman calls an agenda item consisting of the report of a Committee or the Cabinet, the Chairman of that Committee or the Leader shall rise and present the report (except that when attending any virtual meeting there shall be no requirement to rise).

(b) The Chairman shall then ask if any member wishes to speak.

(c) If no member wishes to speak, the Chairman of the Committee or the Leader shall move the report and the Chairman shall put the report to the Council to be received and adopted.

(d) If a member wishes to speak, the Chairman shall put the report to the Council page by page or paragraph by paragraph, and it shall be open to members to speak to items in the report, to raise questions thereon and to propose motions or to move amendments in respect thereof as the relevant page or paragraph is called.

(e) Any committee or cabinet decision which requires the approval of Council shall be reported separately at the next available Council meeting.

11.2 **Only one member to speak at a time**

A member shall only address the Council when the Chairman calls upon him / her to speak. While a member is speaking, the other members shall remain silent and seated, but may indicate to the Chairman a request to speak on a point of order or in personal explanation.

11.3 **Content and length of speeches**

a) A member shall direct a speech to the question under discussion or to a personal explanation or to a point of order.

(b) No speech shall exceed five minutes in the case of the mover of a motion, and three minutes in all other cases except by consent of the Council

11.4 **Motions and amendments**

A motion (other than a motion that the report of a Committee or Cabinet be received and/or adopted) or an amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order 6 it shall, if required by the Chairman, be put into writing and handed to the Chairman or the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services before it is further discussed or put to the meeting.

11.5 **Seconder's speech**

A member seconding a motion or amendment may reserve a speech until a later period of the debate if this is declared at the time.

11.6 **When a member may speak**

(a) Once when proposing a motion (see paragraph 3(b) above

(b) once on an amendment moved by another member;

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

(d) 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;

(e) in exercise of a right of reply given in paragraph 13 of this Standing Order;

(f) on a point of order;

(g) by way of personal explanation.

11.7 **Amendments to motions**

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

(a) to refer a subject of debate to a Committee or Cabinet for consideration or reconsideration;

(b) to leave out words;

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

(d) to insert or add words;

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

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

11.9. If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which further amendment may be moved.

11.10 After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

11.11 **Alteration to motion**

A member may with the consent of the Council signified without discussion:-

(a) alter a motion of which he / she has given notice, or

(b) with the further consent of his/her seconder alter a motion which he / she has moved,

if (in either case) the alteration is one which could be made as an amendment to the motion.

11.12 **Withdrawal of motion**

A motion or amendment may be withdrawn by the mover with the consent of his / her seconder and of the Council, which shall be signified without discussion, and no member may speak upon it after the mover has asked permission for its withdrawal, unless the permission has been refused.

11.13 **Right of reply**

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is proposed, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his/her amendment.

A member exercising a right of reply shall confine this to points raised by previous speakers and shall not introduce fresh matter

11.14 **Motions which may be moved during debate**

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

(a) to amend the motion;

(b) to adjourn the meeting

(c) to adjourn the debate;

(d) to postpone consideration of the motion

(e) to proceed to the next business

(f) that the question be now put;

(g) that a member be not further heard;

(h) a motion by the Chairman under Standing Order 13 that a member do leave the meeting;

(i) a motion under section 100A(4) of the 1972 Act to exclude the press and public;

(j) that the subject of debate be remitted to a Committee or Cabinet or working group for consideration;

(k) be referred back to a Committee or Cabinet for further consideration;

(l) That the meeting not go beyond four hours in duration.

11.15 **Closure motions**

A member may propose without comment at the conclusion of a speech of another member:-

(a) that the Council proceed to the next business,

(b) that the subject of debate be remitted to a Committee or Cabinet,

(c) that the subject of debate be referred back to a Committee/Cabinet for further consideration,

(d) that the question be now put,

(e) that the debate be now adjourned, or

(f) that the Council do now adjourn.

11.16 On the seconding of a closure motion the Chairman shall proceed as follows:-

(a) on a motion to proceed to next business or to remit or refer back to a Committee or Cabinet:

Unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed he / she shall first give the mover of the original motion his / her right of reply (under paragraph 11.13 of this Standing Order) and then put to the vote the closure motion;

(b) on a motion that the question be now put.

Unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed, he / she shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his / her right of reply under paragraph 11.13 of this Standing Order before putting his/her motion to the vote;

(c) on a motion to postpone consideration of a motion or to adjourn the debate or the meeting.

If in the Chairman's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he / she shall put the postponement or adjournment motion to the vote without giving the mover of the original motion his / her right of reply on that occasion

11.17 **Points of order**

A member may indicate a wish to speak on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a standing order or statutory provision and the member shall specify the standing order or statutory provision and the way in which he / she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him / her which may appear to have been misunderstood in the present debate.

The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

STANDING ORDER NO.12

Motions affecting persons employed by the Council

12.1 If any question arises at a meeting of the Council or at a Committee or Sub-Committee or Cabinet as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, Committee, Sub-Committee or Cabinet, as the case may be, has decided whether or not the power of exclusion under section 100A(4) of the 1972 Act shall be exercised.

STANDING ORDER NO.13

Conduct

13.1 **Standing to speak**

Except when attending a virtual meeting, when a member speaks at full Council he/she must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other

members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

13.2 **Chairman standing**

Except at a virtual meeting when this will not apply**,** when the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

13.3 **Disorderly conduct**

If at a meeting any member of the Council, in the opinion of the Chairman notified to the Council, misconducts himself / herself by persistently disregarding the rules of the Chairman, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Chairman or any other member may propose "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.

13.4 **Continuing misconduct by a named member**

If the member named continues his / her misconduct after a motion under the previous paragraph has been carried the Chairman shall either:-

(a) move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or

(b) adjourn the meeting of the Council for such period as he / she in his / her discretion shall consider expedient.

If, after such a motion has been carried, the member named fails to observe the Council's decision, the Chairman may give such direction as he / she shall consider appropriate for the removal of the member and the restoration of order.

13.5 **General disturbance**

In the event of general disturbance which in the opinion of the Chairman renders the due and orderly dispatch of business impossible, the Chairman in addition to any other power vested in him/her may, without the question being put, adjourn the meeting of the Council for such period as he / she in his / her discretion shall consider expedient.

STANDING ORDER NO.14

Disturbance by member of the public

14.1 If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him / her. If he / she continues the interruption the Chairman shall order his / her removal from the meeting. In case of general disturbance in any part of the meeting place open to the public the Chairman shall order that part to be cleared.

STANDING ORDER NO.15

Rescission of previous resolution (full Council only)

15.1 No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Standing Order 8 bears the names of at least one third of the members of the Council

15.2 When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months

15.3 The ruling of the Chairman as to whether any motion or amendment comes within the terms of this Standing Order shall be final and accepted without question.

15.4 This Standing Order shall not apply to motions moved in pursuance of a recommendation of a Committee or Cabinet or Chief Officer.

STANDING ORDER NO.16

Voting

16.1 All questions coming or arising before the Council shall be decided by a majority of the members of the authority present and voting thereon. In the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

16.2 Apart from virtual meetings when Standing Order no. 16.6 below shall apply, the method of voting at meetings of the Council shall be by show of hands. If in the opinion of the Chairman the result is uncertain he / she shall call upon the Council to determine the question by a recorded vote, in which case the names of all members voting for and against the motion or amendment shall be taken down and recorded in the minutes.

16.3 On the requisition of any member of the Council made before the vote is taken and supported by twelve other members who signify their support by rising in their places the voting on any question shall be taken by a recorded vote as above. *At a virtual meeting, where a member has requisitioned a recorded vote, the Chairman shall, entirely at his discretion, either take a vote by roll-call to determine whether twelve other members support the requisition, or use any other means described in Standing Order 16.6(c) below.*

16.4 Where at a meeting any member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that member voted for the question, against the question or abstained from voting.

16.5 The Chairman may, at his / her discretion, ask that the number of members voting for and against a motion or amendment be recorded in the minutes.

16.6 At virtual meetings the Chairman shall take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting shall be recorded in the minutes, unless:

(a) a recorded vote is required by the Chairman under Standing Order no. 16.2; or

(b) a recorded vote is requisitioned under Standing Order no. 16.3; or

(c) at the Chairman's discretion, the vote is taken by one of the following methods:

(i) by use of an electronic voting system for remote voting where available; or
(ii) by use of electronic hand raising where available; or
(iii) by physical hand raising where practicable

except that where (c) applies a roll-call shall still be required if requisitioned by any member and supported by two further members.

STANDING ORDER NO.17

Voting on appointments

17.1 Subject to paragraph 4 of this Standing Order where there are more than two persons nominated for any single position or vacancy to be filled by the Council, the person

having the greatest number of votes given in accordance with paragraph 2 of this Standing Order shall fill such position or vacancy.

17.2 The Chairman may at his / her discretion call upon the Council to vote:

(a) by each member, when called upon, announcing to the Council the name of the person for whom he/she votes;

(b) by each member entering that name upon a voting paper to be signed by him / her and delivered to the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services;

Provided that at any virtual meeting method (a) shall apply, and at any non-virtual Meeting any member may demand that method (b) be employed and if one third of other members signify their support by rising in their places the vote shall be taken.

17.3 Subject to paragraph 4 of this Standing Order where appointments to more than one position or vacancy is involved and the number of persons nominated exceeds the number of positions or vacancies by more than one, voting papers shall be distributed and a vote shall be taken:-

(a) by each member writing on a voting paper the names of no greater number of the persons nominated than would be required to fill the positions or vacancies under consideration;

(b) the names of the number of persons having the greatest number of votes in descending order shall be declared by the Chairman to be the names of the persons appointed to fill the required number of positions or vacancies.

17.4 In the event of there being an equality of votes for the only position or vacancy or the last position or vacancy, the votes shall be taken again between those persons who received an equality of votes and if there remains an equality of votes the Chairman shall have a second and casting vote

17.5 Where the number of persons nominated does not exceed the number of positions or vacancies by more than one, the appointment may be determined on a motion.

STANDING ORDER NO.18

Record of attendances

18.1 Except at virtual meetings where the Chairman (or such other person at the Chairman's direction) shall at the beginning of a meeting take a roll-call of members in attendance, all members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance. The names of members present at a meeting or part of a meeting will be recorded in the minutes.

STANDING ORDER NO.19

Interpretation of Standing Orders

19.1 The ruling of the Chairman as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

STANDING ORDER NO.19A

Postponement of full Council Meeting

19A.1 *Where exceptional circumstances apply and the Chairman of the Council, following consultation with the Vice-Chairman of the Council, the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services and*

the Leaders of the political groups, considers that attendance at a convened meeting of the full Council would involve health and safety issues (eg inclement weather) the Chairman of the Council may postpone the meeting. Following postponement, notification must immediately be given to all members of the Council and to the press, and notice of the postponement must be posted at the Council Offices (where possible) and on the Council's website. Where a meeting is postponed, no less than five clear working days' notice (or such other period as may be required by law) shall be given of the new date for the meeting

SECTION 2 – COUNCIL AND THE EXECUTIVE

STANDING ORDER NO.20

Form of Executive

20.1 The form of the Executive shall be Leader and Cabinet.

STANDING ORDER NO.21

Appointment of Leader and Deputy Leader

21.1 The Leader will be elected by Full Council at the first Annual Meeting after the election by simple majority, and their term of office will extend, subject to below, until the Annual Meeting after the next election (usually four years).

21.2 The Leader's appointment will terminate at any time on the passing in full Council of a vote of no confidence, provided that the vote is on a formal motion under Standing Order 8 or on his/her resignation or disqualification during their term.

21.3 Should the position of Leader become vacant at any time, a new Leader shall be elected for the remainder of the term at the next Council meeting or at a special Council meeting called for this purpose.

21.4 The Leader may appoint up to two Deputy Leaders, who shall remain in office (unless removed by the Leader) until the end of the term of office of the Leader.

STANDING ORDER NO.22

Delegation of Executive Functions

22.1 The Leader shall have the power to determine any delegations of Executive Functions to Cabinet, Committees of the Cabinet, Executive Area Committees, Cabinet Members and officers. The delegations and the procedures relating to them shall be included in the Constitution

22.2 The Leader shall have the power to appoint up to nine Cabinet Members (including the Deputy Leader), Any of these appointments or changes will become effective on receipt of formal notification in writing by the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services. The Chairman and Vice-Chairman of the Council may not be appointed as Cabinet members.

22.3 Appointment as a Cabinet Member will automatically debar that member from sitting on any Scrutiny Committees or Scrutiny Panels.

22.4 **Delegation by the Leader**

a) Where the Leader delegates any functions he / she will prepare a record of the delegations. This record will contain the following information about Executive Functions in relation to the term of office of the Cabinet:

(i) the names, addresses and wards of the people appointed to the Cabinet by the Leader;

(ii) the extent of any authority delegated to individual Executive Members, including details of any limitation on their authority;

(iii) the terms of reference and constitution of such committees of the Cabinet as the Leader may appoint and the names of Executive Members appointed to them;

(iv) the nature and extent of any delegation to any other authority under joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and

(v) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

(b) The Leader may amend the scheme of delegation relating to Executive Functions at any time during the term of office of the Cabinet. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole.

(c) Where the Leader seeks to withdraw delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when he / she has served it on the chairman of that committee.

NOTE:

The Council is also responsible for a scheme of delegation which is set out in Part 3 Section F and in a schedule of delegation to officers maintained by the Senior Legal Officer. Officer delegation by the Cabinet appears in this list. However, the Cabinet is not responsible for other delegations contained in the Schedule (which are the responsibility of other decision making bodies such as the Council, Planning Committee, Licensing Panel, etc.).

STANDING ORDER NO.23

Constitution of the Cabinet

23.1 The Cabinet shall consist of the Leader and the Cabinet Members. The Chairman and Vice-Chairman of the Council may not be appointed as Cabinet members.

STANDING ORDER NO.24

Incapacity of Leader

24.1 In the temporary absence or incapacity of the Leader, his / her powers will be exercisable by the Deputy Leader(s).

STANDING ORDER NO.25

Responsibilities of the Cabinet

25.1 The Cabinet will have overall responsibility for proposing to full Council, after reference to the relevant Overview and Scrutiny Committee.

(a) the Policy Framework or any element of or amendment to it; and

(b) the draft Budget and Council Tax.

25.2 The Cabinet will carry out all Executive Functions in accordance with the Policy Framework, and have primary responsibility for implementing the Policy Framework.

25.3 The Cabinet will be responsible for spending or overseeing the spending of the Budget, subject to these Standing Orders and Financial Regulations in accordance with the Finance Procedure Rules in Part 4 of this Constitution.

STANDING ORDER NO.26

Urgent Action

26.1 Subject to the advice of the Chief Executive, the Monitoring Officer and the Section 151 Officer (or their representatives) the Cabinet can authorise action which either involves expenditure not wholly in accordance with the Budget or is contrary to the Policy Framework in accordance with the Finance Procedure Rules.

STANDING ORDER NO.27

Minor Amendments to Policy Framework

27.1 The Cabinet can make minor amendments to any plan or policy approved by Council if:

(a) the previous wording was impracticable or incorrect; and

(b) the amendment has little or no effect on the community

27.2 The matter must be reported to the next Council meeting.

STANDING ORDER NO.28

Recording of Executive Decisions

28.1 All Executive decisions shall be recorded in writing together with reference to the reasons for such decisions and shall be taken after all appropriate professional advice has been considered. All Executive Decisions shall comply with the Access to Information Procedure Rules and relevant legislation.

STANDING ORDER NO.29

Cancellation or Postponement of Cabinet Meeting

29A.1 The Leader may cancel a meeting of the Cabinet before the agenda has been issued if there is a lack of business for the meeting. Where exceptional circumstances apply and the Leader considers that attendance at a convened meeting of the Cabinet would involve health and safety issues (eg inclement weather) the Leader may postpone the meeting. Following postponement, notification must immediately be given to all members of the Council and to the press, and notice of the postponement must be posted at the Council Offices (where possible) and on the Council's website. Where a meeting is postponed, no less than five clear working days' notice (or such other period as may be required by law) shall be given of the new date for the meeting.

SECTION 3 - NON-EXECUTIVE FUNCTIONS

STANDING ORDERS RELATING TO COMMITTEES

STANDING ORDER NO.30

Appointment of Committees for Non-Executive Functions

30.1 The Council shall at each Annual Meeting or at the Annual Meeting after the appointment of each Standing Committee expires (as appropriate) appoint the members of its Standing Committees, and may at any time appoint such other Committees as are necessary to carry out the Non-Executive Functions of the Council, but, subject to any statutory provision in that behalf:-

(a) may at any time dissolve a Committee or alter its membership. Appointments to Standing Committees may be made for more than one municipal year, including periods up to the date of the next District Council election.

STANDING ORDER NO.31

Proceedings to be confidential

31.1 All draft agenda, reports and other documents and all proceedings of Committees and Sub-Committees shall be treated as confidential unless and until they become public in the ordinary course of the Council's business or at the direction of a Committee exercising delegated powers.

STANDING ORDER NO.32

Ex-officio members of Committees

32.1 Except where otherwise provided by statute or a scheme made under statutory authority, the Chairman and Vice-Chairman of the Council shall be ex-officio members of every Standing Committee unless they have been appointed to such Committees by name, or unless they signify to the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services that they do not wish to serve, provided that:-

(a) they shall have no rights to vote except on such of those Committees to which they have been specifically appointed by name; and

(b) this provision does not apply to Licensing Committee, the Appeals Panel, Appointments and Disciplinary Committee and Appointments and Disciplinary Appeals Committee.

STANDING ORDER NO.33

Information to be sent to Members

33.1 The agenda of each Committee and Cabinet shall be made available to every member of the Council for information.

33.2 A summary of all decisions or the unconfirmed minutes made by the Cabinet shall be sent to all members as soon as possible and normally within three working days of the decision or as soon as possible thereafter.

STANDING ORDER NO.34

Election of Chairmen and Vice-Chairmen of Committees

34.1 Every Committee shall continue in being until its successor is appointed.

34.2 At the Annual Meeting of the Council or as soon as possible thereafter, or (where the Council has appointed a Standing Committee for more than one year under Standing Order no. 30) at the Annual Meeting of the Council after the appointment of that Standing Committee expires, and from time to time as necessary, the Council shall appoint the Chairman and Vice-Chairman of each Standing Committee.

34.3 In the absence from a meeting of the Chairman and Vice-Chairman, a Chairman for that meeting shall be appointed by the Committee.

STANDING ORDER NO.35

Postponement or Cancellation of Committee Meeting

35.1 The Chairman of a Committee may postpone or cancel a meeting of the Committee at any time after consultation with the Vice-Chairman of that Committee and the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services, provided that any such postponement or cancellation should, if possible, be at least seven days before the scheduled date of the meeting. Where exceptional circumstances apply and the Chairman of the Committee in consultation with the Vice-Chairman of the Committee and the Chief Executive considers that attendance at a convened meeting of the Committee would involve health and safety issues (eg inclement weather) the Chairman of the Committee may postpone the meeting at shorter notice. Following any postponement or cancellation, notification must immediately be given to all members of the Council and to the press, and notice of the postponement or cancellation must be posted at the Council Offices (where possible) and on the Council's website. Where a meeting is postponed, no less than five clear working days' notice (or such other period as may be required by law) shall be given of the new date for the meeting.

STANDING ORDER NO.36

Special Meetings of Committees

36.1 The Chairman of a Committee or the Chairman of the Council or Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services may call a special meeting of the Committee at any time.

36.2 A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee, delivered in writing to the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services and signed personally by each of the members requisitioning the meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons (save urgent business pursuant to section 100(B)(4)(b) of the 1972 Act) shall be considered at that meeting.

STANDING ORDER NO.37

Sub-Committees

37.1 Every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Committee.

37.2 The Chairman and the Vice-Chairman of the Committee shall be ex-officio members of every Sub-Committee appointed by that Committee, unless they signify to the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services that they do not wish to serve. This provision does not apply to Licensing Committee, the Appeals Panel, the Appointments and Disciplinary Committee and the Appointments and Disciplinary Appeals Committee.

STANDING ORDER NO.38

Quorum of Committees and Sub-Committees

38.1 The quorum of each Committee and Sub-Committee shall be three or one-third, whichever is the greater, of the total number of its members not including non-voting ex-officio members or as otherwise specified in legislation, or as specified below. In any event, the quorum shall never be less than 3.

38.2 The quorum for meetings of the Cabinet shall be three.

STANDING ORDER NO.39

Voting in Committees and Sub-Committees

39.1 *Apart from virtual meetings when Standing Order no. 39.4 below shall apply*, voting at a meeting of a Committee or Sub-Committee shall be by show of hands.

39.2 A member may request that his / her own name be recorded in the minutes as voting for or against or abstaining when voting on a motion or amendment.

39.3 The Chairman or any member of the Committee or Sub-Committee may, at his discretion, ask that the numbers voting for and against a motion or amendment be recorded in the minutes.

39.4 At virtual meetings of any quasi-judicial committee or sub-committee (including the Planning Committee and the Licensing Committee) the Chairman shall take a recorded vote on each matter under discussion and the names of all members voting for and against the motion or amendment, or abstaining from voting, shall be taken down and recorded in the minutes.

At all other virtual meetings the Chairman shall take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded in the minutes, unless:

(a) a recorded vote is required by the Chairman under Standing Order no. 16.2; or

(b) a recorded vote is requisitioned under Standing Order no. 16.3; or

(c) at the Chairman's discretion, the vote is taken by one of the following methods:

(i) by use of an electronic voting system for remote voting where available; or
(ii) by use of electronic hand raising where available; or

(iii) by physical hand raising where practicable

except that where (c) applies a roll-call shall still be required if requisitioned by any member and supported by two further members.

STANDING ORDER NO.40

Standing Orders to apply to Committees and Sub-Committees

40.1 The following Standing Orders shall, with any necessary modification, apply to Committee and Sub-Committee meetings.

Standing Order No.	
SO 11	Rules of Debate (except the parts relating to standing and to speaking more than once)
SO 12	Motions affecting persons employed by the Council
SO 16	Recording Votes
SO 18	Record of Attendance
SO 31	Proceedings to be confidential
SO 33	Information to be sent to Members
SO 42	Rights of other members to attend Committee or Sub-Committee
SO 45	interest of members in contract and other matters
SO 54	Suspension of Standing Orders
SO 59	Appointment of other Chief Officers and Deputy Chief Officers
SO 60	Disciplinary Action: Protected Officers
SO 61	Dismissal/Disciplinary: Non-Protected Staff

STANDING ORDER NO.41

Public Speaking

41.1 A Committee, Sub-Committee or Working Party of the Council may, unless alternative arrangements for public speaking are in place elsewhere in this Constitution and if it resolves to do so, allow members of the public to address the meeting. In this case, that body may set rules and procedures under which such a scheme will operate.

41.2 Additionally the Chairman may at any time invite a person to speak where he/she considers it to be appropriate.

41.3 Where a member of the public is entitled to attend a remote meeting in order to exercise a right to speak at the meeting, that person is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:

- to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance; and
- to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
- to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

41.4 A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in 41.3 above are not met. In such circumstance the Chairman may, as he or she deems appropriate:

- adjourn the meeting for a short period to permit the conditions for remote attendance contained in 41.3 above to be re-established;

- suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or
- continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

STANDING ORDER NO.42

Rights of other members to attend Committee or Sub-Committee

42.1 Any member of the Council shall be entitled to attend any meeting of a Committee or Sub-Committee to which he / she has not been appointed, subject to (2) and (5) below.

42.2 Where a member attends a virtual meeting under this Standing Order then Standing Order 4.4 and 4.5 shall apply to that member

42.3 Subject to any other rules contained in this constitution any member shall be allowed to address a Committee or Sub-Committee of which he /she is not a member (but not to vote) on any matter on an agenda other than one in which he / she has a Disclosable Pecuniary Interest.

42.4 A member of the Council who has moved a motion which has been referred to any Committee or Sub-Committee by the Council shall have notice of the meeting of the Committee or Sub-Committee at which it is proposed to consider the motion.

42.5 A member of the Council shall have the right to attend any public meeting arranged by an officer or any meeting of a Committee or Sub-Committee called to make any inspection of any site or works within his / her electoral ward or which is to consider the making of any Compulsory Purchase Order of land or buildings within such ward. He / she shall have notice of any such meeting and if he / she attends shall have the right to give his / her views.

42.6 (a) Any member of the council who attends any meeting of a Committee or Sub-Committee shall be entitled to remain at any such meeting notwithstanding the exclusion of the public and the press and regardless of the item under consideration provided that he / she does not have a Disclosable Pecuniary Interest.

(b) This right shall not apply to meetings of Hearings Panels of Standards Panel, Licensing Committee, Appeals Committee, Appointments and Disciplinary Committee and Appointments and Disciplinary Appeals Committee when the Committee is considering its decision in the absence of the parties to the matter.

(c) In exceptional circumstances a member or members may attend one of the meetings listed in (b) above for training purposes. Such attendance shall only be permitted where the Monitoring Officer and the Chairman of the meeting approve the same and where no objection is received from any member of the committee or any affected parties. Any members who attend for training purposes shall not participate in the meeting in any way.

42.7 No co-opted member (or their named substitute) of any Committee or Sub-Committee of the Council shall be entitled to attend or speak at meetings of the Council or any of its Committees or Sub-Committees in respect of any matter of exempt or confidential business unless the Council (or, as the case may be, a Committee or Sub-Committee) resolves that they may be present for that part of the meeting.

STANDING ORDER NO.43

Consideration of Matters by Overview and Scrutiny Committee

43.1 Where a matter has been considered and debated by an Overview and Scrutiny Committee and the outcome has subsequently been reported to Council, the matter shall not again be the subject of debate at an Overview and Scrutiny Committee at any time during the next six months from the date of the report to Council unless:

(a) a majority of members of an Overview and Scrutiny Committee formally so request in writing to the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services; or

(b) the matter is referred back to an Overview and Scrutiny Committee for further consideration by Council, Cabinet or any other committee to sub-committee; or

(c) the matter has been deferred to a subsequent meeting by an Overview and Scrutiny Committee.

STANDING ORDER NO.44

Ad Hoc Bodies

44.1 Where a working party or other "ad hoc" Committee is appointed by the Council or by a Committee or Sub-Committee to carry out investigations into a matter and report back to the appointing body, in every case the working party shall include with their conclusions and recommendations a written report which refers to all relevant information taken into account and either involves the data itself or indicates where the data may be inspected.

44.2 Reports must include a summary of findings, the relevant background information or a list of information taken into account and where the information may be inspected, their conclusions and (where appropriate) their recommendations.

SECTION 4 – GENERAL REGULATION OF BUSINESS

STANDING ORDER NO.45

Interest of members in contracts and other matters

45.1 The Council's Code of Conduct will apply where a member has a Disclosable Pecuniary Interest and the term 'Disclosable Pecuniary Interest' in these Standing Orders has the same meaning as defined in regulations.

45.2 Where a member has a Disclosable Pecuniary Interest the member must declare the interest to the meeting and leave the room (or, where the meeting is a virtual meeting,

leave the meeting) without participating in any discussion or making a statement on the item, except where a member is permitted to remain as a result of the grant of a dispensation.

45.3 Where a member is required to leave a virtual meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business in which the member or co-opted member may not participate.

STANDING ORDER NO.46

Interest of officers

46.1 The Monitoring Officer shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under section 117 of the 1972 Act, of a pecuniary interest and the book shall be open during office hours to the inspection of any member of the Council.

STANDING ORDER NO.47

Employment - Canvassing of and recommendations by members

47.1 Canvassing of members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in any particulars relating to appointments or in any form of application.

47.2 A member of the Council shall not solicit for any person any appointment under the Council, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

STANDING ORDER NO.48

Employment - Relatives of members or officers

48.1 A candidate for any appointment under the Council who knows that he/she is related to any member or Chief Officer or Deputy Chief Officer of the Council shall when making application disclose that relationship to the Officer named in the advertisement. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every member and Chief Officer or Deputy Chief Officer of the Council shall disclose to the Chief Executive any relationship known to him/her to exist between himself/ herself and any person whom he/she knows is a candidate for an appointment under the Council.

48.2 The purport of this Standing Order shall be included in any particulars relating to appointments or in any form of application.

48.3 For the purpose of this Standing Order persons shall be deemed to be related if they are husband and wife or partner or if either of them or the spouse/partner of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse/partner of the other.

STANDING ORDER NO.49

Common Seal and Signing of Documents

49.1 The Common Seal of the Council shall be kept by the Monitoring Officer in some safe place, and an entry of the sealing of every deed and document to which the Common Seal shall have been affixed shall be made by the Monitoring Officer or any officer authorised by the Monitoring Officer and consecutively numbered in a book to be provided for that purpose.

49.2 The Common Seal shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of a Committee or Sub-Committee or Cabinet passed in the exercise of powers with which it is endowed by statute or which have been delegated to it in relation to the subject matter of the document, or is authorised by a Cabinet Member or by a Chief Officer or Deputy Chief Officer in pursuance of powers properly delegated to him / her; but the authorisation of any act which should or may be recorded or effected by means of a document under seal shall

be sufficient authority for sealing any document necessary to record or give effect to the authorisation.

49.3 The affixing of the Common Seal to any document shall be in the presence of and attested by the Chief Executive or Monitoring Officer or the Senior Legal Officer, or other person authorised by the Chief Executive or the Monitoring Officer or Senior Legal Officer, or any Chief Officer acting as Proper Officer under Paragraph 15(c) of Part F1 Delegations to Officers for a matter falling within that Chief Officer's jurisdiction.

49.4 A proper authorisation for the doing of any act which should or may be recorded or effected by means of a document under hand (ie a document not under seal) shall be sufficient authority for the signing of such document.

49.5 Any contract entered into on behalf of the Council shall be made in writing. Any contract which is subject to the Contracts Procedure Rules (ie any contract which relates to procurement of goods, services or works) must be signed or sealed in accordance with the Contract Procedure Rules. Any contract which is not subject to the Contract Procedure Rules may be signed by the Chief Executive, or any Chief Officer, Deputy Chief Officer or ServiceManager.

49.6 A contract in the form of a deed must state in the signature pages that the Contractor and the Council are executing the contract as a deed.

STANDING ORDER NO.50

Authentication of documents for legal proceedings

50.1 In addition to any other person who may be authorised by resolution of the Council, the proper officer for the purposes of authentication of documents under the Local Government Acts shall be:

(a) The Chief Executive;
(b) The Monitoring Officer;
(c) The Senior Legal Officer;
(d) Any Chief Officer of the Council concerned with the matter to which the document relates; or,
(e) Any officer authorised in writing by such Chief Officer or by the Monitoring Officer in relation to matters within the jurisdiction of that officer.

STANDING ORDER NO.51

Inspection of documents

51.1 A member of the Council may inspect any document which is in the possession or control of the Council in accordance with statute and common law.

51.2 A member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he has a Disclosable Pecuniary Interest in so far as that document is not open to public inspection.

51.3 Except insofar as a Sub-Committee, Committee or the Council shall have made the matter public, a member who has inspected a document or minute shall not communicate the contents thereof to any member whose inspection thereof would be barred by paragraph 2 above nor to any person other than a member of the Council.

51.4 All reports made or minutes kept by any Committee or working group shall, as soon as the Committee has concluded action on the matter to which such reports or minutes relate, be open for the inspection of any member of the Council, subject to paragraph 50.3 above.

STANDING ORDER NO.52

Inspection of lands, premises, etc.

52.1 Unless specifically authorised to do so, a member of the Council shall not issue any order regarding any works or services which are being carried out by or on behalf of the Council or claim by virtue of his membership of the Council any right to inspect or to enter upon any land or premises which the Council have the power or duty to inspect or enter.

STANDING ORDER NO.53

Variation and revocation of Standing Orders

53.2 Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council. This requirement shall not apply to any report designed to amend the Constitution and which has been approved by the Monitoring Officer.

STANDING ORDER NO.54

Suspension of Standing Orders

54.1 Subject to paragraph 2 of this Standing Order, any of the preceding Standing Orders may be suspended by full Council or a Committee in relation to any business at the meeting where its suspension is moved.

54.2 A motion to suspend Standing Orders shall not be moved without notice (i.e. under Standing Order No.7) unless there shall be present at least one-half of the whole number of the members of the Council or the Committee as appropriate.

STANDING ORDER NO.55

Standing Orders to be given to members

55.1 A copy of the Standing Orders, and of such statutory provisions as regulate the proceedings and business of the Council, shall be given to each member of the Council by the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services upon delivery to him/her of the member's declaration of acceptance of office on the member being first elected to the Council.

STANDING ORDER NO.56

Vacation of Office by failure to attend Meetings

All Council members

56.1 If a member of the Council, for a period of four consecutive months, fails to attend any meeting of the authority the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services should notify the member, in writing, of the period of his absence and the implications of Section 85 of the 1972 Act.

56.2 If a member for a period of six consecutive months from the date of his last attendance fails to attend any meeting of the authority the member shall cease to be a member of the Council unless the failure was due to some reason approved by the Council before the expiry of that period (in accordance with section 85 of the 1972 Act)

56.3 In accordance with Section 85, attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee,

joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge or their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed to be attendance at a meeting of the authority

Cabinet members

56.4 In addition to the above if a member of the Cabinet, for a period of four consecutive months, fails to attend any meeting of the Cabinet the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services should notify the member, in writing, of the period of his absence and the implications of Section 85 of the 1972 Act.

56.5 If a member of the Cabinet for a period of six consecutive months from the date of his last attendance fails to attend any meeting of the Cabinet, the member shall cease to be a member of the Council unless the failure was due to some reason approved by the Council before the expiry of that period (in accordance with Section 85 of the 1972 Act).

56.6 In accordance with Section 85, attendance as a member at a meeting of a committee of the Cabinet, or the discharge acting alone of any function which is the responsibility of the Cabinet, shall be deemed to be attendance at a meeting of the Cabinet.

SECTION 5 - STANDING ORDERS RELATING TO STAFF

STANDING ORDER NO.57

NOTE: Neither Councillors nor the Council have responsibility for staffing matters relating to Merged Services Organisation.

Recruitment of Chief Officers and Deputy Chief Officers

57.1 Where the Council proposes to appoint a Chief Officer or a Deputy 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 (a) to be sent to any person on request.

57.2 Where a post has been so advertised a committee or sub-committee of the Council shall:

(a) interview all qualified applicants for the post, or

(b) select a short list of such qualified applicants and interview those included on the short list.

57.3 Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with Standing Order 57(1) (b).

STANDING ORDER NO.58

Appointment of Head of the Paid Service

58.1 Appointment of the Head of the Paid Service is subject to approval by the Full Council following consideration of the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one Cabinet Member.

58.2 The Full Council may only make or approve the appointment of the Head of the Paid Service where no material or well-founded objection has been made by any Cabinet Member in accordance with current regulations.

STANDING ORDER NO.59

Appointment of other Chief Officers and Deputy Chief Officers

59.1 A committee or sub-committee of the Council will appoint all other Chief Officers and Deputy Chief Officers That committee or sub-committee must include at least one Cabinet Member.

59.2 An offer of employment as a Chief Officer or Deputy Chief Officer shall only be made after notice of the proposed appointment has been circulated to all Cabinet Members and no material or well-founded objection from any Cabinet Members has been received in accordance with current regulations.

STANDING ORDER NO.60

Disciplinary Action:

Protected Officers (ie Head of the Paid Service, Monitoring Officer and Section 151 Officer)

Suspension

60.1 The Head of the Paid Service, Monitoring Officer and Chief Finance Officer may be suspended by a committee or sub-committee of the Council without approval of the full Council whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

Disciplinary action short of dismissal

60.2 A committee or sub-committee of the Council will make recommendations to full Council on any proposed disciplinary action, including issues relating to capability, against the Head of the Paid Service, Monitoring Officer and Section 151 Officer and full Council must approve any action before it is taken. Where dismissal is proposed Standing Order 60(3) will apply.

Dismissal

60.3 The Head of the Paid Service, Monitoring Officer and Section 151 Officer may not be dismissed unless the following procedure has been complied with as required by current regulations:

(i) the Council must invite relevant independent persons to be considered for appointment to a panel appointed for the purposes of advising the Council on such matters;

(ii) The Council must appoint to the panel such relevant independent persons who have accepted an invitation in accordance with the following priority order :

- a relevant independent person who has been appointed by the authority and who is a local government elector;
- any other relevant independent person who has been appointed by the authority;
- a relevant independent person who has been appointed by another authority or authorities.

(iii) The Council must appoint the panel at least 20 Working Days before the Council meeting which considers whether or not to approve a proposal to dismiss.

(iv) Before the taking of a vote at the Council meeting on whether or not to approve such a dismissal (by a simple majority vote of those members present), the authority must take into account, in particular:

- any advice, views or recommendations of the panel;
- the conclusions of any investigation into the proposed dismissal; and
- any representations from the Head of the Paid Service, Section 151 Officer or monitoring officer.

(vi) Notice of dismissal may only be made where no material or well-founded objection from any Cabinet Member has been received in accordance with current regulations.

STANDING ORDER NO.60A

Remuneration of Independent Person

60A.1 In accordance with the Local Authorities (Standing Orders)(England) Regulations 2001 (as amended) any remuneration, allowances or fees paid by the Council to an independent person appointed to a committee to advise on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer (also called the Section 151 Officer) and the Monitoring Officer must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as an independent person under the Localism Act 2011.

STANDING ORDER NO.61

Dismissal/Disciplinary Action:

Non-Protected Staff (i.e. all other Chief Officers and Deputy Chief Officers

61.1 A committee or sub-committee of the Council will be responsible for taking disciplinary action, including dismissal where appropriate against any other Chief Officers or Deputy Chief Officers. Those Chief Officers and Deputy Chief Officers have a right of appeal against such action to an appeal panel (excluding any member who was a member of the Committee whose decision is appealed)

61.2 Notice of dismissal may not be made until details of the proposed dismissal have been circulated to all Cabinet Members and no well-founded objection from any Cabinet Member has been received, in accordance with current regulations.

61.3 Except as required under sub-paragraph 12 of paragraph 15(I) of Section F of Part 3 (staffing functions delegated to Chief Officers) Councillors will not be involved in the dismissal of any officer below the grade of Deputy Chief Officer) except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

STANDING ORDER NO.62

Assistants for Political Groups

62.1 No appointment to any post for an assistant to a Political Group which falls within Section 9 of the 1989 Act or any re-enactment thereof shall be made until an equivalent post has been allocated to each of the Political Groups which qualify for one.

62.2 No assistant for a Political Group shall be allocated to a group which does not qualify for one under the 1989 Act.

62.3 No more than one post shall be allocated to any one Political Group.

62.4 An appointment of an assistant to a Political Group shall be made in accordance with the wishes of that Political Group.

SECTION 6 – STANDING ORDERS RELATING TO POLICY FRAMEWORK AND BUDGET

STANDING ORDER NO. 63

Procedure for approval of plans and strategies

63.1 In this Standing Order

"plan or strategy" means the plans and strategies comprising the Council's Policy Framework, and any plan or strategy for the control of the Council's borrowing or capital expenditure."

63.2 Where the Cabinet has submitted a draft plan or strategy to the authority for its consideration and, following consideration of that draft plan or strategy, the authority has any objections to it, the authority must take the action set out in paragraph 3.

63.3 Before the authority—

(a) amends the draft plan or strategy;

(b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

(c) adopts (with or without modification) the plan or strategy,

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

63.4 Where the authority gives instructions in accordance with paragraph 3, it must specify a period of at least five Working Days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may—

(a) submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy"), with the Cabinet's reasons for any

amendments made to the draft plan or strategy, to the authority for the authority's consideration; or

(b) inform the authority of any disagreement that the Cabinet has with any of the authority's objections and the Cabinet's reasons for any such disagreement.

63.5 When the period specified by the authority, referred to in paragraph 4, has expired, the authority must, when—

(a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

(b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

(c) adopting (with or without modification) the plan or strategy.

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

STANDING ORDER NO. 64

Procedure for approval of Council Tax/Budget

64.1 Where, before 8th February in any financial year, the authority's Cabinet submits to the authority for its consideration in relation to the following financial year—

(a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ, of the Local Government Finance Act 1992;

(b) estimates of other amounts to be used for the purposes of such a calculation;

(c) estimates of such a calculation; or

(d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph 7.

64.2 Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 1(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

64.3 Where the authority gives instructions in accordance with paragraph 2, it must specify a period of at least five Working Days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may—

(a) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the authority's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or

(b) inform the authority of any disagreement that the Cabinet has with any of the authority's objections and the Cabinet's reasons for any such disagreement.

64.4 When the period specified by the authority, referred to in paragraph 3, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 1(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account—

(a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

(b) the Cabinet's reasons for those amendments;

(c) any disagreement that the Cabinet has with any of the authority's objections; and

(d) the Cabinet's reasons for that disagreement,

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

STANDING ORDER NO. 65

Recording of Budget decisions

65.1 Immediately after any vote is taken at a Budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting Budget decision is defined in Local Authorities (Standing Orders) (England) Regulations 2001.

STANDING ORDER NO. 66

Filming/Audio Recording of meetings

66.1 People attending may record meetings of the Council, Cabinet and Committees using whatever non-disruptive methods that they consider appropriate, including filming, photographing, audio recording and use of social media.

66.2 Anyone filming a meeting is asked to only focus on those actively participating.

66.3 All attendees should be made aware that they may be filmed or recorded whilst attending a meeting and that attendance at the meeting signifies consent to this.

66.4 The Chairman of the meeting has the discretion to halt any recording for a number of reasons including disruption caused by the filming or the nature of the business being conducted.

66.5 Questions should be addressed to the Senior Legal Officer (members of the press should contact the Press Office).

PART 4B - FINANCIAL PROCEDURE RULES

1.0 INTRODUCTION

1.1 What are Financial Procedure Rules?

1.1.1 Section 151 of the 1972 Act states that "every authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.

1.1.2 Financial Procedures provide the framework for managing the Council's financial affairs. Financial Procedures are supported by more detailed Financial Management Standards which set out how the procedures will be implemented. These are listed in Appendix A.

1.1.3 The procedures identify the financial responsibilities of the full Council, the Cabinet and officers.

1.1.4 To avoid the need for regular amendment due to changes in post

(a) titles generic terms are included for officers as follows:

(b) The term, "Chief Internal Auditor", refers to the Head of Internal Audit and Risk Management

(c) The term, "Executive Management Team (EMT)", refers to the Council's Chief Executive, the Directors and the Assistant Directors.

1.2 Why are they important?

1.2.1 To conduct its business effectively, the Council needs to ensure that sound financial management arrangements are in place and that they are strictly adhered to in practice. Part of this process is the establishment of Financial Procedures which set out the financial responsibilities of the Council. These procedures have been devised as a control to help the Council manage its financial matters properly in compliance with all necessary requirements.

1.2.2 Good, sound financial management is a key element of Corporate Governance which helps to ensure that the Council is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

1.2.3 Good financial management secures value for money, controls spending, ensures due probity of transactions and allows decisions to be informed by accurate accounting information.

1.2.4 Good financial management requires secure and reliable records and systems to process transactions and information and substantiate the effective use of public money.

1.2.5 Financial Procedures should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in this Constitution.

1.3 **Who do Financial Procedures apply to?**

1.3.1 Financial Procedures apply to every member and officer of the Council and anyone acting on its behalf. Members and officers have a general responsibility for taking reasonable action to provide for the security and use of the resources and assets under their control, and for ensuring that the use of such resources and assets is legal, is consistent with Council policies and priorities, is properly authorised, provides value for money and achieves best value.

1.3.2 These Financial Procedures shall apply in relation to any partnership for which the Council is the accountable body, unless the Council expressly agrees otherwise.

1.3.3 Failure to observe Financial Procedures may result in action under the Council's disciplinary procedures.

1.4 **Who is responsible for ensuring that they are applied?**

1.4.1 Chief Officer/Deputy Chief Officers are ultimately responsible to the Council for ensuring that Financial Procedures are applied and observed by his/her staff and contractors providing services on the Council's behalf and for reporting to the Section 151 Officer any known or suspected breaches of the procedures.

1.4.2 The Section 151 Officer is responsible for maintaining a continuous review of the Financial Procedures and submitting any additions or changes necessary to the Council for approval. The Section 151 Officer is also responsible for reporting, where appropriate, breaches of the Financial Procedures to the Council and/or to the Cabinet Members.

1.4.3 The Section 151 Officer is responsible for issuing advice and guidance to underpin the Financial Procedures which Members, Chief Officers/Deputy Chief Officers and others acting on behalf of the Council are required to follow.

1.4.4 Any person charged with the use or care of the Council's resources and assets should inform him or herself of the Council's requirements under these Financial Procedure Rules. If anyone is in any doubt as to their obligations, then they should seek advice.

1.4.5 Where any Chief Officer considers that complying with Financial Procedures in a particular situation might conflict with the achievement of value for money or the principles of Best Value or the best interests of the Council, he/she shall raise the issue with the Section 151 Officer who will, if he/she considers necessary and appropriate, seek formal approval from the Council for a specific waiver of the procedures, or an amendment to the procedures themselves.

1. 2.0 **FINANCIAL MANAGEMENT – GENERAL ROLES AND RESPONSIBILITIES**

1.5 **The Role of the Full Council**

The Council is responsible for:

1.5.1 The adoption and revision of these Financial Procedure Rules;

1.5.2 The determination of the Policy Framework and Budget within which the Cabinet works;

1.5.3 Providing the Section 151 Officer with sufficient staff, accommodation and other resources to carry our his or her duties; and

1.5.4 approving and monitoring compliance with the Council's overall framework of accountability and control.

1.6 **The Role of the Cabinet**

The Cabinet is responsible for:

1.6.1 controlling the Council's financial resources;

1.6.2 proposing the Budget and Policy Framework to full Council; and

1.6.3 for discharging Executive Functions in accordance with the Budget and Policy Framework.

1.7 **The Role of the Section 151 Officer**

1.7.1 The Section 151 Officer is accountable to the Chief Executive and the Council and has statutory duties that provide overall responsibility for the financial administration and stewardship of the Council This statutory responsibility cannot be overridden. These statutory duties arise from:

(a) Section 151 of the 1972 Act

(b) The Local Government Finance Act 1988

(c) The 1989 Act

(d) The Accounts and Audit Regulations 2011.

1.7.2 The Section 151 Officer is the Council's professional adviser on financial matters and is responsible for:

(a) The proper administration of the Council's financial affairs.

(b) Maintaining a continuous review of Financial Procedures and submitting any additions or changes as necessary to the full Council for approval.

(c) Reviewing, updating, and monitoring compliance with financial management standards.

(d) Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.

(e) Providing training for Members and officers on Financial Procedures and Financial Management Standards.

(f) Determining accounting policies and ensuring that they are applied consistently.

(g) Determining accounting procedures and records of the Council.

(h) Reporting, where appropriate, breaches of the Financial Procedures to the Council and/or Cabinet.

(i) Preparing and monitoring the revenue Budget, capital programme and Medium Term Financial Plan.

(j) Ensuring the provision of an effective Internal Audit Function.

(k) Ensuring the provision of an effective Treasury Management Function.

(l) Advising on financial risk management.

(m) Ensuring the Council complies with the CIPFA Prudential Code for Capital Finance in Local Authorities.

(n) Ensuring that Council spending plans and council tax calculations, identified in the medium term financial plan, are based upon robust estimates.

(o) Ensuring that the level of Council reserves is adequate to meet the known financial risks facing the Council over the medium term.

(p) Ensuring that the annual Statement of Accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the UK: A Statement of Recommended Practice.

(q) Ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

(r) Ensuring that proper professional practices, standards and ethics are adhered to.

(s) Acting as head of profession in relation to the standards, performance and development of finance staff including the training and professional development of all staff employed in posts designated as requiring a qualified accountant, accounting technician, or auditor, wherever located.

1.7.3 Section 114 of the Local Government Finance Act 1988 requires the Section 151 Officer to report to the full Council and to the External Auditors if the Council or one of its officers:

(a) Has made, or is about to make a decision which involves incurring expenditure which is unlawful.

(b) Has taken or is about to take, unlawful action which has resulted or would result in a loss or deficiency to the Council.

(c) Is about to make an unlawful entry in the Council's accounts.

1.7.4 Section 114 of the 1988 Act also requires:

(a) The Section 151 Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally.

(b) The Council to provide the Section 151 Officer with sufficient staff, accommodation and other resources, including legal advice where necessary, to carry out the duties under section 114, as determined by the Section 151 Officer.

1.7.5 The Section 151 Officer,

is required to approve all financial procedures, records, systems and accounts throughout the Council which are necessary to ensure that the tasks defined in these procedures are properly carried out. The Council will also ensure that the Section 151 Officer is consulted and given the opportunity to advise upon all financial management arrangements and notes of detailed advice and guidance on financial systems and

procedures necessary to ensure a satisfactory standard of accuracy, reliability, probity and regularity.

(a) shall be given access to any information as is necessary to comply with his/her statutory duties and with the requirements and instructions of the Council.

(b) shall be entitled to attend and report on financial matters directly to the Council, the Cabinet, and any committees or working groups the Council may establish.

(c) shall be sent prior notice of all meetings of the Cabinet and all Council bodies together with full agendas and reports and shall have authority to attend all meetings and take part in the discussion if he/she so desires

1.8 **The Role of Chief Officers**

1.8.1 Chief Officers and Deputy Chief Officers are each accountable to the Council for the financial management and administration of those services and activities allocated to them in accordance with Council policy.

1.8.2 Chief Officers and Deputy Chief Officers are responsible for:

(a) Ensuring that adequate and effective systems of internal control are operated to ensure the accuracy, legitimacy and proper processing of transactions and the management of activities, having regard to advice and guidance from the Section 151 Officer.

(b) Ensuring that Cabinet members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Section 151 Officer.

(c) Consulting with the Section 151 Officer in seeking approval regarding any matters which may affect the Council's finances materially, before any commitments are incurred.

(d) Consulting with each other on any issue with corporate financial implications before submitting policy options or recommendations to Members.

(e) Inform immediately the Section 151 Officer of failures of financial control resulting in additional expenditure or liability, or loss of income or assets.

3.0 **FINANCIAL PLANNING**

3.1 **Strategic Planning**

3.1.1 The full Council is responsible for agreeing the Council's Budget and Policy Framework which will be proposed by Cabinet.

3.1.2 The preparation of the medium term financial plan is part of the strategic Policy Framework of the Council and aims to ensure that the Council's spending plans are prudent, affordable, and sustainable and reflect Council priorities.

3.1.3 The full Council is responsible for approving procedures for agreeing variations to approved Budget, plans and strategies forming the Policy Framework and for determining the circumstances in which a decision will be deemed to be contrary to the Budget or Policy Framework. Under the Constitution, the Monitoring Officer has a duty to advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

3.1.4 Chief Officers and Deputy Chief Officers are responsible for the preparation and monitoring of service improvement plans within their service areas. Service improvement plans should align with Council values and priorities and be consistent with and based upon the Budget allocated by the Council to the service.

3.2 **Budget Preparation**

3.2.1 The Cabinet, in consultation with the Section 151 Officer is responsible for determining the general Budget strategy and issuing annual guidelines to Members and Chief Officers/Deputy Chief Officers on:

(a) Preparing a detailed revenue Budget for the following year

(b) Preparing the medium term financial plan (5 years)

(c) Preparing the capital programme

(d) The timetable for preparing and agreeing the Council's revenue and capital Budget

3.2.2 The guidelines will take account of:

(a) Council priorities as reflected in the Council plan

(b) Spending pressures

(c) What future funding is available

(d) What level of reserves are available

(e) The affordability, sustainability and prudence of capital investment plans

(f) Legal requirements

(g) Value for money and other relevant government guidelines

(h) Other internal policy documents

(i) Cross-cutting issues (where relevant).

3.2.3 The Section 151 Officer is responsible for developing and maintaining a resource allocation process that ensures the consideration of the full Council's Policy Framework.

3.2.4 The Section 151 Officer is responsible for ensuring that a detailed revenue Budget is prepared on an annual basis and a general revenue plan on a five yearly basis (medium term financial plan) for consideration by Cabinet before submission to full Council.

3.2.3 The Section 151 Officer is responsible for ensuring a capital programme is prepared on an annual basis for consideration by Cabinet before submission to the full Council.

3.2.4 It is the responsibility of the Section 151 Officer to advise the Cabinet and/or the full Council on prudent levels of reserves for the Council.

3.2.5 Chief Officers are responsible for ensuring that Budget estimates are prepared in accordance with guidance issued by Cabinet and reflect agreed service performance plans.

3.3 **Budget Approval**

3.3.1 The full Council is responsible for agreeing the Council's Budget (including Prudential Indicators) and Policy Framework. The Policy Framework comprises of a number of statutory plans and strategies.

3.3.2 The Council's revenue and capital Budget will be proposed by the Cabinet, (on the advice of the Section 151 Officer), and will be approved by the full Council.

3.3.3 The full Council may amend the proposed Budget or ask the Cabinet to reconsider it before approving it.

3.4 **Budget Transfers (Virements)**

3.4.1 During the year the Cabinet and Chief Officers/Deputy Chief Officers may need to transfer Budgets from one service area to another to reflect changed service needs or priorities in order to deliver the Budget policy framework within the financial limits set by the Council.

3.4.2 The full Council is responsible for approving procedures for agreeing variations to approved Budgets, plans and strategies forming the Policy Framework and for determining the circumstances in which a decision will be deemed to be contrary to the Budget or Policy Framework. Decisions should be referred to the full council by the Monitoring Officer.

3.4.3 The full Council is responsible for setting the level at which the Cabinet may reallocate Budget funds from service to another.

3.4.4 The following limits have been approved for the authorisation of Budget transfers (Virements) and grants. All references to "up to" an amount include that amount:

3.5 **Service Managers**

(a) Up to £20,000.00, between one budget head to another (standard groupings) for which they are responsible, during the financial year after notification to the Section 151 Officer.

3.6 **Chief Officers/Deputy Chief Officers**

(b) Up to £75,000.00, between any one Budget head to another (Standard groupings) for which they are responsible, during the financial year with written approval of the Section 151 Officer.

Up to £75,000.00 in relation to grant funding, where the Chief Officer/Deputy Chief Officer will have the power, subject to consultation with The Section 151 Officer and any directions given by the Cabinet Member, to agree to any terms or restrictions applied by the grant funding to approve the receipt and spend of grant funding.

(c) Up to £75,000.00 in relation to expenditure which generates additional income, where the Chief Officer/Deputy Chief Officer will have the power, subject to consultation with

The Section 151 Officer and any directions given by the relevant Cabinet Members, approve additional expenditure that leads to the generation of a net surplus within the financial year.

(d) The Section 151 Officer shall have power to amend the capital programme and vire between capital budgets up to £100,000 (without the need to submit the matter to Cabinet under paragraph 3.7 below) following consultation with the responsible Chief Officer/Deputy Chief Officer and subject to no written directions to the contrary from the Leader.

3.7 **Cabinet**

(e) Individual transfers between Budget heads in excess of £75,000 following a joint report by the Section 151 Officer and the responsible Chief Officer/Deputy Chief Officer. The joint report must explain the implications in the current and future financial year.

(f) In relation to grants in excess of £75,000, to agree to any terms or restrictions applied by the funder and to approve the receipt (except where reserved to full Council) and spend of that grant funding.

3.8 **Full Council**

(g) Except where the Section 151 Officer certifies that there is no material impact on the Council's budget, to approve receipt of any grant funding in excess of £500,000 and any necessary budget amendment.

3.8.1 It is the responsibility of the Chief Officers/Deputy Chief Officers to:

(a) Notify the Section 151 Officer of any Budget transfer agreed under delegated powers as set out above;

(b) Give prior notice to Budget holders of any Budget transfer affecting their service area and provide an explanation of the reason for the Budget transfer.

3.8.2 Council approval is required for any Budget transfer, of whatever amount, where the proposed transfer will result in a change of policy, the introduction of a new Service or the termination of an existing Service.

3.8.3 A Capital Budget cannot be transferred to a revenue Budget head. – Virements can be made from revenue budgets to capital budgets.

3.9 **Budget Monitoring and the Control of Income and Expenditure**

3.9.1 The Section 151 Officer is responsible for:

(a) Developing an effective framework of Budgetary management and control.

(b) Providing appropriate financial information to enable Budgets to be monitored effectively.

(c) Reporting to the Cabinet on the overall Council Budget monitoring position on a quarterly basis.

(d) Ensuring that suitable controls are in place covering all payments to employees, Members and creditors.

(e) Maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

(f) Advising Chief Officers/Deputy Chief Officers on all taxation issues that affect the Council.

(g) Ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

(h) Agreeing arrangements for the collection of income due to the Council.

(i) Agreeing banking, borrowing and other credit requirements e.g. leasing.

(j) Agreeing the write-off of bad debts in accordance with the Council's Debt Recovery Policy.

3.9.2 The Cabinet is responsible for approving contractual arrangements for any work for third parties or external bodies unless the responsible Chief Officer/Deputy Chief Officer is authorised in this respect under the Scheme of Delegations in this Constitution.

3.9.3 It is the responsibility of Chief Officers/Deputy Chief Officers to:

(a) Control income and expenditure within their service area.

(b) Monitor performance in conjunction with the Budget taking account of financial information provided by the Section 151 Officer.

(c) Report on spending variances within their own areas.

(d) Take any corrective action necessary to avoid exceeding their Budget allocation and alert the Section 151 Officer to any problems

3.10 **Reporting Council Spending at Year End**

3.10.1 The Governance and Audit Committee is responsible for approving the annual Statements of Accounts.

3.10.2 The Chief Finance Office is responsible for:

(a) Publishing a timetable for the closure of the accounts annually

(b) Ensuring that the Council's annual Statement of Accounts is prepared in accordance with the Code of Practice on Local Authority in the United Kingdom:

(i) A Statement of Recommended Practice CIPFA/LASAAC, the Accounts and Audit Regulations 2011 and any other relevant guidelines.

3.10.3 It is the responsibility of Chief Officers/Deputy Chief Officers to ensure that arrangements are put in place each year to deliver the Council's closure timetable.

3.11 **Use of Council Reserves**

3.11.1 The Section 151 Officer is responsible for advising the Cabinet and/or the full Council on levels of reserves for the Council. The advice will be based upon an annual risk assessment of the prudent levels of reserves the Council should maintain.

3.11.2 The Section 151 Officer will manage the Council reserves in accordance with decisions taken by the Cabinet and full Council.

3.11.3 The following limits be approved for the authorisation of transfers between reserves and Budgets:

Chief Officers/Deputy Chief Officers:

(a) Any Chief Officer and any Deputy Chief Officer shall, subject to the prior approval by or on behalf of the Section 151 Officer and to any written directions given by the Leader, have power to approve the re-allocation of un-allocated reserve balances up to £75,000.00

Cabinet:

(b) To approve the re-allocation of un-allocated reserve balances between £75,000.01 and £500,000.00

Full Council:

(c) To approve the re-allocation of un-allocated reserve balances greater than £500,000.00

4.0 **RISK MANAGEMENT AND CONTROL OF RESOURCES**

4.1 **Risk Management**

4.1.1 It is essential that robust, integrated systems are developed and maintained for identifying, evaluating and managing all significant Strategic and Operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

4.1.2 The Governance and Audit Committee is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management.

4.1.3 The Executive Management Team is responsible for preparing the Council's risk management policy statement and for promoting it throughout the Council.

4.1.4 The Chief Officers/Deputy Chief Officers are responsible for reviewing strategic risks and reporting progress on the management of strategic risk to the Cabinet.

4.1.5 It is the responsibility of Chief Officers/Deputy Chief Officers to ensure there are regular reviews of risk within their areas of responsibility having regard to advice from the Council's Corporate Risk Manager and other specialist officers (e.g. crime prevention, fire prevention, Health & Safety).

4.2 **Internal Control**

4.2.1 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

4.2.2 The Chief Internal Auditor, in consultation with the Section 151 Officer, is responsible for advising on effective systems of internal control. Effective systems of internal control should ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should also ensure that public funds are properly safeguarded and used economically, efficiently and in accordance with the statutory and other authorities that govern their use.

4.2.3 It is the responsibility of Chief Officers/Deputy Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, value for money, effective use of resources and achieving their financial performance targets.

4.2.4 The Council is required to provide an Annual Governance Statement in accordance with the Accounts and Audit Regulations 2011. As part of this statement, the Chief Executive or, in the absence of the Chief Executive, any Director (except the Section 151 Officer) and the Leader are required to comment on the effectiveness of the entire internal control environment within the Council as this is a key indicator of good governance.

4.3 **Insurance**

4.3.1 Insurance provision is a way of managing risk.

4.3.2 The Section 151 Officer is responsible for:

(a) Effecting insurance cover and dealing with all claims in consultation with other Chief Officers where necessary.

(b) Reviewing, at least annually, all insurances in consultation with Chief Officers where necessary.

4.3.3 It is the responsibility of Chief Officers/Deputy Chief Officers to:

(a) Advise the Section 151 Officer of all new risks, properties, vehicles or potential liabilities for which insurance may be required; and of any changes affecting existing risks or insurance cover required.

(b) Notify the Section 151 Officer in writing without delay of any loss, liability or damage or any event likely to lead to a claim, and shall provide such information and explanations required by the Section 151 Officer or the Council's insurers

(c) Consult with the Monitoring Officer on the terms of any indemnity which they are requested to give on behalf of the Council.

(d) Ensure that employees, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

4.3 **Audit Requirements**

4.4.1 The requirement for an internal audit function for local authorities is implied by section 151 of the 1972 Act, and section 112 of the Local Government Finance Act 1988, which require that authorities "make arrangements for the proper administration of their financial affairs". The Accounts and Audit Regulations 2011 require that a, "relevant body must undertake an adequate and effective internal audit of its accounting records and of its systems of internal control" and must "at least once in each year conduct a review of the effectiveness of its internal audit."

4.4.2 The Section 151 Officer, as determined by the Council, will ensure that the Council has appropriate arrangements in place to maintain an adequate and effective internal audit.

4.4.3 The strategy and terms of reference for Internal Audit are reviewed and approved by the Governance and Audit Committee.

4.4.4 An external auditor is appointed to each local authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998. They are also required to follow the current Audit Code of Practice. The duties include reviewing the work of the internal auditors.

4.4.5 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

4.4.6 The Section 151 Officer is responsible for reporting to the Governance and Audit Committee and/or Cabinet, where appropriate, the findings of these inspections and taking relevant action to implement recommendations and action required.

4.4 **Preventing Fraud and Corruption**

4.4.1 The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.

4.4.2 The Section 151 Officer is responsible for the development maintenance and review of an anti-fraud and anti-corruption policy.

4.4.3 It is the responsibility of Chief Officers/Deputy Chief Officers to promote the Anti-fraud and Anti-corruption policy within their Service areas and ensure that all suspected irregularities are reported to the Chief Internal Auditor.

4.4.4 The Chief Internal Auditor will take whatever steps are considered necessary, on behalf of the Section 151 Officer, to investigate and report upon the matter. Chief Officers/Deputy Chief Officers are responsible for taking any appropriate action to prevent further loss and to secure records and documentation against removal or alteration.

4.4.5 It is the responsibility of the Governance and Audit Committee to approve policies and strategies relating to fraud and whistle-blowing arrangements and to receive reports on any detected internal frauds.

4.5 **Use of and Disposal of Assets**

4.5.1 The Section 151 Officer is responsible for issuing procedures to safeguard the use and disposal of Council assets.

4.5.2 Chief Officers/Deputy Chief Officers are responsible for ensuring that adequate and effective arrangements are in place for the care and custody all assets within their Service area and ensuring that assets are disposed of in accordance with procedures approved by the Section 151 Officer.

4.6 **Treasury Management**

4.6.1 The Council has adopted the key recommendations of CIPFA's Treasury Management in the Public Service Code of Practice.

4.6.2 Accordingly, the full Council is responsible for approving a Treasury Management Policy Statement, on an annual basis, stating the policies and objectives of its treasury management activities.

4.6.3 The full Council is also responsible for approving Treasury Management Practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

4.6.4 The Council will receive reports on its Treasury Management policies practices and activities, including as a minimum, an annual strategy and plan for the coming financial year at or before the start of each financial year and an annual report after its close, in the form prescribed in the TMPs.

4.6.5 The Council has delegated its responsibility for the implementation and monitoring of its Treasury Management policies and practices to the Governance and Audit Committee.

4.6.6 Responsibility for the execution and administration of its Treasury Management decisions, including decisions on borrowing, investment and financing, have been delegated to the Section 151 Officer, who will act in accordance with the Council's policy statements and TMPs.

4.7 **Banking**

4.7.1 All arrangements concerning banking services, including the opening, closing and operation of the Council's bank accounts shall be made solely upon direction of the Section 151 Officer.

4.7.2 The Section 151 Officer is responsible for the reconciliation of the Council's bank accounts with the Council's financial accounts.

4.7.3 Chief Officers/Deputy Chief Officers are responsible for ensuring that all banking arrangements determined by the Chief Finance Office are observed and to advise him or her of any changes in their Services that may require a change in these arrangements.

4.8 **Income Collection**

4.8.1 The Section 151 Officer is responsible for approving all methods of income collection, records and systems.

4.8.2 The Council has a statutory responsibility to conform to the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007 (as amended).

4.8.3 Accordingly, the Governance and Audit Committee is responsible for the approving the Council's' Money Laundering Policy.

4.8.4 Responsibility for the implementation and administration of the Council's Money Laundering Policy has been delegated to the Section 151 Officer who is responsible for nominating an officer (and deputy) to act as the Council's Money Laundering Reporting Officer.

4.8.5 Chief Officers/Deputy Chief Officers are responsible for:

(a) Ensuring all income is held securely

(b) Ensuring for compliance with income and banking arrangements specified by the Section 151 Officer

(c) In consultation with the Section 151 Officer reviewing fees and charges, at least annually.

4.9 External Funding

4.10.1 Chief Officers/Deputy Chief Officers are responsible for ensuring that any bids for external funding are made in consultation with the Section 151 Officer.

4.10.2 Chief Officers/Deputy Chief Officers must ensure that any project to be funded by external funding does not commence until proper approval has been obtained and the source of external funding confirmed.

4.10.3 The Section 151 Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts. Chief Officers/Deputy Chief Officers are responsible for providing all necessary information to enable this to be achieved.

4.10 Debt Collection

4.11.1 The Cabinet is responsible for approving the Council's debt recovery policy.

4.11.2 The Section 151 Officer is responsible for maintaining records of debts and the implementation of the Council's debt recovery policy.

4.11.3 Chief Officers/Deputy Chief Officers are responsible for:

(a) Ensuring effective systems are in place to allow sums due to the Council to be easily identified

(b) Ensuring debtor accounts are raised accurately and promptly and that adequate records are maintained to support the raising of the debt and any recovery action taken.

(c) Assisting in the collection of debt by providing any further information necessary to pursue the debt or monitoring debts on the Council's behalf as requested by the Section 151 Officer.

(d) Ensuring that the appropriate approval, as specified in the debt recovery policy, is obtained to write off debts

5.0 PARTNERSHIPS

5.1 The Cabinet is the focus for forming partnerships with other local, public, private, voluntary and community sector organisations. The Cabinet is responsible for approving any delegations of its powers, to address local needs.

5.2 The Council or the Cabinet can delegate its functions, including those relating to partnerships to officers. Details are set out in the Scheme of Delegation that forms part of this Constitution. Where its functions are delegated, the Cabinet remains accountable for them to the full Council.

5.3 The Chief Executive or the appropriate Chief Officer or senior officer nominated by the Chief Officer may represent the Council on partnership and external bodies, in accordance with the respective decisions of the Council and the Cabinet.

5.4 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct in partnerships that apply throughout the Council.

5.5 The Section 151 Officer is responsible for ensuring that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must also ensure that the risks have been fully appraised before agreements are entered into with external bodies.

5.6 Chief Officers/Deputy Chief Officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

2. APPENDIX A - FINANCIAL MANAGEMENT STANDARDS

FMS01	Introduction to Financial Management Standards
FMS02	Budget Preparation & Medium Term Financial Planning
FMS03	Budget Monitoring and Reporting
FMS04	Accounting Policies
FMS05	Accounting Records and Returns
FMS06	Preparation and Monitoring of the Capital Programme
FMS07	Annual Statement of Accounts
FMS08	Performance Plans
FMS09	Maintenance of Reserves
FMS10	Risk Management
FMS11	Audit Requirements
FMS12	Internal Control
FMS13	Safeguarding of Assets
FMS14	Insurance
FMS15	Treasury Management
FMS16	Banking
FMS17	Income Collection
FMS18	Debt Recovery
FMS19	Corporate Credit Cards
FMS20	Purchase Cards

FMS21 Payroll & Personnel Requirements
FMS22 Taxation
FMS23 Trading Accounts and Business Units
FMS24 Contracts, Agreements & Purchasing
FMS25 Partnerships
FMS26 External Funding
FMS27 Work for Third Parties
FMS28 Area Action Partnerships

Contract Procedure Rules

1.0 INTRODUCTION

2.1 These Contract Procedure Rules set out the rules that apply to all Officers, Members and agents acting on behalf of the Council, involved in procurement and contract management. The rules must be read in conjunction with relevant laws, regulations and policies/procedures including the Councils' Financial Procedure Rules.

2.2 These Contract Procedure Rules form part of the Council's Constitution

2.3 These Rules seek to protect the Council's reputation by minimising the risk of allegations of unfair process, dishonesty, and failure to meet legal obligations. If in doubt and/or if advice on these Rules / associated legislative requirements (such as the Procurement Act 2023) is required, please contact the Procurement & Contracts service.

2.4 Should a conflict be found between these Rules and the law, the order of precedence shall be the law and then these Rules.

2.5 All values referred to in these Rules are inclusive of VAT, excluding the table at 13.3 where it explicitly notes the exclusive of VAT figures too.

2.6 In the case of a breach to these Contract Procedure Rules, the Responsible Officer must inform the Head of Procurement & Contracts as soon as they are aware of the breach, detailing the nature of the breach and any management action taken to address the issues arising from the breach. The Procurement & Contracts service will maintain a record of all such breaches which will be reported to the Senior Leadership Team periodically.

3. BASIC PRINCIPLES

3.1 All procurement procedures must

3.1.1 deliver value for money by awarding contracts that have the most advantageous contribution to delivering the Council's objectives,
3.1.2 maximise public benefit
3.1.3 be consistent with the highest standards of integrity,
3.1.4 operate in a transparent manner,
3.1.5 ensure fairness in allocating public contracts including managing conflicts of interest,
3.1.6 comply with all legal requirements including but not limited to the Procurement Act 2023 and the Procurement Regulations 2024.*,

3.1.7 support all relevant Council priorities and policies, including the Medium-Term Financial Plan.

**Where a procurement / contract was started under the Public Contract Regulations 2015, that procurement or contract continues to be governed by those Regulations until the contract expiry date.*

NB: These Rules shall be applied to the contracting activities of any partnership for which the Council is the accountable body unless the Council expressly agrees otherwise *(see the Delegations to Officers for details of Officers who may action this rule).*

3.2 Procurements must also have regard to the National Procurement Policy Statement which sets out the national priorities for procurement.

4. RELEVANT CONTRACTS

4.1 All Relevant Contracts must comply with these Contract Procedure Rules. A Relevant Contract is any arrangement made by, or on behalf of, the Council for the carrying out of works, supplies, goods, materials, or services.

4.2 Relevant Contracts do not include:

4.2.1 contracts of employment which make an individual a direct employee of the authority,

4.2.2 agreements regarding the acquisition, disposal, or transfer of land (to which the Financial Procedure Rules apply),

4.2.3 the payment of grants to third parties

4.2.4 The lending or borrowing of money by the Council.

4.2.5 Contracts between Local Authorities as defined by Schedule 2, Paragraph 2 of the Procurement Act 2023

4.2.6 Contracts between Local Authorities as defined by Clause 1 of the Local Authorities (Goods and Services) Act 1970.

4.2.7 Section 75 NHS Act 2006 arrangements (although details must be recorded on the Council's Contract Register).

Please note, the Council cannot simply choose to treat a project as a Grant in order to avoid complying with these Contract Procedure Rules. Grants will have different conditions with regards to procurement.

Generally, procurement is required when the Council is acquiring goods, services, or works to meet its own needs, and it retains control over the specification and delivery of those services. A grant is awarded to support an activity that aligns with the Council's objectives but is initiated and delivered by the recipient, who retains a degree of autonomy over the process.

Where there is any clarity required, please contact the Procurement & Contracts service.

5. OFFICER RESPONSIBILITIES

5.1 Responsible Officers

5.1.1 Officers will:

(a) comply with these Contract Procedure Rules (CPRs),
(b) comply with the Council's Constitution,
(c) have the appropriate authorisation to procure, complying with the Delegations to Officers;
(d) declare both, prior to the commencement of the procurement process and throughout the procurement process / contract, any personal interest / conflict of interest they may have in that process;
(e) ensure all tenders/quotations are kept confidential;
(f) ensure a written contract is issued and signed by both parties, or a purchase order is issued before the supply of goods, services or carrying out of works begin;
(g) where appropriate ensure that the contracts for which they are responsible are effectively managed (ensuring a named Contract Manager is allocated to the relevant contract) and monitored ensuring the contract delivers as intended.
(h) ensure a review of each contract is carried out at an appropriate stage;
(i) comply with all legal requirements; and
(j) ensure contracts with a value over £6,000 are recorded on the Contracts Register as held and maintained by the Procurement and Contracts Service;

Officers must ensure that any agents, consultants, and contractual partners acting on their behalf also comply.

5.1.2 Officers must:

(a) keep any necessary records (such as a record of decisions made or minutes from any meetings) required by these Contract Procedure Rules,
(b) take all necessary procurement, legal, financial, and professional advice, taking into account the requirements of these Contract Procedure Rules,
(c) prior to letting a contract on behalf of the Council, check whether:
    (i) the Contracts Register lists an appropriate contract in place for the Council, or:
    (ii) an appropriate national, regional, or other collaborative contract is already in place.

    Where the Council already has an appropriate contract in place, then this must be used unless it can be established that the contract does not fully meet the Council's specific requirements in this particular case, and this is agreed following consultation with the Procurement & Contracts Service.

Where an appropriate national, regional, or collaborative contract is available, consideration should be given to using this, provided the contract offers value for money.

(d) ensure that when any employee, either of the Council or of a service provider, may be affected by any transfer arrangement, then any Transfer of Undertaking (Protection of Employment) issues are considered and legal and HR advice from within the Council is obtained prior to proceeding with the procurement exercise.

5.1.3 Failure to comply with any of the provisions of these Contract Procedure Rules, the Council's Constitution or any legal requirements may be brought to the attention of the Monitoring Officer, Head of Internal Audit, or other relevant Officers as appropriate. Depending on the nature of the non-compliance this may result in disciplinary action being taken.

5.1.4 A contract may be let through any framework agreement to which the Council has access. Where the contract to be let is subject to the Procurement Act 2023, or any other relevant UK Legislation, use of such framework agreement shall be subject to compliance with those regulations *(see the Delegations to Officers for details of Officers who may action this rule).*

5.2 **Chief Officer/Deputy Chief Officers**

5.2.1 Chief Officer/Deputy Chief Officers will:

(a) ensure their Service complies fully and are familiar with the requirements of these Contract Procedure Rules.
(b) ensure compliance with English Law and UK legislation and Council policy.
(c) ensure value for money and optimise risk allocation in all procurement matters.
(d) ensure compliance with any guidelines issued in respect of these Contract Procedure Rules.
(e) take immediate action in the event of a breach of the Contract Procedure Rules or any Code of Practice within their directorate or service area.
(f) ensure that all existing and new contracts anticipated during the forthcoming financial year are clearly itemised in the Budget supporting documentation.
(g) ensure original contract documents with a total value over £6,000 are forwarded to the Procurement and Contracts Service for safekeeping.
(h) ensure effective contract management, contract reviews and monitoring during the lifetime of all contracts in their areas.
(i) seek and act upon advice from the Procurement and Contracts Service where necessary to ensure compliance with these responsibilities.

6. **CONFLICTS OF INTEREST**

6.1 Officers must take all reasonable steps to identify and keep under review any conflicts of interest or potential conflicts of interest. This obligation starts when the need for the procurement is first identified and continues until the termination of the contract.

6.2 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 that advantage or disadvantage cannot be avoided, they must contact the Procurement & Contracts service before progressing further with the procurement.

6.3 Where the procurement is valued over the Procurement Act 2023 thresholds a conflicts assessment must be prepared by the Officer in conjunction with the Procurement & Contracts service. The Procurement & Contracts service have a template document for Officers to complete, which includes the provision for details of all conflicts or potential conflicts of interest and any mitigating steps that the Council has taken or will take.

6.4 This conflicts assessment must be kept under review and revised as necessary during the procurement and contract term.

6.5 Any Officer or Member who fails to declare a conflict of interest may be subject to disciplinary proceedings and risks being prosecuted under the Bribery Act 2010.

7. PRE-MARKET ENGAGEMENT

7.1 When Officers are undertaking pre-market engagement, they must ensure it is utilised for the following purposes:
Developing the Council's requirements and approach to the procurement.

Designing a procurement procedure, conditions of participation or award criteria.

Preparing the tender notice and associated tender documents, including the proposed terms and conditions.

Understanding market conditions and identifying potential suppliers.

Understanding the resourcing limitations and capacity requirements of suppliers in relation to the procurement process and anticipated timetable.

7.2 Suppliers must not be put at an unfair advantage, or disadvantage, when undertaking pre-market engagement. If an Officer deems that a supplier has been put at an unfair advantage, or disadvantage, they must contact the Procurement & Contracts service before progressing further with the procurement.

7.3 When engaging with potential suppliers, the Council may use any advice in the planning and conduct of the procurement procedure, provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency.

7.4 The Council shall take appropriate measures to ensure that competition is not distorted by the participation of a candidate or tenderer who has provided any advice by ensuring all other candidates and tenderers are provided with all of the information the advising candidate or tenderer has received or given and that all candidates or tenderers are given sufficient time to respond to the tender or quote.

7.5 When undertaking any pre-market engagement activities above £60,000, the Officer responsible must seek advice from the Procurement & Contracts Service.

8. EXEMPTIONS

8.1 Except where the Procurement Act 2023 thresholds are exceeded, the Cabinet/Executive has the power to waive any requirements within these Contract Procedure Rules for specific projects. An exemption under this Rule 7 allows a contract to be placed by direct negotiation with one or more suppliers rather than in accordance with Rule 13.

8.2 These Contract Procedure Rules may be exempted where the circumstances meet any of the following criteria within 7.3. An exemption form must be completed and sent to the Head of Procurement & Contracts in the first instance to allow comments which will assist with the approval or rejection of the exemption.

8.3 The Head of Procurement & Contracts will then pass this through to the Section 151 Officer, the Chief Executive, the Portfolio Holder for the relevant area, and the Portfolio Holder for Finance for approval / sign-off. This process must be followed in advance of the award of contract, and in compliance with the criteria set out in the Delegations to Officers. Please see the circumstances for an exemption below:

8.3.1 for works, supplies, or services which are either patented or of such special character that it is not possible to obtain competitive prices.
8.3.2 for supplies purchased or sold in a public market or auction.
8.3.3 with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement that does not breach legal requirements such as the Procurement Act 2023.
8.3.4 involving such urgency that it is not possible to comply with the Contract Procedure Rules and there is a significant risk to the council of not acting with urgency.
8.3.5 for the purchase of a work of art or museum specimen, or to meet the specific requirements of an arts or cultural event which cannot be procured competitively due to the nature of the requirement.
8.3.6 in relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this.
8.3.7 where relevant legislation not otherwise referred to in these Contract Procedure Rules prevents the usual procurement process from being followed.
8.3.8 goods, works or services contracts may be awarded directly to a legal person where that legal person meets the criteria as set out in Schedule 2, Paragraph 2 of the Procurement Act 2023. (formerly known as "Teckal" companies);
8.3.9 where building development opportunities are available to the Council, and have been proven to be financially viable, and the value is under the Procurement Act 2023 Thresholds for Works (as per Appendix 2 – Procurement Act 2023 Thresholds.

8.3.10 where an existing contract is being re-procured and there are delays to that procurement process which means that the new contract cannot start at the expiry of the existing contract (this exemption cannot be for longer than 6-months and cannot make the contract a “convertible contract” under the Procurement Act 2023 by exceeding the applicable threshold).

8.4 Every exemption must be recorded on the Council’s Procurement Exemption Form at Appendix 1 to these Contract Procedure Rules and the form will be recorded on a master register to be maintained by the Procurement & Contracts Service.

8.5 Where an exemption is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services, the Chief Officer/Deputy Chief Officer may approve the exemption but must prepare a report for the next meeting of the Cabinet/Executive to support the action taken.

8.6 The Procurement & Contracts service must monitor the use of all exemptions.

9. RECORDS

9.1 The Procurement Act 2023 requires contracting authorities to maintain the following comprehensive records of procurement activities:

9.1.1 sufficient documentation to justify decisions at all stages of the procurement process
9.1.2 contract details including value
9.1.3 selection decision
9.1.4 justification for use of the selected procedure
9.1.5 names of bidding organisations, both successful and unsuccessful
9.1.6 reasons for selection
9.1.7 reasons for abandoning a procedure

8.1A Most contracts and extensions to contracts will be awarded by Officers making a decision under delegated authority (see Delegations to Officers). All such Officer decisions must be published unless the decision is administrative, minor, or not closely connected to the discharge of an executive function. Some decisions will be subject to Call-in. Where Call-in applies, the winning contractor must be advised that the award of contract is subject to Call-in and will not be confirmed until the Call-in period has expired.

9.2 For contracts up to £60,000 the following records must be kept:

9.2.1 invitations to quote (where applicable)
9.2.2 all tenders/quotes returned;
9.2.3 notification to the successful, and unsuccessful (where applicable) bidders of the outcome of the quotation exercise
9.2.4 the contract;
9.2.5 a written record of:
(a) any exemptions and reasons for it; and
(b) the reasons if the lowest price is not accepted

9.3 For contracts where the total value is greater than £60,000.00 but less than £120,000.00 for works, supplies of goods materials or services, the Procurement and Contracts Service must be made aware of any procurement requirements at the earliest opportunity to assist with this process. Where formal advertising via a Request for Quotation is recommended by these rules, the Council's e-Tendering portal should be used. The following records must be kept:

9.3.1 invitations to quote/tender;
9.3.2 all communication with suppliers;
9.3.3 all tenders/quotes returned;
9.3.4 a completed evaluation sheet with scores and comments justifying the score awarded, where a formal process is used;
9.3.5 a decision log, including details of why a bidder has been selected, where an informal process is used;
9.3.6 assessment summaries / feedback to the unsuccessful bidders;
9.3.7 all communications with the successful contractor;
9.3.8 the contract;
9.3.9 a written record of:
(a) any exemptions and reasons for it; and
(b) the reasons if the lowest price is not accepted
9.3.10 written records of communications with the successful contractor.

9.4 Where the total value exceeds £120,000.00 for works, supplies of goods, materials or services, the Officer must record the same details as in Rule 8.3 above and any further records as advised by the Procurement & Contracts Service.

9.5 Written records required by this Rule 8 must be kept for six years (twelve years if the contract is under seal) after the final settlement of the contract. All documents which relate to unsuccessful candidates (tender responses, feedback letters etc.) must be kept for 12 months from award of contract provided there is no dispute about the award or where there is a dispute, once the dispute is resolved, 12 months from resolution of the dispute.

9.6 Prospective candidates must be notified simultaneously in writing and as soon as possible of any contracting decision. If a candidate requests in writing the reasons for a contracting decision, the officer must give the reasons in writing within 15 days of the request.

9.7 The Freedom of Information Act 2000 gives a general right of public access to all types of 'recorded' information held by public authorities, sets out exemptions from that general right, and places a number of obligations on public authorities with regard to the disclosures of information. The Council will, as a general rule, allow public access to recorded information where possible and the contractor shall agree to the Council making any disclosures in accordance with the Act.

10. **RISK MANAGEMENT / ASSESSMENT**

10.1 Officers must create a robust risk assessment as part of the procurement planning process for all contracts valued over £120,000 in conjunction with the Procurement & Contracts service.

10.2 The risk assessment must be reviewed and updated regularly during the procurement process and throughout the contract term.

10.3 Where key risks are identified at the pre-procurement stage which may lead to a future contract modification, these risks must be stated clearly in the tender notice and in relevant procurement documents.

11. ADVERTISING

The Contracts and Procurement Service will ensure that the minimum advertising requirements in the Procurement Act 2023 and as outlined in Rule 8 are met.

12. FRAMEWORKS

12.1 Framework has the same meaning as in the Procurement Act 2023. "..a contract between a Contracting Authority and one or more supplier(s) that provides for the future award of contracts by the authority to the supplier(s)."

12.2 Contracts based on Frameworks may be awarded in one of two ways, as follows:

Where the terms of the agreement are sufficiently precise to cover the particular call-off, by applying the terms laid down in the Framework Agreement without re-opening competition (Direct Award), or

Where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call-off, by holding a further competition in accordance with the following procedure (Further Competition):

Inviting the organisations within the Framework that are capable of executing the subject of the contract, to submit bids, with an appropriate time limit for responses, considering factors such as the complexity of the subject of the contract,

Awarding each contract to the bidding organisation who has submitted the most advantageous tender on the basis of the relevant Award Criteria set out in the Framework.

12.3 The term of a Framework must not exceed four years when utilising a Closed Framework, or eight years when utilising an Open Framework, as defined in the Procurement Act 2023.

12.4 A contract of any value can be procured through a framework. If the proposed contract value is over £60,000, the Procurement & Contracts service must be consulted before the procurement is started.

12.5 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, purchasing consortium or central government organisation has tendered the framework in compliance with the relevant procurement legislation and the Council is named as a potential user of the arrangement (e.g., ESPO / CCS).

When using a framework as per 11.5.2, officers must ensure that all of the necessary documentation is completed. Officers must consult with the Procurement & Contracts service before entering into a call-off contract as per 11.5.2.

12.6 Officers must carry out due diligence checks at contract award to evidence fulfilment of any conditions of participation and that there are no grounds for exclusion.

12.7 Approval to procure and award must be in compliance with the Delegations to Officers.

12.8 Most contracts will then be awarded by Officers making a decision under delegated authority. All such Officer decisions must be published unless the decision is administrative, minor, or not closely connected to the discharge of an executive function. Some decisions will be subject to Call-in. Where Call-in applies the winning contractor must be advised that the award of contract will not be confirmed until the Call-in period has expired.

13. DYNAMIC MARKETS

13.1 A dynamic market as defined in the Procurement Act 2023 is an open list of qualified suppliers eligible to participate in future procurements (via Further Competition only). Suppliers can join the dynamic market at any time if they meet the specified conditions, enabling the ability to streamline a procurement process by allowing continuous admission of suppliers.

13.2 Officers must ensure that there is no existing Council contract, framework or Dynamic Market available before undertaking an alternative procurement.

13.3 Only procurements valued over the relevant UK Procurement threshold may be procured via a Dynamic Market.

13.4 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, purchasing consortium or central government has tendered the framework in compliance with the relevant procurement legislation and the Council is named as a potential user of the arrangement (e.g., ESPO / CCS).

13.5 Officers must seek advice and support from the Procurement & Contracts service whenever they wish to establish or use a Dynamic Market.

14. PROCUREMENT THRESHOLDS

14.1 Officers must establish the total value of the procurement including whole life costs, incorporating any potential extension periods which may be awarded. Where the Procurement Act 2023 rules apply, Officers must also ascertain the value of a contract in accordance with those rules.

14.2 Contracts must not be artificially under / over-estimated or divided into two or more separate contracts where the effect is to avoid the application of the thresholds below.

14.3 Where the estimated total value is within the values in the table below, the corresponding tendering procedure must be followed. (see the Delegations to Officers for details of Officers who may actions this rule).

Procurement Values (exclusive of VAT)	**Procurement Values (inclusive of VAT)**	**Tendering Procedure**
£0 to £6,250	£0 to £7,500	**One written quote - this should be a local provider wherever possible. A purchase order must be raised.**
£6,250.01 - £12,500	£7,500.01 - £15,000	**Two written quotes – one should be a local provider wherever possible. A purchase order must be raised.**
£12,500.01 - £50,000	£15,000.01 - £60,000	**At least three written quotes shall be sought. Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised**
£50,000 - £100,000	£60,000.01 - £120,000	**At least three written quotations shall be sought. A Request for Quotation via the e-Tendering Portal is recommended. The Procurement & Contracts service must be involved. Where a formal Request for Quotation process is not utilised, the Procurement & Contracts service must agree the alternative process (e.g., retrieving quotations from suppliers via email etc.). Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised.**
£100,000.01 up to Procurement Act 2023 thresholds	£120,000.01 up to Procurement Act 2023 thresholds	**Open tender via the E-Tendering Portal & a below-threshold notice published on Find a Tender. Social value must be considered as part of the specification / award criteria. A purchase order must be raised**
Above Procurement Act 2023 thresholds	Above Procurement Act 2023 thresholds	**UK Public Procurement Procedure – via E-Tendering Portal & Find a Tender notice. Social value must be considered as part of the specification / award criteria. A purchase order must be raised**

* As per Appendix 2 – Above Procurement Act 2023 thresholds*

14.4 Written quotations must include the following information as a minimum:
Details of the goods, services or works to be supplied;

Where and when the delivery is to take place (where applicable);

The total value of the contract; and

The terms and conditions to apply including the price and payment terms

14.5 Officers must provide contractual details to the Procurement & Contracts service for contracts over £6,000 so that the contract can be added to the Council's Contracts Register.

14.6 Officers must provide contractual details to the Procurement & Contracts service for contracts £30,000 & above where the Procurement & Contracts service have not been involved in the procurement. This must be provided for within 30 days of contract award to allow a Contract Details Notice to be published.

14.7 Officers must contact the Procurement & Contracts service for any procurement requirements £60,000.01 & above. For spend of £60,000 and below, Officers can procure without the need to involve the Procurement & Contracts service, following the procurement thresholds above. Where there are any queries, the Procurement & Contracts service should be contacted to avoid non-compliance.

14.8 Where the Procurement Act 2023 thresholds apply, Officers must consult the Procurement & Contracts service to determine the procedure for conducting the procurement exercise.

14.9 Where it can be determined that there are insufficient suitably qualified candidates to meet the threshold requirements as per the table above, all suitably qualified candidates must be invited. (see the Delegations to Officers for details of Officers who may action this rule.)

14.10 Where services are currently purchased internally, i.e., from within the Council, for internal provision, the requirement to obtain other quotations or tenders does not apply. However, the purchaser may choose to seek alternative quotations/tenders for the purpose of market testing.

15. **EVALUATING TENDERS** *(see the Delegations to Officers for details of Officers who may action this rule):*

15.1 In any procurement exercise the successful bid should be the one which:

Offers the most advantageous proposal based on the award criteria.

Such criteria may include:

Quality including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental, and innovative characteristics and trading and its conditions;

After-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.

Price / Commercial approach

Social Value / sustainability commitments

15.2 Evaluation must be conducted in accordance with the published criteria. Evaluators must undertake evaluations individually initially followed by moderation to reach an agreed tender score.

15.3 All criteria must relate to the subject matter of the contract, must be objectively quantifiable and non-discriminatory.

15.4 The procurement documentation must clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria, whether the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.

16. **INVITATION TO TENDER / REQUEST FOR QUOTATION** *(see the Delegations to Officers for details of Officers who may action this rule)*

16.1 Invitations to Tender/Requests for Quotation must be issued in accordance with the requirements of these Contract Procedure Rules.

16.2 All Invitations to Tender shall include the following:

16.2.1 A specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers, together with the terms and conditions of contract that will apply.

16.2.2 A requirement for candidates to declare that the tender content, price or any other figure or particulars concerning the tender submitted by the candidate has not been disclosed by the candidate to any other party (except where such disclosure is made in confidence for a necessary purpose).

16.2.3 A requirement for candidates to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion.

16.2.4 Notification that tenders are submitted to the Council on the basis that they are compiled at the candidate's expense.

16.2.5 A description of the award procedure and, unless defined in a prior advertisement, a definition of the award criteria in objective terms and the percentage weighting of each criterion in the evaluation.

16.2.6 The method by which arithmetical errors discovered in the submitted tenders are to be dealt with. In particular, whether the overall price prevails over the rates in the tender or vice versa.

16.3 The Invitation to Tender or Requests for Quotation must state that the Council is not bound to accept any tender or quotation.

16.4 All candidates invited to tender, or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis. Where a candidate asks a clarification question regarding the tender or quote, the question and the answer will be provided to all candidates.

16.5 Tenders received after the tender deadline 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 by the Monitoring Officer

16.6 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 response. Advice must be sought from the Procurement & Contracts service before further action is taken.

16.7 Under the Procurement Act 2023, the Council is required to request an explanation of the price or costs proposed in a tender where that price or those costs appear to be ***abnormally low*** in relation to the requirement. If the bidder is unable to demonstrate that the price offered is not abnormally low, its tender may be disregarded. Advice must be sought from the Procurement & Contracts service during this process.

17. **SHORTLISTING**

Any shortlisting (i.e., supplier selection or conditions of participation) must have regard to the financial standing, legal capacity, and the technical ability of the candidates to deliver the required goods, services or works.

18. **SUBMISSION, RECEIPT AND OPENING OF TENDERS / QUOTATIONS** *(see the Delegations to Officers for details of Officers who may action this rule):*

18.1 **Tenders**

18.1.1 Bidding organisations must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirements.

18.1.2 When advertising a tender for a procurement above the Procurement Act 2023 thresholds, the tenders must be advertised for the minimum number of days as specified in the Procurement Act 2023 legislation.

18.1.3 Tender Contents:

Each tender must contain, where relevant:

(a) An undertaking signed by the tenderer that to the best of their knowledge and belief they have complied with all the relevant provisions of the Health and Safety at Work Act 1974 and regulations made under it or where they have not complied, an explanation of the remedial action they have taken to ensure compliance;

(b) A statement that the tenderer will comply with all current relevant British Standard Specification or Code of Practice or equivalent international standards offering guarantees of safety, reliability, and fitness for purpose;

(c) A statement by the tenderer that they will not try to obtain or receive by whatever means any information which gives or is intended to give the tenderer or another party any unfair advantage over any other tenderer (including the Council's own workforce) in relation to the tendering for and award of any contract;
(d) A statement that the Council shall not be liable for expenses incurred in the preparation of tenders; nor shall the Council be bound to accept the lowest or any tenders submitted; and shall have reserved to them the right to invite fresh tenders should they consider that course desirable.

18.2 **Electronic Arrangements**

18.2.1 Tenders, Request for Quotations, Framework Further Competition bids and Conditions of Participation stages will be received electronically and will be opened by the Procurement & Contracts service on the e-Tendering portal. The system will not allow any quotations to be opened until the allocated return date / time has passed.

18.3 **Hard Copy Arrangements**

18.3.1 In the limited circumstances where a Quotation, Further Competition bid or Tender cannot be received electronically, the Procurement and Contracts Service will consult with the Monitoring Officer to agree a suitable way to receive the Quotation, Further Competition bid or Tender.

19. CLARIFICATION PROCEDURES AND POST TENDER NEGOTIATIONS

19.1 Seeking clarification of a tender received whether in writing or by way of a meeting is permitted. However, any such clarification must not involve changes to the basic features of the bidding organisation's submission and all tenderers must be treated equally *(see the Delegations to Officers for details of Officers who may action this rule)*.

19.2 Post tender negotiation means negotiations with any tenderer after submission of a tender and before the award of the contract with a view to obtaining an adjustment in price, delivery, or content. *Where the value of the* Tender is above the threshold in the Procurement Act 2023 advice must be sought from the Procurement & Contracts Service. Where post tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered *(see the Delegations to Officers for details of Officers who may action this rule)*.

19.3 If post tender negotiations are necessary after a single stage tender or at the final stage of a multiple-stage tender, then such negotiations shall only be undertaken with the tenderer who has previously been identified as submitting the best tender. Tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the tender documents. Officers appointed by the Chief Officer/Deputy Chief Officer to carry out post tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

19.4 Post tender negotiation must only be conducted in accordance with guidance given by the Monitoring Officer and the Procurement & Contracts Service.

19.5 The Monitoring Officer and the Procurement & Contracts Service must be consulted and agree:

19.5.1 Wherever it is proposed to enter into post tender negotiation;
19.5.2 About whether negotiation is with all tenderers;
19.5.3 To either accept or reject late submissions before opening any of the responses. Late submissions must only be accepted in exceptional circumstances.

19.6 Negotiations must be conducted by a team of at least two officers, one of whom must be from a section independent to those leading negotiations *(see the Delegations to Officers for details of Officers who may action this rule)*.

20. AWARD OF CONTRACT, AND DEBRIEFING OF ORGANISATIONS

20.1 **Award of Contract and Contract Extensions** *(see the Delegations to Officers for details of Officers who may action this rule):*

20.1.1 The Council is required to notify successful and unsuccessful bidders of the outcome of a procurement process, in writing, in as timely a fashion as possible.

20.1.2 Where a contract was advertised with an extension option and that extension option forms part of the contract, the decision to extend the contract may be made after ensuring that taking up the extension option delivers value for money.

20.1.3 Decisions on award of contract and contract extensions must be made in accordance with the Delegations to Officers.

20.1.4 For the avoidance of doubt, extensions are not permitted where they are not provided for in the original contract.

20.2 **Assessment Summaries**

20.2.1 Assessment Summaries (detailed feedback) will be sent by the Procurement & Contracts Service, in line with the relevant Officer's evaluation comments.

21. CONTRACT DOCUMENTS

21.1 **Format of Contract Documents**

21.1.1 Every Relevant Contract/must be in writing and must state clearly:
(a) what is to be supplied (description and quality)
(b) payment provisions (amount and timing and seeking electronic invoices)
(c) when the Council will have the right to terminate the contract
(d) that the contract is subject to the law as to prevention of corruption
The Council's standard terms and conditions must be used where possible.

21.1.2 In addition, every Relevant Contract for purchases over £30,000.00 for works, supplies of goods, materials or services must also as a minimum state clearly:

(a) that the contractor may not assign or sub-contract without prior written consent
(b) any insurance and liability requirements
(c) health and safety requirements
(d) ombudsman requirements
(e) data protection requirements if relevant
(f) that charter standards are to be met if relevant
(g) requirements under all applicable Equality legislation
(h) a right of access to relevant documentation and records of the contractor for monitoring and audit purposes, including obligations under the FOI Act 2000 and 2015 Transparency Code
(i) requirements under the Counter-Terrorism and Security Act 2015 and Prevent Strategy where applicable
(j) obligations under the Public Interest Disclosure Act 1998 including employee whistleblowing.
(k) Statement requirements under the Modern Slavery Act 2015.

21.1.3 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Monitoring Officer. An award letter is insufficient.

21.1.4 All contracts must include the following paragraph:

'The Contractor recognises that the Council is under a duty to act in a manner which is compatible with the Convention rights as defined by Section 1(1) of the Human Rights Act 1998 ('Convention Rights'). This duty includes a positive obligation on the Council to ensure that contractors providing services on the Council's behalf act in a way which is compatible with the Convention Rights. The Contractor therefore agrees to provide the Services and comply with its other obligations under this contract in a manner which is compatible with the Convention Rights.'

21.1.5 The Officer responsible for securing the signature of the contractor must ensure that the person signing for the contracting party has authority to bind it.

21.2 **Contract Signature** *(see the Delegations to Officers for details of Officers who may action this rule):*

21.2.1 A contract entered into by or on behalf of the Council must:

(a) Where the contract is in the form of a deed (see below), be made under the Council's seal and attested as required by the Constitution, or:
(b) Where the contract is in signed under hand, it must:
(i) be signed by at least two officers of the Council authorised as required by the Constitution (see Delegations to Officers), or:

21.2.2 A contract must be in the form of a deed (see below) and sealed where;

(a) The Council wishes to enforce the contract for more than six years after it ends; or
(b) The price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or

(c) Where there is any doubt about the authority of the person signing for the contracting party.

A contract in the form of a deed must state in the signature pages that the Contractor and the Council are executing the contract as a deed. Where an Officer is unsure whether a Contract should be signed under hand, or sealed, they must contact the Procurement & Contracts service to seek advice.

21.3 **Legal Services Review of Tenders and Contracts**

21.3.1 To ensure the integrity of the procurement process:

(a) All proposed Invitations to Tender, where they are not in compliance with the Council's harmonised contract documentation or standard terms and conditions issued by a relevant professional body, will be reviewed by the Procurement and Contracts service.
Where the Procurement and Contracts service are unable to advise, it will be escalated to the Deputy Chief Officer with the recommendation that external legal advice is sought.

22. LIQUIDATED DAMAGES, SERVICE CREDITS, BONDS AND PARENT COMPANY GUARANTEES

22.1 Where a bond or guarantee is required to ensure satisfactory contract performance and/or to protect the Council, the requirement must be notified to bidders in the procurement documentation and must be in place no later than four (4) weeks after contract signature.

22.2 Every formal written contract which exceeds £120,000.00 in value and is for the execution of works shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed.

22.3 Every formal written contract that includes Key Performance Indicators / Service Level Agreements shall consider reasonable service credits to include within the contract where performance / service standards are not being met.

22.4 The Officer must consult the Deputy Chief Officer when a tenderer is a subsidiary of a parent company and the Officer does not think that a parent company guarantee is necessary, and:

22.4.1 The total value exceeds £120,000.00
22.4.2 Award is based on evaluation of the parent company, or
22.4.3 There is some concern about the stability of the supplier.

22.5 The officer must consult the Deputy Chief Officer about whether a bond is needed:

22.5.1 Where the total value exceeds £120,000.00.
22.5.2 Where it is proposed to make stage payments or other payments in advance of receiving the whole of the subject matter of the contract, or
22.5.3 There is some concern about the stability of the supplier.

23. PREVENTION OF CORRUPTION

23.1 Rules and regulations pertaining to the prevention of corruption are outlined in the Council's Financial Procedure Rules and must be adhered to.

23.2 The following clauses must be put in every written Council contract:

'The Council may terminate this contract and recover all its loss if the Contractor, its employees, or anyone acting on the Contractor's behalf do any of the following things:

23.2.1 Offer, give, or agree to give anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or

23.2.2 Commit an offence under the Bribery Act 2010 or Section 117(2) of the 1972 Act; or

23.2.3 Commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors, or employees.

Any clause limiting the Contractor's liability shall not apply to this cause.'

23.3 Any suspected irregularity shall be referred to the the Monitoring Officer where necessary. Any examination of contractors' or tenderers' books and records as a result of any such suspected irregularity shall be conducted by the Head of Procurement & Contracts. If, in the investigation of any irregularity, the Monitoring Officer considers that disciplinary procedures may need to be invoked, the appropriate Chief Officer/Deputy Chief Officer shall also be notified.

24. DECLARATION OF INTERESTS

Rules and regulations pertaining to the Declaration of Interests are outlined in the Code of Conduct for Employees within the Constitution and must be adhered to.

25. CONTRACT MANAGEMENT / MONITORING

25.1 All contracts must have an appointed Contract Manager for the entirety of the contract. The responsible Deputy Chief Officer must ensure a Contract Manager is designated prior to award.

25.2 The Contract Manager must monitor the overall performance of the contract in line with the specification, agreed service levels and contract terms.

25.3 The Contract Manager must ensure that they undertake contract management meetings with the supplier in line with the agreed timescales as per the contract.

25.4 The Officer named in the Contract Register will act as the Contract Manager and will be responsible for ensuring the obligations of these Rules. The Procurement & Contacts service are available to be contacted for any contract management support.

26. CONTRACT MODIFICATIONS

26.1 Before modifying a contract, the Procurement & Contracts service must be consulted to ensure the correct modification / variation process is being undertaken.

26.2 If the contract is valued above the Procurement Act 2023 threshold, advice from the Procurement & Contracts service must be sought before a modification is made to understand whether the modification is substantial or not, and whether a Contract Change Notice must be published, as per the Procurement Act 2023.

26.3 A substantial modification is one which would:

Increase or decrease the term of the contract by more than 10% of the maximum term provided for, or

Materially change the scope of the contracts, or

Materially change the economic value of the contract in favour of the supplier.

26.4 A Contract Change Notice would not be required where:
The modification increases or decreases the estimated value of the contract in the case of goods/services by less than 10% or in the case of works by less than 15%, or

The modification increases or decreases the term of the contract by less than 10%.

27. POST CONTRACT MONITORING AND EVALUATION

27.1 During the life of the contract the Contract Manager must monitor in respect of:

27.1.1 performance
27.1.2 compliance with specification and contract
27.1.3 cost
27.1.4 any Best Value requirements
27.1.5 user satisfaction and risk management
27.1.6 social value or any other contractual obligations to deliver additional value arising from the contract

27.2 Where the total value of the contract exceeds £5,000,000, the Contract Manager must assess performance at least once every 12 months. A Contract Performance Notice must be published – the Procurement & Contracts service can do this providing the relevant Officer provides them with the required information.

27.3 If the supplier has breached the contract and the breach results in termination (or partial termination), award of damages, or a settlement agreement between both parties, a Contract Performance Notice must be published within 30 days of the relevant breach.

27.4 Where a contract naturally expires or is terminated, a Contract Termination Notice must be published.

27.5 Where the Total Value of the contract exceeds £1,000,000.00 the Officer must make a written report evaluating the extent to which the purchasing need and

contract objectives were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.

27.6 For contracts awarded under £120,000, if, at any point during the delivery of the contract, the cost looks likely to exceed £120,000 the Contract Manager must notify the Procurement & Contracts Service who will assess options with the Contract Manager and recommend the best option for that particular project.

28. INTERNAL PROVIDERS

Where an in-house Service is bidding in competition for the provision of goods, works or services, care must be taken to ensure a fair process between the in-house provider Service and external bidding organisations.

29. EXTERNAL BODY GRANT FUNDING

29.1 Where a procurement process is funded, in whole or part, by grant funding which has been awarded to the Council by an external funding body, the Procurement & Contracts Service must ensure that any rules or conditions imposed by the funding body are adhered to, in addition to the requirements of these Contract Procedure Rules.

29.2 Where there is any conflict between these Contract Procedure Rules and the rules or conditions imposed by the funding body, the stricter requirement should be followed.

30. REVIEW AND AMENDMENT OF CPR

These Contract Procedure Rules shall be reviewed and updated, as necessary.

30. TERMINATION OF CONTRACTS *(see the Delegations to Officers for details of Officers who may action this rule)*

The Delegations to Officers details which Officers may terminate a contract. Any termination must be strictly in accordance with the terms of the contract and subject to consultation with the Monitoring Officer and Section 151 Officer and in some cases with the relevant Portfolio Holder.

Appendix 1

REQUEST FOR EXEMPTION FROM CONTRACT AND PROCUREMENT PROCEDURE RULES

You must use existing corporate contracts set up by the Council where possible. If there is no existing contract you should check if a “framework” contract exists for that service.

Contract Procedure Rules may be waived or varied where the circumstances meet any of the following criteria, subject to approval by the Chief Executive, Section 151 Officer, and the Portfolio Holder for Finance in advance of the award of contract, and in compliance with the criteria set out in the Log of Delegations to Officers.

Page | 131

NOTE: If the total value of the contract is over the Procurement Threshold, then an exemption cannot be granted.

Describe your requirements			
Supplier name		**Market Testing undertaken?**	
If no, why?			
Total contract value			
Contract Start Date		**Contract End Date**	

Exemption clauses as at paragraph 3 of the Council's Constitution.	Tick below as appropriate
7.3.1 for works, supplies, or services which are either patented or of such special character that it is not possible to obtain competitive prices;	
7.3.2 for supplies purchased or sold in a public market or auction;	
7.3.3 with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement that does not breach legal requirements such as the Public Contracts Regulations 2015 / Procurement Act 2023;	
7.3.4 involving such urgency that it is not possible to comply with the Contract Procedure Rules and there is a significant risk to the council of not acting with urgency	
7.3.5 for the purchase of a work of art or museum specimen, or to meet the specific requirements of an arts or cultural event which cannot be procured competitively due to the nature of the requirement	
7.3.6 in relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this	
7.3.7 where relevant legislation not otherwise referred to in these Contract Procedure Rules prevents the usual procurement process from being followed;	
7.3.8 goods, works or services contracts may be awarded directly to a legal person where that legal person meets the criteria as set out in Schedule 2 of the Procurement Act 2023 (Exempted Contracts)	
7.3.9 where building development opportunities are available to the Council, and have been proven to be financially viable, and the value is under the FTS Thresholds for Works (as per Appendix 2 – Procurement Act 2023 thresholds	
7.3.10 where an existing contract is being re-procured and there are delays to that procurement process which means that the new contract cannot start at the expiry of the existing contract (this exemption cannot be for longer than 6-months and cannot make the contract a "convertible contract" under the Procurement Act 2023 by exceeding the applicable threshold).	
Explain the justification for the exemption and attach any relevant documents	
We Confirm the supplier has quoted against the Councils Standard terms and conditions	

If you are using the supplier's terms and conditions, please supply a copy as part of this exemption.

Tick box if you require assistance to finalise agreement or negotiate further	

Name of Officer requesting approval: ……...

Department: ……..

Signature: …….. Date: ……..

Expenditure approved by Authorised Officer (see Delegations to Officers)

Name: …… Position: ……

Signature: …… Date: ……..

Completed Forms should be sent to Head of Procurement & Contracts
martin.gibbs@pspsl.co.uk

For Procurement & Contracts Service **Comments:**		Date	

Approved by Chief Executive:

Signature: …… Date: ……

Approved by Section 151 Officer:

Signature: …… Date: ……..

Approved by Portfolio Holder for XXXX:

Signature: ……. Date: ……..

Approved by Portfolio Holder for Finance:

Signature: ……. Date: ……..

APPENDIX 2 TO THE CONTRACT PROCEDURE RULES – PROCUREMENT ACT 2023 THRESHOLDS

Summary of Threshold Levels from 1st January 2026 (all values are inclusive of VAT)

Procurement Act 2023

Supplies & Services: £207,720

Works: £5,193,000

Light Touch Regime for Services: £663,540

Appendix 3

Amended Delegations to Officers in relation to Contracts
(Amended delegations approved by Cabinet/Executive.
Amended CPRs approved by full Council)

Abbreviation	**Meaning**
CX	Chief Executive
DCX	Deputy Chief Executive / Director
AD	Assistant Director
SM	Service Manager
MO	Monitoring Officer

Officer(s)	Subject	Delegation From	Power
CX, DCXs and ADs following consultation with	Contracts - contracting activities	**Cabinet/Executive**	(Note to Contract Procedure Rule 1)

the MO or S151 Officer	of any partnership for which the Council is the accountable body		Authority to agree that Contract Procedure Rules do not apply to contracting activities of any partnership for which the Council is the accountable body
CX, DCXs, ADs and SMs subject to consultation with the appropriate portfolio holder (consultation is not required for (i) routine contracts (e.g. routine ongoing or annual maintenance contracts, routine purchasing of goods and equipment; routine servicing of vehicles etc); (ii) contracts for 1-off schemes where the scheme has been formally approved and where sufficient money has been allocated within the budget for the contract; and (iii) indirect services such as legal services or consultants for schemes which have been formally approved and where sufficient money has been allocated within the budget for the contract as such contracts are not closely connected to the discharge of the function.)	Contracts – letting (awarding) of contracts through framework agreement	**Cabinet/Executive**	(Contract Procedure Rules 2.1.4 and 11) Authority to let (award) a contract through any framework agreement to which the Council has access where considered expedient by a CO or a DCO subject to the scheme falling within the approved budget which includes the approved 5-year capital programme. (A decision notice must be published for each award of contract unless administrative or minor or not closely connected to discharge of function.) (The signing of contracts is dealt with separately below.)
Approval by the CX, S151 Officer and the Portfolio Holder for finance in advance of the award of contract	Contracts - variation or waiver (exemption) of Contract Procedure Rules	**Cabinet/Executive**	(Contract Procedure Rule 7.3) Authority to vary or waive any Contract Procedure Rules subject to complying with all relevant requirements of Rule 9, and subject to the scheme falling within the approved budget which includes the approved 5-year capital programme.
CX, DCXs, ADs, SMs and any other officer with the written approval of the CX/DCXs/ADs/SM (any sub-delegations lasting more than 6 months must be reported to the MO)	Contracts - pre tender market testing and consultation	**Cabinet/Executive**	(Contract Procedure Rule 6) Authority to consult potential suppliers prior to issue of the Invitation to Tender or Request for Quotation subject to the scheme falling

			within the approved budget which includes the approved 5-year capital programme
CX, DCXs, ADs, SMs and any other officer with the written approval of the CX/DCXs/ADs/SM (any sub-delegations lasting more than 6 months must be reported to the MO)	Contracts – all values – seeking, receiving, and evaluating quotations/tenders for contracts for works, goods materials, and services, and hiring of consultants	**Cabinet/Executive**	(Contract Procedure Rules 10, 13, 14, 15, 17, and 19) Authority to request and receive tenders and quotations, and to evaluate tenders and quotations subject to compliance with the Contract Procedure Rules (as amended by any authorised variation or waiver) and subject to the scheme falling within the approved budget which includes the approved 5-year capital programme. (The awarding and the signing of contracts are dealt with separately.)
CX, DCXs, ADs and SMs following consultation with the relevant portfolio holder (consultation is not required for (i) routine contracts (e.g. routine ongoing or annual maintenance contracts, routine purchasing of goods and equipment; routine servicing of vehicles etc); (ii) contracts for 1-off schemes where the scheme has been formally approved and where sufficient money has been allocated within the budget for the contract; and (iii) indirect services such as legal services or consultants for schemes which have been formally approved and where sufficient money has been allocated within the budget for the contract as such contracts are not closely connected to the discharge of the function.)	Contracts - awarding of contracts	**Cabinet/Executive**	(Contract Procedure Rules 8.1A,19.1) Authority to award contracts subject to compliance with the Contract Procedure Rules (as amended by any authorised variation) and subject to the scheme falling within the approved budget which includes the approved 5-year capital programme (Decision notices must be published for each award of contract unless administrative or minor or not closely connected with discharge of function.) (The signing of contracts is dealt with separately.)
CX, DCXs and ADs	Contracts – signing of contracts which are	**Cabinet/Executive**	(Contract Procedure Rule 20.2) Authority

SMs – up to £120,000	**not under seal**		to sign contracts which are not under seal, and which come within the jurisdiction of the officer concerned. (Contracts under seal must be signed only by officers who have specific authority to do so – set out in the Council's Constitution
Officers of the Contracts team	Contracts - Authorised Officer of relevant team opening tenders (electronically)	**Cabinet/Executive**	(Contract Procedure Rules 17.2) Officers appointed as "Authorised Officer of relevant team"
CX, DCXs, ADs, SMs and any other officer with the written approval of the CX/DCXs/ADs/SM (Any sub-delegations lasting more than 6 months must be reported to the MO)	Clarification of an invitation to tender	**Cabinet/Executive**	(Contract Procedure Rule 18.1) Authority to provide clarification of an Invitation to tender
CX, DCXs, ADs, and SMs	Post tender negotiations	**Cabinet/Executive**	(Contract Procedure Rules 18.2 to 18.6) (at least 2 officers are required – see rule 18.6) Authority to undertake post tender negotiations
CX, DCXs, ADs and SMs In consultation with the relevant portfolio holder (consultation is not required for termination of low value or minor contracts (£15,000 or less)	Authority to terminate contracts	**Cabinet/Executive**	(Contract Procedure Rule 31) Authority to terminate contracts subject to consultation with the MO and S151 Officer

PART 4C - FINANCIAL MANAGEMENT STANDARDS

CONTENTS

1.0 **FINANCIAL MANAGEMENT**

1.1 Financial Management Standards
1.2 Local Government Legislation
1.3 Unlawful Expenditure
1.4 Emergency Procedures
1.5 Managing Expenditure
1.6 Budget Transfers (virements)
1.7 Year End Balances
1.8 Accounting Policies
1.9 Accounting records and returns
1.10 The annual statement of accounts

2.0 **FINANCIAL PLANNING**

2.1 Budgeting
2.6 Maintenance of Reserves

3.0 **RISK MANAGEMENT AND CONTROL OF RESOURCES**

3.1 Risk Management and Insurance
3.2 Internal Controls
3.3 Internal Audit
3.4 External Audit
3.5 Preventing Fraud and Corruption
3.6 Assets
3.7 Stocks and Stores
3.8 Asset Disposal
3.9 Lost Property
3.10 Treasury Management
3.11 Staffing
3.12 Money Laundering
3.13 Financial Controls

4.0 **FINANCIAL SYSTEMS AND PROCEDURES**

4.0.1 Systems
4.1 Income and Expenditure
4.5 Payments to employees and members
4.7 Taxation
4.8 Trading Accounts

5.0 **EXTERNAL ARRANGEMENTS**

5.1 Partnerships
5.2 External Funding
5.3 Work for Third Parties

1.0 FINANCIAL MANAGEMENT

1.1 Financial Management Standards

1.1.1 All staff and members have a duty to be honest when dealing with financial issues.

1.1.2 Chief Officers/Deputy Chief Officers shall ask the advice of the Section 151 Officer on any matters within his/her scope which could materially affect the finances of the council before any provisional or other commitment is incurred or before reporting on it to the Cabinet.

1.1.3 Any reference to Chief Officers/Deputy Chief Officers shall apply equally to a nominated officer to whom such authority has been delegated by the appropriate Chief Officer/Deputy Chief Officer.

1.1.4 The Section 151 Officer shall be authorised to increase the financial limits contained within the following sections of these procedures by RPI-x (the retail prices index excluding mortgage interest payments) subject to all increases being notified to all Chief Officers/Deputy Chief Officers and members of the council.

1.1.5 Key Controls:

(a) To ensure the promotion of financial management standards throughout the council.

(b) To have a system in place to review compliance with financial standards.

(c) To undertake regular comparisons of performance indicators and benchmark standards and report these to the Cabinet and full Council.

1.1.6 Responsibilities of the Section 151 Officer:

(a) To ensure the proper administration of the financial affairs of the council.

(b) To set the financial management standards and to monitor compliance with them.

(c) To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards of finance staff throughout the council.

(c) To advise on the key strategic controls necessary to secure sound financial management.

(d) To ensure that financial information is available to enable accurate and timely monitoring and reporting.

1.1.7 Responsibilities of Assistant Directors:

(a) To promote the financial management standards set by the Section 151 Officer in their service units and to monitor adherence to the standards and practices, liaising as necessary with the Section 151 Officer.

(b) To promote sound financial practices in relation to the standards, performance and development of staff in their service units.

1.2 **Local Government Legislation**

1.2.1 Nothing in these procedures shall affect any powers, duties or obligations of any officer created by the 1972 Act or any other legislation (including subordinate legislation) amending, substituting or replacing that Act or any other legislation (including subordinate legislation) regulating or governing the conduct of business or financial affairs of the Council or local authorities generally.

1.3 **Unlawful Expenditure**

1.3.1 If any officer of the council becomes aware that he or any other officer or the cabinet, a cabinet member, committee or other person or body making any decision on or recommendation on behalf of the Council:

(a) has made or is about to make a decision which involves or would involve the council incurring expenditure which is unlawful

(b) has taken or is about to take a course of action which, if followed through would be unlawful and likely to cause a loss to the council, or is about to enter into the council's accounts an item which should not lawfully be entered into those accounts.

1.3.2 Then he or she shall immediately inform the Section 151 Officer and Monitoring Officer and give them the information relating to the matter.

1.4 **Emergency Procedures**

1.4.1 Where there is no cost provided for in the Budget and/or emergency action is required such that it is not reasonably practicable to go through the normal procedures, Chief Officers/Deputy Chief Officers shall have power to spend up to an estimated value of £20,000; and to spend over £20,000 with the approval of the Leader, in each case subject to the expenditure subsequently being vired in accordance with the Budget transfer rules contained in the constitution.

1.5 **Managing Expenditure**

1.5.1 The Council will set revenue and capital Budgets each year and the cabinet and officers may incur expenditure as allowed in the Budget and Policy Framework Procedure Rules.

1.5.2 Key Controls:

(a) To ensure the Budget and Policy Framework

(b) To set in place monitoring and reporting systems.

1.5.3 Responsibilities of the Section 151 Officer:

(a) Once capital and revenue Budgets have been approved by the Council, the Section 151 Officer will submit quarterly financial monitoring reports to the Corporate Management Team and the Cabinet.

(b) After the Council has approved the revenue Budget and allocation of resources, and before the start of the financial year, the Section 151 Officer will issue to

each Chief Officer/Deputy Chief Officer an approved revenue Budget statement for the services under their control.

(c) The Section 151 Officer is responsible for co-ordinating, preparing and submitting a draft five year revenue Budget and a draft five year capital Budget to the Cabinet each year.

1.5.4 Responsibilities of the Assistant Director:

(a) Assistant Directors are responsible for preparing and submitting draft revenue and capital Budgets and related reports in consultation with the relevant Portfolio Holder to the Cabinet in accordance with the financial strategy timetable.

(b) Any report submitted to a committee, panel, the cabinet or a cabinet member which has direct financial implications shall contain a statement indicating the sufficiency or otherwise of the financial provision contained in the revenue Budget /capital Budget.

1.6 **Budget Transfers (Virements) and Additional Expenditure**

1.6.1 The Full Council is responsible for agreeing procedures for virement of expenditure between Budget headings and procedures for incurring additional expenditure above the set Budget. Virement rules (which include reference to additional expenditure) are detailed in Part 4 of Section 6 of the Constitution.

1.7 **Year End Balances**

1.7.1 Approvals for carrying Budget over at year end are in line with rules on transferring funds between reserves.

1.8 **Accounting Policies**

1.8.1 The accounting policies are set out in the statement of accounts, in accordance with proper practices as set out in the format required by the relevant codes of practice *on local authority accounting in the United Kingdom.*

1.8.2 Key controls:

(a) Systems of internal control are in place that ensures that financial transactions are lawful.

(b) Suitable accounting policies are selected and applied consistently.

(c) Proper accounting records are maintained.

(d) Financial statements are prepared which present fairly the financial position of the council and its expenditure and income.

1.8.3 Responsibilities of the Section 151 Officer:

(a) To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31st March each year.

1.8.4 Responsibilities of Chief Officers/Chief Officers:

(a) To comply with accounting policies and guidelines as approved by the Section 151 Officer.

1.9 **Accounting Records and Returns**

1.9.1 Maintaining proper accounting records and returns is important because it demonstrates the way we discharge our responsibility for public funds. It also ensures that we are fairly stating the financial position of the Council at any one point of time.

1.9.2 Key Controls:

(a) All Portfolio Holders, Assistant Directors, Directors, finance staff and Budget managers operate within the required accounting standards and timetables.

(b) All the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.

(c) Reconciliation procedures are carried out to ensure transactions are correctly recorded.

(d) Prime documents are retained in accordance with legislative and other requirements.

1.9.3 Responsibilities of the Section 151 Officer:

(a) To determine the accounting procedures and records for the council.

(b) To arrange for the compilation of all accounts and accounting records under his or her direction.

(c) To comply with the following principles when allocating accounting duties:

(i) Separating the duties of providing information about sums due to or from the council and calculating, checking and recording these sums from the duty of collecting or disbursing them officers with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

(d) To make proper arrangements for the audit of the Council's accounts in accordance with the Accounts and Audit Regulations 2011.

(e) To ensure that all claims for funds including grants, for which he or she is responsible for, are made by the due date.

(f) To prepare and publish the audited accounts of the council for each financial year, in accordance with the statutory timetable.

(g) To issue guidance on the retention of financial documents relating to minimum periods for retention and ensure that these timescales are complied with.

1.9.4 Responsibilities of Chief Officers/Deputy Chief Officers:

(a) To consult and obtain approval from the Section 151 Officer before making changes to accounting records and procedures.

(b) To comply with the following principles:

(i) the duties of providing information concerning amounts due to or from the council and of calculating, checking and recording these amounts shall be separated as completely as possible from the duty of collecting or paying them. Officers who are responsible for checking and examining the accounts of cash transactions shall not be involved in any of these transactions.

(c) To ensure the proper retention of financial documents in accordance the document retention policy.

(d) To ensure grant claims are submitted on time and to comply with grant conditions.

(e) To maintain adequate records to provide an audit trail leading from the source of income/expenditure through to the accounting statements.

(f) To exercise continuous Budgetary control throughout the financial year.

(g) To nominate accountable Budget holders for services under their control.

(h) To submit in consultation with the Section 151 Officer regular Budget monitoring statements to the Cabinet in respect of revenue and capital expenditure and income.

1.10 **The Annual Statement of Accounts**

1.10.1The Council has a statutory responsibility to prepare its own accounts to present fairly its operations during the year.

1.10.2Key controls:

(a) The Council is required to make arrangements for the proper administration of its financial affairs and to ensure that one of its officers has the responsibility for the administration of these affairs. In this council, that officer is the Section 151 Officer.

(b) The Council's statement of accounts must be prepared in accordance with proper practices as set out in the relevant codes of practice on local authority accounting in the United Kingdom.

1.10.2Responsibilities of Section 151 Officer:

(a) To select suitable accounting policies and to apply them consistently.

(b) To make judgements and estimates that are reasonable and prudent.

(c) To comply with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom.

(d) To sign and date the statement of accounts, stating that it presents fairly the financial position of the council at the accounting date and it's income and expenditure for the year ended 31st March.
(e) To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

1.10.3Responsibilities of Chief Officers/Deputy Chief Officers:

(a) To comply with accounting guidance and to provide information to enable the statement of accounts to be prepared.

(b) To comply with closedown timetables.

2.0 **FINANCIAL PLANNING**

2.1 **Budgeting**

2.1.1 Setting a Budget:

(a) The Council must set a Budget, which is a realistic statement of its estimated income and expenditure for the coming year based upon information currently available to it. It has a duty to take into account the demand for its services, and the effect upon council taxpayers of meeting those demands at varying levels of services. The council has to ensure that its medium term financial plans are robust. Under Part 11 of the Local Government Act 2003 members must:

(i) Review the Budget 'from time to time' during the year.

(ii) Consider the impact of any overspend on the forecast reserves position.

(iii) Decide on any appropriate action - reduce spending, increase income or utilise reserves.

(b) The format of the Budget determines the level of detail to which financial control and management will be exercised.

2.1.2 Key Controls:

(a) The format complies with all legal requirements.

(b) The format complies with CIPFA's Service Reporting Code of Practice.

(c) The format reflects the accountabilities of service delivery.

(d) Each service code must have a nominated accountable Budget holder.

(e) Council approval, must be obtained if an Assistant Director wishes to approve a proposal which would increase ongoing commitments into future years.

2.1.3 Responsibilities of the Section 151 Officer:

(a) To advise the Cabinet on the format of the Budget that is approved by the full Council.

(b) To ensure that:

(c) the format complies with all legal requirements

(d) the format complies with CIPFA's Service Reporting Code of Practice

(e) the format reflects accountabilities of service delivery.

2.2 **Revenue Budget Preparation, Monitoring and Control**

2.2.1 The revenue Budget will be prepared each year in accordance with the financial strategy, procedures and guidance set by the Cabinet.

2.2.2 Council approval must be obtained if an Assistant Director wishes to approve a proposal which would increase ongoing commitments into future years.

2.2.3 Key controls:

(a) Budget managers should be responsible only for income and expenditure that they can influence.

(b) There is a nominated Budget manager for each Budget heading.

(c) Budget managers accept accountability for their Budgets and the level of service to be delivered and understand their financial responsibilities.

(d) Budget managers follow an approved certification process for all expenditure.

(e) Income and expenditure are properly recorded and accounted for.

(f) Performance levels/levels of service are monitored in conjunction with the Budget and necessary action is taken to align service outputs and Budget .

(g) Specific Budget approval is given for all expenditure.

(h) Budget managers are appropriately trained to carry out their Budgetary control responsibilities.

(i) Detailed work sheets are prepared for every Budget heading by the Budget manager.

2.2.4 Responsibilities of the Section 151 Officer:

2.2.4.1To establish an appropriate framework of Budgetary management and control that ensures that:

(a) Budget management is exercised within annual cash limits unless the full Council agrees otherwise

(b) each Chief Officer has available timely information on expenditure and income on each Budget which is sufficiently detailed to enable managers to fulfil their Budgetary responsibilities

(c) expenditure is committed only against an approved Budget head

(d) officers responsible for committing expenditure comply with relevant guidance and financial regulations

(e) each cost centre has a single named Budget manager, determined by the relevant Assistant Director. As a general principle, Budget responsibility should be aligned as closely as possible to the decision making processes that commits expenditure

(f) significant variances from approved Budgets are investigated and reported by Budget managers regularly

(h) Budget Managers should consider at regular intervals whether additional revenue can be generated and/or new sources of revenue funding can be found and must report once a year to Cabinet and appropriate panels to recommend policies for fees and charges.

2.2.5 Responsibilities of Chief Officers/Deputy Chief Officers:

2.2.5.1To be responsible for maintaining Budgetary control within their sections by:

(a) ensuring expenditure is committed only against an approved Budget head

(b) investigating significant variances and reporting to the Section 151 Officer on a monthly basis

(c) exercising management within annual cash limits.

2.2.5.2Before placing orders or entering into any other sort of commitment to expenditure, Budget managers must be satisfied that there is enough Budget provision in the overall revenue Budget under their control and that the order or commitment will not result in an overspending.

.2.2.5.3To nominate Budget managers for each item of service income and expenditure under the control of the Assistant Director..

2.3 **Budgets And Medium Term Planning**

2.3.1 The Budget is the financial representation of the Council's policies and is the most visible and public outcome of its financial planning processes: it represents choices made in the allocation of scarce resources and as such represents the Council's priorities.

2.3.2 Key Controls:

(a) Monitor compliance against the Financial Strategy.

2.3.3 Responsibilities of the Section 151 Officer:

(a) To draft the Financial Strategy.

2.3.4 Responsibilities of Chief Officers/Deputy Chief Officers:

(a) To comply with the Financial Strategy.

2.4 **Resource Allocation**

2.4.1 We need to prioritise resource allocation to ensure that resources are used effectively and directed at our priorities. Resources may include staff, money, equipment, goods and materials.

2.4.2 Key Controls:

(a) resources are acquired in accordance with the law and using an approved authorisation process

(b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for

(c) resources are securely held for use when required

(d) resources are used with the minimum level of waste, inefficiency, or loss for other reasons.

2.4.3 Responsibilities of the Section 151 Officer:

(a) To advise on methods available for the funding of resources, such as grants from Central Government and borrowing requirements.

(b) To advise on the suitability of proposals to introduce/modify financial procedures to control resources (e.g. stock control systems).

(c) To assist in the allocation of resources to Budget managers.

2.5 **Capital Programme**

2.5.1 Capital expenditure involves acquiring or enhancing fixed assets with a long term value to the council such as land, buildings, equipment and vehicles. The Council's capital programme is developed by the Section 151 Officer in consultation with EMT and Cabinet Members, who consider capital expenditure proposals submitted. These proposals are evaluated, appraised and prioritised by EMT before being considered by the Cabinet who will then make recommendations to full Council. Under the Prudential Code councils now have a duty to decide and keep under review the amount they can afford to borrow.

2.5.2 Key controls:

(a) specific approval by the full Council for the programme of capital expenditure

(b) a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for approval by CMT before projects commence

(c) development and maintenance of asset management plans

(d) accountability for each proposal is accepted by a named officer

(e) progress and expenditure is monitored and compared to the approved Budget

(f) ensuring the scheme links to the council's corporate objectives

(g) proposals for improvements and alterations to buildings must be approved by the Asset and Property Manager.

2.5.3 Responsibilities of the Section 151 Officer:

(a) To issue guidance relating to the strategy and controls for capital schemes. The definition of 'capital' will be determined by the Section 151 Officer, having regard to Government regulations and accounting requirements.

(b) To collate capital estimates jointly with Assistant Directors and the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services and to submit them to the Cabinet for approval. The Cabinet will make recommendations on the capital estimates and on any associated financing requirements to the full Council. Cabinet approval is required where a Chief Officer/deputy Chief Officer proposes to bid for, or exercise additional borrowing approval, not anticipated in the capital programme.

(c) To prepare and submit global monitoring reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates and to recommend action where necessary to ensure that capital expenditure is fully funded.

(d) To administer the Council's scheme of virement.

2.5.4 Responsibility of the Assistant Directors:

(a) To brief the appropriate technical officer so that an accurate estimate and outline of the scheme can be prepared.

(b) To consult with residents and service users.

(c) To consult with other relevant Directors about any land acquisitions and disposals, planning and highway issues.

(d) To prepare and submit to the Section 151 Officer the estimate and outline scheme, together with a report on the outcome of consultations, and a project plan for implementation of the scheme.

(e) To ensure the scheme links to the council's corporate objectives.

(f) All proposals to incur capital expenditure must include a standard expenditure form, and must comply with all other requirements, as specified by the Section 151 Officer. The form will include the immediate and long term revenue effects for each capital project. Possible VAT implications will also need identifying.

(g) The Assistant Director, with the agreement of the Section 151 Officer, can approve an estimate and outline scheme provided that the estimate does not exceed the sum included for the scheme in the approved capital Budget.

(h) The Assistant Director must seek the approval of the Cabinet to proceed with a scheme where the estimate exceeds the sum included in the approved capital Budget.

(i) If this happens, an appropriate method of financing the additional expenditure must be clearly identified. Unless otherwise approved by the Financial Procedure Rules, approval will be sought from Full Council.

2.6 Maintenance Of Reserves

2.6.1 A local authority must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence. Reserves for specific purposes may also be maintained.

2.6.2 Key controls:

(a) To maintain reserves in accordance with the relevant codes of practice on local authority accounting in the United Kingdom and agreed accounting policies.

(b) For each reserve established, the purpose, usage and basis of transactions should be clearly identified. All requests for reserves to be set up need to be in writing stating the purpose, value, and likely draw down dates.

(c) The establishment of reserves and incurring of expenditure from reserves should be authorised by the Section 151 Officer.

(d) An annual review of reserves undertaken by the Cabinet.

2.6.3 Responsibilities of the Section 151 Officer:

(a) To advise the Cabinet and/or the full Council on prudent levels of reserves for the authority, and to take account of the advice of the external auditor in this matter.

2.6.4 Responsibilities of Chief Officers /Deputy Chief Officers:

(b) to ensure that resources are only used for the purposes of which they were intended.

3.0 RISK MANAGEMENT AND CONTROL OF RESOURCES

3.1 Risk Management and Insurance

3.1.1 The diversity of services offered by the Council presents a vast potential for risk in all its different forms. The risks facing the council fall into two categories: strategic and operational. EMT will facilitate the risk management process at corporate and service level.

3.1.2 It is the responsibility of the Cabinet to approve the authority's risk management strategy and to promote a culture of risk management awareness throughout the authority.

3.1.3 Key controls:

(a) There is a corporate risk strategy with procedures in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the Council.

(b) A monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls.

(c) Managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management.

(d) Provision is made for losses that might result from the risks that remain.

(e) Risk management is incorporated into service business plans.

(f) Acceptable levels of risk are determined and insured against where appropriate.

3.1.4 Responsibilities of the Monitoring Officer:

(a) To prepare and promote the Authority's risk strategy.

(b) To develop risk management controls in conjunction with other Assistant Directors.

3.1.5 Responsibilities of the Section 151 Officer:

(a) To effect corporate insurance cover, through external insurance and internal funding, and to arrange for the negotiation of claims in consultation with other officers.

(b) All employees of the Council shall be included in suitable fidelity guarantee insurance.

3.1.6 Responsibility of the Chief Internal Auditor:

(a) To report annually to the authority an opinion on the overall adequacy and effectiveness of the authority's internal control environment, providing details of any weaknesses that qualify this opinion and bringing to the attention of the authority any issues particularly relevant to the preparation of the Annual Governance Statement.

3.1.7 Responsibilities of Assistant Directors:

(a) To notify the Section 151 Officer immediately in writing any loss, liability or damage that may lead to a claim by or against the Authority, together with any information or explanation required by the Section 151 Officer or the Authority's insurers.

(b) If any assets covered by insurance are damaged or stolen, Assistant Directors must not order replacements, remedial repairs or other work - except for emergency measures to prevent further damage or loss occurring - until the Section 151 Officer has been consulted. Damage or loss arising from malicious acts should be reported to the police.

(c) To notify the Section 151 Officer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurance.

(d) To comply with any relevant procedures, protocols and timescales relating to handling claims as laid down in the Financial Handbook.

(e) To notify the Section 151 Officer promptly of any significant acquisitions or disposals of assets or any alteration to the scope or level of services provided, particularly where the risk of accident, injury, loss or damage is likely to increase.

(f) On a regular basis, the Section 151 Officer will forward to Executive Managers schedules of assets covered by insurance. Executive Managers must examine the schedules and ensure that the details of those assets are correctly recorded and that the scope and level of insurance cover are adequate, consistent with the Authority's corporate insurance arrangements.

(g) To provide the Section 151 Officer with any information that he or she needs and in the timescale that he or she sets, to enable him or her to manage the Authority's insurances effectively.

(h) To take responsibility for risk management within their areas of responsibility, having regard to advice from the Monitoring Officer and the Section 151 Officer and other specialist officers (e.g. health and safety).

(i) To ensure that risk action plans for their areas of responsibility are up to date.

(j) To consult with the Section 151 Officer and the appropriate Director on the terms of any indemnity that the Authority is requested to give.

(k) To ensure that officers, or anyone covered by the Authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

3.2 **Internal Controls**

3.2.1 Internal control refers to the whole system of controls established in order to provide reasonable assurance of effective and efficient operations, reliable financial information and reporting and compliance with laws and regulations.

3.2.2 Key controls:

(a) key controls should be reviewed on a regular basis and the council should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively

(b) managerial control systems should be in place, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities

(c) financial and operational control systems and procedures should include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems

(d) the existence of an effective internal audit function that is properly resourced. It should operate in accordance with the standards of practice applicable to Internal Audit (particularly CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom) and with any other statutory obligations and regulations.

3.2.3 Responsibilities of the Section 151 Officer:

(a) To assist the Authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

3.2.4 Responsibilities of Assistant Directors:

(a) To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.

(b) To review existing controls in the light of changes affecting the council and to establish and implement new ones in line with guidance from the Section 151 Officer. Assistant Directors should also be responsible for removing controls that are unnecessary or not cost or risk effective, for example, because of duplication.

(c) To ensure staff have a clear understanding of the consequences of lack of control.

(d) To ensure the integrity of the post opening procedures, whereby at least two employees are present when post is opened so that money received by post is properly identified and recorded.

3.2.5 Responsibilities of Public Sector Partnership Services Ltd

(a) To ensure the integrity of the postage procedures as follows:

(i) Except in an emergency, all postal packets, other than official registered envelopes, shall be franked with the correct charge by means of postal franking machines in accordance with the Regulations of the Post Office. Public Sector Partnership Services Ltd shall ensure that such records as are necessary are kept:

(ii) to record all operations on the machines

(iii) to ensure that the cost of all postages is allocated over the accounts properly chargeable to the Council.

(iv) the machines shall be kept securely to prevent unauthorised use.

3.3 **Internal Audit**

3.3.1 Internal audit is an independent appraisal function established by the management of an organisation for the review of the internal control system as a service to the organisation. It objectively examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic and effective use of resources. The Council shall maintain an adequate and effective system of internal audit of the accounting records and control systems. The Section 151 Officer is the responsible officer for the purposes of this requirement (Account and Audit Regulations 2003, Section 6).

3.3.2 A Strategic Audit Plan outlining areas of future audit cover over a period of three years will be prepared after consultation with the Assistant Directors. In addition an annual audit programme will be agreed with the Corporate Management Team and approved by Governance and Audit Committee prior to the commencement of each financial year.

3.3.3 Copies of completed internal audit reports shall normally be passed to the Section 151 Officer and Relevant Assistant Director for comment and appropriate action to be taken. Assistant Director must respond in writing to any recommendations contained in audit reports. A log will be kept of outstanding actions which will be signed off by the relevant Assistant Director

3.3.4 Key controls:

(a) that it is independent in its planning and operation

(b) the Chief Internal Auditor has direct access to the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services, all levels of management and directly to elected members

(c) internal auditors comply with the CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom

(d) unrestricted range of coverage of the organisation's operations

(e) internal audit will have the freedom to determine the priorities for internal audit, in consultation with management.

3.3.5 Responsibilities of the Section 151 Officer:

(a) access authority premises at reasonable times

(b) access all assets, records, documents, correspondence and control systems

(c) receive any information and explanation considered necessary concerning any matter under consideration

(d) require any officer of the Authority to account for cash, stores or any other authority asset under his or her control

(e) access records belonging to third parties, such as contractors, when required

(f) directly access the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services, the Cabinet, and the Governance and Audit Committee.

(g) To approve the strategic and annual audit plans prepared by the Chief Internal Auditor, which take account of the characteristics and relative risks of the activities involved.

(h) To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

(i) To evaluate the adequacy and effectiveness of internal controls designed to secure assets and data and to assist management in preventing and deterring

fraud and abuse and to examine the whole system of internal controls and not just the financial controls.

(j) To submit a report detailing the activities of internal audit to the Governance and Audit Committee annually as soon as practicable after the end of each financial year together with a summary of findings from each of the audits undertaken.

(k) To be responsible for deciding on the action to be taken to investigate suspected financial irregularities, including referring the matter to the police.

(l) To assist management in the pursuit of value for money.

3.3.6 Responsibilities of Assistant Directors:

(a) To ensure that auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.

(b) To ensure that auditors are provided with any information and explanations that they seek in the course of their work.

(c) To consider and respond promptly to recommendations in audit reports.

(d) To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

(e) To notify the Section 151 Officer immediately of any suspected fraud, irregularity, improper use or misappropriation of the Authority's property or resources. Pending investigation and reporting, the Chief Officer/Deputy Chief Officer should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

(f) To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Chief Internal Auditor prior to implementation.

3.4 **External Audit**

3.4.1 The authority may be subject to external audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue who have statutory rights.

3.4.2 The authority's accounts are scrutinised by the external auditors who must be satisfied that the statement of accounts presents fairly the financial position of the authority.

3.4.3 Key Controls:

(a) External auditors are appointed by the Audit Commission normally for a minimum period of five years.

3.4.4 Responsibilities of the Section 151 Officer:

(a) access authority premises at reasonable times

(b) access all assets, records, documents, correspondence and control systems

(c) To ensure there is effective liaison between external and internal audit.

3.4.5 Responsibilities of the Chief Officer/Deputy Chief Officers:

(a) access authority premises at reasonable times

(b) access all assets, records, documents, correspondence and control systems.

3.5 **Preventing Fraud And Corruption**

3.5.1 Fraud is an irregularity deliberately carried out with the intention to deceive. Fraud occurs where a person unlawfully converts to their own use, the property or assets (including cash) of another person or persons, or attempts to do so, by the falsification of records. As a deliberate act, fraud is quite distinct from and cannot include negligence and accidental error.

3.5.2 All staff and members are required to comply with:

(a) Anti-Fraud and Anti-Corruption Policy.

(b) Codes of Conduct for Members and Officers as contained in the Constitution.

(c) Whistleblowing Policy.

3.5.3 Key controls:

(a) the Authority has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption

(b) all members and staff act with integrity and lead by example

(c) service managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Authority or who are corrupt

(d) high standards of conduct are promoted amongst members by the Standards Committee

(e) the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded

(f) whistle blowing procedures are in place and operate effectively

(g) legislation, including the Public Interest Disclosure Act 1998, is adhered to.

3.5.4 Responsibilities of the Section 151 Officer:

(a) In conjunction with the Chief Executive or, in the absence of the Chief Executive, the Director responsible for Democratic Services to develop and maintain an anti-fraud and anti-corruption policy.

(b) To maintain adequate and effective internal control arrangements.

(c) To ensure that all suspected financial irregularities are reported to the Section 151 Officer, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in by the Chief Internal Auditor to determine with the Crown Prosecution Service whether any prosecution will take place.

3.5.5 Responsibilities of the Assistant Directors:

(a) To ensure that all suspected financial irregularities are reported to the Chief Internal Auditor.

(b) To instigate the Authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

(c) To ensure that where financial impropriety is discovered, the Chief Finance Officer is informed.

3.6 **Assets**

3.6.1 Management of Assets:

(a) For the purpose of these Financial Procedures an asset is any item which has an intrinsic value and includes land, buildings, vehicles, plant, machinery, apparatus, furniture, computers, equipment, stock, materials, cash and securities. It is important that assets are safeguarded and used effectively in service delivery.

(b) An employee of the Council must not use Council property, assets or materials for any purposes other than the work of the Council unless approval has been sought from and given by the Chief Officer/Deputy Chief Officer. The Council's property shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes except in accordance with specific directions issued by the appropriate officer concerned. Council property provided to individual officers or Members (e.g. Laptops and PC's for home use) must be controlled in a manner approved by the appropriate Director and inventories noted accordingly.

(c) All property where practicable must be permanently marked to show that it is owned by the District Council and leased property should be marked in accordance with any agreement reached between the Chief Finance Officer and lease companies.

3.6.2 Key controls:

3.6.2.1 The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:

(a) resources are used only for the purposes of the Authority and are properly accounted for;

(b) resources are available for use when required;

(c) resources no longer required are disposed of in accordance with the law and the regulations of the Authority so as to maximise benefits;

(d) an asset register is maintained for the Authority - assets are recorded when they are acquired by the Authority and this record is updated as changes occur with respect to the location and condition of the asset;

(e) procedures for the disposal of land;

(f) all staff are aware of their responsibilities with regard to safeguarding the Authority's assets and information, including the requirements of the Data Protection Act and software copyright legislation;

(g) all staff are aware of their responsibilities with regard to safeguarding the security of the Authority's computer systems, including maintaining restricted access to the information held on them and compliance with the Authority's information security and internet security policies.

3.6.3 Responsibilities of the Section 151 Officer:

(a) To ensure that an asset register is maintained in accordance with good practice for all fixed assets.

(b) To receive the information required for accounting, costing and financial records from each Chief Officer/Deputy Chief Officer.

(c) To calculate capital charges and depreciation for all properties and maintain the asset management revenue account.

(d) To ensure that assets are valued in accordance with the relevant codes of practice on local authority accounting in the United Kingdom.

(e) The valuation of all of the major assets of the Council. A five year rolling programme of assets to be valued must be maintained, having been agreed with the Section 151 Officer. Information on asset valuations, purchases and sales must be provided to the Section 151 Officer for inclusion in the asset register in accordance with the timetable set by the Section 151 Officer. These valuations must include the estimated lives of assets.

3.6.4 Responsibilities of the Public Sector Partnership Services Ltd:

(a) To be responsible for the security of the Council's Information Technology facilities in accordance with Data Protection Regulations. Compass Point Business Services (East Coast) Ltd shall be consulted by any appropriate officer wishing to use any data thereon.

3.6.5 Responsibilities of the officer in charge of Council Land and Property Assets:

(a) To be responsible for keeping a register of all land and buildings owned by the Council. The register will hold information about: the purpose for which the land/building is held; description; location and OS map reference; purchase details; the nature of the Council's interest; rents and any other charges payable; restrictive covenants; and any tenancies or other interests granted. Council House lettings are excluded.

(b) To keep a register of all land and buildings owned by the Authority and made available for letting. The register will hold information about: the purpose for which the land/building is held; description; location and ordnance

survey map reference; purchase details; the nature of the Authority's interest; rents and any other charges payable; restrictive covenants; and any tenancies or other interests granted.

(c) To undertake or commission land and property valuations.

3.6.6 Responsibilities of the Monitoring Officer:

(a) To be responsible for the safe custody of title deeds.

3.6.7 Responsibilities of Chief Officer/Deputy Chief Officers:

(a) To be responsible for assets held by their service units and to make sure that buildings, fittings, furniture, equipment, plant, stores, cash or other goods are kept secure.

(b) To keep a record of all assets held by their departments as outlined in the Financial Handbook.

(c) To pay particular attention to the security of keys to alarm systems, safe and any other places where valuable assets are kept. Unless an exception is agreed by the appropriate Director, specified officers who hold individual keys, will keep such keys in their possession at all times and will be responsible for the security of such keys. The Asset and Property Manager must keep a list of the officers who hold keys.

(d) To be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc., under their control. To consult the Asset and Property Manager in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

(e) To be responsible for ensuring that any office keys, identity cards, keys and the like are obtained from any employee leaving the employment of his service unit at or before the time of leaving.

(f) To be responsible for maintaining standards of security of computer held information as laid down by legislation and the appropriate Director and Public Sector Partnership Services Ltd/NCC from time to time.

(g) To nominate officers who will be responsible for the issue of passwords for access to computer systems under their control. Records, approved by the appropriate Director, of officers with access to systems must be maintained.

(h) On leaving the Authority, an officer's password/access must be inhibited promptly. Appropriate officers shall ensure that passwords are regularly changed and never shared.

(i) Where land or property is disposed of, to ensure that, where appropriate, the District Council obtains the best financial terms for disposal. The Monitoring Officer and the Section 151 Officer will advise on where this is not felt to be appropriate. Financial proceeds from disposals must be utilised in accordance with policies and procedures approved by the Cabinet and guidance provided by the Section 151 Officer.

3.6.3 **Cash**

(a) To work to the various Guidance Notes relating to cash handling or to other arrangements approved by the Section 151 Officer. Cash held in any safe must not exceed the amount of the insurance limit for that safe.

(b) If any cash is stolen the Section 151 Officer must be notified immediately. Stolen cash which is not covered by insurance must be written off with the agreement of the Section 151 Officer.

(c) Under no circumstances may personal cheques be cashed out of monies held on behalf of the council.

3.6.3 **Furniture, Equipment, Vehicles and Plant**

(a) All items which have a value of more than £10,000 must be listed on an inventory. Budget managers should add items to the inventory as soon as they are received. The Section 151 Officer will decide on the form in which inventories will be kept, this will be detailed in the Financial Handbook.

(b) If an item is lost, stolen or disposed of this must be recorded against the entry in the inventory and the item should be written-off. The Chief Finance Officer is authorised to write-off or dispose of obsolete, unrequired or deficient inventory items, up to a limit of £2,000 per annum. Sums in excess of this amount shall require the approval of the Finance Portfolio Holder.

(c) Council property should only be moved from Council premises for official purposes with the permission of an authorised officer and a record should be kept of authorised removals.

(d) The Section 151 Officer will provide general guidance to Directors and Assistant Directors about insurance arrangements for vehicles, plant and equipment. The Section 151 Officer must be consulted when insurance cover is needed for any specific item of Council property which is to be used away from Council premises. The District Council's insurance arrangements do not generally cover private use of District Council property. Such property - vehicles, plant or equipment - must not be used for private purposes unless approval has been given by the Chief Executive.

(e) Any surplus plant, vehicles, furniture or equipment must be sold by public tender or auction unless the financial interest of the Council would be better served by disposal in some other way. Goods must not be sold to an employee of the District Council unless the Section 151 Officer has given written approval. Before disposal the Chief Officer/Deputy Chief Officer must check if the asset is subject to leasing arrangements. If the asset is leased, disposal must be in accordance with the terms of the lease.

3.7 **Stocks and Stores**

3.7.1 Each appropriate officer shall be responsible for the care and custody of the stocks and stores in his/her service unit. Stocks and stores shall not be in excess of normal requirements, except in special circumstances, with the approval of the Cabinet.

3.7.2 The Section 151 Officer shall be responsible for stores accounting procedures. Any stores records not maintained by the Section 151 Officer shall be in a form approved by him/her in consultation with each appropriate officer. These procedures will be detailed in the Financial Handbook.

3.7.3 The Section 151 Officer shall be entitled to receive from each appropriate officer such information as he/she requires in relation to stores for the accounting, costing and financial records.

3.7.4 Appropriate officers shall arrange for a continuous stock-taking to occur throughout the year, and a complete stock-take carried out at least once in every financial year, by someone other than the store-keeper. As soon as possible after 31st March in each year, the appropriate officer shall submit to the Section 151 Officer a certificate as to the value of stock held at the end of that financial year. The appropriate officer shall maintain a record of all stores deficiencies and surpluses in a manner agreed with the Section 151 Officer. Any differences on this account may be the subject of a report to the Cabinet by the Section 151 Officer.

3.7.5 Subject to 3.10.1(disposals) no item of stores or equipment shall be sold, except to another Local Authority or when required urgently to a contractor currently carrying out work for the Council. Directors are responsible for ensuring that adequate records are kept for all items under their control.

3.7.6 Assistant Directors must make adequate arrangements to carry out regular stock checks and must agree with the Section 151 Officer the basis for calculating year-end valuations.

3.7.7 Authorised officers can certify the writing-off of stock deficiencies or the writing-on of stock surpluses but the reasons must be recorded. Directors and Assistant Directors must keep and make available to the Section 151 Officer a list of the officers in their sections who are authorised to certify write-offs and write-ons. The list must be kept up to date to reflect any changes in officers authorised to approve adjustments.

3.7.8 Stock levels must not exceed reasonable operational requirements and Directors must make sure that surplus or obsolete items are identified and disposed of promptly. Any surplus stock must be sold by public tender or auction unless the financial interest of the Council would be better served by disposal is some other way. The Section 151 Officer's Note of Guidance on Disposal of Surplus Goods must be followed. Goods must not be sold to employees of the District Council unless the Section 151 Officer has given written approval.

3.7.9 Items issued from stores must be supported by properly authorised documentation including signatures for the receipt of goods, where appropriate.

3.7.10 The Section 151 Officer shall be responsible for stores accounting procedures. Any stores records not maintained by the Section 151 Officer shall be in a form approved by him in consultation with each appropriate officer.

3.7.11 The Section 151 Officer shall be entitled to receive from each appropriate officer such information as he/she requires in relation to stores for the accounting, costing and financial records.

3.8 **Asset Disposal**

3.8.1 All sales of land and buildings must comply with the Council's policy on land sales, contained in the Asset Management Plan.

3.8.2 The appropriate officer, with the approval of the Section 151 Officer, is authorised to dispose of by competitive tender or public auction or write-off obsolete stores and equipment or surplus scrap up to a value of £6,750. Disposals or write-offs in excess of this amount are subject to the approval of the Cabinet Member with responsibility for Finance.

3.8.3 Key controls:

(a) Assets for disposal are identified and disposed of at the most appropriate time, and only when it is in the best interests of the Authority, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive t ender or public auction.

(b) Procedures should protect staff involved in the disposal of assets from accusations of personal gain.

3.8.4 Responsibilities of the Section 151 Officer:

(a) To ensure appropriate accounting entries are made to remove the value of disposed assets from the Authority's records and to include the sale proceeds if appropriate.

3.9 **Lost Property**

3.9.1 Any property left on Council premises and regarded as lost must be disposed of in accordance with any procedures approved by the Section 151 Officer and after consultation with the Monitoring Officer.

3.10 **Treasury Management**

3.10.1 Key Controls

(a) The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities. A Treasury Management Policy Statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in Local Authorities has been adopted by the Council. Implementation and monitoring of the policy is delegated to the Section 151 Officer.

(b) All Council monies shall be under the control of the Section 151 Officer and shall be effected in the name of the Council.

(c) At or before the start of the financial year the Section 151 Officer shall report to the Cabinet on the strategy for treasury management it is proposed to adopt for the coming financial year.

(d) All Executive Decisions on borrowing, investment or financing shall be delegated to the Section 151 Officer who shall be required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.

(e) The Section 151 Officer shall issues reports in accordance with the reporting requirements identified each year in the Treasury Management Strategy approved by Council.

3.10.1 **Banking arrangements and cheques**

(a) All arrangements with the Council's bankers shall be made by or under arrangements approved by the Section 151 Officer who shall be authorised to operate such banking accounts, as he/she may consider necessary.

(b) All cheques shall be ordered only on the authority of the Chief Finance Officer, who shall make proper arrangements for their safe custody.

(c) Cheques drawn on the Council's main banking accounts shall bear the facsimile signature of an approved bank signatory or be signed by an approved bank signatories**.**

(d) Supplier payments in excess of £100,000 shall be countersigned by 2 approved bank signatories. Prime documents must be produced for checking at the time of countersigning.

(e) All arrangements with the council's bankers shall be made by or under arrangement approved by the Section 151 Officer. The Section 151 Officer shall be authorised to operate such bank accounts as he/she may consider necessary.

(f) Unless specifically agreed by the Cabinet, all cheques must have the facsimile signature of the appropriate Director and be crossed 'account payee only'.

(g) Cheques shall be ordered only on the authority of the Chief Finance Officer Cheques on the council's bank account shall bear the facsimile signature of the appropriate Director.

(h) Any monies received must be paid without delay to the Chief Finance Officer, to the Council's bank, or as the Section 151 Officer directs. Unless there is specific written authority from the Section 151 Officer, no deductions can be made from monies received. Under no circumstances may personal cheques be cashed out of monies held on behalf of the Council.

(i) Where a customer does not have a bank account this matter must be referred to the Section 151 Officer.

(j) The Section 151 Officer shall make such safeguards as are necessary to ensure a proper division of duties in the ordering, custody and issue of cheques and the reconciliation of bank accounts.

3.10.2 **Imprest Accounts**

3.10.2.1The Section 151 Officer shall provide such Imprest Accounts as he/she considers appropriate for such officers of the Council as may need them for purposes of defraying petty cash and other expenses. These Imprest Accounts shall be kept on a full reimbursement basis. The level of Imprest Account shall be determined by the Section 151 Officer, after consultation with the Assistant Director. All payments must wherever possible be supported by VAT receipts and certified by the appropriate officer. No income received on behalf of the authority may be paid into an imprest account but must be banked or paid to the authority as provided elsewhere in these procedures.

3.10.3Key controls:

(a) Many millions of pounds pass through the Authority's books each year. This resulted in the establishment of a CIPFA Treasury Management Code of Practice. This aims to provide assurances that the Authority's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Authority's capital sum.

(b) That the Authority's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management, and with the Authority's Treasury Management policy statement and strategy.

3.10.4Responsibilities of the Section 151 Officer - treasury management:

(a) To arrange borrowings and investments for the authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management, and the Authority's Treasury Management policy statement and treasury strategy and approved investment strategy

(b) The Section 151 Officer shall issue reports in accordance with the Treasury Management Strategy approved annually by Council.

(c) To open and operate bank accounts as are considered necessary. All accounts must be in the name of the Authority.

(d) To order, store and control all cheques drawn on the Authority's main bank accounts.

3.10.5Responsibilities of the Section 151 Officer - investments and borrowing:

(a) To ensure that all investments of money are made in the name of the Authority or in the name of nominees approved by the full Council.

(b) To ensure that all securities that are the property of the Authority or its nominees and the title deeds of all property in the Authority's ownership are held in the custody of the appropriate Chief Officer/Deputy Chief Officer.

(c) To effect all borrowings in the name of the Authority.

(d) To act as the Authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Authority.

3.10.6Responsibilities of the Assistant Directors - investments and borrowing:

(a) To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Cabinet (or if contrary to the Budget & Policy Framework the approval of full Council).

3.11 **Staffing**

3.11.1 It is the collective responsibility of the Assistant Directors to ensure that the salary, budget and targets are monitored and to ensure adequate control over such costs as sickness, overtime, training and temporary staff. The staffing Budget must not be exceeded without the approval of the Corporate Management Team.

3.11.2It is the responsibility of the Human Resources Manager to act as advisor to Assistant Directors on areas such as National Insurance and pension contributions as appropriate.

3.11.3It is the responsibility of Directors and Assistant Directors to ensure that controls are in place to ensure staff do not carry out private work in council time.

3.11.4Key controls:

(a) an appropriate staffing strategy and policy exists, in which staffing requirements and Budget allocation are matched

(b) procedures are in place for forecasting staffing requirements and cost.

3.11.5Responsibilities of the Section 151 Officer:

(a) To act as an advisor to Assistant Directors on areas such as actuarial valuations on the pension fund.

(b) To accept Memorandum of Agreement s113 charges for staff into the budget for South Holland where this approval does not currently exist.

3.11.6 Responsibilities of the Assistant Directors:

(a) To ensure that the staffing Budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.

(b) To control total staff numbers by adjusting the staffing, to a level that can be funded within the approved Budget, varying the provision as necessary within that constraint in order to meet changing operational needs.

(c) To ensure that the Section 151 Officer is immediately informed if the staffing Budget is likely to be materially over or under spent.

(d) To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.

3.11.7Responsibilities of the Human Resources Manager:

(a) To act as an advisor to Assistant Directors on areas such as national insurance and pension contributions, as appropriate.

(b) To ensure that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

3.12 **Money Laundering**

3.12.1 Money Laundering is concerned with concealing the proceeds of crime in seemingly innocuous transactions and investments. Although the UK Money Laundering Regulations 2003 is not intended to include local authorities, it is seen as good practice to introduce procedures.

3.12.2 Procedures for monitoring large receipts of cash Council are included in the Treasury Management Practices approved annually by Council. If staff are involved in the acceptance of cash payments in excess of £16,000 for a single transaction they must obtain evidence of the customers' identity, report the transaction to the Section 151 Officer and hold the records for at least 5 years.

3.13 **Financial Controls**

3.13.1 The Section 151 Officer will also specify reporting procedures on main systems in order to provide positive assurance that systems of internal financial controls are both adequate and effective in practice. The major systems are:

(a) Creditors
(b) Payroll
(c) Housing Benefits
(d) Cash
(e) Rents
(f) Council Tax
(g) NNDR
(h) Debtors
(i) Capital
(j) Loans and Investments

4.0 **FINANCIAL SYSTEMS AND PROCEDURES**

4.0.1 **Systems**

4.0.2 All financial transactions of the Council may be the subject of detailed systems notes issued from time to time by the Section 151 Officer, following consultation with the Corporate Management Team, and which shall be complied with by the appropriate officers.

4.0.3 It is the responsibility of the Community Manager and the appropriate Director to ensure that there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of interruption.

4.0.4 It is the responsibility of Public Sector Partnership Services Ltd/NCC to ensure adequate backup procedures are in place for computer systems.

4.0.4 Key controls:

(a) basic data exists to enable the Authority's objectives, targets, Budgets and plans to be formulated

(b) performance is communicated to the appropriate managers on an accurate, complete and timely basis

(c) early warning is provided of deviations from target, plans and Budgets that require management attention

(d) operating systems and procedures are secure

(e) data is backed up on a regular basis.

4.0.5 Responsibilities of the Section 151 Officer:

(a) To make arrangements for the proper administration of the Authority's financial affairs, including to:

(i) issue advice, guidance and procedures for officers and others acting on the Authority's behalf

(ii) determine the accounting systems, form of accounts and supporting financial records

(iii) establish arrangements for audit of the Authority's financial affairs

(iv) approve in advance any new financial systems to be introduced

(v) approve in advance any changes to be made to existing financial systems.

4.1 **Income and Expenditure**

4.1.1 **Income**

(a) The collection and recording of monies due to the Council shall be carried out in accordance with arrangements made or agreed by the Section 151 Officer. Each appropriate officer shall furnish the Section 151 Officer with such particulars in connection with work done, goods supplied, or services rendered, and of all other amounts due, as may be required by him or her to record correctly all sums due to the Council.

(b) The Section 151 Officer shall be notified promptly of all money due to the Council under contracts, leases, and other agreements and arrangements entered into which involve receipt of money by the Council, and the Section 151 Officer shall have the right to inspect any documents or other evidence in this connection as he/she may decide.

(c) All receipt forms, books, tickets and other such items, shall be ordered and supplied by the Section 151 Officer, or provided under arrangements approved by him, and he/she shall satisfy himself as to the arrangements for their safe control. Every issue of such documents shall be acknowledged by the signature of the officer to whom the issue is made.

(d) All money received by an officer on behalf of the Council shall be properly safeguarded and be paid in full to the Section 151 Officer or, as he/she may direct, to the Council's bank account, on the next Working Day or as approved by the Section 151 Officer.

(e) No deduction may be made from any such money.

(f) Cheques shall not be cashed out of money collected on behalf of the Council.

(g) Receipts shall be issued for all cash transactions.

(h) Officers shall use official receipt forms or alternatively agree procedures with the Chief Internal Auditor for money received on behalf of the Council.

(i) The following records need to be kept when paying in money:-

(i) Every officer of the Council who pays money into a banking account of the Council shall enter on a paying-in slip, and on the counterfoil or duplicate thereof, particulars of such payment, including in the case of each cheque paid in:

- the amount of the cheque, and reference (such as the number of the receipt given or the name of the debtor) which will connect the cheque with the debt or debts in discharge or partial discharge of which it was received.

- Where any cheque paid in as mentioned above was not received in discharge or partial discharge of a debt due to the Council, the officer shall note the fact on the counterfoil or duplicate of the paying-in slip."

(j) No new charges or changes in existing charges shall be made, except upon a report by the appropriate officer, prepared in conjunction with the Section 151 Officer recommended by the Cabinet or appropriate committee.

(k) Any sums deemed irrecoverable may be written off in accordance with the debt recovery policy.

4.1.2 Key controls:

(a) all income due to the Authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed

(b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery

(c) all money received by an officer on behalf of the Authority is paid without delay to the Section 151 Officer or, as he or she directs, to the Authority's bank account, and is properly recorded. The responsibility for cash collection should be separated from that for identifying the amount due, and that for reconciling the amount due to the amount received

(d) effective action is taken to pursue non-payment within defined timescales

(e) formal approval for debt write-off is obtained

(f) appropriate write-off action is taken within defined timescales

(g) appropriate accounting adjustments are made following write-off action

(h) all appropriate income documents are retained and stored for the defined period in accordance with guidance issued by the Section 151 Officer

(i) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

4.1.3 Responsibilities of the Section 151 Officer:

(a) To agree arrangements for the collection of all income due to the Authority and to approve the procedures, systems and documentation for its collection and accounting for VAT.

(b) To approve the format of official receipts (receipt books, tickets and similar items) and procedures for the control and supply of these to service units.

(c) To use debt recovery procedures to collect any income due to the Authority which has not been paid within specified time limits.

(e) To approve the arrangements for the writing-off of irrecoverable debts by Assistant Directors

(f) To ensure that appropriate accounting adjustments are made following any write-off action.

4.2 **Ordering and Paying For Work, Goods and Services**

4.2.1 Official orders shall be issued for all work to be done or goods or services to be supplied, except where:

(a) Official orders shall be issued for all work to be done or goods or services to be supplied, except for petty cash purchases, or such other expenditure as the S151 Officer may approve.

(b) Verbal orders shall only be given in cases of emergency and these shall always be confirmed by **an official order** not later than the working day and marked accordingly.

(c) All orders shall prescribe quantities, adequate description and price, or basis of price.

(d) Official orders raised shall be in the form approved by the S151 Officer.

(e) Each appropriate officer shall be responsible for the official orders issued from his/her section.

(f) Each appropriate officer shall notify the S151 Officer of the names of those members of his/her staff authorised to initiate official orders in the computerised ordering system.

4.2.2 The Section 151 Officer shall be notified by each appropriate officer of the names of those members of staff authorised to approve the order requisitions, together with specimen signatures and initials. No officer shall sign any name other than his/her own, and facsimile signatures shall not be used.

4.2.3 An officer must not seek or receive any gift or personal inducement, including the possibility of lavish or excessive hospitality, in connection with the placing of any order.

4.2.4 Officers may not place orders with any individual or organisation with whom they have a family, personal or financial relationship. If an officer's work involves contact with any individual with whom they have a family, personal or financial relationship, that officer must notify the Monitoring Officer in writing.

4.2.5 Before placing orders or entering into any other sort of commitment to expenditure, officers must be satisfied that there is provision for the cost within the approved estimates and will not result in an overspending.

4.2.6 Directors and the Assistant Directors are responsible for ensuring that orders comply with Financial Regulations and Contract Procedure Rules and Guidance notes.

4.2.7 The generation of order forms shall be provided under arrangements approved by the Section 151 Officer.

4.2.8 All accounts passed for payment shall be recorded in the computerised orders and payments system.

4.2.9 The Section 151 Officer and Public Sector Partnership Services Ltd will be responsible for ensuring processes are in place to maintain the security and integrity of data for transacting business electronically.

4.3 **Certification of Invoices**

4.3.1 An appropriate officer issuing an order shall be responsible for examining and verifying the relevant invoice. All accounts shall be certified by the respective Assistant Director, or authorised officer as agreed with the Section 151 Officer except where the invoice relates to an approved order requisition and is within the set tolerance limits.

4.3.2 The certification of the invoice, goods received note, voucher or certificate shall mean that the appropriate officer is satisfied. There must be a clear separation of duties in relation to ordering and certification of invoices at a value of £500 or more.

4.3.3 That, where an official order has been issued the goods received or services provided are in accordance with it that the goods, services etc. have been inspected and found to be satisfactory. This will form part of the electronic authorisation process.

4.3.4 That the prices, extensions, calculations, all discounts, credits and tax are correct and in conformity with any tender, quotation, or contract or in the absence of any of these, that the prices are otherwise reasonable.

4.3.5 That the account in part or whole has not previously been passed for payment and the payment has been recorded on the order within the computerised ordering system.

4.3.6 That the appropriate entries have been made in inventories or stores records.

4.3.7 That the arithmetic and coding is correct.

4.3.8 That the expenditure is legal and has been duly authorised and is within the estimates.

4.3.9 That the Contract Procedure Rules, Financial Regulations and Resolutions of the council relevant to the payment have been complied with.

4.3.10 All invoices, accounts and certificates due for payment shall be in the name of the District Council except where by agreement the Council is acting as paymaster for an authorised agent of the Council. Where an invoice carries VAT this is only recoverable by the Council if a proper VAT invoice is made out in the name of the Council or where VAT rules allow for special treatment e.g. employee expenses.

4.3.11 Any amendments to an account shall be made in ink and initialled by the officer making it, stating the reasons where they are not self-evident.

4.3.12 Payments should not be made on a photocopied or faxed invoice any instances of these being rendered should be referred to the Chief Internal Auditor.

4.3.13 Each Director or Assistant Director shall notify as soon as possible after 31 March and not later than 12 April each year the Section 151 Officer of all outstanding expenditure relating to the previous financial year.

4.4 **Contract Payments**

4.4.1 Payments are only made for goods, services and the carrying out of works received at the correct price, quantity and quality standards.

4.4.2 Payments to contractors on account shall only be made on a certificate issued by the Chief Officer/Deputy Chief Officer concerned.

4.4.3 Actual contract costs of schemes shall be monitored by the appropriate Chief Officer/Deputy Chief Officer, and the Section 151 Officer notified if the approved contract sum is likely to be exceeded.

4.4.4 The final certificate of completion of any contract shall not be issued until the appropriate officer, private architect, engineer or consultant has produced a detailed statement of account, together with relevant supporting documents to the Chief Officer.

4.4.5 The Section 151 Officer shall as they consider necessary examine final accounts for contracts and shall be entitled to make all such enquiries and receive such information and explanations as he/she may require in order to be satisfied as to the accuracy of the accounts.

4.4.6 Key controls:

4.4.6.1 The key controls for ordering and paying for work, goods and services are:

(a) all goods and services are ordered only by appropriate persons and are correctly recorded

(b) all goods and services shall be ordered in accordance with the Authority's contract and procurement rules unless they are purchased from sources within the Authority

(c) goods and services received are checked to ensure they are in accordance with the order

(d) payments are not made unless goods have been received by the Authority, to the correct price, quantity and quality standards

(e) all payments are made to the correct person/supplier, for the correct amount and are properly recorded, regardless of the payment method

(f) all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with Data Retention guidance

(g) all expenditure is accurately recorded against the right Budget, any exceptions are corrected and VAT is correctly recorded

(h) in addition, the use of e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

(i) Any use of Council purchasing cards will be in accordance with the Council's P-card policy. All cardholders must sign up to the policy prior to card use.

4.4.7 Responsibilities of the Section 151 Officer:

(a) To ensure that all the Authority's financial systems and procedures are sound and properly administered.

(b) To approve any changes to existing financial systems and to approve any new systems before they are introduced.

(c) To approve the form of official orders and associated terms and conditions.

(d) To make payments from the Authority's funds on the Chief Officer's authorisation that the expenditure has been duly incurred in accordance with financial regulations.

(e) To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.

(f) To make payments to contractors, which must include details of the value of work, retention money, amounts previously certified and amounts now certified. These payments to be made to contractors using authenticated receipts raised by service units.

(g) To provide advice and on making payments by the most economical means.

4.4.8 Responsibility of Public Sector Partnership Services Ltd:

(a) To enter into agreements for the supply of telephone exchanges, telephone equipment, answering machines, photocopiers, facsimile machines, cell phones, pagers etc. on behalf of the Authority.

(b) To enter into agreements for the supply of computer equipment and software on behalf of the Authority.

4.5 **Payments To Employees and Members**

4.5.1 Members' allowances are authorised in accordance with the scheme adopted by full Council.

4.5.2 Staff costs are one of the largest items of expenditure therefore it is important that payments are accurate.

4.5.3 Key controls:

4.5.3.1The key controls for payments to employees and members are:

(a) proper authorisation procedures are in place and appointments shall be made in accordance with the regulations of the Council, approved establishment, grades and rates of pay

(b) frequent reconciliations of payroll expenditure against approved Budgets and bank accounts

(c) all appropriate payroll documents are retained and stored for the defined period, in accordance with guidance document retention guidelines

(d) all expenditure, including VAT, is accurately recorded against the right service unit and any exceptions are corrected

(e) that Inland Revenue regulations are complied with.

4.5.4 Responsibilities of the Human Resources Manager:

(a) To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.

(b) To implement any relevant pay awards and changes in conditions of employment as may be agreed at national level.

(c) To record and make arrangements for the accurate and timely payment of tax, national insurance, superannuation and other deductions.

(d) To make arrangements for payment of all travel and subsistence claims.

(e) To make arrangements for paying members' allowances, travel, and subsistence upon receiving the prescribed form, duly completed and authorised.

(f) To provide advice and encouragement to secure payment of salaries and wages by the most economical means.

4.5.5 Responsibility of the Chief Executive Officer or the Relevant Director:

(a) To approve officers' and members' claims submitted more than three months after the expenses were incurred.

(b) To prescribe the format and certification methods for all time records and other payment documents.

4.5.6 Responsibilities of the Assistant Directors:

4.5.6.1 To notify the Human Resources Manager as soon as possible and in the form prescribed by him or her of all matters affecting the payment of emoluments, and in particular:

(a) Appointments, resignations, dismissals, suspensions, secondments and transfers.

(b) Changes in remuneration other than normal increments.

(c) Sickness forms.

(d) It is the responsibility of Directors and Assistant Directors to ensure that controls are in place to ensure staff do not carry out private work in Council time.

(e) To send to the Section 151 Officer the names of officers authorised to sign documentation together with specimen signatures.

4.6 **Travelling, Subsistence And Member Claims**

4.6.1 Key Controls:

(a) The certification by, or on behalf of the appropriate officer, shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred, and that the allowances are properly payable by the Council. Appropriate officers may authorise the casual use of officers' cars for official purposes, having confirmed that the officer's insurance covers use of their vehicle for business purposes, in such circumstances as they deem necessary.

(b) Frequent reconciliation of payments against approved Budgets and bank accounts.

4.6.2 Responsibilities of the Monitoring Officer:

(a) To make payments in respect of Travelling and Subsistence to Members of the Council Service upon receipt of the prescribed form, duly certified by the Member. Claims should be made within one month of the event giving rise to the claim, within seven days thereof. The payment of Standard and Special Responsibility Allowances will be made monthly by the Monitoring Officer directly into the Members bank account. This will occur automatically unless the Member renounces claim to the Allowances.

4.6.3 Responsibilities of the Chief Executive Officer or the Relevant Director:

(a) To approve Officers and members claims submitted more than three months after the expenses were incurred.

4.6.4 Responsibilities of Chief Officers:

(a) To submit all claims for the payment of car allowances, subsistence allowances, travelling and incidental expenses of officers of the Council should be submitted monthly within seven days of the end of the month to the Monitoring Officer for payment on a form approved by him, duly signed and certified by the appropriate officer.

4.7 **Taxation**

4.7.1 Tax issues can often be complex. It is important that the Authority's tax affairs are kept in order.

4.7.2 Key Controls:

(a) Regular reconciliations.

(b) Guidance kept up to date.

(c) Returns are made according to statutory requirements.

(d) all taxable transactions are identified, properly carried out and accounted for within stipulated timescales

(e) records are maintained in accordance with instructions

4.7.3 Responsibility of the Section 151 Officer:

(a) To complete a monthly return of VAT inputs and outputs to HM Customs and Excise.

(b) To provide details to the Inland Revenue regarding the construction industry tax deduction scheme and the return of company payments and interest (CT61).

(c) To maintain guidance in the Financial Handbook.

4.7.4 Responsibility of the Human Resources Manager:

(a) To complete all Inland Revenue returns regarding Pay As You Earn (PAYE).

(b) To complete all returns required by the Pension Fund

4.7.5 Responsibility of Chief Officers/Deputy Chief Officers:

(a) to ensure the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Customs and Excise regulations

(b) to ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements

(c) to ensure that all persons employed by the authority are added to the authority's payroll

(d) to follow guidance on taxation issued by the Section 151 Officer and the Monitoring Officer and in the Financial Handbook.

4.8 **Trading Accounts**

4.8.1 The CIPFA Service Reporting Code of Practice contains guidance on the operation of trading accounts.

4.8.2 Key Controls:

(a) Regular monitoring of performance.

4.8.3 Responsibility of the Section 151 Officer:

(a) To advise on the establishment and operation of trading units.

4.8.4 Responsibility of Chief Officers/Deputy Chief Officers:

(b) To seek guidance from the Section 151 Officer before new trading operations are established.

5.0 **EXTERNAL ARRANGEMENTS**

5.1 **Partnerships**

5.1.1 Partnerships play a major role in the delivery of council services.

5.1.2 "A partnership is a co-operative relationship between two or more free and independent parties which is designed to secure some shared objective**.** It can take all sorts of forms, but is generally assumed to exclude the familiar relationships between client and contractor, and between employer and staff."

5.1.3 Key Controls:

(a) Before the authority enters into a partnership the Cabinet shall agree and accept formally the roles and responsibilities of each of the partners. Full Council's approval will be required to enter into a partnership if the authority is to make a financial contribution which is outside the existing Budget provision.

5.1.4 Responsibility of the Section 151 Officer:

5.1.4.1To advise on the key elements of funding a project including:

(a) scheme appraisal for financial viability

(b) risk appraisal

(c) resourcing including taxation

(d) audit, security and control

(e) carry forward arrangements.

5.1.5 Responsibility of the Monitoring Officer:

(a) To ensure the authority has clear powers to enter into the partnership proposed.

5.1.6 Responsibility of Chief Officers:

(a) maintain a register of all partnerships entered into with external bodies in accordance with procedures specified by the Section 151 Officer

(b) ensure appropriate taxation issues have been considered

(c) ensure all agreements and arrangements are properly documented

(d) ensure that before entering into agreements with external bodies, a risk management appraisal has been prepared for the Section 151 Officer and Corporate Management Team

(e) the partnership template has been completed (where the authority is contributing financially).

(f) Ensure that appropriate and proportional governance arrangements are put in place, including arrangements for the dissolution of the partnership

5.2 **External Funding**

5.2.1 External Funding can be an important source of income for the Authority. However, careful consideration needs to be given to the conditions attached to external funding and the capacity of the Authority to absorb any residual or ongoing costs when the funding stream has ceased.

5.2.2 Key Controls:

5.2.2.1 Before any arrangements for external funding are entered into. A report to the Section 151 Officer and Corporate Management Team must be prepared outlining:

(a) The key conditions of funding

(b) Statutory requirements

(c) Responsibilities of the accountable body

(d) Any match funding requirements and the impact on future revenue Budgets.

5.2.2.2 If funding is for an amount in excess of the current Budget provision then a report must be prepared for the Cabinet and Full Council.

5.2.2.3 External funding will only be acquired where it meets the priorities approved in the Corporate Plan.

5.2.3 Responsibilities of the Section 151 Officer:

(a) To ensure that all funding notified by external bodies is received and properly recorded in the Authority's accounts.

(b) To ensure that audit requirements are met.

(c) Where he or she is specifically responsible for submitting grant claims, to ensure that all claims for funds are made by the due date.

5.2.4 Responsibility of Chief Officers/Deputy Chief Officers:

(a) Must ensure that all claims for funds are made by the due date and grant conditions are complied with.

(b) To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue Budgets reflect these requirements.

5.3 **Work For Third Parties**

5.3.1 Current legislation enables the authority to provide a range of services to other bodies. Arrangements should be in place to ensure that any risks associated with this work is minimised and the work is intra vires.

5.3.2 Key controls:

(a) Proposals are costed and approved by the Cabinet.

5.3.3 Responsibilities of the Section 151 Officer:

(a) To advise on effective controls that will ensure resources are not wasted.

(b) To issue guidance as appropriate with regard to the financial aspects of third party work, and to set up appropriate accounting arrangements to effectively monitor the activity.

5.3.4 Responsibilities of Chief Officers/Deputy Chief Officers:

(a) To ensure approval is obtained from the Cabinet before any negotiations are concluded to work for third parties.

(b) To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Monitoring Officer.

(c) To ensure the authority is not put at risk from any bad debts.

(d) To ensure that no contract is subsidised by the authority.

(e) To ensure the section has the appropriate expertise to undertake the contract and a full risk assessment has been undertaken.

(f) To ensure that such contracts do not impact adversely upon the services provided by the authority.

(g) To ensure all contracts are properly documented.

(h) To provide appropriate information to the Section 151 Officer to enable a note to be entered into the statement of accounts.

5.4 **Group Accounts**

5.4.1 Before the authority enters into any condition of any partnerships where the authority has an interest in another entity the Section 151 Officer must be satisfied that:

(a) Governance arrangements meet specified minimum standards

(b) The authority will have access to the information and explanations it needs for group accounts purposes (and other aspects relating to control over its financial interests)

(c) Consolidation data will be provided in a specified format and by a deadline

(d) Arrangements are in place for timely audit of the financial statements

(e) Directors appointed to the authority are fully briefed on group accounting requirements

(f) Finance representatives are encouraged to attend board meetings to outline the importance of group accounting information.

PART 4 D - ACCESS TO INFORMATION PROCEDURE RULES

1.0 **These Rules Apply to the Following:**

(a) Rules 2-10 apply to all meetings of:

(i) the Council
(ii) the Cabinet
(iii) the Overview and Scrutiny Committees
(iv) Joint Executive Committees
(v) Non-Executive Joint Committees; and
(vi) All other Panels and Committees which may be established with decision making powers (together called meetings)

(b) Rules 6, 7 and 10 also apply to decisions made by officers and cabinet members.

(c) Rules 11-20 apply to Cabinet, Committees of the Cabinet, Cabinet Members, officers making Executive Decisions, and any Executive joint committees

(d) Rules 15 and 19 also apply to the Overview and Scrutiny Committees

2.0 **Other Rights to Information**

2.1 The rights of members of the public explained in these Rules are in addition to any other legal rights and any other rights contained in this Constitution.

2A **VIRTUAL MEETINGS**

2A.1 For all purposes of the Constitution, including these Rules, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:

(i) “open to inspection” shall include for these and all other purposes as being published on the website of the Council; and
(ii) to be published, posted or made available at offices of the authority shall include publication on the website of the authority.

3.0 **Rights to Attend and Record Meetings**

3.1 Members of the public may attend all meetings to which these Rules apply, unless they are asked to leave a meeting, or part of a meeting, because the meeting needs to discuss exempt or confidential items. This is explained in more detail in Rule 10 below.

3.2 Members of the public attending a meeting may also film or record the meeting, but if they are asked to leave the meeting they may also be asked to stop filming or recording the meeting.

3A **REMOTE ACCESS TO VIRTUAL MEETINGS**

3A.1 For all purposes of the Constitution, including these Rules, the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:

- “place” is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers: and
- “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person; and

3A.2 If the Chairman is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chairman shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

3B **REMOTE ATTENDANCE AT MEETINGS BY MEMBERS AND MEMBERS OF THE PUBLIC**

Please see Standing Orders no. 8 (quorum) and 41 (public speaking)

4.0 **Notices of Meetings**

4.1 If the Cabinet, any committee of the Cabinet,(including any area committee), or any Executive joint committee or sub-committee, is likely to ask members of the public to leave a meeting, or part of a meeting, because they need to discuss exempt or confidential items (see Rule 10 below) the Council must post a notice at the Council Offices, Priory Road, Spalding, and on the Council’s website, at least 28 clear days before the meeting, and again at least 5 clear days before the meeting, of its intention to hold the meeting in private. If it is not possible to do this then members of the public may only be asked to leave the meeting where the Chairman of the Overview and Scrutiny Committee(s) or, where not available, the Chairman of the Council(s) or, where none, the vice-Chairman of the Council(s) has agreed that the meeting may be held in private. The Council(s) must then post a notice explaining why the meeting is so urgent that the usual procedure cannot be followed

4.2 A list of all meetings will be uploaded to the Council’s website. Alternatively, you can visit the Council Offices

4.3 The Council will normally give at least five clear Working Days notice of any meeting by posting details of the meeting at the Council Offices, and on the Council's website.

4.4 If the meeting is a joint committee, details of the meeting will be posted at the offices of each of the Councils who have members on that joint committee.

4.5 a committee meeting will be held at a location other than the Council Offices the Council will normally also post a notice at the premises at which the meeting will be held.

5.0 **Access to Agendas and Reports Before the Meeting**

5.1 Unless Rule 11 below applies, the Council will make copies of agendas and reports available for the public to view at the Council Offices at least five clear Working Days before a meeting. The Council will at the same time also upload copies to the Council's website.

5.2 Sometimes the Council will not be able to meet this deadline, as follows:

(a) If an agenda item is added later, the revised agenda will be available to view from the time the item is added to the agenda.

(b) When a meeting is called at shorter notice copies of the agenda and reports will be available to view from the time the meeting is called.

(c) When a report is prepared after the agenda has been sent out, the Council will make the report available for the public to view as soon as the report is completed and sent to councillors.

6.0 **Members of the Public can ask for Copies of Agendas and Reports**

6.1 The Council will supply to any person, on payment of postage and other relevant costs, any copies of:

(a) any agenda and reports which are available for the public to view;

(b) if the proper officer thinks fit, any other documents supplied to councillors in connection with an item.

7.0 **Access to Minutes, Agendas, Reports, Decision Notices etc. after a Meeting/Decision**

7.1 The Council will make available copies of the following for at least six years after a meeting/decision:

(a) agendas, reports and records of decisions (minutes) made by the Cabinet, any committee of the Cabinet, and any Executive joint committees

(b) reports and notices of Executive Decisions made by individual Cabinet Members and officers

(c) agendas, reports and minutes of all other meetings to which these Rules apply

(d) written records of decisions made by officers under a specific express delegated power, or under a general delegated power where the effect of the decision:

(i) is to grant a permission or licence or

(ii) affects the rights of an individual or

(iii) awards a contract or incurs expenditure which materially affects the Council's financial position.

7.2 Where any meeting is not open to the public (see Rule 10 below) the Council will make available a summary of any decision.

7.3 The Council will not make available any report which contains exempt or confidential information or where members of the public are likely to be asked to leave the meeting when the report is considered. When this applies the reports will be marked "Not for publication" and will state which of the categories detailed in Rule 10 below apply.

8.0 **Background Papers**

8.1 **List of Background Papers**

8.1.1 The proper officer will set out in every report a list of those documents (called background papers) which in his/her opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) have been relied on to a material extent in preparing the report

(c) The following need not be listed:

(i) Published works (ie books, magazines, consultation papers)

(ii) Documents which disclose exempt or confidential information as defined in Rule 10 below

(iii) The advice of a political adviser

8.2 **Public Inspection of Background Papers**

8.2.1 The Council will make available for the public to view for at least four years after the date of the meeting one copy of each of the documents on the list of background papers.

9.0 **Summary of Public's Rights**

9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept, and be made available for members of the public to view, at the Council Offices.

10. **Exclusion of Public Access to Meetings**

10.1 **Disorderly Conduct and Misbehaviour**

10.1.1 The public may be excluded from a meeting if this is necessary in order to maintain order or prevent misbehaviour.

10.2 **Confidential Information - Requirement to Exclude the Public**

10.2.1 The public **must** be asked to leave a meeting whenever it is likely that confidential information will be disclosed. This is a legal requirement under section 100A (3) of the Local Government Act 1972.

10.3 **Meaning Of Confidential Information**

10.3.1 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, or by law.

10.4 **Exempt information - discretion to exclude the public**

10.4.1 The public may be asked to leave a meeting whenever it is likely that exempt information will be disclosed.
Where the meeting will make a decision about any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 ensures that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6, i.e. in the interests of protecting morals, public order, national security, juveniles, protection of private life and in special circumstances where publicity would prejudice the interests of justice.

10.5 **Meaning of exempt information**

10.5.1Exempt information means information falling within the following categories 1 to 7 as described in Part I of Schedule 12A of the Local Government Act 1972.

Category	Qualification
1. Information relating to any individual	Information is exempt if and so long as in all the circumstances of the case the public interest* in maintaining the exemption outweighs the public interest in disclosing the information. Information is not exempt if it relates to proposed development for which the Council being the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.
2. Information which is likely to reveal the identity of an individual	Information is exempt if and so long as in all the circumstances of the case the public interest* in maintaining the exemption outweighs the public interest in disclosing the information. Information is not exempt if it relates to proposed development for which the Council being the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information is exempt if and so long as in all the circumstances of the case the public interest* in maintaining the exemption outweighs the public interest in disclosing the information. Information is not exempt if it relates to proposed development for which the Council being the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, or if it is required to be registered under:- (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992;

	(d) the Industrial and Provident Societies Acts 1965 to 1978: (e) the Building Societies Act 1986; or (f) the Charities Act 1993.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority	Information is exempt if and so long as in all the circumstances of the case the public interest* in maintaining the exemption outweighs the public interest in disclosing the information. Information is not exempt if it relates to proposed development for which the Council being the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	Information is exempt if and so long as in all the circumstances of the case the public interest* in maintaining the exemption outweighs the public interest in disclosing the information. Information is not exempt if it relates to proposed development for which the Council being the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.
6. Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	Information is exempt if and so long as in all the circumstances of the case the public interest* in maintaining the exemption outweighs the public interest in disclosing the information. Information is not exempt if it relates to proposed development for which the Council being the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Information is exempt if and so long as in all the circumstances of the case the public interest* in maintaining the exemption outweighs the public interest in disclosing the information. Information is not exempt if it relates to proposed development for which the Council being the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

* There is no definition of "public interest" but see the Information Commissioner's guidance note on the public interest test under the Freedom of Information Act 2000.

10.5 **Cabinet, Committees Of The Cabinet, Individual Cabinet Members, Officers And Executive Joint Committees**

10.5.1 Rules 11-20 apply to Cabinet, Committees of the Cabinet, Individual Cabinet Members, Officers and any Joint Arrangements.

11.0 **Procedure Before Taking Key Decisions**

11.1 A Key Decision may not be taken unless:

(a) a notice has been published by the Council stating:

(i) What the Key Decision relates to,

(ii) who will be making the decision,

(iii) the date on/period within which the decision is expected to be made,

(iv) a list of documents (including reports) submitted to the decision maker

(v) the address from which copies or extracts from any document on the list is available (unless confidential or exempt)

(vi) that other documents may be submitted to the decision maker, and the procedure for requesting details of those documents; and

(b) at least 28 clear days have passed since the notice was published; and

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

(d) the decision is subject to Rule 12 (General Exception) or Rule 13 (Special Urgency) below.

(The time periods resulting from compliance with (b) and (c) are not cumulative.)

12.0 **General Exception - Key Decisions not Subject to Notice**

12.1 When Rule 11 cannot be complied with then, unless Rule 13 (Special urgency) applies, the Key Decision may only be made if:

(a) the Proper Officer has informed the chairman of the Overview and Scrutiny Committee (or if there is no such person, each member of that Committee) in writing of the matter to which the decision relates;

(b) the Proper Officer has made copies of that notice available for the public to view at the offices of the Council and on the Council's website; and

(c) at least 5 clear days have passed since the Proper Officer complied with (a) and (b).

12.2 When this Rule 12 applies the Proper Officer must, as soon as possible after complying with the above paragraphs, make available at the Council Offices and on the website a notice stating why Rule 11 cannot be complied with.

12.3 Where a Key Decision is taken at a meeting, it must be taken in public, unless the item is exempt or confidential as defined in Rule 10 above.

12.4 (Call-In does not apply to key decisions taken under Rule 12)

13.0 **Special Urgency - Key Decisions Not Subject to a Rule 12 Notice**

13.1 If a Key Decision is so urgent that Rule 12 (general exception) cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the chairman of the body making the decision, obtains the agreement of the chairman of the Performance Monitoring Panel. If there is no chairman of the Committee or if the chairman is unable to act, then the agreement of the chairman of the Council, or in his/her absence, the vice chairman of the Council, will suffice.

13.2 When this rule applies the decision maker must, as soon as possible after complying with the above procedure, make available at the Council Offices and on the website a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred.

13.3 (Call-In does not apply to Key Decisions taken under Rule 13)

14.0 **Special Urgency – Non-Key Decisions – Application of Call-in**

14.1 Where for any Non-Key Decision any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest the Executive Decision shall not be subject to call-in subject to:

- the Chairman of the Performance Monitoring Panel agreeing 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 the Chairman, the Chairman of the Council or in his/her absence the Vice-Chairman of the Council's consent shall be required. In the absence of all three, the Head of the Paid Service or his/her nominee's consent shall be required); and
- the decision notice stating that the decision is not subject to call-in and the reasons why the delay caused by the call-in procedure is considered to be seriously detrimental to the Council's or the public's interest; and
- a report being submitted to the next available meeting of full Council indicating the reasons for the urgency.

15.0 **Special Urgency – Executive Decisions subject to External Deadlines – Application of Call-in**

15.1 Where any Executive Decision (whether Key Decision or Non-Key Decision) is subject to external (eg Government) deadlines such that it is not possible for the decision to be subject to the usual call-in procedure the proposed decision may instead be subject to a pre-decision scrutiny by the Performance Monitoring Panel subject to:

- the Leader, Deputy Leader, relevant Portfolio Holder or (where the decision will be taken by an officer) the relevant officer being in attendance at the meeting of the Panel to answer relevant questions;
- the Performance Monitoring Panel being required to set out in writing any concerns about the proposed decision;

- the decision-maker then making the final decision taking into account any concerns raised by the Panel, and the final decision notice explaining the decision in relation to the concerns raised by the panel;
- the decision taking effect immediately the decision is made.

15.2 When this Rule applies such scrutiny could, if need be, take place on the same day as (but before) the Executive Decision is made.

16.0 **REPORTS TO COUNCIL**

16.1 **Key Decisions - When the Overview and Scrutiny Committee can require a report**

16.1.1 If the Overview and |Scrutiny Committee thinks that a decision has been taken which it considers was a Key Decision but which was not treated as a Key Decision then unless the decision was:

(a) the subject of Rule 12 (general exception); or

(b) the subject of Rule 13 (special urgency);
the Committee may require the decision maker to submit a report to the Council explaining why it was not treated as a Key Decision. A report may be requested:

(a) by notice in writing submitted to the Senior Legal Officer by the Chairman of the Performance Monitoring Panel, or by a minimum of 5 members of the Committee

(b) by the Performance Monitoring Panel by resolution passed at a meeting of the Committee.

16.1.2 The decision maker will submit a report to the next available meeting of the Council detailing the decision, and if the Leader considers that it was not a Key Decision, the reasons for that opinion.

17.0 **Record of Decisions**

17.1 **Cabinet, Committees of the Cabinet, Executive Joint Committees and Sub-Committees**

17.1.1 After any meeting, the Proper Officer or, where the Proper Officer was not present, the person presiding at the meeting, will as soon as possible but normally within 3 Working Days, produce a record of every decision taken at the meeting, and make the record available for the public to view at the offices of the Council and on the website. The record will include:

(a) a statement of the reasons for each decision;
(b) any alternative options considered and rejected at that meeting;
(c) a statement of any personal/prejudicial interests;
(d) a note of any dispensation granted by the Head of the Paid Service;
(e) the date on which the decision was made; and
(f) a statement (where this applies) that the decision was urgent.

17.2 **Individual Cabinet Members and officers**

17.2.1 As soon as possible, but normally within 3 Working Days, after a decision has been made by a Cabinet Member or an officer the Proper Officer (where a cabinet

member decision) or the officer (where an officer decision) will produce a record of that decision, including the details shown above, and make the record available for the public to view at the offices of the Council and on the website.

18.0 **Meetings of the Cabinet and its Committees to be Open to the Public**

18.1 The Cabinet and any Committee of the Cabinet will meet in public for all its decisions whether key or non-key, except when considering any documents which contain exempt or confidential information as set out in Rule 10 above.

19.0 **Access to Documents by Members of the Overview and Scrutiny Committee(s)**

19.1 **Rights to Copies**

19.1.1 Subject to Rule 17.2 below, a member of the Overview and Scrutiny Committee(s) (including their task-groups) is entitled to copies of any document which is in the possession or control of the Cabinet or a Committee of the Cabinet and which contains material relating to:

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

(b) any decision taken by an individual cabinet member; or

(c) any Executive Decision made by an officer.

19.2 **Limit on Rights**

19.2.1 The Overview and Scrutiny Committees are not entitled to:

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

(b) any document or part document containing the advice of a political adviser.

20.0 **Additional Rights of Access for Members**

20.1 All members of the Council are entitled to inspect any document which is in the possession or under the control of the Cabinet or a Committee of the Cabinet and contains material relating to:

(a) any business to be transacted at a public meeting – the information must be available for inspection at least 5 clear days before the meeting unless the meeting is called at shorter notice or an item is added at shorter notice when the document must be made available immediately;

(b) any business transacted at a private meeting; any decision made by a Cabinet Member; and any Executive Decision made by an officer – the information must be available for inspection immediately after the decision has been made but in any event within 24 hours of the conclusion of the meeting or the decision being made.

20.2 unless:

(a) the member has a disclosable pecuniary interest in the matter; or

(b) it contains the advice of a political adviser.

20.3 **Additional Rights**

20.3.1 The rights of a member set out in these rules are additional to other rights he/she may have in statute or common law. Common law rights give members the right to inspect Council documents insofar as this is reasonably necessary to enable a member to perform his/her duties as a councillor.(i.e. on a “need to know” basis) but does not give a member a right to a roving commission through the Council’s documents. The Freedom of Information Act 2000 generally makes non-personal information freely available to all, with only limited exceptions. The Data Protection Act 1998 protects personal information which is generally not available except in certain circumstances.

PART 5 – CODES AND PROTOCOLS

Section 1 - Members' Code of Conduct

1.0 **Expected behaviours**

1.1 South Holland District Council have adopted this Code setting out the expected behaviours required of its members or co-opted members, acknowledging that they each have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

1.2 In accordance with the Localism Act provisions, when acting in this capacity all Councillors must be committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

1.3 As a Member of South Holland District Council, your conduct will in particular address the statutory principles of the code of conduct by:

I. Championing the needs of residents – the whole community and in a special way your constituents, including those who did not vote for you - and putting their interests first.

II. Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

III. Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the South Holland area or the good governance of the authority in a proper manner.

IV. Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a member/co-opted member of this authority.

V. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

VI. Being accountable for your decisions and co-operating when scrutinised internally and externally, including by local residents.

VII. Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other members to account but restricting access to information when the wider public interest or the law requires it.

VIII. Behaving in accordance with all your legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.

IX. Valuing your colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between you that is essential to good local government.

X. Always treating people with respect, including the organisations and public you engage with and those you work alongside.

XI. Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

2.0 **Declaration of Interests**

2.1 The Localism Act 2011 provides for registration and disclosure of interests and in South Holland District Council this will be done as follows:

- On taking up office a member or co-opted member must, within 28 days of becoming such, notify the Monitoring Officer of any 'disclosable pecuniary interests', as prescribed by the Secretary of State.

- On re-election or re-appointments, a member or co-opted member must, within 28 days, notify the Monitoring Officer of any 'disclosable pecuniary interests not already included in his or her register of interests.

- If a member or co-opted member is aware that they have a 'disclosable pecuniary interest' in a matter they must not participate in any discussion or vote on the matter at a meeting.

- If a member or co-opted member is aware of a 'disclosable pecuniary interest' in a matter under consideration at a meeting but such interest is not already on the Council's register of interests or in the process of entry onto the register having been notified to the Monitoring Officer, the member or co-opted member must disclose the 'disclosable pecuniary interest' to the meeting and register it within 28 days of the meeting at which it is first disclosed.

3.0 **Disclosable Pecuniary Interests**

3.1 The duties to register, disclose and not to participate, in respect of any matter in which a member has a disclosable pecuniary interest are set out in Chapter 7 of the Localism Act 2011.

3.2 Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Personal Interests) Regulations 2012 No.1464 as follows:

Subject	**Prescribed 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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
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 Member's knowledge) —

	(a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where — (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either — (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

3.3 The Monitoring Officer is responsible for publicising, maintaining and updating the Register of Member's Interests.

3.4 Gifts and Hospitality

3.5 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority.

3.6 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

3.7 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose

Section 2 – Protocol on Officer/Member Relations

1.0 **Introduction**

1.1 This Protocol forms part of the Council's Constitution and is designed to contribute to the Council's corporate governance arrangements. In particular, its purpose is to guide the relationship between members and officers and to emphasise that the success with which the Council is able to carry out its work is based, to a very large extent, on an atmosphere of mutual trust and respect without which the reputation of the Council will be damaged in the eyes of the communities and people it serves.

1.2 Given the variety and complexity of the relationships between members and officers, it is impossible for any Protocol to be prescriptive or comprehensive. It therefore seeks to provide guidance on some of the issues that most commonly arise.

1.3 If the advice is followed, it should ensure that members receive objective impartial advice and that officers are protected from accusation of bias and any undue influence from members.

1.4 The Protocol also supplements the Codes of Conduct that apply to members and officers including the Harassment at Work Policy.

2.0 **Roles of Councillors and Officers**

2.1 Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the

electorate and serve only so long as their term of office lasts. Officers are responsible to the Council but have a duty of care to the public. Their job is to give advice to councillors and the Council, and to carry out the Council's work under the direction and control of the Council, their committees and sub-committees.

2.2 Both councillors and officers serve the public. Traditionally, the role of members is to create and approve policy and monitor its implementation and effectiveness. It was the duty of officers to present policy options and advice, implement policies adopted by the Council, maintain partnerships and manage day to day administration and delivery of services. In practice the roles are now much more complex particularly as in more recent years members have taken a more active role, in the day to day operation of the authority, particularly the portfolio holders and committee chairmen who are expected to keep abreast of developments in their areas of responsibility.

3.0 **Officer, Cabinet and Chairman Relationships**

3.1 Officers are responsible to the whole Council but it is clearly important that there should be a close working relationship between a member of the Cabinet, the chairman of a committee, a portfolio holder and the Chief Executive, Directors and other senior officers of any department. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal with other members and other party groups.

3.2 The Leader of Cabinet or a chairman of a committee (or sub-committee) or portfolio holder will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting. It must also be recognised that in some situations a Director will be under a duty to submit a report to a meeting on a particular matter. Similarly, a Director or other senior officer will always be fully responsible for the contents of any report submitted by, or on, his/her behalf.

3.3 This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising in this area should be referred to the Chief Executive for resolution, in conjunction with the Leader of the Council or chairman of the committee, as appropriate.

3.4 In addition to any Chairman's briefing before any meeting, minority group representatives will also be afforded the opportunity of a briefing through their appropriate spokesman.

3.5 In relation to action between meetings of Cabinet or committees, the current scheme of delegation allows for some decisions to be taken by individual Portfolio Holders (see Part 3 – Responsibility for Functions). The individual Portfolio Holder takes responsibility for such decisions and must obtain officer advice before making a decision. He/she will also have to comply with any procedures adopted by the Council to ensure that the Monitoring Officer can maintain the statutory records of those decisions.

3.6 At Cabinet, committee and sub-committee meetings, a resolution may be passed, which authorises named officers to take action between meetings in consultation with the chairman. In these circumstances, it must be recognised that it is the officer, rather than the chairman, who takes the action and it is the officer who is accountable for it. The same applies where an officer's authority is derived from the Delegation Schedule.

3.7 Officers are accountable to their Head of Service/Director and while officers should always seek to assist Portfolio Holders and chairmen (or indeed any member), they must not in so doing, go beyond the bounds of whatever authority they have been given. Members should not put staff in a position that could give rise to conflict between themselves and their Manager and/or Director.

3.8 The practice of holding meetings between the senior officers and senior members will continue, albeit that such meetings have no executive powers.

4.0 **Mutual Respect Between Officers and Members**

4.1 Mutual respect between councillors and officers is essential to good local government. Officers must respect the fact that (in most if not all cases) councillors have been elected to represent the views of their community. Members must respect the political impartiality of officers and understand that officers may, on occasion, need to give advice that may not support political objectives.

4.2. Close personal familiarity and the perception of it between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers. Proper standards of courtesy must be observed in all contacts between councillors and officers regardless of whether such contact is in a public forum. Neither party should seek to take unfair advantage of their position.

4.3 Officers and members should, particularly in the public forum, be mutually supportive in order to minimise any potential embarrassment to the Council. Criticism of officers should, normally, be handled beyond the glare of public and media scrutiny. Similarly, officers should never publicly criticise decisions taken by the Council or any of its decision-making bodies.

4.4 Members should not raise matters relating to the conduct or capability of a Council employee or of employees collectively at meetings held in public. This is a longstanding tradition in public service. Employees have no means of responding to criticisms of this nature in public. This should not prevent a member from being able to challenge officers in an appropriate way.

4.5 If a Member believes that

- he/she has not been treated with proper respect and courtesy; or
- has any concern about the conduct or capability of a Council employee

he/she should raise the matter with the employees Head of Service, if it fails to be resolved through direct discussion with the employee.

The Head of Service will then look into the facts and report back to the member. If the member continues to feel concerned he/she can raise the matter with the Leader of the Council and the Chief Executive or, in the absence of the Chief Executive, a Chief Officer not directly responsible for the employee.

4.6 If a Member has a concern about the conduct or capability of a Director or Head of Service then he/she should raise that concern directly with the Chief Executive or, in the absence of the Chief Executive, another Chief Officer.

4.7 Where an officer believes that:

- he or she has not been treated with respect and courtesy by a member, or
- has been the subject of bullying or aggressive behaviour from a member; or
- is concerned about any action or statement relating to him/herself or a colleague by a member,

he/she should raise the matter with the member concerned or his/her own line manager or Director, as appropriate. Where the matter is raised with a Director he/she will investigate the matter and take appropriate action either by approaching the individual member and/or Group Leader.

4.8 Any officer who raises concerns about the inappropriate behaviour of a member and any officer who is required to investigate the matter and take appropriate action shall not be prejudiced and will be protected and supported by line and service managers and shall be provided with paid for external counselling if requested.

4.9 The Monitoring Officer may on request and where appropriate, report any instance of personal abuse or inappropriate criticism of officers by councillors, individually or collectively, and any breach of the Council's Code of Conduct on Harassment at Work, to the Standards Committee for consideration unless it is more appropriate to deal with the matter under the Code of Conduct for members.

4.10 Officers, particularly the Chief Executive, Directors and Heads of Service, should always aim to keep the appropriate Cabinet members briefed in all matters of a sensitive nature in an effort to avoid members of the Cabinet being "caught on the hop" by a member of an opposition group, the press or the public.

4.11 The Chief Executive and Directors are expected to assist members of the controlling group in framing questions that might be raised at a meeting of the Council or Panel but, in the case of Opposition groups, should provide answers only. As an example, an officer might assist a member of a controlling group to draft a question under Rules 10.2 or 10.3 of the Council Procedural Rules set out in Part 4 of this Constitution. Such a facility would not be available to a member of an Opposition group.

4.12 The Council recognises that there may be close social or personal relationships between members and officers that commenced before or after a councillor is elected to the Council, or before or after a person becomes employed by the Council. In these circumstances, the councillor should disclose this relationship to his/her Group Leader and the Monitoring Officer and the employee to his/her Head of Service and the Monitoring Officer. The Group Leaders and Chief Officers will endeavour to ensure that neither the councillor, nor the employee, is placed in a position where such relationship between the councillor and the employee will be seen to conflict with the remaining provisions of this Protocol.

4.13 Members should be aware that their Code of Conduct requires them to treat others with respect, not bully any person or breach any of the equality enactments. These apply in a member's dealings with officers.

4.14 The relationship between the Leader of the Council and the Chief Executive is recognised as being of particular importance. On the appointment of a new Chief Executive or election of a new Leader of the Council their respective roles in the relationship shall be agreed to ensure a shared understanding of their roles and objectives and to establish effective communication. The working of the relationship shall be reviewed as part of the annual Performance Review of the Chief Executive.

5.0 **Officer Advice to Party Groups**

5.1 It must be recognised by all officers and members that in discharging their duties and responsibilities, officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual member of the Council.

5.2 There has been statutory recognition for party groups for a long time. It is common practice for such groups to give preliminary consideration to matters of Council business, in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups, but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner.

5.3 The support provided by officers can take many forms, ranging from a briefing meeting with a Chairman or Spokesman prior to a formal meeting, to a presentation to a full party group meeting. Whilst, in practice, such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.

5.4 Certain points must, however, be clearly understood by all those participating in this type of process, members and officers alike. In particular:

(a) requests for an officer to attend any party group meeting must be made through the appropriate Director.

(b) officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings or part of meetings, when matters of party business are to be discussed.

(c) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such.

(d) any request for advice, together with the advice given to a political group or member, will be treated with strict confidentiality by the officers concerned and will not be accessible to any other political group. It is acknowledged, however, that factual information upon which any advice is based will, if requested, be available to all political groups.

(e) it must not be assumed by any political group or member that any officer is supportive of any policy or strategy developed, because of that officer's assistance in the formulation of that policy or strategy.

(f) officers respect the confidentiality of any party group discussions at which they are present, in the sense that they should not relay the content of any such discussion to another party group.

(g) where officers provide information and advice to a party group meeting in relation to a matter of Council business, this process cannot act as a substitute for

providing all necessary information and advice to the Cabinet or committee or sub-committee, when the matter in question is considered.

(h) Special care needs to be taken whenever officers are involved in providing information and advice at a political group meeting that includes people who are not members of the Council. Such persons are not bound by the Council's Codes of Conduct and officers may not, in these circumstances, be able to provide the same level of information and advice as they would at a councillors only meeting.

6.0 Members' Access to Information and Council Documents

6.1 The Council believes in open and transparent government. Information will generally be freely available to councillors. However, this approach has to be qualified in relation to certain confidential information and the statutory data protection requirements. Moreover, devoting a significant amount of staff resources to identify information which may be of marginal benefit will not normally be possible.

6.2 Where, in the view of any officer to whom a request for information has been made, such request will require a significant amount of staff resources to be devoted to the provision of information and which s/he feels unable to commit, s/he should seek guidance from his/her Head of Service or Director in an effort to identify a satisfactory solution. In the event that a solution cannot be agreed, the request should be referred to the Chief Executive who will make a decision after consulting the Leader of the Council.

6.3 Officers are expected to accede to the reasonable demands for information by all members and will make every attempt to be as helpful as possible. However, in providing information to members of opposition groups, the same information will, where appropriate, also be provided, at the same time, to the appropriate Cabinet member.

6.4 Councillors have a statutory right to inspect any document that contains material information in relation to any business, which is to be transacted at a Council, Cabinet, panel, committee or working party meeting. This right applies regardless of whether the councillor is a member of the Cabinet, panel, committee or working party concerned and extends, not only to reports which are to be submitted to the meeting, but also to any relevant background papers.

6.5 In addition to inspection of reports and background documents which are available to the public and subject to the limitations imposed by data protection legislation, the common law right of councillors is based on the principle that any councillor has a right to inspect council documents so far as his/her access to the documents is reasonably necessary to enable the councillor to perform his/her duties as an elected member.

6.6 The propriety of a request for information must initially be determined by the officer to whom the request is made. In the event of doubt, the officer should raise the issue with his/her Head of Service or Director who may seek the views of the Monitoring Officer. In the event of a dispute, a decision on the issue will be made by the Monitoring Officer.

6.7 Any information provided to a councillor under these provisions must only be used by the councillor for the purpose for which it was provided – that is, in connection with the proper performance of a councillor's duties as a member of the Council. Councillors should not inspect documents on a matter in which they have a personal or prejudicial interest as prescribed by the Members' Code of Conduct. In such circumstances it is

for the member to advise the officer of his/her personal or prejudicial interest. Likewise an officer should inform the councillor if he/she has a personal interest in a matter under discussion. A councillor should never disclose or use confidential information for his/her personal advantage or of anyone known to him/her, or to the disadvantage of the Council or anyone else. Any members using or attempting to use their position as a member to improperly confer an advantage or disadvantage for themselves or any other person will be in breach of the Members' Code of Conduct.

7.0 Breach of Confidentiality

7.1 Any unauthorised disclosure of confidential information constitutes a breach of the Code of Conduct for Councillors.

8.0 Correspondence between Members and Officers

8.1 Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member other than in accordance with paragraph 25 above. Where it is necessary to copy the correspondence to another member, (e.g. another ward member or chairman/portfolio holder) this should be made clear to the original member. In other words, a system of "silent or blind copies" should not be employed. The same principle shall apply to discussions between members and officers.

8.2 In some cases, issues are raised by, or with, individual members relating to a matter of general interest in a District Council ward or individual parish or town. It is recognised that it is in the best interests of the Council to ensure that all members are properly informed of general issues in their ward/parish or town. Copies of correspondence will therefore normally be sent to all councillors for the particular area, unless the member specifically requests that correspondence is not copied to other members, or there is a political, or any reason, why this is not appropriate. Where correspondence is copied to other members this will be made known to the original member.

8.3 Where correspondence is received by an officer from a member of the public asking for any details about a member, a copy of that letter together with the officer's reply will be sent to the member and the member of the public requesting the information will be so informed.

9.0 Officer Advice

9.1 It is essential that advice given by officers to councillors and any meeting of the Council, Cabinet, panels, committees and working parties is impartial and to the highest professional standards. The Chief Executive, Directors and Heads of Service will decide which officers will attend meetings.

9.2 With very few exceptions, for example where the decision to be taken is clearly a matter for political judgement, officers should include firm recommendations in every report submitted to a decision-making body.

9.3 The Code of Conduct for Members provides that in reaching decisions a member must have regard to any relevant advice from the Section 151 Officer (i.e. Head of Finance) and the Monitoring Officer where those officers are acting pursuant to their statutory duties.

10.0 Public Media Relations and Press Releases

10.1 The Council's Public Relations Officer serves the Council as a whole and must operate within the limits of the Local Government Act 1986, which prohibits the Council from publishing material which appears to be designed to affect public support for a political party.

10.2 Officers normally draft Council press releases. These official press releases will often contain quotations (within the limits of the Local Government Act 1986) from the Leader and/or Deputy Leader of the Council, a Portfolio Holder or the Chairman or Vice-Chairman of a committee or sub-committee, and from the Chairman and/or Vice-Chairman of the Council about ceremonial events. Such press releases are issued on behalf of the Council, in the agreed press release format from the Communication's Team, and it would not therefore, be appropriate when repeating quotations from members to indicate their party political affiliation.

10.3 Representations of the media must be requested to seek political comment from members of the Council.

10.4 Individual Members who may issue statements of a political nature to the press, must not use the Council's press release format and should make it clear that such statements are not made on behalf of the Council.

11.0 **Involvement of Ward Councillors**

11.1 Whenever the Council undertakes any form of consultative exercise on a specific local issue, the ward members should be informed or involved as appropriate, before the outset of the exercise. Similarly, whenever a public meeting is organised by the Council to consider a local issue, all the members representing the ward or wards affected should, as a matter of course, be invited to attend the meeting.

12.0 **Interpretation**

12.1 Any questions of interpretation of this Protocol, or other queries on it, shall be referred to the Monitoring Officer who shall determine the matter, if appropriate, following consultation with the Chairman of the Standards Committee. A report on such questions shall be submitted to the Standards Committee for information if the Chairman of that Committee deems it appropriate.

PART 6 - SCHEME FOR PAYMENT OF ALLOWANCES UNDER THE LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND) REGULATIONS 2003

1.0 The Council approved a new Scheme of allowances that it pays to members. The new allowances are payable to members from 1 April 2024 until 31 March 2027 unless amended.

1.1 Where a member is suspended or partially suspended from his/her responsibility or duties in accordance with Part III of the Local Government Act 2000 basic, special responsibility, travel and subsistence and co-optees' allowances may be withheld.

1.2 Where a member is a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.

1.3 Where an allowance has been paid to a member for a period, in respect of which the member was suspended or partially suspended, or ceased to be a member of the authority or was not entitled to receive the allowance the Council may require repayment.

2.0 **Members' Allowances:**

Responsibility	**Allowances**
Basic	£6,716.00
Leader	£21,625.00
Deputy Leader (s)	£15,996.00
Senior Portfolio Holder	£9,353.00
Portfolio Holders	£7,740.00
Junior Portfolio Holders	£2,079.00
Licensing Chairman	£5,160.00
Licensing Vice-Chairman	£2,580.00
Planning Chairman	£6,192.00
Planning Vice-Chairman	£3,096.00
PMP Chairman	£5,160.00
PMP Vice-Chairman	£2,580.00
PDP Chairman	£5,160.00
PDP Vice-Chairman	£2,580.00
Governance and Audit Chairman	£5,160.00
Governance and Audit Vice-Chairman	£2,580.00
Chairman of the Council	£4,644.00
Vice-Chairman of the Council	£2,322.00
Leader of the main Opposition	£6,192.00
Deputy Leader of the main Opposition	£1,032.00
Political Group Leader	£516.00
Per member	£37.74

2.1 Where a member carries out any of the special responsibilities mentioned above for a period of less than a year then an appropriate proportion of the special responsibility allowance will be paid to that Member.

2.2 No member is allowed to receive more than 2 special responsibility allowances, plus the political group leader's allowance, at any one time.

3.0 **Dependants' Carers' Allowance**

3.1 A dependants' carers' allowance of up to £15.00 per hour is paid to any member who has to pay for the care of dependants (whether children, elderly people or people with disabilities) in order to carry out any of the duties detailed in Schedule 1 below.

3.2 Members will be paid the actual cost of care up to the maximum of £15.00 per hour. Members are able to claim for the time spent on the approved duty, and for reasonable travelling time.

3.3 The allowance will not be paid where someone in the member's own household cares for the dependant.

3.4 Where the member wants the allowance to be paid with that month's basic allowance, claims must be delivered to the Council by the seventh day of that month. Claims must be made within two months from the date on which the expenditure was incurred. Claims submitted out of time will require specific approval from the Section 151Officer.

3.5 Dependants' Carer's allowance is based on the reimbursement of expenditure incurred and is not taxable.

4.0 **Travel and subsistence**

4.1 The travel and subsistence allowances paid by South Holland District Council are based on those rates that are paid by Lincolnshire County Council. The following travel allowances will be paid for the duties listed in Schedule 1 below:-

4.2 **Public Transport**

(a) (i) The rate for travel by public transport shall be decided having regard to standard/standard plus class fares, ensuring that the rate does not exceed that what is paid by the member. First class travel should only be used if the particular circumstances require this higher cost option.

(Receipts should be submitted where claims are made under the above paragraph).

(ii) The rates specified above may be increased by supplementary allowances that do not exceed the expenditure actually incurred:-

- On Pullman car or similar supplements, reservation of seats and deposit or porterage of luggage, and

- On sleeping accommodation engaged by the member for an overnight journey, subject, however, to reduction by one third of any subsistence allowance payable to him/her for that night.

(Receipts should be submitted where claims are made under the above paragraph).

4.3 **Private Cars**

(b) (i) The rate for travel by a private motor car (unless the member is a passenger only), shall be 45p per mile for the first 10,000 miles and 25p per mile thereafter. This rate is the statutory rate specified as having no 'profit element' by the Inland Revenue. There are therefore no taxation implications. This rate is set irrespective of the cubic capacity of the vehicle.

(ii) The rate specified in the above paragraph may be increased:-

- For the carriage of each passenger, that does not exceed four, to whom an allowance would otherwise be payable under any enactment:

- By 5.0p per mile, provided that the member shall record on their claims form the details of any official passengers, whether the payment is claimed for them or not.

- By the amount of any expenditure incurred on parking fees (including overnight parking), tolls or ferries.

(Receipts should be submitted where claims are made under the above paragraph).

4.4 **Motor Cycles**

(c) (i) The rate for travel by motor cycle shall be 24p per mile irrespective of the mileage covered or the vehicle cubic capacity. This is the rate approved by the HM Revenue and Customs. .

4.5 **Taxi Cab or Private Hire Vehicle**

(d) (i) Where a member uses a taxi cab or private hire vehicle, the Council will pay the rate for travel by a taxi-cab or private hire vehicle, shall be the actual fare amount and in any other case the amount of the fare for travel by appropriate public transport.

(Receipts should be submitted where claims are made under the above paragraph).

4.6 **Hire Car**

(e) (i) Where a member hires a motor vehicle (other than a taxi cab or private hire vehicle) the rate for travel shall be the rate applicable had the vehicle belonged to the member using it providing that, given approval, the rate may be increased to an amount that does not exceed the cost of hiring.

(Receipts should be submitted where claims are made under the above paragraph).

4.6.1 An element of travelling allowances may be subject to income tax or national insurance.

5.0 **Subsistence Allowance**

5.1 The Council will pay the following subsistence rates (the rates payable are due to increase each year, retrospectively from 1st April, by the increase in inflation as measured by the CPI index as at 31 March):

(a) Where the member must be absent from his or her home (not involving an absence overnight) for more than four hours, including the following times (for each meal claimed):-

i)	Before 11 am	Breakfast	£6.05
ii)	Noon to 2 pm	Lunch	£8.60
iii)	Ending after 7 pm	Evening Meal	£11.50

(b) In the case of an absence overnight an officer should be requested to book and pay for appropriate accommodation to allow for VAT to be reclaimed and relevant discount prices to be accessed. Reasonable meal expenses taken at the hotel in question will also be paid for directly by the Council. In these circumstances the member will not be eligible to claim subsistence allowances for the meal. In terms of the mentioned 'reasonable expenses' a figure of £111.45 (excl VAT) (£139.40 (excl Vat) in London) per night is suggested as a guideline. Expenditure in excess of this figure must be approved by an officer.

Payments determined under the above paragraph will cover a continuous period of absence of twenty four hours.

(c) The rates specified above shall be reduced by an appropriate amount in respect of any meal provided free of charge by an Authority or body during the period to which the allowance relates.

(d) When main meals are taken on trains during a period for which there is an entitlement to day subsistence, the cost of the meals (incl VAT) may be reimbursed in full. However, reimbursement for the cost of any meals would replace any entitlement to the day subsistence allowance for the relevant meal period.

(e) Subsistence rates will increase annually in line with the approved increase for the basic allowance payable to members.

5.2 Subsistence allowances may only be claimed where costs are incurred.

6.0 **Other Expenses**

6.1 **IT Related**

6.1.1 All members are provided with a laptop and relevant software. The Council will pay an allowance for Broadband connection to a maximum of £15 per month. Once connected to Broadband a copy of proof of connection will need to be submitted to Payroll then members will automatically receive a maximum of £15 per month.

7.0 **Decision Not to Claim**

7.1 Any Member can give notice in writing to the Section 151 Officer giving up any part of his/her allowances under this Part.

7.2 Allowances will be paid for:-

a) Attendance at meetings of the full Council;

b) Attendance at a meeting of any committee, sub-committee, panel, sub group or working party of the Council provided that the member is a member of the committee, sub-committee, panel, sub group or working party;

c) Attendance at a meeting of the Cabinet or a meeting of any of its committees; or any meeting for the purpose of or in connection with the discharge of the functions of the Cabinet provided that the member is a member of the Cabinet.

d) Attendance, as the Council's representative, at a meeting of a body to which that member has been appointed by the Council or Cabinet, or of any committee or sub-committee of such a body;

e) Attendance at any meeting, seminar, demonstration or training session provided that attendance has been authorised by (i) a political group leader and (ii) a Manager or his/her nominated representative.

f) Attendance at any other meeting approved or organised by the Council, or a committee or sub-committee of the Council, or a joint committee of the Council and one or more local authorities within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that attendance has been authorised by (i) a political group leader and (ii) the Manager or his/her nominated representative.

g) Attendance at a meeting of any association of authorities, or any committee or sub-committee of such an association, of which the Council is a member;

h) Attendance for the opening of tender documents in accordance with Contract Procedure Rules.

8.0 **Other Allowances**

8.1 **Non-members of the Council**

8.2 The Council pays the following allowances to non-members of the Council who serve on the Remuneration Panel. The payments are made under the Local Authorities (Members' Allowances) (England) Regulations 2003:

8.3 Each member of the Remuneration Panel £544.94 plus travel and subsistence expenses (this figure is increased annually in accordance with the Retail Price Index)

8.4 (Where a non-member becomes a member of the Remuneration Panel part way through a year, or ceases to be a member of the Panel part way through a year, an appropriate proportion of the relevant sum is paid.)

8.5 The Council pays an allowance of £650.00 per annum to a co-opted Independent Member of the Governance and Audit Committee.