



# **Telford & Wrekin Council – Index to Constitution**

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## ***Part 1 - How Does the Council work?***

### **Introduction: A summary and explanation of how the Council works**

## **INTRODUCTION**

*“The constitution and other documents referred to in it should set out everything anyone who has dealings with the local authority would need to know about how the local authority conducts its business who takes which decisions and how to work with the local authority”.*

### **New Council Constitutions: Guidance to Local Authorities Communities & Local Government – 2002**

- 2 Telford & Wrekin Council has 54 Councillors who are elected every 4 years. Councillors either represent an area (a ward) on their own or with one or two other Councillors. There are 30 wards within the Borough. The Councillors together form the Council and meet together as a Council up to 6 times per year. They are democratically accountable to the people in their ward, including those that did not vote for them, but have an overriding duty to act in the best interests of all the people within the Borough.
- 3 Telford & Wrekin Council is a co-operative Council which means that it is a Council that works closely with its communities, staff, partners and other organisations to deliver the best it can for the borough by giving local people greater influence over the services they use and the issues that affect their lives and encouraging greater involvement in their local community
- 4 Full Council decides the Council priorities and how it should spend its money. Council also appoints a Leader who remains in post for four years and decides, with the Cabinet, how to best deliver the services that the Council is responsible for providing.
- 5 The Council appoints a Mayor who is the first citizen and the Council’s representative within the Borough. The Council also appoints a Speaker who runs the Council meetings on behalf of the Mayor. Councillors are also appointed to sit on other committees to take the decisions that the Leader and Cabinet cannot make and to hold the Leader and Cabinet to account by scrutinising their decisions. Council employees, often referred to as officers, give advice to Councillors, implement decisions and manage the day to day delivery of services. Local authorities should at all times act lawfully. Officers therefore in carrying out their responsibilities have a general duty to act and to see that the Council acts within the law. However, some officers have specific duties to ensure that the Council acts within the law and uses its resources wisely.

- 6 Councillors and officers have to follow (different) codes of conduct to ensure high standards in the way in which they conduct their duties.
- 7 All council meetings are held in public. If items to be discussed are of a confidential nature or are classified as exempt then the public and press can be excluded for this part of the meeting.

**Introduction: A summary and explanation of how the Council works**

**HOW THE CONSTITUTION WORKS**

The way that the Council works is governed by its Constitution.

The Constitution has 3 parts to it:-

|  |  |  |
|--|--|--|
| <i>How Does the Council work?</i>                        | Introduction: A summary and explanation of how the Council works |  |
| <i>Decision-making</i>                                   | Who makes Decisions?   | Details the different powers of Council, the Leader, Boundary Review, Health & Well-Being Board, Licensing and Planning Committees and Officers  |
|  | What decisions can they make?                                    |  |
|  | How do they make decisions?                                      |  |
| <i>Governance – scrutiny, oversight and transparency</i> | Scrutiny   | Details the scrutiny committees, what they can do (terms of reference) and procedure rules for those committees  |
|  | Oversight  | Details the different powers of the Audit, Appeals, Council Constitution, Personnel and Standards Committees, their terms of reference and procedure rules for those committees.<br>Details financial regulations, legal rules, procurement rules and rules on changing the Constitution, Codes of conduct for members and officers and protocol for member/ officer relations |
|  | Transparency   | Your rights and responsibilities as a citizen.<br>How we manage our information.<br>Key decisions and forward planning   |

## Introduction: A summary and explanation of how the Council works

### INFORMATION ABOUT THE CONSTITUTION

- **DUTY TO MONITOR AND REVIEW THE CONSTITUTION**
    - The Council is required to keep the Constitution up to date and under review, and this is undertaken by the Council Constitution Committee reporting to full Council.
    - The Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect and will make recommendations for updates and improvements to the Council's Constitution Committee as and when required.
    - The results of any changes will be reported to full Council, which can approve and adopt any necessary changes to the Constitution.
  - **CHANGES TO THE CONSTITUTION**
    - Where proposed change to the Constitution involve a change from a Leader and Cabinet Executive model to mayoral form, the Council must take steps to consult with local electors and other interested persons and take the results of that consultation into account before taking a final decision on such a change.
  - **PUBLICATION**
    - The Monitoring Officer will provide an electronic link to this Constitution on the Council's website or, on request, a printed copy, to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- [www.telford.gov.uk/constitution](http://www.telford.gov.uk/constitution)
- The Monitoring Officer will ensure that copies of the Constitution are available for inspection at the Council's office at Addenbrooke House, Ironmasters Way, Telford, TF3 4NT and can be purchased on payment of a reasonable fee.

## ***Part 2 – Decision-making***

### **Who Makes Decisions?**

### **What Decisions can they make?**

This section sets out the powers (Terms of Reference) of the Council, the Leader and Cabinet, Boundary Review Committee, Health & Wellbeing Board, Licensing Committee, Planning Committee and details the powers that have been delegated to Officers.

## ***Council - Terms of Reference***

### **Council will:-**

1. Agree proposed changes to the Constitution
2. Approve the Budget & Policy Framework including virement limits and the degree of in-year changes to the Policy Framework that may be made by the Leader.
3. Functions of Council as a Council Tax and precepting Authority
4. Elect the Mayor and Deputy Mayor
5. Elect the Speaker and Deputy Speaker
6. Elect and remove the Leader (for a 4 year term)
7. Agree the size, terms of reference of committees, etc. and appoint the membership including Chairmen and Deputy Chairmen
8. Appoint representatives to outside bodies (unless it is a Leader appointment or the appointment has been delegated)
9. Subject to Urgency Provisions, agreeing decisions proposed to be taken by a Decision Taker that are outside the Budget & Policy Framework Procedure Rules
10. To approve the Pay Policy Statement
11. Adopt and/or amend a Members' Remuneration Scheme
12. Change the name of the area
13. Grant the Freedom of the Borough and appoint Honorary Aldermen
14. Confirm the appointment or dismissal of the Head of Paid Service or the dismissal of the Monitoring Officer or Chief Finance Officer
15. Confirm the appointment of the Independent Person(s)
16. To finalise consultation responses in respect of reviews of electoral arrangements
17. All functions relating to bye-laws and promoting or opposing the making of local legislation or personal bills
18. Those local choice functions that the Council decides should be undertaken by the Council rather than the Leader and all other matters which by law must be reserved to the Council and the delegation, as far as the law allows, of these functions

## ***Leader/Cabinet - Terms of Reference***

**The Leader appoints the Deputy Leader and the Cabinet Members and may delegate some or all of the strong leader powers of the executive to the Cabinet and accordingly the terms of reference for the Cabinet are as follows (subject to provisions of urgency as set out in the NOTE below).**

**The Cabinet will:-**

1. Take decisions that will implement the policy of the Council within the Budget & Policy Framework including virement limits and the degree of in year changes to the Policy Framework that may be made by the Leader.
2. Appoint Cabinet Members and the Deputy Leader
3. Appoint representatives to outside bodies (unless it is a Council appointment or the appointment has been delegated)
4. Subject to Urgency Provisions take decisions that are within the Budget & Policy Framework Procedure Rules
5. Those local choice functions that the Council decides should be undertaken by the Leader/ Cabinet rather than the Council and all other matters which by law must be reserved to the Leader/ Cabinet and the delegation, as far as the law allows, of these functions.
6. Take decisions that will implement the policy of the Council within the Budget & Policy Framework.

**NOTE** – In the event of the need for an urgent decision in a matter of emergency or in other circumstances, the Leader has the right to withdraw any of the delegations above for the purpose of exercising his strong leader powers to make a decision. Any decision made in such circumstances must only be undertaken both when it is reasonable and proportionate to do so and on the basis that any such decision will be reported to a subsequent meeting of the Cabinet.

## ***Boundary Review Committee - Terms of Reference and Procedure***

**The Committee has the responsibility and delegated powers to act on behalf of the Council in respect of the following electoral arrangements for the Borough.**

### **TERMS OF REFERENCE**

#### **Boundary Reviews**

1. Duty to prepare information on and to recommend consultation responses to Council on Parliamentary Boundary Reviews
2. Duty to prepare information on and to recommend consultation responses to Council on Periodic and further Electoral Reviews
3. Duty to prepare information on and to recommend consultation responses to Council on Reviews of European Parliamentary electoral regions.
4. Duty to prepare information on and recommend consultation responses to Council on all other electoral arrangement reviews

#### **Community Governance Reviews**

5. Dealing with all matters relating to Community Governance Reviews

#### **Parishes**

6. Grouping parishes, dissolving groups and separating parishes from groups

#### **Polling Districts**

7. Duty to divide the constituency in to polling districts
8. The power to divide electoral divisions into polling districts at local government elections

#### **Elections**

9. As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended)

#### **General**

10. Annually at the first meeting after the Annual Council Meeting consider its terms of reference

### **PROCEDURE**

As a general rule the Council Procedure Rules govern the way that committees operate but these, with the exception of paragraph 12 of the Council Procedure Rules, may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.

## ***Telford & Wrekin Health and Wellbeing Board - Terms of Reference and Procedure***

**The Board has the responsibility and delegated powers to act on behalf of the Council in respect of public health and health and wellbeing matters within the Borough as follows.**

### **TERMS OF REFERENCE**

- (i) The Health and Wellbeing Board (HWB) is responsible for guiding and overseeing:
  - a. The ongoing development of the joint strategic needs assessment (JSNA)
  - b. Developing a high-level joint health and wellbeing strategy (JHWBS), based upon the findings of the JSNA
  - c. The establishment of sound joint commissioning arrangements
  - d. The development of HealthWatch forum for public and patient engagement and involvement
  - e. Public Health responsibilities and arrangements in the local authority
- (ii) The HWB will provide a key forum for public accountability of NHS, social care for adults and children and other commissioned services that the HWB agrees are directly related to health and wellbeing in Telford and Wrekin.
- (iii) The HWB has a duty to encourage integrated working between local health, social care and health-related commissioners.
- (iv) The Health and Wellbeing Board will work with, and receive reports from, the Children, Young People and Families Board, Community Safety Partnership, Better Care Fund Management Group and the Living Well Board.
- (v) The Health and Wellbeing Board will have a link to the overarching Telford and Wrekin Local Strategic Partnership but will also very much function in its own right. In addition it will link with the existing adult and children safeguarding boards in order to ensure the focus on the improved health and wellbeing outcomes for the whole population of Telford and Wrekin.
- (vi) The HWB will lead on the development of a Telford and Wrekin (JHWBS) for residents which drives health improvement, plans to deliver this strategy and keeps the implementation of these plans under review.
- (vii) Through the JHWBS, the HWB will oversee a commissioning programme of service and/or pathway redesign to better meet the needs of patients and service users and to deliver improved outcomes. Successful delivery of this will be dependent on the HWB developing effective management mechanisms with both primary care and secondary care providers where relevant or appropriate.
- (viii) The HWB will link into the Local Strategic Partnership, Strategic Boards and associated Partnership Boards, making recommendations to Full Council, NHS England, and the Clinical Commissioning Group Board, as appropriate.

- (ix) The HWB will analyse the priorities for deployment of health and care resources in the area based on information collected through the JSNA and other sources.
- (x) The HWB will consider options and opportunities to maximise the impact of aligning the deployment of resources of the health and care agencies in the area on agreed priorities. This will include the joint commissioning of health and social care services for children, families, and adults in Telford and Wrekin, to meet identified needs and to consider any relevant plans and strategies regarding joint commissioning of health and social care services for children and adults.
- (xi) The HWB will oversee the development of this proposed joint commissioning activity, ensuring any proposed activity is aligned with local priorities and levels of need and is undertaken within available resources. To consider options for joint commissioning and procurement between relevant organisations to support this work.
- (xii) The HWB will oversee all areas of health and social care commissioning activity for people of all ages, to ensure that commissioning priorities are in line with those set through analysis of the JSNA and the local JHWBS. This commissioning activity includes all local services commissioned by Telford and Wrekin CCG, Telford and Wrekin Council, Joint Commissioning CCG/Council, Public Health England and NHS England, which could include local specialised services; secondary dental care; general dental services; GP services; general ophthalmic services; pharmaceutical services; any services for the Armed forces or Offenders; and other primary care.
- (xiii) The HWB will keep under review, the financial and organisational implications of joint and integrated working across health and social care services, ensuring that performance and quality standards for health and social care services to children, families and adults are met and represent value for money across the whole system.
- (xiv) The HWB will identify and act upon changes that may be required following any new guidance in relation to the Health and Wellbeing Board.
- (xv) The HWB will propose recommendations, as appropriate to:
  - a. Telford and Wrekin Council's Full Council
  - b. NHS England Board
  - c. Telford and Wrekin Clinical Commissioning Group Board
- (xvi) The HWB will ensure that the HWB works to promote the achievement of the objectives of the organisations represented on the Board, including the Council's health improvement responsibilities.

**General**

- (xvii) Annually at the first meeting after the Annual Council Meeting consider its terms of reference

## **PROCEDURE**

### **General**

1. Unless specifically provided for in these Terms of Reference the Council Procedure Rules govern the way that committees operate but, with the exception of paragraph 12 of the Council Procedure Rules, these may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee

### **Membership**

2. Members of the HWB will comprise representatives from the Clinical Commissioning Group, Telford & Wrekin Council, HealthWatch and NHS England Local Area Team.  
The core members are:
  - 2.1. Cabinet Member responsible for Public Health and Public Protection (Chair HWB)
  - 2.2. Cabinet Member for Adult and Social Care
  - 2.3. Cabinet Member for Children, Young People and Families
  - 2.4. Cabinet Member for Leisure Services and Culture
  - 2.5. Director responsible for Adult Social Care
  - 2.6. Director responsible for Children's Services
  - 2.7. Director of Public Health
  - 2.8. NHS England Local Area Team representative
  - 2.9. Chair of Telford and Wrekin Clinical Commissioning Group (CCG) (Vice Chair HWB)
  - 2.10. Non-Executive Director from Clinical Commissioning Group
  - 2.11. Accountable Officer Clinical Commissioning Group
  - 2.12. Representative of local HealthWatch
  - 2.13. Chair of the Community Safety Partnership
  - 2.14. Each opposition Group with 4 or more elected members shall have one place on the Health and Wellbeing Board with voting rights.
  - 2.15. Such other persons, or representatives of such other persons, as the Local Authority thinks appropriate
3. Attendance and support from such other persons, according to the agenda, including:
  - 3.1. Assistant Directors responsible for Commissioning
  - 3.2. Executive lead for Commissioning, CCG
4. This reflects the statutory minimum membership in the Health and Social Care Act 2012.
5. The members of the Board will be advised and supported by officers from the local authority and CCG.
6. Members agree to share all relevant information and data, to allow performance, and other joint working arrangements, to be properly monitored and managed

### **Disqualification for Membership**

7. Any person who would be disqualified from being able to stand for election as a councillor will be disqualified from being a member of a committee or sub-committee of a local authority. The regulations state that these disqualifications will be retained for HWB, but the regulations will ensure the disqualifications do not apply to HWB in so far as they cover disqualifications in respect of members of the board holding any paid employment or office in the local authority – this allows the Directors of Adult Social Services, Children’s Services and Public Health to be formal members of the HWB.
8. The following disqualifications will be retained for members of the HWB:
  - 8.1. Being the subject of a bankruptcy restrictions order or interim order
  - 8.2. Having been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine

### **Voting Rights**

9. All Members of the HWB will be able to vote alongside the elected representatives. This applies to any additional board members appointed in addition to the statutory membership set out in the Health and Social Care Act 2012

### **Meetings**

10. The Health and Wellbeing Board will meet quarterly. Dates and times of meetings will be agreed and published in advance.
11. Agendas and supporting papers will be issued at least five clear days before each meeting and action notes will be produced, confirmed as a true record of the meeting and signed by the Chair.
12. Members of the public and press will have access to the meetings.
13. There will be a public speaking section at each Health and Wellbeing Board meeting. A procedure for public speaking at the Health and Wellbeing Board is in place and is available on the Council’s website or by contacting Democratic & Legal Services

### **Quorum**

14. Quorum of one quarter is required, with a minimum of one Councillor Board member from Telford and Wrekin Council and one Board member from the CCG required in attendance

### **Code of Conduct and Declaration of Interest**

15. The HWB will adopt the Council’s code of conduct. Any interests in item(s) on the agenda should be declared at the start of the meeting

### **Access to Information/Transparency Provisions**

16. Meetings of the HWB will be held in public, although the press and public may be excluded during consideration of any matter which would involve the disclosure of confidential or exempt information.
17. The agenda and papers for meetings of the Board, except for any documents that may disclose confidential or exempt information, will be made available for public inspection five clear working days before the meeting

### **Reporting Mechanisms/Accountability**

18. The HWB, as a Committee of the Council, will report to Full Council.
19. The HWB will regularly update the Telford and Wrekin Local Strategic Partnership with its progress and specific contributions to achieving the vision and priorities of Telford and Wrekin.
20. The actions of the HWB will be subject to independent scrutiny by the relevant Scrutiny Committee of the Council.
21. The Board will review its structure, membership and activities in response to any further guidance

### **Establishment of Sub-Committees**

22. The HWB will be able to establish sub-committees and delegate functions to them

### **Scrutiny**

23. Health scrutiny function and powers will be delegated by Full Council to the relevant Scrutiny Committee and the power of referral to the Secretary of State is also delegated to the relevant Scrutiny Committee. The relevant Scrutiny Committee will notify Full Council of an intention to refer a matter to the Secretary of State before a referral is made.

## ***Licensing Committee – Terms of Reference and Procedure***

**The Committee has the responsibility and delegated powers to act on behalf of the Council in respect of licensing matters within the Borough as follows.**

### **Licensing and registration functions**

- (a) As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and including functions under the Licensing Act 2003 and the Gambling Act 2005 (excluding paragraphs 37/38 and 46A – 55).

### **Health & Safety at Work/ Fire Safety**

- (b) Functions under any of the relevant statutory provisions within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.
- (c) Matters relating to fire safety

### **Health Act 2006**

- (d) All powers and duties under the Health Act 2006 Part 1 Chapter 1 and legislation given effect there under including authority to prosecute as it relates to smoking matters.

### **Miscellaneous**

- (e) Power to make payments or provide other benefits in cases of maladministration etc.
- (f) Powers in respect of common land, village greens and open space
- (g) Powers in respect of the management and regulation of alcohol in public places, the provision and management of sites for the accommodation of gypsies and the closure of take away food shops
- (h) Annually at the first meeting after the Annual Council Meeting consider its terms of reference
- (i) Power to determine fees and charges in respect of any of the above functions

### **PROCEDURE**

- (a) As a general rule the Council Procedure Rules govern the way that committees operate but these, with the exception of paragraph 12 of the Council Procedure Rules, may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.
- (b) Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions.

## ***Planning Committee – Terms of Reference and Procedure***

The Committee has the responsibility and delegated powers to act on behalf of the Council in respect of town and country planning matters and other associated functions within the Borough as follows.

### **Town and Country Planning and Development Control functions**

1. As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000/2853 (as amended)

### **Public Rights of Way functions**

2. As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000/2853 (as amended)

### **Functions in relation to hedgerows and the preservation of trees**

3. As set out in schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000/2853 (as amended)

### **Functions in relation to highways**

4. As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000/2853 (as amended)

### **General**

5. Annually review their effectiveness and their terms of reference.

### **PROCEDURE**

- a) As a general rule the Council Procedure Rules govern the way that committees operate but these, with the exception of paragraph 12 of the Council Procedure Rules, may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.
- b) Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions.

## ***Officers***

**This section describes the roles of the Statutory Officers including some specific functions that they are responsible for. The Statutory Officers are listed below –**

- 1. Head of Paid Service (Managing Director),**
- 2. Monitoring Officer (MO),**
- 3. Chief Financial Officer (CFO),**
- 4. Director for Children’s Services (DCS),**
- 5. Director of Adult Social Services (DASS),**
- 6. Director of Public Health (DPH), and**
- 7. Scrutiny Officer (SO).**

### **MANAGEMENT STRUCTURE**

1. Structure: The Head of Paid Service will determine and publicise a description of the senior officer structure of the Council.
2. The Senior Management Team is made up of the Managing Director, Directors, Assistant Directors and any other officer as determined by the Managing Director. The duties of the Senior Management Team include the delivery of effective governance and corporate and strategic management of the Council through collaborative working with elected members and partners, including the pursuit of the Council’s vision, priorities and core values. Designations of senior personnel will change from time to time and use of role titles within this document will be deemed to include their effective replacements from time to time or any other body or person placed in an equivalent role
3. The Council is required to designate statutory officers who will act in accordance with their professional standards and best practice guidance.

### **FUNCTIONS OF THE HEAD OF PAID SERVICE**

**The Managing Director will be designated as the Head of Paid Service.**

- 1 **The Head of Paid Service shall undertake all duties designated under Section 4 of the Local Government and Housing Act 1989.** These are personal functions and must be undertaken by the Head of Paid Service personally. Where the Head of Paid Service is also the Managing Director he/she may delegate other functions which are not included in that Section 4.

- 2 **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- 3 **Emergency Powers.** The Managing Director shall, having as far as possible conferred with the Leader in the event of civic disasters or other issues of extreme emergency, have power to make decisions for the protection of the Borough and its inhabitants, and which cannot be dealt with in accordance with the normal decision making process of the Council.
- 4 The Managing Director has delegated authority to deal with those urgent items of business falling within the remit of the Leader where a Leader is not in office. In addition, the Managing Director has delegated authority to undertake the role of consultee for those functions within the Council's Scheme of Delegation to Officers requiring prior consultation with the Leader where they are not in office.
- 5 **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.
- 6 **The Proper Officer.** The Head of Paid Service is the Proper Officer for all statutory purposes other than those expressly reserved to another named officer (by title) in this Constitution

#### **FUNCTIONS OF THE MONITORING OFFICER**

**The Assistant Director: Governance, Procurement and Commissioning will be designated as the Monitoring Officer.**

1. **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by members, employees and the public.

[www.telford.gov.uk/constitution](http://www.telford.gov.uk/constitution)

2. **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the full Council [or to the Leader and Cabinet Executive in relation to a Cabinet function] if he or she considers that any proposal, decision or omission would give rise to unlawfulness or following receipt of an ombudsman's report indicating if a 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 by full Council.
3. **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee. This will include conducting investigations into

matters where there may have been a breach of the Members' Code of Conduct and making reports or recommendations in respect of them to the Standards Committee

4. **Ensuring all reports to Cabinet include a legal comment and legal implications associated with the recommendations are clearly identified.** The Monitoring Officer, or officer designated by him, must be given adequate notice to prepare this comment before the initial draft is considered by Senior Management Team.
5. **Proper Officer for access to information.** 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.
6. **Advising whether Cabinet decisions are within the policy framework and budget.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the policy framework and budget.
7. **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and policy framework and budget issues to all Councillors. The Monitoring Officer shall also provide advice to officers and members in relation to personal and prejudicial interests and generally on issues that may affect their ability to take part in or vote in matters being considered.
8. **Responsibilities in Legal Proceedings.** The Monitoring Officer can authorise, institute, defend, participate or settle any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers it necessary to protect the Council's interest. For the avoidance of doubt, settlement of legal proceedings does include matters of issue or dispute where court/tribunal proceedings have yet to be issued.
9. **Authentication of Documents.** Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Assistant Director: Governance, Procurement & Commissioning or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the requisite authority has been specifically delegated to some other person.
10. **Execution of documents and the Common Seal of the Council.** The Monitoring Officer, in his/her capacity as Assistant Director: Governance, Procurement & Commissioning will execute by signature any contract, notice or other document required to implement any decision of the Council and can authorise any other officer(s) to undertake the execution of such documents on his/her behalf.
11. The Common Seal of the Council will be kept in a safe place in the custody of the Assistant Director: Governance, Procurement & Commissioning. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Assistant Director: Governance, Procurement

& Commissioning should be sealed. The affixing of the Common Seal will be attested by the Assistant Director: Governance, Procurement & Commissioning or some other person authorised by him/her.

12. **Appointment of a Deputy.** The Monitoring Officer shall appoint a deputy or deputies to act in his/her absence and when the Monitoring Officer is unable to act as defined in Section 5 of the Local Government and Housing Act 1989.
13. **Restrictions on posts.** The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

#### **FUNCTIONS OF THE CHIEF FINANCIAL OFFICER**

**The Assistant Director: Finance & Human Resources will be designated as the Chief Financial Officer**

- 6 **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full Council [or, in the first instance, to the Leader and Cabinet Executive in relation to a Cabinet 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.
- 7 **Ensuring all reports to Cabinet include a financial comment and financial implications associated with the recommendations are clearly identified.** The CFO, or officer designated by him, must be given adequate notice to prepare this comment before the initial draft is considered by Senior Management Team.
- 8 **Administration of financial affairs.** The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.
- 9 **Contributing to corporate management.** The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- 10 **Providing advice.** The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, policy framework and budget issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- 11 **Give financial information.** The Chief Financial Officer will provide financial information to the media, members of the public and the community.
- 12 **Advising whether Cabinet decisions are within the policy framework and budget.** The Chief Finance Officer will advise whether decisions of the Cabinet are in accordance with the policy framework and budget.

- 13 **Supporting the Audit Committee.** The Chief financial Officer will contribute to the promotion and maintenance of high standards of governance, audit, probity and propriety, risk management and the approval of the statement of accounts through provision of support to the Audit Committee.

### **FUNCTIONS OF THE DIRECTOR OF CHILDREN'S SERVICES (DCS)**

#### **The Director: Children's & Adult Services will be designated as the Director of Children's Services**

1. The Children Act 2004 Section 18 (1) requires the Council to appoint a Director of Children's Services. The Director of Children's services is tasked with improving the well-being of all children and young people in the local area across all five Every Child Matters outcomes, and ensuring that outcomes gaps between the most disadvantaged children and their peers are reduced.
2. **The functions of the Director of Children's Services are specified in Section 18(2):**
  - 2.1. functions conferred on or exercisable by the LA in its capacity as a local education authority subject to exceptions detailed in Section 18(3);
  - 2.2. social services functions as they relate to children within the meaning of the Local Authority Social Services Act 1970;
  - 2.3. functions relating to persons leaving care – Sections 23C to 24D Children Act 2004 ;
  - 2.4. functions in respect to the co-operation to improve well-being with partner agencies; multi agency arrangements to safeguard and promote welfare; information databases; children and young people's plans – Sections 10 – 12 and 17 Children Act 2004;
  - 2.5. functions under section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children
  - 2.6. functions in respect to the improvement of young children's well-being; provision of child care; information, advice and assistance, and training to child care providers – Part 1 of the Childcare Act 2006 and
  - 2.7. such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations
3. **Key roles:**
  - 3.1. leadership –
  - 3.2. to promote the importance of improving outcomes for all children and young people,
  - 3.3. to encourage all services to contribute to improving outcomes for all children within the Children's Trust and other partnerships; and
  - 3.4. working with local head teachers collectively to drive up standards in schools and improve children's wellbeing.
  - 3.5. championing children and young people and their families within the local area;
  - 3.6. management of the local authority's children's services, with professional responsibility and accountability for their effectiveness, availability and value for money;
  - 3.7. safeguarding and promoting the welfare of children

- 3.8. supporting looked after children
- 3.9. ensuring there are effective arrangements for school improvement in the area;
- 3.10. ensuring effective delivery of the authority's responsibilities for 14-19 commissioning and provision, and all aspects of 16-19 provision;
- 3.11. promoting early intervention and prevention in delivering services for children, young people and families; and
- 3.12. emphasising and ensuring all plans and strategies reflect the importance of reducing child poverty in the area.

### **FUNCTIONS OF THE DIRECTOR OF ADULT SOCIAL SERVICES (DASS)**

**The Assistant Director: Early Help & Support will be designated as the Director of Adult Social Services**

The Children's Act 2004 makes an amendment to Section 6 of the Local Authority Social Services Act 1970 and requires local authorities with social services responsibility in England to appoint an officer as the Director of Adult Social Services (once the duty to appoint a DCS has commenced).

- 1. The DASS is accountable for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended) and the Care Act 2014, other than those for which the DCS is responsible, in respect of adults.**
- 2. The responsibilities of the DASS must properly relate to the local authority's functions in respect to adult social services including:**
  - 2.1. accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
  - 2.2. professional leadership, including workforce planning;
  - 2.3. leading the implementation of standards;
  - 2.4. safeguarding vulnerable adults;
  - 2.5. managing cultural change;
  - 2.6. promoting local access and ownership and driving partnership working;
  - 2.7. delivering an integrated whole systems approach to supporting communities; and
  - 2.8. promoting social inclusion and wellbeing.

### **FUNCTIONS OF THE SCRUTINY OFFICER (SO)**

**The Proper Officer will designate an officer to be the Scrutiny Officer.**

**The Scrutiny Officer shall undertake the following functions, including:**

- 1.1. Promoting Scrutiny.** The SO will promote the role of the authority's scrutiny committee(s) and sub-committee(s)
- 1.2. Provide Support.** The SO will provide support to the scrutiny committee(s), sub-committee(s) and members of those committees or sub-committee(s).

1.3. **Provide Support and Guidance.** The SO will provide support and guidance to the members of the authority, members of the executive of the authority and officers of the authority in relation to the functions of the authority's scrutiny committee(s) and sub committees.

The Scrutiny Officer post cannot be held by the Head of Paid Service, Chief Financial Officer or Monitoring Officer.

## **FUNCTIONS OF THE DIRECTOR OF PUBLIC HEALTH**

**The Assistant Director: Health & Wellbeing will be designated as the Director of Public Health (DPH).**

The Council must appoint a DPH in accordance with section 73A of the National Health Act 2006 (as amended) acting jointly with the Secretary of State.

**The Statutory responsibilities of the DPH are set out in section 73A ((1) of the NHS Act 2006 (as amended) ("the 2006 Act") as follows:-**

all of the local authority's duties to take steps to improve public health  
any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services mandated by regulations made under section 6C of the 2006 Act, exercising their local authority's functions in planning for, and responding to, emergencies that present a risk to public health  
their local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders  
such other public health functions as the Secretary of State specifies in regulations and write an annual report on the health of the local population.

### **DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCIAL OFFICER**

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

### **CONDUCT**

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

### **EMPLOYMENT**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in this Constitution and the relevant statutory requirements

All officers shall be appointed on merit in accordance with Section 7 of the Local Government and Housing Act 1989.



## ***Responsibility for Functions (General)***

- Section 13 of the Local Government Act 2000 (as amended) provides that all the functions of the authority shall be functions of the Leader and Cabinet Executive except in so far as they are reserved to the Council by the Local Government Act 2000 (as amended), by subsequent legislation or by regulations made under the Local Government Act 2000 (as amended). The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) sets out those functions:
  - which must not be discharged by the Leader and Cabinet Executive (e.g. determination of planning applications; licensing and registration functions);
  - which may be the responsibility of the Leader and Cabinet Executive (e.g. service of an abatement notice for a statutory nuisance; functions relating to contaminated land);
  - which may not be the sole responsibility of the Leader and Cabinet Executive (e.g. the Council Plan; and
  - circumstances in which functions which would otherwise be functions of the Leader and Cabinet Executive fall to be discharged other than by the Leader and Cabinet Executive (e.g. where the Leader and Cabinet Executive is taking a decision concerning the budget and wish to make a decision contrary to the approved budget, then this is a matter for the Council).
- Accordingly, the Council only has discretion as to the allocation of functions between the Council (“Council functions”) and the Leader and Cabinet Functions (“Leader and Cabinet functions”) in respect of those functions which fall within categories b. and c. above.
  - “Council functions” shall therefore comprise:
    - those functions which are reserved as Council functions by the Local Government Act 2000 (as amended) and by subsequent legislation;
    - those functions which are reserved as Council functions by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and subsequent regulations under the Local Government Act 2000;
    - of those functions set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended):
      - under paragraph 2 of that Schedule the determination of any appeal against any decision made by or on behalf of the Council; and
      - under paragraph 19 of that Schedule, the appointment of any individual to any office or body, or to any committee or sub-committee of any body, and the revocation of such appointment shall be a Council function except to the extent that the opportunity for such appointment arises at such date that it is not convenient to defer any such appointment until the next Annual General Meeting of the authority.

- and the plans and strategies the adoption or approval of which shall be a Council function (the “Strategic Framework”) shall be those plans and strategies set out in Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) together with such other plans and strategies as the Council shall identify from time to time for this purpose.
- The Council may make arrangements under Section 101 of the Local Government Act 1972 (as amended) for the discharge of any of its functions by:
  - a Committee;
  - a Sub-Committee;
  - a Joint Committee;
  - another local authority, or
  - an officer.
- Such arrangements are set out in this section of the Constitution and in the Scheme of Delegation of Council Functions to Officers.
- Under Section 14(2) of the Local Government Act 2000 (as amended), the Leader may make provision that specific Cabinet functions shall be allocated to, and discharged by,
  - the Cabinet (as a body);
  - an individual member of the Cabinet;
  - a Committee of the Cabinet; or
  - an officer.

## ***Responsibility for Functions (Local)***

**Local Functions which may be exercisable by the Council and its Committees, or the Cabinet.**

**The Council, the Leader and the Cabinet have agreed the allocation of these functions in accordance with the split shown below: -**

### **Functions**

### **Decision Making Body**

#### **Appeals**

The determination of an appeal against any decision made by or on behalf of the authority where statute allows

Appeals Committee

#### **Environment**

Environmental Health Refuse Collection, Any function relating to contaminated land Part IIA Environmental Protection Act 1990

Licensing Committee

The discharge of any function relating to the control of pollution or the management of air quality. Pollution Prevention & Control Act 1999; Part IV Environmental Protection Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

Licensing Committee

The service of an abatement notice in respect of a statutory nuisance s.80(1) Environmental Protection Act 1990

Licensing Committee

The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area. S.8 Noise and Statutory Nuisance Act 1993

Licensing Committee

The inspection of the authority's area to detect any statutory nuisance s.79 Environmental Protection Act 1990

Licensing Committee

The investigation of any complaint as to the existence of a statutory nuisance  
s.79 Environmental Protection Act 1990

Licensing Committee

#### Planning

Certificate of Lawfulness of existing use or development and Certificate of Lawfulness of proposed use or development

Planning Committee

#### Enforcement

The obtaining of information as to interests in land. Town and Country Planning Act 1990 s.330

Planning Committee

The obtaining of particulars of persons interested in land. Local Government (Miscellaneous Provisions) Act 1976 s.16

Planning Committee

#### Standards in Local Government

The promotion and maintenance of high standards of conduct within the Council

Standards Committee

Assistance to members and co-opted members of the authority

Standards Committee

#### Education

To establish independent committees to which parents appeal if they are dissatisfied with a decision to exclude a pupil. School Standards and Framework Act 1998 s.67(1) and Sch 18

The Leader and Cabinet Executive

To establish independent committees to which parents can appeal if they are dissatisfied with an admission decision. School Standards and Framework Act 1998 s.67 (1) and Sch 18

The Leader and Cabinet Executive

The making of arrangements pursuant to Section 95(2) of and Schedule 25 to the 1998 Act (children to whom section 87 applies; appeals by governing bodies)

The Leader and Cabinet Executive

## Environment

### DEVELOPMENT PROPOSALS

Agreement between a developer and the Highway authority for the execution of highway Works. Highways Act 1980, s.278.

The Leader and Cabinet Executive

### Appointments

The appointment of any individual:

The Leader and Cabinet Executive

(a) to any office other than an office in which he is employed by the authority;

(b) to any body other than

(i) the authority

(ii) 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

|  |
|--|
| <p>NOTE – The Cabinet and Committees referred to above may, in turn, delegate functions to Sub Committees and/or officers where they consider appropriate. Any such delegations should be recorded in writing.</p> |
|--|

## ***Delegations to Chief Officers***

### **Officers' Delegated Authority**

- For the purposes of this delegation scheme the term 'Chief Officer', means the Managing Director, the Corporate Directors and the Assistant Directors of the Council.
- The general principles behind the delegated authority (powers) of Chief Officers are as follows:
  - if a function, power or responsibility has not been specifically reserved to the full Council, a Committee or the Executive, the Chief Officer within whose remit the matter falls is authorised to act;
  - the full Council, its Committees and the Executive will make decisions on matters of significant policy. Chief Officers have express authority to take all necessary actions to implement full Council, Committee and Executive decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate;
  - Chief Officers are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible;
  - in relation to all delegated authority conferred on Chief Officers by this Constitution, the Managing Director may allocate or reallocate responsibility for exercising particular powers in the interests of effective corporate management or as he or she thinks fit;
  - When functions are delegated to an Officer, the Council or the elected member body to which it has delegated those functions will retain concurrent powers where this is legally permissible. For the avoidance of doubt, where an officer has delegated a function to another officer, any officer of a higher rank within the structure can exercise that function. A function delegated to an officer may be passed back by that officer to the person (including another officer), committee or body giving the delegated power to the officer.
  - where there is doubt over the responsibility for the exercise of a delegated power, the Managing Director, or his or her nominee, is authorised to act.
  - when any officer is unable to act or is absent, the powers delegated to him/her under this Scheme of Delegation or otherwise shall be exercised by the appropriate Chief Officer or Service Delivery Manager.
  - in the interests of operational efficiency of the service a Chief Officer to whom a decision has been delegated may arrange for the decision to be taken on his or her behalf by an appropriately qualified officer for whom that Chief Officer has management responsibility.
  - without prejudice to Chief Officer's delegated authority, Chief Officers are required to report to their appropriate Cabinet Member on the performance of their Department.

- All Chief Officers are empowered to have the following authority to act:
  - to take all necessary action to implement decisions of the Council, its Committees and the Executive within overall remit, including:
    - commitment of resources within approved budgets and financial regulations;
    - service and placing of any necessary statutory or other notices (other than those expressly reserved to the full Council, a Committee or the Executive and which are not otherwise delegated);
    - the acquisition of equipment or services necessary for the day to day performance of the Council's business or fulfilment of any matter authorised by the Council or elected member body for which a budget has been approved;
    - to manage any physical assets, including land and buildings (except for the acquisition, appropriation or disposal of land and buildings), IT, vehicles and equipment generally, allocated to the service for which he/she is responsible;
    - to enter into any arrangements, contractual, partnership, or otherwise with any other body for the carrying out of the functions of either body;
    - power to nominate or authorise any other officer to act on his or her behalf to action any decision;
    - to enter into any arrangements, contractual, partnership, or otherwise with any other body for the carrying out of the functions of the Council;
    - to appoint, discipline, suspend or dismiss any employee below Chief Officer level who is employed in the delivery of services for which he/she is responsible, within the guidance issued by Managing Director and HR Manager;
    - in consultation with the Managing Director and the HR Manager, to make changes to the establishment of a service area for which he/she is responsible subject to financial provision for the current and future years being available and including the approval both of the grading of new posts for which financial provision has been made by the Cabinet and the regrading of existing posts;
    - to undertake all actions necessary to fulfil their respective duties and responsibilities as set out in the *'Officers'* section of this Constitution;
- Chief Officers are required to produce, keep up to date and publish on the Council's website a list of all nominations and authorisations to any other officers to act on his or her behalf to undertake any decision, power or function.
- These delegations should be interpreted widely to aid the smooth running of the Council, the effective deployment of resources and the efficient delivery of services.

## Part 2 - Decision-making

### *How do they make decisions*

This sections details the principles that the Council uses when making decisions, procedure rules for full Council, Cabinet and Committees and special arrangements for area working or working with other Councils in joint committees

### *Principles of Decision Making*

The Council is required to 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.

#### **RESPONSIBILITY FOR DECISION MAKING**

- 1 One purpose of the Leader and Cabinet Executive structure is to expedite decision making. Accordingly the intention of the Council is that decision taking should be delegated in the interests of speed where that is consistent with the democratic process in terms of accountability and openness.
- 2 The various levels of decision making are:-
  - Council – Committees – delegations to officers.
  - Leader - Cabinet (either collectively or by individual Cabinet member) – delegations to officers
- 3 Whilst specific functions are reserved to full Council by statute and the Leader may determine that certain Cabinet decisions be taken in full meetings of the Cabinet, a purpose of this Constitution is to encourage delegation of decision making to individual officers. Where such decisions have been delegated it remains open to the person or body making the delegation to call back for their own decision, issues of significance or sensitivity and for the decision maker to refer matters upwards for determination.
- 4 The Leader may delegate functions to or within the Cabinet, or to an individual Cabinet Member, or an officer. See the '*Leader/Cabinet – Terms of Reference*' for further information.
- 5 Decisions which the Council is delegating to Committees are identified in this Constitution.

- 6 Where a matter/decision has been delegated to the Cabinet, Committee or officer it is permitted for that delegation to be delegated on further to other Committee(s) and/or Officers where it is lawful, reasonable and appropriate to do so. Any such delegations should be recorded in writing.
- 7 The Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) set out what decisions the Council must make itself and these are detailed in this section of the Constitution. The following functions under Schedule 2 of the Regulations are also functions in relation to which the Council itself will make decisions:
- approval of the Council Plan (including any such plan which constitutes the Council Plan but is known by another name or title);
  - determination of any appeal against a decision made by, or on behalf of the full Council as opposed to appeals against decisions of the Leader and Cabinet Executive;
- 8 The determination of any appeal against a decision made by, or on behalf of the full Council as referred to in (b) in the paragraph above shall not in any way affect or remove the statutory rights of the individual.
- 9 Decisions in relation to the policy framework and budget are exclusively reserved to the Council.

#### **PRINCIPLES OF DECISION MAKING**

- 10 All decisions of the Council, its Committees, the Leader and Cabinet Executive and those under powers delegated by others shall have regard to the following principles of governance and good practice:
- consideration of all options available;
  - having regard to due consultation;
  - consideration of professional advice from officers;
  - clarity of aims and desired outcomes;
  - the action proposed must be proportionate to the desired outcome;
  - having respect and regard for human rights;
  - presumption for openness, transparency and accountability;
  - only relevant matters taken into account;
  - due weight to all material considerations (including opportunities and risks);
  - proper procedures will be followed
  - The Council's co-operative values.

#### **TYPES OF DECISION**

- 11 **Decisions reserved to full Council** – Decisions which are either required by statute to be taken by the full Council and/or which the full Council have decided to retain and not delegate to any councillor, committee or officer.

12 **Decisions made by Committees/Boards appointed by the Council** – Power to make such decisions are delegated by the Council in accordance with the relevant provisions of this Constitution. (Section 101, Local Government Act 1972)

13 **Decisions of the Leader and Cabinet Executive will comprise Key Decisions and Non-Key Decisions.** "Key Decisions" relate to a Leader and Cabinet Executive decision, which are likely:

- to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates, specifically decisions which are of a value in excess of £500,000; or
- to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area.

14 A key decision will relate to a decision on a matter identified in the Notice of Key Decisions, except in cases of urgency when the provisions contained within the Policy Framework and Budget Procedure Rules will apply.

15 In accordance with Section 38 of the Local Government Act 2000, in determining the meaning of "significant" the Council shall determine thresholds above which items are significant and will ensure these limits are published. Any decisions involving expenditure or saving above the published threshold for the service or function concerned will be a Key Decision. A Key Decision may not necessarily involve significant expenditure or savings but may however be significant in terms of its effect on communities in two or more wards within the Council's area.

16 A decision taker may only make a Key Decision in accordance with the requirements of the Cabinet Decision Procedure Rules set out in the section 6 of the Leader and Cabinet Rules (*decision-making*) and the *Principles of Decision Making* rules set out above.

#### **DECISION MAKING BY THE FULL COUNCIL**

17 When considering any matter, the Council meeting will follow the Council Procedure Rules set out in this Constitution

#### **DECISION MAKING BY THE CABINET**

18 When considering any matter, the Leader, Cabinet, individual member of the Cabinet or officer exercising delegated powers will follow the provisions of paragraph 6 above.

#### **DECISION MAKING BY OTHER COMMITTEES ESTABLISHED BY THE COUNCIL**

19 When considering any matter other Council Committees will follow those parts of the Council Procedure Rules set out in this Constitution as apply to them.

#### **DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS**

- 20 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.

**THE SCRUTINY COMMITTEES**

- 21 When considering any matter the Scrutiny Committees will follow the Scrutiny Procedure Rules set out in this Constitution.

## Council Procedure Rules

1. What is Council
2. Council meetings
3. Business to be transacted at Council meetings
4. Notice of Meetings/Attendance at meetings
5. The role of the Speaker
6. The role of the Mayor
7. Motions
8. Rules of Debate
9. Speeches
10. Voting
11. Presentation of Petitions
12. Suspending Council Rules
13. Conduct

### 1. What is Council

- 1.1. The Council (a meeting of all 54 Members of the Council, often referred to as “full Council”) is responsible for setting the Budget & Policy Framework for the Council. All Council functions are delivered within this framework.

### 2. Council Meetings

| What type of meeting              | When  |
|-----------------------------------|---|
| <b>The Annual General Meeting</b> | Either after Council elections, within 21 days of the retirement of the outgoing councillors<br>Or during March to May in non-election years  |
| <b>Ordinary Meetings</b>          | See the schedule of meetings  |
| <b>Extraordinary Meetings</b>     | Can be called by: <ul style="list-style-type: none"> <li>• the Council by resolution</li> <li>• the Mayor</li> <li>• the Monitoring Officer</li> <li>• any 5 Members of the Council who have signed a requisition requesting a meeting when the Speaker has refused or failed to call a meeting within 5 working days of him/her receiving such a requisition can request the Proper Officer to call a meeting</li> </ul> |

3. Business to be transacted at Council meetings:-

| Business to be transacted   | Type of Meeting |                  |                       |
|---|-----------------|------------------|-----------------------|
|   | Annual Meeting  | Ordinary Meeting | Extraordinary Meeting |
| Elect a person to preside if the Speaker or Deputy Speaker are not present  | ✓ *             | ✓ *              | ✓ *                   |
| Receive any apologies for absence   | ✓ *             | ✓ *              | ✓ *                   |
| Business required by statute to be done before other business   |                 | ✓ *              |                       |
| Receive any declarations of interest from Members   | ✓ *             | ✓ *              | ✓ *                   |
| Elect the Mayor, Deputy Mayor, Speaker, Deputy Speaker and Leader <sup>1</sup>  | ✓               |                  |                       |
| Approve the minutes of the previous meeting(s) <sup>2</sup>   | ✓ *             | ✓ *              |                       |
| Receive any announcements from the Mayor, the Leader or the Head of Paid Service  | ✓               | ✓                |                       |
| Agree the size of the Cabinet and note the Leader's appointments to the Cabinet, including the Deputy Leader  | ✓               |                  |                       |
| Agree the Council's delegation scheme   | ✓               |                  |                       |
| Appoint such committees, etc. as the Council consider are required to enable it to efficiently conduct its business and, in respect of those committees agree the size and terms of reference and appoint the Chairman, Vice-Chairman, Members and substitutes (where applicable) | ✓               | ✓ **             |                       |
| Receive the schedule of meetings  | ✓               |                  |                       |
| Receive the Leader's annual statement of policy priorities and the responses from the Leaders of the 2 largest opposition groups  | ✓               |                  |                       |
|   | Annual Meeting  | Ordinary Meeting | Extraordinary Meeting |

<sup>1</sup> If the Leader's 4 year term has expired or a vacancy has otherwise arisen

<sup>2</sup> The only part of the minutes that can be discussed is their accuracy. Once approved the Mayor will sign them as a correct record.

|  |   |   |   |
|--|---|---|---|
| Consider the business set out in the agenda  | ✓ | ✓ | ✓ |
| Receive reports from Committees, etc. and receive questions and answers on those reports and to determine recommendations made in those reports <sup>3</sup> |   | ✓ |   |
| To consider questions raised by Members or members of the Public   |   | ✓ |   |
| To consider motions in the order in which they were received   |   | ✓ |   |

\* Compulsory business, the order of which cannot be varied.

\*\* Where there is a vacancy

#### 4. Notice of Meetings/ Attendance at meetings

- 4.1. The Proper Officer will give 5 clear working days' notice of all Council meetings by way of summons which will include details of the date, time and place of the meeting as well as detailing the business to be transacted and copies of available reports. Summonses may be delivered by post, by hand or electronically.
- 4.2. The Speaker may, if he/ she considers it appropriate and after consulting with the Mayor alter the date or time of any Council meeting.
- 4.3. The names of all Members attending meetings will be recorded.
- 4.4. Substitutes can be appointed as detailed below and have the same powers and duties as an ordinary member of the committee but cannot chair a meeting at which they are attending as a substitute. They must substitute for a whole meeting for a member who cannot attend the meeting and the Proper Officer must be notified by either the member being substituted or the proposed substitute as soon as is reasonably practicable before the start of the meeting.
- 4.5. Current Council committees are:-

| Type of meeting                      | Members                        | Substitutes | Quorum    |
|--------------------------------------|--------------------------------|-------------|-----------|
| <b>Council</b>                       | <b>54</b>                      | <b>n/a</b>  | <b>14</b> |
| <b>Cabinet</b>                       | <b>9 (maximum)</b>             | <b>n/a</b>  | <b>4</b>  |
| <b>Health &amp; Well-Being Board</b> | <b>6<br/>(and 8 co-optees)</b> | <b>n/a</b>  | <b>4</b>  |
| Type of meeting                      | Members                        | Substitutes | Quorum    |
| <b>Standards Committee</b>           | <b>8</b>                       | <b>n/a</b>  | <b>3</b>  |

<sup>3</sup> Minutes are moved by the Leader (or Cabinet Member) and the Chairman (for committees).

Resolved decisions cannot be discussed or changed by Council.

Recommendations from Cabinet or any committee will be considered individually in the order that they appear on the Council agenda and debated in accordance with these rules.

Once all the recommendations emanating from cabinet or a committee have been considered then the minutes are received

|                                       |           |                        |          |
|---------------------------------------|-----------|------------------------|----------|
| <b>Council Constitution Committee</b> | <b>8</b>  | <b>n/a</b>             | <b>3</b> |
| <b>Scrutiny Management Board</b>      | <b>8</b>  | <b>n/a</b>             | <b>3</b> |
| <b>Scrutiny Committees</b>            | <b>8</b>  | <b>n/a<sup>4</sup></b> | <b>3</b> |
| <b>Planning Committee</b>             | <b>9</b>  | <b>9</b>               | <b>3</b> |
| <b>Licensing Committee</b>            | <b>10</b> | <b>10</b>              | <b>3</b> |
| <b>Appeals Committee</b>              | <b>8</b>  | <b>8</b>               | <b>3</b> |
| <b>Personnel Committee</b>            | <b>8</b>  | <b>n/a</b>             | <b>3</b> |
| <b>Boundary Review Committee</b>      | <b>8</b>  | <b>n/a</b>             | <b>3</b> |

## **5. The role of the Speaker**

- 5.1. The person elected at Annual Council to run meetings of the Council on behalf of the Mayor is referred to as the Speaker. A Deputy Speaker is also appointed at Annual Council
- 5.2. The Speaker will:-
  - 5.2.1. Uphold the Constitution and interpret it during Council meetings;
  - 5.2.2. Ensure that the business of the Council is carried out efficiently and with regard to the rights of all Members and the community as a whole including the variation of the order of business (except those items marked with an asterisk in 3 above)
  - 5.2.3. Ensure that the Council meeting is a forum for debate of matters of concern to the local community and the place for members who are not on the Cabinet to hold the Cabinet to account
  - 5.2.4. 5.3 The Deputy Speaker, or in his absence any Member elected to preside if the Speaker is not present may exercise any of these powers or duties.

## **6. The role of the Mayor**

- 6.1. Elected at Annual Council the Mayor will:-
  - 6.1.1. Chair the meetings of Council, including commencing the meeting and handing over to the Speaker to manage the Agenda, to sign the minutes and, if necessary to exercise the casting vote;
  - 6.1.2. Attend such civic and ceremonial functions that the Council and he/she determines are appropriate;
  - 6.1.3. Promote public involvement in the Council's activities.
  - 6.1.4. The Mayor does not sit on any committees
  - 6.1.5. The Deputy Mayor, also appointed at Annual Council, may exercise any of these powers or duties in the absence of the Mayor.

### **6.2. Questions at Ordinary meetings of the Council**

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<sup>4</sup> except for call-in meetings where substitutes are allowed

- 6.2.1. A member may ask any member of the Cabinet questions on a point of clarification only about key decisions made by Cabinet since Council last met or that have not previously been presented to Council.
- 6.2.2. A member may ask any member of the Cabinet or the Chairman of any Committee questions about any matter in relation to which the Council has powers or duties which affects the Borough
- 6.2.3. Questions pursuant to 6.2.2 above must be submitted to the Proper Officer by 5:00pm at least 2 clear working days before the meeting unless the Speaker and the person to whom the question is to be put agree that the matter is urgent in which case the question must be provided to the Proper Officer 24 hours before the time of the meeting.
- 6.2.4. Questions received pursuant to 6.2.2 are tabled at the meeting, printed in the order in which they are received.
- 6.2.5. A member may ask a supplementary question arising from the reply to their original question.
- 6.2.6. A member of the public or organisation may only ask one question per meeting which cannot be more than 50 words long except with the approval of the Speaker.
- 6.2.7. All questions pursuant to 6.2.6 above must be submitted to the Proper Officer by 5:00pm at least 7 clear working days before the meeting and will be included in the Council Agenda in the order in which they are received
- 6.2.8. The Speaker may, in consultation with the Managing Director or the Proper Officer, rule any question out of order if questions do not meet the requirements detailed in 6.2.1 or in his/her opinion it would risk the defamation of any individual, relates to confidential or exempt information, relates to an individual or personal dealings with the Council or is considered to be frivolous, vexatious or repetitious.
- 6.2.9. An answer will be provided by the person to whom the question was put or his/ her nominee and can be either a direct oral answer, a reference to an already existing publication or, if the reply cannot be conveniently be given orally, or the relevant time period has expired (30 minutes for member questions and 15 minutes for public questions), a written answer will be sent to the person who asked the question and circulated to all Members via the Council's intranet or e-mail within five clear working days.
- 6.2.10. A person may speak for no more than 2 minutes when either; asking a question/ supplementary question or providing an answer to a question.

## **7. Motions**

- 7.1. There are two types of Motion, those that can be moved during debate and those for which notice is required.

### **Motions without notice**

- 7.2. The following motions can be moved without notice during the Council meeting:-
- 7.2.1. to appoint a Chairman
  - 7.2.2. in relation to the accuracy of the Minutes
  - 7.2.3. to change the order of business in the agenda
  - 7.2.4. to refer something to an appropriate body or individual
  - 7.2.5. to appoint a committee or member arising from an item on the agenda for the meeting
  - 7.2.6. to receive reports or adoption of recommendations of Committees or officers and any recommendations following from them
  - 7.2.7. to extend the time limit for speeches
  - 7.2.8. to suspend a particular Council meeting rule
  - 7.2.9. to adjourn the meeting
  - 7.2.10. to exclude the public and press
  - 7.2.11. to not hear further from a Member or to exclude them from the meeting
  - 7.2.12. to give the consent of the meeting where its consent is required by this Constitution to ask for a Recorded Vote
  - 7.2.13. to withdraw the motion
  - 7.2.14. to amend the motion
  - 7.2.15. to proceed to the next business<sup>5</sup>
  - 7.2.16. that the question be now put<sup>6</sup>
  - 7.2.17. to adjourn the debate<sup>7</sup>
- 7.3. The Speaker may ask for a written version of a Motion or a proposed amendment to be provided to him before it is discussed.
- 7.4. A Member may alter a Motion without notice which he/ she has moved with the consent of the Seconder and the meeting. This shall be given without discussion.

### **Motions with notice**

- 7.5. Other Motions must be submitted to the Proper Officer by 5:00pm at least 7 clear working days before the meeting.
- 7.6. A notice of motion of no confidence in the cabinet as a whole or individual members (including the Leader) requires 10 clear working days' notice and must be signed by at least 25% of all Members
- 7.7. Motions received will be published the day after the closing date for receipt and will be included in the Council agenda in the order in which they are received.

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<sup>5</sup> If the Speaker considers that the item has been sufficiently discussed he/ she will put the motion to the vote and if passed give the mover of the Substantive Motion a right of reply

<sup>6</sup> If the Speaker considers that the item has been sufficiently discussed he/ she will put the motion to the vote and if passed give the mover of the Substantive Motion a right of reply

<sup>7</sup> If the Speaker considers that the item has not been sufficiently discussed and cannot reasonably be so he/ she will put the motion to the vote without giving the mover of the Substantive Motion a right of reply

- 7.8. Motions must relate to matters for which the Council has responsibility or which affect the Borough of Telford & Wrekin.
- 7.9. A Member may alter a Motion with notice which he/she has moved with the consent of the meeting. This shall be given without discussion.

**Special Motions with notice - Rescinding a previous decision**

- 7.10. A Motion or amendment to rescind a decision made at Council in the last 6 months can only be considered once in the 6 months immediately following the date of the original decision if the notice of motion is signed by at least 10 members.
- 7.11. A motion or amendment that is substantially similar to one that has been rejected by Council in the last 6 months can only be considered once in the 6 months immediately following the date of the original decision if the notice of motion is signed by at least 10 members.

**8. Rules of Debate**

- 8.1. Other than when asking questions or when these rules have been suspended Members can speak once on the motion, any proposed amendment to the motion and on any further amended motion as detailed below:-

|  | Substantive motion | Propose amendments | Proposed amendment  | Right of reply |
|--|--------------------|--------------------|---------------------|----------------|
| Proposer                                   | ✓                  | ✗                  | Right of Reply only | ✓              |
| Seconder                                   | ✓                  | ✗                  | ✓                   | ✗              |
| All other members except the Mayor/Speaker | ✓                  | ✓                  | ✓                   | ✗              |

**Amendments to Motions or Recommendations**

- 8.2. Any proposed amendment to a motion or recommendation at Council should be submitted to the Proper Officer no later than 4 hours before the meeting starts. The Proper Officer will ensure that Group Leaders are notified by telephone or e-mail of any amendments received as soon as possible prior to the commencement of the Council meeting.
- 8.3. Unless the notice of motion has already been given the Speaker may require it to be written down and handed to him/ her before it is discussed.
- 8.4. Only one Motion can be moved and debated at any one time.
- 8.5. No more than one amendment can be proposed to either the substantive Motion or the amended Motion at any one time.

- 8.6. When seconding a motion or amendment a member may reserve their speech until later in the debate.
- 8.7. If an amendment is carried the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 8.8. After an amendment has been carried the Speaker may read out the amended motion before accepting any further amendments or, if there are one, continue the debate or put it to the vote
- 8.9. Amendments can be proposed that:-
  - 8.9.1. Refer the matter to an appropriate body or individual for consideration or reconsideration
  - 8.9.2. Any combination of leaving out words and/or adding others as long as this does not negate or substantially alter the Motion.

### **Withdrawal of Motions**

- 8.10. A Member may withdraw a Motion which he/she has moved with the consent of the seconder and the meeting. This shall be given without discussion.

### **Alteration of motion**

- 8.11. A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 8.12. A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 8.13. Only alterations which could be made as an amendment may be made.

### **Closure motions**

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

- 8.14.1. to proceed to the next business;
- 8.14.2. that the question be now put;
- 8.14.3. to adjourn a debate; or
- 8.14.4. to adjourn a meeting.

- 8.15. If a motion to proceed to next business is seconded and the Speaker thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- 8.16. If a motion that the question be now put is seconded and the Speaker thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

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

### Speeches

| Purpose of speech  | Who can make the speech  | Duration                               |
|--|--|--|
| Presenting a report  | Member presenting a report   | 5 minutes                              |
| Proposing a motion or moving an amendment to a motion                        | Any Member   | 5 minutes                              |
| The adoption of minutes  | Member moving the adoption of minutes                                    | 5 minutes                              |
| Speeches at:<br>AGM;<br>Budget debate; and<br>State of the Borough<br>debate | Leader<br>Leaders of 2 main opposition groups<br>Leader (right of reply) | 20 minutes<br>10 minutes<br>10 minutes |
| Substantive motion   | Any member   | 3 minutes                              |
| Point of Order   | Any member   | 3 minutes                              |
| Personal Explanation   | Any member   | 3 minutes                              |
| Right of Reply   | Mover of Motion  | 3 minutes                              |

- 8.18. No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.
- 8.19. The Proposer of the substantive motion (or his/ her nominee) has a right of reply at the end of the debate but the Proposer of an amendment has no right of reply at the end of the debate on the proposed amendment

### Point of Order

- 8.20. A point of order can be raised at any time and will be heard by the Speaker as soon as it is raised. It must allege a breach of the Council Rules or the law and the Member must indicate the rule or the law and the way in which he/she considers it has been broken. The decision of the Speaker in respect of the matter is final.

### Personal Explanation

- 8.21. A Member can make a personal explanation at any time. It can only relate to a material part of an earlier speech made during the current debate which relates to them and appears to have been misunderstood during the debate. The ruling of the Speaker in respect of the personal explanation is final.

### Speaking

- 8.22. Except with the leave of the Speaker all Members must stand and address the meeting through the Speaker. When more than one member is standing up the Speaker will invite one of them to speak and the remaining Members must sit down and remain seated.
- 8.23. When a Member is speaking all Members must remain seated unless they wish to make a Point of Order or a Point of Personal Explanation.
- 8.24. The Speaker may allow officers to give advice to Council as and when appropriate in which case the rules on speaking for Members apply.

## **9. Voting**

- 9.1. Subject to rules 10.2 to 10.5 below any matter is decided by a simple majority of those present and voting in the room. This can be done either by a show of hands or, if there is no dissent, by the affirmation of the meeting
- 9.2. The Mayor has a casting vote if there equal numbers of votes for and against a matter. There is no restriction on how the Mayor may exercise this casting vote.
- 9.3. Seven<sup>8</sup> Members may, before the vote is taken, ask for a Recorded Vote which would record in the minutes the way in which individual Members voted.
- 9.4. After a vote is taken any Member can ask for the way that they voted to be recorded in the minutes.
- 9.5. Any vote taken at a budget decision meeting of the Council will be by way of a recorded vote.
- 9.6. If three or more people are nominated for a position and there is no clear majority of votes in favour of one of them then the person with the fewest votes is rejected and a new vote is taken. This process continues until there is a majority of votes for one person.

## **10. Presentation of Petitions**

- 10.1. A petition may be presented to a meeting of the Council by a member of the Council or a member of the public subject to four clear working days prior written notice being given to the Proper Officer.
- 10.2. There shall be no right of a petitioner to address members.
- 10.3. Consideration of a petition may take place at the meeting of the Council at which the petition is presented when the subject of the petition relates to an item which is already on the agenda for that meeting, or the petition shall be received without discussion and referred to the relevant Officer.

## **11. Suspending Council Rules**

- 11.1. These Council Rules, except 9.4 and 10 can be suspended by Motion on notice or without notice if at least 50% of the members present agree. Any suspension under

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<sup>8</sup> 2 members for committees

this rule will last only for the duration of that Council Meeting.

## **12. Conduct**

### **Members**

- 12.1. When the Speaker stands up or indicates in some other manner the Member speaking must stop speaking and sit down and the meeting must be silent.
- 12.2. Any Member can move that another member be not heard further if that Member is persistently disregarding the ruling of the Speaker or behaving improperly or offensively or deliberately obstructing business. Any such Motion will, if seconded, be voted on without debate.
- 12.3. If, after such a Motion is carried, the Member continues to behave improperly then the Speaker may move that the Member leaves the meeting and/or that the meeting is adjourned for as long and/or to such a place as he/she considers appropriate. Any such Motion will, if seconded, be voted on without debate.

### **Public**

- 12.4. If a member of the public interrupts proceedings or continually interrupts proceedings then the Speaker may either warn them about their behaviour or order their removal from the meeting room as he/she considers appropriate.

### **General Provisions**

- 12.5. If there is general disturbance which, in the opinion of the Speaker, makes orderly business impossible then the Speaker may adjourn the meeting for as long and to such a place as he/she thinks appropriate or call for all or any part of the meeting room to be cleared.

## ***The Leader & Cabinet Rules***

|             |  |
|-------------|--|
| <b>10.0</b> | <b>The Leader</b>                                    |
| <b>11.0</b> | <b>The Deputy Leader</b>                             |
| <b>12.0</b> | <b>The Cabinet and cabinet members</b>               |
| <b>13.0</b> | <b>Notice of meetings/ Attendance at meetings</b>    |
| <b>14.0</b> | <b>Business to be transacted at Cabinet meetings</b> |
| <b>15.0</b> | <b>Decision-making</b>                               |
| <b>16.0</b> | <b>Developing the Budget Framework</b>               |
| <b>17.0</b> | <b>Developing the Policy Framework</b>               |

### **1. The Leader**

- 1.1. The Leader is appointed by Council for a four year term and, subject to 1.7, below holds office until the day after the Annual Meeting after the first full Council Elections after his/ her election and is responsible for developing and implementing the Budget & Policy Framework.
- 1.2. All functions of the Authority are vested in the Leader except in so far as they are reserved to the Council by legislation or they are functions identified as those which may be made either by Council or the Leader, (as amended from time to time), and a decision has been made by Council that they are Council functions<sup>9</sup>. These are detailed in the Responsibility for Functions.
- 1.3. The Leader may invite the Council to review and re-allocate the responsibility for these Council functions at any time.
- 1.4. The Leader may only take decisions, including Key Decisions, which are within the Council's Budget and Policy Framework.
- 1.5. The Leader may delegate any or all of his/ her functions, including the taking of Key Decisions, to the Cabinet, a sub-committee of cabinet, an individual cabinet member (including the Deputy Leader), an officer, a joint committee or another local authority. Delegations made by the Leader are detailed in the Responsibility for Functions.
- 1.6. Any changes to the delegations made by the Leader will be notified to the person or committee concerned<sup>10</sup> and to the Proper Officer who will report the changes to the next meeting of Council.
- 1.7. The Leader will continue in office unless he/she:-
  - 1.7.1. resigns from office
  - 1.7.2. is no longer a Councillor

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<sup>9</sup> These Council functions may be delegated to a committee, a sub-committee, a joint-committee or an officer

<sup>10</sup> Notice to any committee, including a Joint Committee will be effective if it is given to the Chairman of that committee

1.7.3. is removed from office by resolution of the Council by way of motion of no confidence submitted with at least 10 working days' notice which is signed by at least 25% of all Councillors

1.7.4. is removed from office by resolution of the Council in the event of a change in political control of the Council

## **2. The Deputy Leader**

2.1. The Leader will appoint one of the members of the Cabinet to act as his/her Deputy. The Deputy Leader must act in the place of the Leader if the Leader is for any reason unable to act or the office of Leader is vacant.

2.2. Subject to 3.7 below the Deputy Leader will hold office until the end of the term of office of the Leader

2.3. If a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place. The appointment will take effect when the Leader provides written confirmation of the appointment to the Proper Officer.

## **3. The Cabinet**

3.1. The Cabinet is chaired by the Leader of the Council<sup>11</sup> and between 2 and 9 other members (including the Deputy Leader but not including the Mayor, the Deputy Mayor, Speaker or Deputy Speaker) appointed by the Leader.

3.2. The Leader will provide notification of Cabinet appointments and replacements to the Proper Officer in writing as soon as is reasonably practicable after they have been made.

3.3. The Cabinet, or individual cabinet members (including the Deputy Leader) are responsible for day to day decision-making of (mainly) Key Decisions that have been delegated to them by the Leader either collectively or individually and implementing the policies and priorities in accordance with the Budget and Policy Framework which is determined by Council. Cabinet also has a key role in supporting the Leader in Developing the Budget and Policy Framework.

3.4. If for any reason the Leader is unable to act or the office of Leader is vacant and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place or must arrange for a member of the Cabinet to act in his/her place.

3.5. The quorum of the meeting is 4 and substitutes are not allowed.

3.6. Co-optees can be appointed to cabinet sub-committees<sup>12</sup> but they cannot be given voting rights.

3.7. A Cabinet member (including the Deputy Leader) holds office until he/she:-

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<sup>11</sup> In the absence of the Leader the Deputy Leader will chair the meeting. In the absence of the Deputy Leader the chair will be appointed by the members present at the meeting.

<sup>12</sup> Co-optees can be appointed for a fixed term or as a standing member – there is a 1 month notice period on either side.

- 3.7.1. resigns from office
- 3.7.2. is no longer a Councillor
- 3.7.3. is removed by the Leader, this removal will take effect when the Leader gives written notice of it to the Proper Officer
- 3.7.4. is removed from office by resolution of the Council by way of motion of no confidence submitted with at least 10 working days' notice which is signed by at least 25% of all Councillors
- 3.7.5. is removed from office by resolution of the Council in the event of a change in political control of the Council

#### **4. Notice of meetings/ Attendance at meetings**

- 4.1. The time and date of Cabinet meetings are agreed in advance by Annual Council. Subject to 4.2 below additional meetings may be called, or the time and date of meetings may be changed by the Proper Officer at the request of the Leader or any Statutory Officer where a decision is an Urgent Decision or it is otherwise reasonable to do so.
- 4.2. The Proper Officer will give at least 5 clear working days' notice of Cabinet meetings.
- 4.3. Cabinet meetings are held in public. When the meeting considers confidential information or exempt information (subject to the relevant public interest tests) then the meeting will consider that agenda item in private and, by resolution, members of the public, the press and, subject to 4.6 below, non-cabinet members of the Council may be excluded
- 4.4. The agenda and reports for all meetings will be made available to all Members
- 4.5. A copy of the Agenda and reports (except confidential or exempt reports) for all meetings, and the Notice of Decisions from previous meetings are placed on the Council's web-site as soon as they are published. A copy of the Agenda and all non-confidential or non-exempt reports will be available for inspection from Addenbrooke House as soon as the Agenda is published.
- 4.6. The Group Leader (and in their absence the Deputy Group Leader) of all minority groups on the Council can attend and speak on any item on the Agenda
- 4.7. The person chairing the Cabinet meeting may, in their absolute discretion, by prior agreement, allow a member to speak on an item when a decision about it will have a significant effect on their ward.
- 4.8. The Proper Officer may make arrangements to provide briefings for non-cabinet members on agenda items prior to the cabinet at such times and in such places as may be agreed from time to time by the Managing Director and Group Leaders.**

## 5. Business to be transacted at Cabinet meetings

| Business to be transacted   |      |
|---|------|
| Agree terms of reference at the first meeting after Annual Council  | ✓    |
| Elect a person to preside if the Leader and Deputy Leader are not present   | ✓ *  |
| Receive any apologies for absence   | ✓ *  |
| Receive any declarations of interest from Members   | ✓ *  |
| Consideration of the Record of Decisions of the last meeting <sup>13</sup>  | ✓ *  |
| Appoint such sub-committees, etc as the Cabinet consider are required to enable it to efficiently conduct its business and, in respect of those sub-committees agree the size and terms of reference and appoint the Chairman, Vice-Chairman and Members. | ✓ ** |
| Matters referred to the Leader from either Council <sup>14</sup> or any Scrutiny Committee <sup>15</sup> ;  | ✓    |
| Consideration of reports from individual members <sup>16</sup> of the Cabinet or any Statutory Officer;   | ✓    |
| Matters set out in the agenda for the meeting (Key Decisions shall be identified).  | ✓    |

\* Compulsory business, the order of which cannot be varied.

\*\* Where there is a vacancy

## 6. Decision-making

6.1. All decisions, notwithstanding who takes them, will be made using the Principles of Decision-making

6.2. A Record of Decisions shall be made for all cabinet meetings and all Key Decisions taken, whether taken collectively or individually.

6.3. Where an individual or any decision-making body other than the Cabinet is inquorate because of a conflict of interest the decision will be taken by the Cabinet. If the Cabinet is inquorate because of a conflict of interest then the Proper Officer will be instructed to seek an appropriate dispensation from the Standards Committee. Or, in the alternative, the Leader may decide to exercise his strong leader powers and decide the matter.

<sup>13</sup> The only part of the Record of Decisions that can be discussed is their accuracy. Once approved the Chairman will sign them as a correct record.

<sup>14</sup> Any resolution of Council referred to Cabinet for consideration will be considered, at latest, at the next scheduled meeting of the Cabinet

<sup>15</sup> These may be limited by the Proper Officer depending upon the business to be transacted at the meeting

<sup>16</sup> These may only be submitted with the agreement of the Leader

## 7. Attendance at Cabinet Meetings

7.1. The Constitution requires that the Cabinet meet in public session when making decisions. The Cabinet is also subject to the Access to Information rules set out in the Constitution which require:-

7.1.1. that the agenda is made available for public inspection five working days prior to the date of the meeting

7.1.2. that all items of business are open to the public unless they meet the requirements of the Access to Information Act and are classified as exempt or confidential.

7.1.3. Section 152 - that meetings of the Cabinet can be attended by members of the public and any Member of Council for the public session. Members of the public will be asked to leave following agreement to the appropriate resolution to exclude the press and public.

7.2. Over and above those rights for each meeting of the Cabinet, the Group Leaders (or if unable to attend the Deputy Group Leaders) from all Groups will be invited to attend as a matter of course. In addition to attendance at the meeting each Group Leader (or Deputy Group Leader if substituting for the Leader) will be able to speak on any item on the agenda.

7.3. In addition to Group Leaders (or Deputy Group Leader substituting for a Group Leader), any Councillor who has a significant ward matter on the Cabinet agenda may seek permission from the Leader, prior to the meeting, to speak when the item will be discussed. By permission of the Leader, members may be given the opportunity to speak for significant items/issues within their ward. It will be the Leader who will determine whether or not the item is significant or not. This mirrors the existing arrangements where Chairmen of Boards and Committees have allowed members not on the Board/Committee to speak on ward issues.

## 8. Developing the Budget Framework

8.1. The Council is responsible for adopting the Budget & Policy Framework but the Leader is responsible for developing proposals and implementing it. The process for developing the Budget Framework is:-

| Action   | Timing   |
|--|--|
| <b>The Leader publishes his/ her draft budget and policy framework proposals in accordance with this timetable</b> | <b>By 31<sup>st</sup> December or as soon as reasonably practicable thereafter</b> |

|   |   |
|---|---|
| <b>Consultation including referring proposals to the relevant Council Scrutiny Committee<sup>17</sup> and community and stakeholder groups</b>  | <b>At least 4 weeks from publication of draft proposals</b> |
| <b>Action</b>   | <b>Timing</b>   |
| <b>The Leader considers the responses from the budget consultation, including reports from the relevant Council Scrutiny Committee and Opposition Groups and may amend his/ her proposals</b> | <b>Pre 11<sup>th</sup> March</b>                            |
| <b>The Leader will submit his/her final proposals (including responses to consultation) to Council for adoption</b>   | <b>Pre 11<sup>th</sup> March</b>                            |

## 9. Conflict resolution

9.1. Where the Leader and Cabinet Executive has submitted the draft budget strategy to the authority for its consideration and, following consideration of that draft, the Council has any objections to it, the Council must take the action set out below.

9.2. The Council will consider the proposals of the Leader and Cabinet Executive and if the Council has any objections to the policy and budget proposals, the Council must inform the decision taker of any objections and instruct that the policy and budget proposals be reconsidered by the decision-taker within 5 working days (this is a minimum period set out in the Regulations and can be extended if Members so desire) beginning on the day after the date on which the Leader receives the instruction.

9.3. within the 5 working days the Leader may:-

9.3.1. submit a revised draft plan of the policy and budget proposals to the Council and the decision-taker's reasons for any amendments; or

9.3.2. inform the Council of any disagreement the decision-taker has with any of the Council's objections and the reasons for any disagreement.

9.4. when the 5 working days has expired, the Council must take into account any amendments made by the decision-taker and reasons for those amendments any disagreement and reasons for the disagreement, when either amending, approving or adopting the policy and budget proposals.

9.5. the Council meeting must take place within 10 working days of the receipt of the decision-taker's proposals. At that Council meeting, the decision of the Council shall be reconsidered in the light of the decision-taker's comments, which will be available in writing for the Council.

9.6. The Council shall at that meeting make its final decision on the matter by way of recorded vote. The decision shall be made public, and shall be implemented

<sup>17</sup> This committee must consider any budget proposals proposed by any Opposition Group before Cabinet present their final proposals to Council

immediately.

10. If before 8 February in any financial year the Leader and Cabinet executive submits to the Council for its consideration in relation to the following financial year:-
  - 10.1. estimates of the amounts to be aggregated in making a calculation (whether originally or by a 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;
  - 10.2. estimates of other amounts to be used for the purposes of such calculation;
  - 10.3. estimate of such a calculation; or
  - 10.4. amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992,
- 10.5. and following consideration of those estimates, the Council has any objections to them, it must follow the same procedure as set out in paragraph 9.3 above.

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| <p><b>This provision shall not apply when the decision-taker submit their proposals to the Council after 8 February</b></p> |
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## **11. Developing the Policy Framework**

- 11.1. Development of any element of the Policy Framework will be managed by the Leader in a similar way to the development of the Budget Framework, see 7 above, in that proposals will be agreed by the Leader and consulted upon (including referring proposals to the relevant scrutiny committee before being re-considered by the Leader in the light of consultation responses and submitted to Council for adoption)

## ***Committee Procedure Rules***

### **CONDUCT OF BUSINESS**

- **GENERAL**

- Any reference to a Committee in these Committee Procedure Rules shall include Commissions and Boards.

- **APPOINTMENT OF COMMITTEES & POLITICAL GROUPS**

- The Council shall at the Annual Meeting appoint such Committees as it is required to appoint by or under any statute or under Council Procedure Rule 3 and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf:
  - shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Council;
  - may at any time dissolve a Committee or alter its membership.
- Members of the Council may notify the Managing Director of their intention to form a Political Group in accordance with the Local Government (Committees and Political Groups) Regulations 1990 (as amended), and who the Leader (and Deputy Leader, if any) of the Group shall be.
- The Managing Director shall calculate the number of seats on each Committee to be allocated to each of the Political Groups of which he/she has received notice and the number of seats to be allocated to Members who do not form a Political Group (if any) (non-aligned Members) and shall notify the Leader(s) of each of the Political Groups of his/her decision.
- If the Managing Director does not receive any notice relating to the formation of Political Groups then the allocation of seats on Committees and the appointment of Chairmen and Vice-Chairmen of the Committees shall be decided at the Annual Meeting of the Council.
- Following the procedures mentioned in 2.2 above each Political Group shall nominate members of the Council to serve on Committees. Details of the nominations shall be contained in a report to be sent to each member not less than three working days OR AS SOON AS IS REASONOABLY PRACTICABLE before the Annual Meeting.
- The Leader of any of the Political Groups or a member nominated to the Chair before the beginning of the meeting may submit a written amendment comprising a list with alternative names subject to their being before the Chair prior to the commencement of the meeting.

- **CONSTITUTION OF COMMITTEES**

- The Council may appoint such Committees, Boards etc. as it considers appropriate. Currently, these are:

- Appeals Committee
- Audit Committee
- Boundary Review Committee
- Council Constitution Committee
- Health & Wellbeing Board
- Licensing Committee
- Personnel Committee
- Planning Committee
- Scrutiny Committees
- Scrutiny Management Board
- Standards Committee

- The number of members specified for each Committee shall be determined at the Annual Meeting of the Council.

- No member of the Council shall be Chairman of more than one Committee unless the Council shall otherwise determine.

- The Mayor shall not sit on any Board or Committee of the Council during his/her year of office.

- **ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES**

- The Council shall at its Annual Meeting elect Members of the Council to be Chairmen and Vice-Chairmen of all Committees.

- **VACANCY IN POSITION OF CHAIRMAN/VICE-CHAIRMAN OF COMMITTEE**

- In the event of a vacancy arising in the office of Chairman or Vice-Chairman of any Committee during the municipal year the Committee shall at its first meeting following the occurrence of the vacancy appoint a new Chairman or Vice-Chairman as the case may be.

- **VICE-CHAIRMAN OF COMMITTEE**

- In these Committee Procedure Rules in the absence of the Chairman the Vice-Chairman of the Committee shall preside, where reference is made to the Chairman of a Committee the Vice-Chairman of the Committee shall deputise for him/her in the carrying out of any of his/her functions if not available.

- **SPECIAL MEETINGS OF COMMITTEES**

- The Chairman of a Committee may call a special meeting of a Committee at any time. 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 Proper Officer. The Summons to the special meeting shall set out the business to be considered and no business other than set out in the Summons shall be considered at that meeting.
- Unless especially called together at the request of the Chairman of the committee, for the purpose of considering urgent business or for nominating members to Committees, no Committee shall hold any unscheduled meetings in the month of August with the exception of the Planning and Licensing Committees or, in a year when Council Elections are held, between the date of the Election of Councillors and the date of the Annual Meeting of the Council.

- **ALTERATION OF DATE/TIME OF MEETINGS**

- The Mayor or Deputy Mayor or the Chairman of a Committee, may, in any case, when he/she considers it necessary, and provided due notice can be given, alter the date or time of the meeting of the Committee

- **ESTABLISHING TASK FORCES**

- Every Committee appointed by the Council may appoint or disband Task Forces for purposes specified by the Committee.

- **RESIGNATION FROM COMMITTEE**

- Any member of a Committee may resign his/her membership of that Committee by notice in writing signed by him/her and sent to the Proper Officer and the resignation shall be effective immediately such notice is received by the Proper Officer.
- Upon receipt of such notice the Proper Officer shall notify the Leader of the appropriate Political Group that a vacancy exists whereupon the appropriate political group, if applicable, may nominate the replacement member of the Committee by giving written notice to the Proper Officer. Upon receipt of the written notice the Proper Officer shall agree the appointment of the replacement member of the Committee.
- The Proper Officer shall also be authorised to agree the appointment of members to newly constituted Committees in accordance with the written instructions of the appropriate political group.

- **QUORUM OF COMMITTEES**

- Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the Committee is present with the exception of the Standards Committee where the quorum shall be three. Specific committee membership and quorum numbers are set out at paragraph 4.5 of the Council Procedure Rules.

- **VOTING IN COMMITTEES**
  - Voting at meetings of a Committee shall be by show of hands. If there is a requisition of any two members of the Committee made before the vote is taken, the voting on any question shall be by roll call and shall be recorded so as to show how each member present and voting gave his/her vote. The name of any member present and not voting shall also be recorded.
  - Voting on appointments shall be by an exhaustive vote method. See paragraph 9.6 of the Council Procedure Rules
- **RECORDING OF VOTES**
  - Where immediately after a vote is taken at a meeting of a relevant body any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting.
- **COUNCIL PROCEDURE RULES TO APPLY TO COMMITTEES**
  - The Council Procedure Rules 8 - 9 (except those parts which relate to standing and to speaking more than once) shall, with any necessary modifications, apply to Committee meetings.
  - As a general rule the Committee Procedure Rules govern the way that committees operate but these may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.
- **MEMBER ATTENDING MEETINGS OF A COMMITTEE OF WHICH HE/SHE IS NOT A MEMBER**
  - Subject to Committee Procedure Rule 16, a member of the Council attending a meeting of a Committee other than as a member of the Committee has no right to speak, other than subject to the scheme for Public Speaking at the Planning Committee, but subject to general rules on conflicts of interests and the provisions of the Councillor Code of Conduct may remain after the Committee has resolved to exclude the public under Section 100A (2) or (4) of the Local Government Act 1972 (as amended).
- **MOVER OF MOTION MAY ATTEND COMMITTEE**
  - A member of the Council who has moved a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends shall have an opportunity of explaining the motion.
- **EXEMPT PROCEEDINGS IN COMMITTEES**
  - All agendas, reports, minutes and supporting documents of Committees shall be available for public inspection five working days before the date of the meeting

except those considered in private session after a resolution has been passed under Section 100A(2) or (4) of the Local Government Act 1972 (as amended).

## ***Area Working Arrangements***

**The Council has discretion in deciding whether it wishes to introduce Area Working arrangements.**

- **AREA WORKING ARRANGEMENTS**
  - No formal decisions have yet been taken by the Council in respect of Area Working arrangements. The Council does recognise the need to engage with its communities through listening and communicating at the local level; engaging with Parish Councils and other community groups, identifying, reporting and representing the needs of the locality; community planning at the local level; and monitoring the local delivery of services. This is in accordance with the Council's Co-operative values and the Parish Charter.
- **TIMETABLE FOR AREA WORKING ARRANGEMENTS**
  - The Council may introduce Area Working arrangements in the future if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.
- **COMPOSITION AND FUNCTION**
  - Decisions will be made at a future date

## ***Joint Arrangements***

**This sections sets out how the Council will make use of joint arrangements with other authorities and delegate authority to other local authorities.**

### **JOINT ARRANGEMENTS**

- In accordance with Section 101 of the Local Government Act 1972, the Council may establish joint arrangements with one or more local authorities to exercise functions which are not Cabinet functions in any of the participating authorities
- The Leader and Cabinet Executive may establish joint arrangements with one or more local authorities to exercise their functions. Such arrangements may involve the appointment of joint committees with these other local authorities or other arrangements for joint working with other groups, such as those required for the Local Enterprise Partnership, Joint Health Overview and Scrutiny Committee and regional fostering, adoption and probation services.
- The Leader and Cabinet Executive may only appoint Cabinet members to a joint committee exercising his/her functions (e.g. West Mercia Energy). There is a presumption that Joint Committees which exercise functions which are functions reserved to the Council will be politically balanced.
- Details of any joint arrangements including any delegations to joint committees or other joint arrangements will be found published on the Council's website.

### **ACCESS TO INFORMATION**

- The Access to Information Rules in this Constitution apply to functions of the Leader and Cabinet Executive and to functions of a joint committee provided all the Members of the joint committee are members of the Cabinet within each participating authority.
- If the joint committee contains members who are neither the Leader nor on the Cabinet of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.

### **DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES**

- The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, to the Leader and Cabinet Executive of another local authority.
- The Leader and Cabinet Executive may delegate functions to another local authority or the Leader or Cabinet Executive of another local authority in certain circumstances.

### **CONTRACTING OUT**

- The Council, for functions which are not Cabinet functions, and the Leader and Cabinet Executive, for Cabinet functions, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under any legislation which allows or requires contracting out Council

functions such as section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making power.

**Part 3**

***Governance***

***Scrutiny, Oversight and Transparency***

## *Scrutiny and Oversight Committees*

The Following Committees are created to provide oversight and review of decisions made by the Council using the powers identified in the 'Decision-making' section of the Constitution. The specific Terms of Reference, functions, powers and duties of these individual Committees are set out below.

**The following committees will be appointed by full Council. Delegated powers are given to these committees to discharge their relevant functions.**

| <u>Committees</u>              | <u>Functions</u>   |
|--------------------------------|--|
| Appeals Committee              | <ul style="list-style-type: none"><li>• To hear and determine all appeals except those which by statute require to be determined by a separate body, e.g. social services appeals</li></ul>  |
| Audit Committee                | <ul style="list-style-type: none"><li>• Matters relating to governance, and overseeing the audit, risk management and financial statement process.</li></ul>   |
| Council Constitution Committee | <ul style="list-style-type: none"><li>• To review and recommend changes to the Constitution</li></ul>  |
| Personnel Committee            | <ul style="list-style-type: none"><li>• Appointment of Directors and Statutory Officers</li><li>• Local Government Pension Scheme</li><li>• To agree at a strategic level all matters relating to the Council's employees</li></ul>  |
| Standards Committee            | <ul style="list-style-type: none"><li>• Matters relating to ethics, standards and governance.</li></ul>  |
| Scrutiny Committees            | <ul style="list-style-type: none"><li>• To scrutinise the work of the Council, its Committees and the Cabinet</li><li>• To scrutinise the work of other organisations in accordance with national legislation and good practice</li><li>• To scrutinise NHS services including the power of referral to the Secretary of State for Health.</li></ul> |

NOTE – The Committees referred to above may, in turn, delegate functions to Sub-Committees and/or officers where they consider appropriate. Any such delegations should be recorded in writing.

## Scrutiny Rules

1. **What is Scrutiny?**
2. **How does it work?**
3. **The Scrutiny Assembly**
4. **Scrutiny Committees**
5. **The Scrutiny Management Board and the role of individual Chairmen**
6. **Working Practices**
7. **Call-in**
8. **Procedural Rules**

### 1. **What is scrutiny?**

- 1.1. There is a Scrutiny Assembly, and a minimum of 2 and a maximum of 6 Scrutiny Committees (including the Scrutiny Management Board) that oversees and scrutinises the work of the Leader and his/ her Cabinet and the Council as a whole.
- 1.2. This allows members outside the Cabinet and citizens to have a greater say in Council matters by investigating issues of local concern. This can include questioning Cabinet Members, senior officers of the Council and inviting people from outside the Council to give opinions and expert advice.
- 1.3. Scrutiny Committees also have the power to scrutinise the services provided by organisations outside the Council e.g. NHS services and the work of the Health & Well-Being Board.
- 1.4. Scrutiny Committees can make reports and recommendations to the Leader, the Council and some partner organisations. The Decision Takers are not required to implement the recommendations but do have to consider any recommendations made.
- 1.5. Scrutiny also monitors the decisions of Decision Takers. They can 'call-in' a decision which has been made by the Decision Taker but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Decision Taker reconsider the decision. They may also be consulted by the Leader, other Cabinet members or the Council on forthcoming decisions and the development of the Budget & Policy Framework.
- 1.6. The Council has appointed a Scrutiny Officer with statutory responsibilities to promote the role of the Council's scrutiny committees within the authority, support the work of the scrutiny committees by providing help and advice to scrutiny members but also those being scrutinised. (This role cannot be held by the Head of Paid Services, the Chief Finance Officer or the Monitoring Officer.)
- 1.7. There is a Scrutiny Handbook which does not form part of the Constitution but contains the more detailed operational notes about how the scrutiny function is

performed.

## **2. How does it work?**

- 2.1. Scrutiny is not designed for use for political purposes and accordingly the existence and nature of any party whip must be disclosed at the start of any Scrutiny Assembly or Scrutiny Committee meeting.

## **3. The Scrutiny Assembly**

### **Who is on it?**

- 3.1. All members of the Council who are not Cabinet Members.
- 3.2. The scrutiny committee that covers education matters has statutory co-optees and other scrutiny committees may also co-opt members.
- 3.3. The Mayor does not sit on any committees but may attend and participate (but not vote) if he or she wishes.

### **What does it do?**

- 3.3.1. The Scrutiny Assembly acts as a consultee on scrutiny matters. This may be done by e-mail or at meetings as deemed necessary.

## **4. Scrutiny Committees**

### **Who is on them?**

- 4.1. Membership of the Scrutiny Committees is determined at Annual Council but can be changed from time to time at the request of the relevant Group Leader to the Proper Officer. Membership of any Joint HOSCs other than the Joint Health Overview and Scrutiny Committee with Shropshire will be the Chair of the Scrutiny Committee with health Scrutiny powers if all participating authorities agree to waive political balance. If political balance is not waived then the Scrutiny Committee with Health scrutiny powers will appoint the members of the Joint HOSC.

### **What do they do?**

- 4.2. Each committee will:
  - 4.2.1. Scrutinise the work of the Council according to their terms of reference as included in the Scrutiny Handbook
  - 4.2.2. Agree the Committee's work programme and undertake this through formal committee meetings, Member Working Groups and sub-groups
  - 4.2.3. meet as required to deliver the work programme
  - 4.2.4. be entitled to appoint Co-optees in accordance with legislation and the Policy for Co-opting Scrutiny Members as set out in the Scrutiny Handbook.
  - 4.2.5. Act as consultee for draft budget & policy framework policy proposals published by the Leader (Budget & Finance Scrutiny Committee only) and any alternative proposals developed by opposition groups
  - 4.2.6. Review the strategies and policies of the Leader and the Council and to scrutinise any matter affecting local people and make proposals to the Leader.
  - 4.2.7. Review the discharge by the Leader of any of his/ her functions, including comparison of performance against any appropriate targets, plans or standards.
  - 4.2.8. Review any decisions or proposed decisions of the Council and of Decision Takers, including call-in (Scrutiny Management Board only).

- 4.2.9. Consider any matters which affect the Council or its administrative area or the inhabitants of that area and to make recommendations to the Council or the Leader arising from that consideration.
- 4.2.10. Consider any matter referred to it by the Scrutiny Management Board, from the Leader or the Council and make recommendations to the Leader or the Council accordingly.
- 4.2.11. Consider applications for additional items to go on the Work Programme
- 4.2.12. Consider any Councillor Calls for Action and/ or Petitions
- 4.2.13. Scrutinise the planning and provision of NHS services for the population of Telford and Wrekin. This power has been delegated by Council to the Health and Adult Care Scrutiny Committee including the power of referral to the Secretary of State for Health.
- 4.2.14. Scrutinise the work of partner organisations in accordance with national legislation and good practice.
- 4.3. The Scrutiny Committees statutory and constitutional duties and powers include:-
  - 4.3.1. powers of a Scrutiny Committee in relation to Leader and Cabinet Executive decisions made but not implemented as set out in section 21(3) of the Local Government Act 2000 i.e. Call-in of decisions taken but not yet implemented
  - 4.3.2. Scrutiny of the Crime and Disorder Reduction Partnership (as set out in section 19 of the Police & Justice Act (2006)).
  - 4.3.3. Scrutiny of Flood and Water Management (as set out in the Flood and Water Management Act 2010)).
  - 4.3.4. Consideration of Social Care referrals on health and social care issues from Healthwatch as set out in the regulations for the Health and Social Care Act (2012)for the Local Involvement Network (LINK) (as set out in section 226 of the Local Government and Public Involvement Act (2007)).
  - 4.3.5. Statutory Scrutiny of Local Area Agreements (as set out in section 21E of the Local Government Act 2000)).
  - 4.3.6. Statutory health scrutiny function including referral to the Secretary of State for Health and appointing Members and Co-optees to any Joint Health Scrutiny arrangements (as set out in Section 7 of the Health & Social Care Act (2001) and amended by the National Health Service Act (2006)the Health and Social Care Act (2012)).
  - 4.3.7. The powers of a Scrutiny Committee in relation to the consideration of Councillor Calls for Action in relation to the relevant Council priority as set out in section 21A of the Local Government Act 2000 and section 19(3) of the Police & Justice Act (2006).
  - 4.3.8. The powers of a Scrutiny Committee in relation to petitions as set out in the Local Democracy, Economic Development and Economic Construction Act (2009).
  - 4.3.9. Scrutiny of the Leader and Cabinet Executive’s budget proposals as set out in the Policy Framework and Budget Procedure Rules of this Constitution.

## **5. Scrutiny Management Board and the role of individual Chairmen**

### **Who is on it?**

- 5.1. The Chairman, appointed by Council, for each Scrutiny Committee and any other Members appointed by Council. (The Role Description for the Chairman of the Scrutiny Assembly will be set out in the Scrutiny Handbook.)

**What does it do?**

- 5.2. The Scrutiny Management Board will:-
- 5.2.1. co-ordinate, oversee and monitor the delivery of the Scrutiny work programme.
  - 5.2.2. oversee the allocation of scrutiny officer resources to the Scrutiny Committees.
  - 5.2.3. allocate Scrutiny suggestions to the relevant Scrutiny Committee and may make recommendations about priorities for the work programme and joint scrutiny of issues.
  - 5.2.4. be responsible for scrutiny in relation to Leader and Cabinet Executive decisions made but not implemented as set out in section 21(3) of the Local Government Act 2000 i.e. Call-in of decisions taken but not yet implemented.
  - 5.2.5. receive requests from the Leader and Cabinet Executive or individual Members and/or the Full Council for reports from the Scrutiny Committee and to allocate them if appropriate to one or more Scrutiny Committees.
  - 5.2.6. receive / agree notification of Key Decisions falling within the terms of reference for their scrutiny committee that need to be taken but which are not included on the Notice of Key Decisions and Private Reports/Meetings in accordance with the rules on General Exceptions or agree to a Key Decision being considered as an Urgent Decision and therefore being exempt from call-in
  - 5.2.7. review and make recommendations to the Council Constitution Committee regarding changes to Scrutiny Arrangements including Call-in. Scrutiny Assembly Members will be informed of any proposed changes.
  - 5.2.8. may make changes to the scrutiny structure and processes after consulting with the Scrutiny Assembly. The Scrutiny Handbook will be updated to reflect the changes. Changes will be reported back to the next full Council meeting.
  - 5.2.9. periodically review and make changes to the Policy for Co-opting Scrutiny Members
  - 5.2.10. the Chairman will report annually to Council on the work of scrutiny in the previous year and priorities for the future.

## **6. Working Practices**

### **The Scrutiny Handbook**

- 6.1. Details about how to undertake scrutiny reviews and general provisions governing the management of the scrutiny process are contained in the Scrutiny Handbook. The Scrutiny Handbook includes details and protocols on:
- 6.1.1. Agreeing the Scrutiny Work Programme
  - 6.1.2. Role of Cabinet Members in Scrutiny
  - 6.1.3. Scrutiny Member and Officer relations
  - 6.1.4. Councillor Call for Action
  - 6.1.5. Call – In
  - 6.1.6. Media Protocol
  - 6.1.7. Terms of Reference for the Scrutiny Assembly and Scrutiny Committees
  - 6.1.8. Role Description for the Scrutiny Chairmen
  - 6.1.9. The Policy for Co-opted Scrutiny members

- 6.2. Changes to the Scrutiny Handbook can be agreed by the Scrutiny Management Board in consultation with the Scrutiny Assembly.

#### **Witnesses and other investigatory techniques**

- 6.3. Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.
- 6.4. Members of the Cabinet and Officers (at Service Delivery Manager and above) can be called to attend Scrutiny Committees to answer questions within their remit about any particular decision or series of decisions, the extent to which the actions taken implement Council policy and/or the performance of the service. Members and Officers called must attend as soon as is practicable but must be given at least 14 days notice of the date of the meeting which notice shall include full details of the issues that they are to be questioned about (for more details see the Scrutiny Handbook).

## **7. Call-in**

#### **What is it?**

- 7.1. The call-in procedure allows, subject to certain limitations, Key Decisions which have been made but not yet implemented, to be referred back to a Decision-Taker for reconsideration. Call-in is split between call-in of decisions that are within the Budget & Policy Framework and those that are outside the Budget & Policy Framework.

#### **Call in and urgent decisions**

- 7.2. Urgent decisions are exempt from call-in but will be monitored annually by the Scrutiny Management Board. Further information on the process to agree an urgent decision that is exempt from call-in is set out in the Scrutiny Handbook.

#### **Call-in of decisions within the budget and policy framework?**

- 7.3. A request for call-in must be made, in writing, to the Proper Officer within 3 working days of the Record of Decisions being published. After this the decision becomes effective and can be implemented. If, however a request for a call-in is received within the time limit the decision to which the call-in request relates is suspended and cannot be implemented until the call-in process has been completed.
- 7.4. The request for a call-in must be signed by a minimum of 5 members (or Voting Co-optees) and detail the decision that is being called in and the reasons why it is being called in, having consideration to the Principles of Decision-Making.

#### **Limits on call-in**

- 7.5. The call-in procedure does not apply to:
  - 7.5.1. Decisions taken by the Leader and Cabinet Executive that are urgent;
  - 7.5.2. Decisions of full Council;
  - 7.5.3. Any decisions taken by officers that are not key decisions;

- 7.5.4. Recommendations from the Leader and Cabinet Executive to the Council;
  - 7.5.5. Specific or individual Employee Relations, Disciplinary or Grievance matters;
  - 7.5.6. Matters which are subject to formal or statutory appeal processes or are sub-judice;
  - 7.5.7. Individual appeal cases for example, Planning, Licensing, Housing, Education;
  - 7.5.8. Decisions of the Standards and Audit Committees or Regulatory Committees;
- 7.6. The Chairman of the Scrutiny Management Board will determine whether the call-in is valid within 3 days of receipt of the call-in request, he / she may, in consultation with the Monitoring Officer, determine that a request for call-in is not valid if he/she reasonably considers that the reason for the call-in does not *prima facie* comply with the Principles of Decision-making or falls outside the remit of call in as set out in 7.5 above.

**Before the call-in meeting**

- 7.7. The Proper Officer will record the time and date of receipt of the request and will inform the Decision Taker and the Chairman of the Scrutiny Management Board. The final wording of the call-in proposal will be accepted from the lead call in Member up to 2 days after receipt of the call in.
- 7.8. The Proper Officer will arrange a meeting of the Scrutiny Management Board and will notify the members who signed/ supported the request for call-in of the time and date and location of the meeting at which the request for call-in will be considered.
- 7.9. In exceptional circumstances where it is not possible to achieve a quorate meeting Scrutiny Management Board within the prescribed timescales, substitute members from the Scrutiny Assembly may be appointed by Group Leaders.
- 7.10. A call-in meeting of the Scrutiny Management Board must be held within 10 working days of the call-in request being received. If it is not held within that time the decision being called-in will take effect from that date.
- 7.11. In the meantime the Decision-Taker may meet with some or all of the members supporting the call-in informally to clarify the points at issue and ensure that there is no confusion regarding the decision and to identify whether the concerns expressed in the request for call-in can be addressed by the Decision Taker in the original decision. This can include formal advice from the Monitoring Officer and Chief Finance Officer about whether or not the decision falls within, or is outside the Budget & Policy Framework
- 7.12. Any member may, in writing to the Proper Officer, withdraw their support for a request for call-in until no later than 24 hours before the start of the meeting of the relevant Scrutiny Committee that is due to consider the request for call-in. If, after one or more members have withdrawn their support, there are less than 5 members still in support of the request for call-in it will no longer be valid and the meeting will be cancelled.
- 7.13. The call-in papers which must be circulated to members of the Scrutiny Management Board and other parties involved in/ attending the meeting at least 48 hours prior to the meeting are:-
  - 7.13.1. the original report on which the decision was based
  - 7.13.2. a copy of the call-in request
  - 7.13.3. one side of an A4 sheet of paper setting out the main points of their argument

- 7.13.4. background information that supports these arguments, which could include budgetary information, statistical information, maps, consultation results or as summary of changes in legislation.

#### **The call-in meeting**

- 7.14. The Chairman of Scrutiny Management Board is responsible for the effective management of the call-in meeting and has discretion over the procedure for the meeting. Generally however he or she will ask the members making the request for call-in to identify a lead call-in member who will be invited to present their argument, ask any questions of the Decision-Taker and put forward alternative proposals (30 minutes) and, at the end of the meeting sum up their position if they want to (5 minutes). The Decision Taker (with officer support if appropriate) will have the opportunity to explain their decision and express their views on any alternative proposals (30 minutes) and, at the end of the meeting sum up their position if they want to (5 minutes). Members of the Scrutiny Committee will consider the papers and may ask questions of anyone in attendance at the meeting at any time or when invited to by the Chairman (no time limit) before considering their response to the request for call-in.
- 7.15. Any Scrutiny Committee member arriving at the meeting after the lead call-in member has started his or her presentation will be allowed to remain in the meeting as an observer but will not be allowed to take part in the debate or the voting process. This will be made clear on the agenda for the meeting.

#### **Decisions of the Scrutiny Committee on a call-in**

- 7.16. If having considered the proposal contained in the request for call-in, Scrutiny Management Board supports the original decision it may be implemented with immediate effect.
- 7.17. If, having considered the request for call-in Scrutiny Management Board is concerned about the original decision, then the decision remains suspended and it will be referred back to the Decision-Taker for reconsideration, or, if the decision is deemed to be outside the Policy and Budget Framework refer the matter to full Council. (see Call in of Decisions outside the Budget & Policy Framework below). These meetings will take place as follows:-
- 7.17.1. full Council - within 10 working days of the call-in meeting
- 7.17.2. Cabinet - at the next scheduled meeting of the Cabinet or a Cabinet meeting convened in accordance with the constitution.
- 7.17.3.** Individual Decision-Taker - within 3 working days of the call-in meeting.
- 7.18. Whether a call-in proposal is supported or not, members may come to agreement on any comments they wish to pass to the decision taker. The Chairman will sum up and clarify any points which member wish to pass to Cabinet. These will be reported to the Cabinet by the Scrutiny Management Board.
- 7.19. A decision can only be called in once. However, if the Decision Taker significantly alters the decision after considering recommendations from the relevant Scrutiny Committee the new decision will also be capable of being called-in.

**Call in of decisions outside the Budget & Policy Framework**

- 7.20. When a request for call-in has been received and the Scrutiny Management Board consider that the decision is, or if made, would be contrary to the Budget & Policy Framework then the Chair will seek the advice of the Chief Finance Officer and Monitoring Officer if that advice has not already been sought by those making the request for call-in.
- 7.21. If either officer advises that the decision is outside the Budget & Policy Framework then,
  - 7.21.1. if the decision has already been implemented then the relevant scrutiny committee will refer the advice of the Chief Finance Officer/ Monitoring Officer to Council for consideration along with a report from the Leader about the decision.
  - 7.21.2. If the decision has not been made or has been made but not yet implemented the relevant scrutiny committee will refer the (proposed) decision to Council who must consider the advice within 10 working days during which time no further action will be taken in respect of the decision or proposed decision.
- 7.22. Having considered the advice Council may:-
  - 7.22.1. endorse the decision of the Decision-Taker as falling within the existing Budget & Policy Framework;
  - 7.22.2. amend the relevant financial regulations or policy to encompass the decision of the Decision-Taker and agree the original decision with immediate effect; or
  - 7.22.3. Accept the decision of the Chief Finance Officer/ Monitoring Officer, agree no changes to the existing Budget and Policy Framework and require the Leader to re-consider the decision or proposed decision in accordance with the advice of the Chief Finance Officer and Monitoring Officer
- 7.23. If the advice is that the decision is within the Budget & Policy Framework then the report of the Chief Financial Officer/ Monitoring Officer and Leader will be reported back to the relevant scrutiny committee.

**8. Procedural Rules**

- 8.1. See Council Rules on Motions without notice, Points of Order, Personal Explanation and Conduct (except rule 12.1) (substituting the Chairman of the relevant scrutiny committee for the Mayor) which apply to all scrutiny meetings

| <b>Appointment of Chairman/ Vice-Chairman</b>   |  |  |
|---|--|--|
| <b>Scrutiny Assembly</b>  | <b>Scrutiny Committees</b>   | <b>Scrutiny Management Board</b>   |
| <b>The Chairman of the Scrutiny Management Board is automatically the Chairman of the</b> | <b>Council (in year vacancies appointed by group leaders) Vice-Chairmen may be appointed by majority</b> | <b>Council (in year vacancies appointed by majority decision of the Committee)</b> |

|  |   |                   |
|--|---|-------------------|
| Scrutiny Assembly                                | decision of the Committee.  |                   |
| <b>Politically balanced</b>                      |   |                   |
| No   | Yes   |                   |
| <b>Membership</b>                                |   |                   |
| all non-cabinet members and all co-opted members | <p>8 and all co-opted members. The Mayor may not sit on a Scrutiny Committee.</p> <p>Joint Shropshire and Telford and Wrekin HOSC 3 elected members and 3 voting co-optees from each local authority.</p> <p>Other joint HOSC arrangements to be determined as agreed by Council.</p> <p>If requirement for political balance is waived by all participating authorities then the chair of the relevant Scrutiny Committee with Health Scrutiny powers will be the Telford and Wrekin representative on the Joint HOSC.</p> <p>If the requirement for political balance is not waived then the membership of the Joint HOSC will be appointed by the relevant Scrutiny Committee with Health Scrutiny powers.</p> | 8                 |
| <b>Quorum</b>                                    |   |                   |
| n/a  | 3 Elected Members   | 3 elected members |

|   |   |   |
|---|---|---|
|   | <b>The quorum for the Joint HOSC is set out in the Terms of Reference for this Committee in the Scrutiny Handbook.</b>  |   |
| <b>Substitutes</b>  |   |   |
| <b>n/a</b>  | <b>no</b>   | <b>No</b>   |
| <b>Co-optees</b>  |   |   |
| <b>yes – but with no voting rights</b>  | <b>Yes – but with no voting rights except:-<br/>Special Rules<br/>children &amp; young people –4 co-optees with voting rights (in respect of educational matters only) ( 1 Church of England and 1 Roman Catholic diocesan representative and 2 parent governors)<br/>Joint HOSC<br/>3 co-optees with voting rights as approved by Council.</b> | <b>Yes – but with no voting rights</b>  |
| <p><b>Co-optees can be appointed for a fixed term or as a standing member – there is a 1 month notice period on either side.</b></p> <p><b>Members of one Scrutiny Committee can be co-opted to work with another Scrutiny Committee.</b></p> |   |   |
| <b>Meetings</b>   |   |   |
| <b>As and when required</b>   | <b>Meet approximately 6 times a year. Meetings may be formal public meetings, informal working group or sub-group meetings as necessary to deliver the work programme<br/>Joint Scrutiny Committees with other authorities can be</b>   | <b>Meet approximately 6 times a year. Meetings may be formal public meetings, informal working group or sub-group meetings as necessary to deliver the work programme</b> |

|  |   |  |
|--|---|--|
|  | <p>established. The Members of the Joint HOSC with Shropshire is a sub-committee of the Health and Adult Care Scrutiny Committee.</p>   |  |
| <b>Meetings held in public</b>   |   |  |
| <p>Yes (subject to rules on exempt information and confidential information)</p> | <p>Yes (subject to rules on exempt information and confidential information)</p> <p>Informal working groups may be held in private but if so notes/ minutes of that meeting will be considered in a public in a future public meeting</p>   |  |
| <b>Joint working/ working groups</b>   |   |  |
|  | <p>Scrutiny Committee(s) can hold joint meetings/ scrutiny reviews with one or more other Scrutiny Committees and establish working groups, sub groups, joint committees and joint sub committees where the Chairman/ Chairmen of the relevant Scrutiny Committee(s) agree that it is conducive to the efficient delivery of the scrutiny function. Where 2 Scrutiny Committees work jointly on an issue under scrutiny and the meeting is held as a formal public Committee meeting one Scrutiny Committee will be the lead Committee for this area of work.</p> <p>Working Groups are not formal Council meetings and do not have to meet in public or meet the political balance requirements as any findings/ recommendations are reported to the relevant Scrutiny Committee(s) for consideration.</p> |  |
| <b>Calling meetings</b>  |   |  |
| <p>The Chairman may ask the Proper Officer to call a meeting.</p>                | <p>A schedule of meetings is agreed by the Committee as required to deliver the work programme or the Chairman may ask the Proper Officer to call a meeting</p>   |  |
| <b>Agenda items</b>  |   |  |
| <p>Agreed by the Chair of the Scrutiny Management Board</p>                      | <p>Agenda items are approved by the Scrutiny Committee Chairman as required to deliver the work programme agreed by the Scrutiny Committee.</p>   |  |
| <b>Scrutiny Reports</b>  |   |  |
| <p>n/a</p>   | <p>Scrutiny reports are sent to the Proper Officer for inclusion on the Cabinet agenda (if within the Budget and Policy Framework) and Council (if outside the Budget and Policy Framework).</p>  |  |

## ***Appeals Committee – Terms of Reference and Procedure***

**The Committee has the responsibility and delegated powers to act on behalf of the Council to decide on the following matters.**

### **TERMS OF REFERENCE**

1. To consider and deal with any appeals arising out of the Council's functions as a housing authority.
2. To hear and determine any appeal by an employee of the Council against the decision of dismissal taken in accordance with the disciplinary procedure (except for those dismissals reserved to a meeting of the full Council).
3. To hear and determine matters in relation to employee grievances.
4. To consider appeals against decisions relating to the refusal of free home transport.

### **PROCEDURE**

5. The Committee will be conducted in accordance with the Council's Committee Procedure Rules. NOTE. Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions.

## ***Audit Committee – Terms of Reference and Procedure***

**The Committee has the responsibility and delegated powers to act on behalf of the Council to oversee the Council’s audit, governance (including risk management) and financial processes and to decide on the following matters.**

### **TERMS OF REFERENCE**

#### **Internal Audit**

1. The approval (but not direction) of, and monitoring of, progress against, the internal audit charter and plan.
2. Review summary internal audit reports and the main issues arising and seek assurance that action has been taken where necessary.
3. To be able to call senior officers and appropriate members to account for relevant issues within the remit of the Committee – governance (including information governance), internal audit, risk management, statement of accounts and external audit.
4. The Committee will not receive detailed information on investigations relating to individuals. The general governance principles and control issues may be discussed, in confidential session if applicable, at an appropriate time, to protect the identity of individuals and so as not to prejudice any action being taken by the Council.

#### **External Audit**

5. Review and agree the External Auditors annual plan, including the annual audit fee and receive regular update reports on progress.
6. To consider the reports of external auditor.
7. Meet privately with the external auditor as required.
8. Ensure that there are effective relationships between external and internal audit that the value of the combined internal and external audit process is maximised.

#### **Governance**

9. Consider the effectiveness of the Council’s governance processes and their compliance with legislation and best practice including:
  - 9.1. the Council’s Code of Corporate Governance;
  - 9.2. the Council’s information security framework;
  - 9.3. receipt of the Caldicott Guardian’s Annual Report
  - 9.4. oversight of commercial projects;
  - 9.5. the management of opportunities and risks; and
  - 9.6. other corporate governance arrangements.
10. Be responsible for the review and approval of the authority’s Annual Governance Statement ensuring that it properly reflects the governance, control and risk environment and any actions required to improve it. Following approval, it should accompany the Accounts.

### **Treasury Management**

11. To review and monitor the Council's Treasury Management arrangements including Treasury policies, procedures and the management of the associated risks and make recommendations to the Cabinet as appropriate.

### **Statement of Accounts**

12. Review and approve the Statement of Accounts, external auditor's opinion and reports on them to members and monitor management action in response to the issues raised by external audit.

### **Fraud & Corruption**

13. To approve the Anti-Fraud and Corruption Policy and to recommend its adoption by the Council, and to monitor its operation. The policy will be reviewed at least once every two years.
14. To approve the Speak Up Policy (*'whistle blowing'*) and to recommend its adoption by the Council, and to monitor its operation. This policy will be reviewed at least once every two years.

### **Complaints**

15. Recognising that Complaints/Compliments are a Cabinet function, the Committee should:-
16. Review the Annual Complaints Report and seek assurances that the Council is improving in response to complaints raised.

### **General**

17. The meetings will follow the principles of scrutiny, i.e. no party whip will be applied and a constructive, evidence based approach will be used.
18. To ensure that adequate training is received by the members of the committee on the areas covered by these terms of reference.
19. To ensure that any sensitive or confidential information obtained as a result of membership of the Committee is treated as confidential.
20. Annually review their effectiveness and their terms of reference.

### **PROCEDURE**

1. The Committee will be conducted in accordance with the Council's Committee Procedure Rules

## ***Constitution Committee - Terms of Reference and Procedure***

**The Committee has the responsibility and delegated powers to act on behalf of the Council to oversee the Council's Constitution and decide on the following matters.**

### **TERMS OF REFERENCE**

**The Constitution Committee will:-**

- (a) Receive reports from the Monitoring Officer about the operation of the Constitution.  
Note - The Monitoring Officer has delegated power to monitor and review the operation of the Constitution and report regularly to the Constitution Committee on whether or not it is achieving its purpose or could be amended better to achieve its purpose.
- (b) Consider proposed changes to any part of the Constitution and, if appropriate, make recommendations to Council to change the Constitution.
- (c) Annually at the first meeting after the Annual Council Meeting consider its terms of reference.

### **PROCEDURE**

- The Committee will be conducted in accordance with the Council's Committee Procedure Rules.

## ***Personnel Committee and The Panel - Terms of Reference and Procedure***

**The Committee has the responsibility and delegated powers to act on behalf of the Council to deal with the Council's personnel functions (except those that are reserved to Council) and decide on the following matters.**

**NOTE: For the purposes of these rules Statutory Officer means the Head of Paid Services the Monitoring Officer and the Chief Financial Officer**

### **TERMS OF REFERENCE**

**The Personnel Committee will:-**

1. Agree, at a strategic level, issues relating to employees including terms and conditions and employee relations.
2. Duty to designate officer as the head of the authority's paid service, and to provide staff etc.
3. Duty to designate officer as the monitoring officer and to provide staff etc.
4. Duty to designate officer as the chief finance officer and to provide staff etc.
5. Advise upon corporate policies and procedures affecting some or all employees employed by the Council including nationally and locally negotiated terms and conditions of employment.
6. To consider and recommend to Council the Pay Policy Statement
7. All functions relating to the local government pension scheme.
8. The invitation of Independent Persons to be considered for appointment to the Panel and the appointment of 2 Independent Persons to a Panel to advise full Council whether or not to approve a proposal to dismiss the Council's designated Head of Paid Service, Monitoring Officer or Chief Financial Officer.
9. Oversee the recruitment of, and make recommendations to Council to confirm the appointment of the officer designated as Head of Paid Service.
10. Oversee the recruitment of Corporate Directors, and officers designated as the Monitoring Officer and the Chief Finance Officer.

11. To consider Grievances of senior officers including the officer designated as the Head of Paid Service (Appeals stage), Corporate Directors,
12. Consider whether or not to suspend any statutory officer to enable investigations into allegations to take place, to consider disciplinary actions against statutory officers prior to the submission to the Independent Person appointed to the Council and recommendation to full Council.
13. Consider whether or not to recommend to Council the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.
14. Annually at the first meeting after the Annual Council Meeting consider its terms of reference

### **PROCEDURE**

1. The Committee will be conducted in accordance with the Council's Committee Procedure Rules. NOTE. Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions.

### **THE PANEL**

A Panel approve by Council in accordance with statutory requirements including 2 Independent Persons members for the purposes of giving advice, views or recommendations to full Council when considering whether or not to approve the dismissal of the Council's designated Head of Paid Service, Monitoring Officer or Chief Finance Officer.

### **TERMS OF REFERENCE**

#### **The Panel will:-**

1. To give advice, views or recommendations to full Council when considering whether or not to approve the dismissal of the Council's designated Head of Paid Service, Monitoring Officer or Chief Finance Officer
2. When considering whether or not to give any advice views or recommendations and what advice views or recommendations to give the Panel shall have regard to the decision of the Personnel Committee and the hearing and background papers and the notes of any such hearing
3. The Panel will convene a meeting that will take place within 7 days of being appointed and they will be supported by representatives from Human Resources and Legal Services (or appropriately qualified external advisers if circumstances make it more appropriate)
4. The Panel must be appointed at least 20 days before a meeting of full Council to consider whether or not to approve a proposal to dismiss the Council's designated Head of Paid Service, Monitoring Officer or Chief Finance Officer.

## **MEMBERSHIP**

- ✓ Two Independent Persons as appointed by the Personnel Committee from time to time:-
- ✓ At least one Independent Person appointed by Council in accordance with the provisions of s28(7) of the Localism Act 2011 who is registered as a local government elector in the register of electors in Telford & Wrekin in accordance with the Representation of the People Acts – one of whom shall be appointed to be Chair of the Panel; and
- ✓ An Independent Person appointed by Council; and/ or
- ✓ An Independent Person who has been appointed by another authority or authorities

No allowances are payable for this role.

## ***Standards Committee – Terms of Reference, Functions, Powers and Duties***

**(including the Hearings Sub Committee)**

**The Committee has the responsibility and delegated powers to act on behalf of the Council in dealing with the oversight of the Council's ethical governance and decide on the following matters.**

### **TERMS OF REFERENCE**

#### **STANDARDS COMMITTEE**

1. To promote and maintain high standards of conduct by members and co-opted members of the Council.
2. To support Town and Parish Councils within the Borough to promote and maintain high standards of conduct by members and co-opted members of the Council.
3. To recommend to Council the adoption of a code dealing with the conduct that is expected of members and co-opted members of the Authority.
4. To keep the code of conduct under review and recommend changes/ replacement to Council as appropriate.
5. To publicise the adoption, revision or replacement of the Council's Code of Conduct.
6. To oversee the process for the recruitment of an Independent Person (and up to 2 reserves) and make recommendations to Council for their appointment.
7. To receive reports from the Monitoring Officer about:-
  - 7.1 complaints;
  - 7.2 the progress and outcome of investigations; and
  - 7.3 the establishment and maintenance of the register of interests of members and co-opted members of the Borough and Town and Parish Councils within the Borough boundaries;
  - 7.4 dispensations granted to members and co-opted members of the Council

## **HEARINGS SUB COMMITTEE**

1. To consider investigation reports in respect of Code of Conduct complaints that are referred to it by the Monitoring Officer.
2. To report its findings to the Borough Council, Town or Parish Council, as appropriate for information.
3. Where a breach is found, to make decisions about sanctions including:-
  - 3.1. To make recommendations to the relevant Group Leader regarding future membership of committees and sub committees;
  - 3.2. To make recommendations to Council regarding the removal of a non-aligned member from membership of committee and sub-committees;
  - 3.3. To make recommendations to the Leader of the Council regarding the removal of a member from Cabinet, or the removal of portfolio responsibilities;
  - 3.4. To instruct the Monitoring Officer to arrange training for a Borough Council member;
  - 3.5. To remove a member from all outside appointments to which he/ she has been appointed or nominated by the Council; and
  - 3.6. To withdraw facilities provided to the member or exclude the member from defined premises (except as necessary for the member to attend formally constituted council meetings).
4. To consider applications for dispensations where:-
  - 4.1. The dispensation is in the interests of persons living in the Borough of Telford & Wrekin area; or
  - 4.2. It is otherwise appropriate to grant a dispensation.

## **PROCEDURE**

1. The Committee will be conducted in accordance with the Council's Committee Procedure Rules. NOTE. Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions, as below:-

## COMPLAINING ABOUT A COUNCILLOR

All Councillors, whether a Borough, Town or Parish Councillor have to comply with a code of conduct that details what is expected of them when they carry out their role as a Councillor.

This document explains how to make a complaint about a Councillor if you think that they might have breached a code of conduct that applies to them and also how the complaint is dealt with.

### The Code of Conduct

Telford & Wrekin Council has adopted a code of conduct that applies to all members and co-opted members of the Council. You can get a copy by following this link [\[insert link\]](#) or by contacting the Monitoring Officer whose contact details are provided below.

All Town and Parish Councils have their own code of conduct which you can obtain from their individual web-sites or, if there isn't one, by contacting the Clerk directly. If you are not sure which Council a Councillor belongs to then you can obtain help and support from the Monitoring Officer.

### Can I be confident that my complaint will be properly dealt with?

The law requires the Council to appoint an Independent Person: a person who has nothing to do with the Council other than in this role who is consulted at various stages during the complaints process and whose role is to ensure that all complaints are dealt with fairly, a role that can also include giving views to the Councillor who is the subject of the complaint.

### Making a Complaint

Write to the Monitoring Officer, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT or alternatively by e-mail at [monitoring.officer@telford.gov.uk](mailto:monitoring.officer@telford.gov.uk)

The Monitoring Officer is the person responsible for administering this complaints system. There is a form for you to use [\[insert link\]](#) but you do not need to use it as long as you include all the information that is included on the form.

### What happens next?

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it.

The Monitoring Officer will review your complaint, discuss it with the Independent Person and write to you to inform you whether or not he/she has decided to refer it for investigation. Normally this will be within 14 working days of receiving your complaint.

The Monitoring Officer might ask for more information, he/ she might also ask for information from the Councillor who you are complaining about or the Council that the Councillor is a member of.

The Monitoring Officer might seek to resolve the complaint informally, i.e. before deciding to refer your complaint for investigation. Obviously your views are important here but if the

Monitoring Officer believes that the proposed solution is reasonable, for example acceptance that behaviour was unacceptable and an offered apology, this might affect the decision of the Monitoring Officer about whether or not the complaint merits formal investigation.

### **Investigations**

If referring for formal investigation the Monitoring Officer will appoint an Investigating Officer who will contact you and the Councillor that you have complained about and undertake any other such investigations as he/she considers appropriate for the purposes of the investigation. In exceptional cases your identity will be protected for some or all of the investigation. If you consider that it would be appropriate to do this in your case you must let the Monitoring Officer know when you make your complaint. (This would generally only be done where providing your details might prejudice the investigation).

The Investigation Officer will publish a draft report for consideration by you and the Councillor that you have complained. Once any comments have been considered by the Investigating Officer a Final Report will be produced and sent to the Monitoring Officer. The Final Report will then be considered by the Monitoring Officer who may either accept the report or ask the investigating Officer to re-consider his/ her report.

### **Investigation finding of No Breach**

The Monitoring Officer will write to you and the Councillor who you have complained about enclosing a copy of the Final Report and confirming that no further action is required. If it is a complaint about a Town or Parish Councillor then a copy will also be sent to the Clerk of the relevant Town or Parish Council.

### **Investigation finding of Breach**

The Monitoring Officer will write to you and the Councillor who you have complained about enclosing a copy of the Final Report and will either seek local resolution or will convene a hearing of the Council's Hearings Committee.

### **Local Resolution**

If the Monitoring Officer, the Independent Person and you all agree a fair resolution of the complaint in a way that promotes high standards of conduct and the Councillor complies with the suggested resolution then the Monitoring Officer will report the matter to the Standards Committee for information but will take no further action.

### **Hearing**

If local resolution is not possible then the Monitoring Officer will convene a meeting of the Council's Hearings Sub Committee for it to consider the Investigating Officer's Report and the views of the Independent Person on the allegation and determine whether or not there has been a breach of the Council's Code of Conduct and if so what action, if any, to take in respect of the Councillor.

## **Hearing Procedure**

A copy of the Hearings Procedure is set out below:-

### **Pre Hearing**

1. Notification of hearing date (Investigation Report already provided to the Councillor)
2. Invitation to Councillor to submit list of further documents/ witnesses that he/she wishes to call
3. Circulation of papers

### **Hearing**

4. Introductions
5. Chair explains the process to be followed
6. Investigating Officer present his/ her report (and may ask witnesses to attend if necessary)
7. Panel may ask questions
8. Councillor or his/ her representative may ask questions
9. Councillor or his/ her representative presents his/ her case (and may ask witnesses to attend if necessary)

### **Decision – no breach**

10. The complaint is dismissed.

### **Decision - breach**

11. After offering the Councillor complained about an opportunity to speak

## Oversight

This section details the rules that we use to govern our financial transactions and how members and officers should behave. It also details the rules governing the appointment and dismissal of officers

## ***Policy Framework and Budget Procedure Rules***

### **THE FRAMEWORK FOR CABINET DECISIONS**

- i) The Council will be responsible for the adoption of its budget and policy framework as set out in *the Leader and Cabinet Rules* section of this Constitution. Once a budget or a policy framework is in place, it will be the responsibility of the Leader and Cabinet Executive to implement it.

### **PROCESS FOR DEVELOPING THE FRAMEWORK**

- ii) The Council is responsible for the adoption of the budget and policy framework. The process by which the budget and policy framework shall be developed is:
  - iii) Before the end of December each year or as soon as reasonably practicable thereafter the Leader and Cabinet Executive will publicise its policy and budget proposals, together with a timetable for taking final proposals to the Council and arrangements for consultation. There will be a minimum 4 week consultation period.
  - iv) During the consultation period:
    - (i) the Leader and Cabinet Executive's proposals shall be referred to the relevant Scrutiny Committee for further consideration.
    - (ii) a range of consultation activities will take place with the community and stakeholders so that they can feed their views into the process
    - (iii) it is the responsibility of Opposition Groups to plan their own work programme so that they are able to respond to the proposals within the consultation period.
  - v) Any budget proposals proposed by Opposition Groups must be presented to the relevant Scrutiny Committee and Chief Financial Officer prior to Cabinet presenting their proposals to Full Council. This may be during the consultation period.
  - vi) Having considered the results of consultation and any reports of the Scrutiny Committee and Opposition Groups, the Cabinet, if it considers it appropriate, may amend its proposals
  - vii) The Cabinet will submit its final proposals to Council before the 11<sup>th</sup> March each year for adoption. It will also report to Council on how it has taken into account consultation feedback.
  - viii) The Council will consider the proposals of the Leader and Cabinet Executive in accordance with its normal rules of procedure.
  - ix) The Council shall at that meeting make its final decision on the matter by way of recorded vote. The decision shall be made public.
  - x) Any other changes to the budget and policy framework are reserved to the Council.

## **DECISIONS OUTSIDE THE POLICY FRAMEWORK OR BUDGET**

- xi) Subject to the provisions of paragraph 5 (virement) the Leader, Cabinet, other members of the Cabinet, and any officers, committees of the Council, area committees or joint arrangements discharging Cabinet functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.
- xii) If the Leader, Cabinet, other members of the Cabinet, and any officers, committees of the Council, area committees or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

## **URGENT DECISIONS OUTSIDE POLICY FRAMEWORK OR BUDGET**

- xiii) The Leader, Cabinet, other members of the Cabinet, and any officers, committees of the Council, area committees or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
  - (i) if it is not practical to convene a quorate meeting of the full Council; and
  - (ii) if the Chairman of the appropriate Scrutiny Committee agrees that the decision needs to be taken as a matter of urgency.
- xiv) The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Scrutiny Committee, the consent of the Mayor, and in the absence of both, the Deputy Mayor will be sufficient.
- xv) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **VIREMENT**

- xvi) Virement between budget heads is an integral and important feature of budgetary control. It allows service providers to adapt to service changes within Council policy. The details of virement can be found in Financial Procedures Rules in Part 3 of the Constitution.

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

- xvii) Where a Scrutiny Committee is of the opinion that a Leader and Cabinet Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and Chief Financial Officer.
- xviii) In respect of functions which are the responsibility of the Leader and Cabinet Executive, the Monitoring Officer's report and Chief Financial Officer's report shall be submitted to the decision-taker with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the decision-taker must meet to decide what action to take in respect of the Monitoring Officer's and the Chief Financial Officer's reports and to prepare a report to Council in the event that the Monitoring Officer and the Chief Financial Officer conclude that the decision was a departure, and to the Scrutiny Committee if the Monitoring Officer and the Chief Financial Officer conclude that the decision was not a departure.
- xix) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and the Chief Financial Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by the Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and the Chief Financial Officer. The Council may either:
  - (i) endorse a decision or proposal of the decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - (ii) amend the Council's financial regulations, budget or policy concerned to encompass the decision or proposal of the decision taker and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the decision-taker to reconsider the matter in accordance with the advice of the Monitoring Officer/Chief Financial Officer.

## ***Financial Regulations***

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#### **1. Status of Financial Regulations**

- 1.1 Financial Regulations are part of the Council's control environment providing a framework for managing the authority's financial affairs and contributing to good corporate governance, internal control and the management of risks.
- 1.2 The Financial Regulations apply to all officers and members of the Council and anyone acting on behalf of the Council. They also apply to any partnerships or bodies that the Council is a member of and for which the Council is the accountable body. Where the Council is not the accountable body then the lead Council officer is responsible for ensuring propriety and proper processes are followed so that the Council's reputation is not at risk.

- 1.3 It is the responsibility of Assistant Directors to ensure that all staff in their service areas are aware of their responsibilities according to the Financial Regulations and comply with them.
- 1.4 Specific positions and/or officers are named in the regulations and it is their responsibility to ensure compliance. However, named officers can delegate their authority to another appropriate officer as long as this delegation has been recorded.
- 1.5 Where the Leader and Cabinet Executive have been named in Regulations it will be their responsibility to ensure compliance. The Leader and Cabinet Executive can delegate such responsibility to one of its Cabinet members as set out in the Constitution.
- 1.6 All members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.
- 1.7 Financial Regulations are set out in self-contained sections, each covering a specific area of control. Each section provides a contact point for further information or clarification. Where appropriate the Regulations are supported by detailed procedure notes which can be accessed on the intranet.
- 1.8 These Financial Regulations cover all areas of Council activity with the exception of schools which have their own set of regulations as part of the Local Management of schools (LMS) Scheme.
- 1.9 Failure to comply with Financial Regulations, or procedures issued under them, may lead to disciplinary action for employees and an investigation by the Chief Financial Officer. For Members any issues will be investigated by the Monitoring Officer.

## **2. Responsibilities**

- 2.1 Section 151 of the Local Government Act (LGA) 1972 places a duty on the Council to make arrangements for the proper administration of its financial affairs, including the appointment of a Chief Finance Officer.
- 2.2 Section 114 of the Local Government Finance Act (LGFA) 1988 requires the Chief Financial Officer to report to the Council if the authority, one of its committees, the Leader and Cabinet Executive or one of its officers:
  - Has made – or is about to make – a decision which has or would result in unlawful expenditure;
  - Has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to the authority; or
  - Is about to make an unlawful entry in the Council's accounts.

Section 114 of the LGFA 1988 also requires the Chief Financial Officer to nominate a properly qualified member of staff to deputise, should the Chief Financial Officer be unable to perform the duties under Section 114 personally.

\* The Council – means the full Council who provide the political and strategic direction of the authority. They approve the policies of the authority, including relevant strategies and the budget.

\* The Leader and Cabinet Executive – means the Leader of the Council and the Cabinet members, who propose to Council policy and budget strategies.

\* Chief Financial Officer (CFO) Responsibilities (s151/s114) – these have been allocated to the Assistant Director: Finance & Human Resources and include:

- provision of financial advice for service delivery, strategic planning and policy making across the authority;
- provision of advice on the optimum use of available resources on the management of capital and revenue budgets;
- provision of financial management information;
- preparation of statutory and other accounts, associated grant claims and supporting records;
- provision of an effective internal audit function and assistance to management in providing safe and efficient financial arrangements;
- provision of effective financial management systems and procedures
- provision of effective income collection and payments systems;
- advising on treasury, investment and cash-flow management; and
- advising on the safe custody of assets and insurance.

\* The Assistant Director Finance & Human Resources has delegated responsibility under the Accounts and Audit Regulations 2015 to maintain an adequate and effective Internal Audit service. The Assistant Director Governance, Procurement & Commissioning has the ability to report directly, without fear or favour, to any level within the organisation or to the External Auditor.

\* Senior Management Team (SMT) (Managing Director, Directors and Assistant Directors) are responsible for ensuring that Assistant Directors provide services that meet the Council's overall policy objectives. This includes ensuring compliance by Assistant Directors with the Council's governance arrangements including Financial Regulations and Contract Procedure Rules.

\* The Managing Director is responsible for leading on corporate governance issues throughout the Council.

\* The Finance Managers will act as deputy Section 151 Officer

\* Assistant Directors are responsible for ensuring the delivery of services by their respective Delivery Units. This includes ensuring compliance by Delivery Managers with Financial Regulations and Contract Procedure Rules within their service areas.

\* Delivery Managers (this definition includes Service Delivery Managers, Group Managers and/or Team Leader with budget and staff responsibilities) are responsible for the day to day provision of services and the management of the associated budget. This includes ensuring that all staff comply with Financial Regulations and Contract Procedure Rules in performance of their duties.

## **2.3 Financial Training**

2.3.1 CFO and Monitoring Officer (MO) to provide relevant training that is sufficient to enable Executive members and appropriate officers to fulfil their respective roles (recognising the resource constraints on finance/service area staff and members) in respect to:

- Financial planning and management;
- Information governance and information security; and
- Governance and fraud prevention.

## **3. Financial Planning**

3.1 The Council is responsible for approving the budget, various plans and policies, which will be proposed by the Leader and Cabinet Executive. This will include the policy framework, the budget (including the capital programme) and the Council Plan. *See Budget and Policy Framework Procedure Rules within this Constitution.*

3.2 Service & Financial Planning Strategy

The CFO shall, within the general direction of the Leader and Cabinet Executive produce a draft Service & Financial Planning Strategy taking into account the projected resources available

**CONTACT: Assistant Director – Finance, Audit & Human Resources**

## **4. Accounting Systems, Financial Records and Returns**

4.1 Proper accounting records are one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare annual accounts which are subject to internal and external audit.

4.2 The CFO should ensure that there is a proper retention policy for financial documents which all officers must follow.

4.3 The CFO is responsible for determining the accounting systems and procedures adopted by the Council. No variations shall be made to accounting records and

procedures without the written agreement of the CFO. In particular Assistant Directors should confer with the CFO before introducing or amending any books, forms, records, administrative procedures or computerised systems used in conjunction with accounting for cash, income, expenditure, stores and financial transactions generally.

- 4.4 Assistant Directors are responsible for ensuring the completion and submission of Grant applications and financial returns. The Chief Financial Officer/Managing Director/Audit & IG Manager should have adequate notice to request appropriate explanations or information as may be required prior to signing and the AD forwarding to the relevant government department or agency.

## **CONTACT: Corporate Finance Manager**

### **5. Financial Management and Control – Revenue**

#### **5.1 Preparation and Approval of Budget**

5.1.1 The Council will approve the overall spending plans of the Council.

5.1.2 The revenue estimates shall be determined by the CFO in consultation with Senior Management Team within the general guidelines of the Leader and Cabinet Executive and relevant professional requirements. Estimates shall be prepared annually before the start of the financial year and revised, if the CFO considers appropriate, during the course of the year.

5.1.3 Once the Council's budget for the year has been approved the Assistant Directors and Delivery Managers can authorise expenditure within the limits agreed subject to the separate rules on virement.

5.1.5 The Delivery Managers must exercise financial control including monitoring income and expenditure on a regular basis. Once approved, responsibility for budgets rests with the relevant Delivery Manager and Assistant Director.

#### **5.2 Budgetary Control**

5.2.1 The corporate finance information system determined by the CFO is the Council's prime accounting record. It provides the mechanism for Assistant Directors and Delivery Managers to monitor and control their budgets.

5.2.2 Assistant Directors and Delivery Managers are required to monitor their budgets regularly during the year and take immediate action as necessary. If it is considered that a particular budget head requires increasing, virement must be sought before any overspending occurs (see Virement section). Under no circumstances should expenditure be incurred without appropriate provision being put in place first.

5.2.3 Regular financial updates will be taken to the Leader and Cabinet Executive.

- 5.2.4 Generally all Council budgets are prepared on a cash limited (outturn) price base. This means that no supplementary estimates will be provided for inflation or other increases once budgets have been approved, except in exceptional circumstances.
- 5.2.5 All reports to Senior Management Team (SMT) or Members must be passed to Finance to identify any financial implications and should be made available to those staff in reasonable time before due for submission.

### **5.3 Supplementary Estimates**

- 5.3.1 The Council sets budgets for gross expenditure and income in the context of a cash limit. No additional expenditure or commitments are permitted once the budget has been approved without prior approval from the relevant Assistant Director and CFO. In exceptional circumstances this may not be possible and if this is the case, a report should be taken to Full Council outlining the reasons and seeking approval for additional spend and funding.

### **5.4 Grants**

- 5.4.1 Applications for grant bids must be approved and be considered by Senior Officers, as detailed below, to ensure they align with the Council's key priorities and that any financial implications, such as a requirement for match funding, are identified:

1. Where the value is £10,000 or less approval should be given by the relevant Assistant Director
2. Where the value exceeds £10,000 but is less than £50,000 approval should be by SMT
3. Where the value exceeds £50,000 the relevant Cabinet Member and Assistant Director should give approval

In all cases, grant bids must be approved by the relevant Finance Manager prior to submission.

- 5.4.2 Acceptance of grant terms must also be approved by the relevant Assistant Director and a Finance Manager.
- 5.4.3 All grant claims must be certified by a Finance Manager subject to the conditions of the grant awarding body. In addition where certification is required by Internal Audit adequate notice should be given to enable this work to be undertaken.
- 5.4.4 Assistant Directors are responsible for ensuring adequate records, financial and otherwise, have been maintained for all externally funded schemes subject to audit by the European Commission or grant awarding bodies

### **5.5 Virement**

- 5.5.1 Virement between budget heads is an integral and important feature of budgetary control. It provides Senior Managers with the flexibility to adapt expenditure

patterns which they consider appropriate in meeting changing locally determined service needs and objectives consistent with Council policy.

5.5.2 Virement may be necessary for several reasons. For example:

- unforeseen cost increases,
- demand for a particular service, in line with existing policies, exceeding estimates,
- a local requirement to provide a different service from that anticipated when the budget was set, or
- utilising efficiency or other savings.

5.5.3 Except where allowed under the scheme of virement only the Council can approve changes to the budget it has previously agreed.

5.5.4 Approval is required where there is a proposed change to the use of budgets in terms of services being delivered, subject to the limits set out in the table below,

| Limit  | Approved By                                  |  |
|--|--|--|
| Virements less than £50,000                      | Service Delivery Manager and Finance Manager | All virements must<br>1. be within the overall policy framework;<br>2. not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations |
| Virements £50,000 or more but less than £250,000 | Cabinet                                      |  |
| Over £250,000                                    | Full Council                                 |  |

5.5.5 Assistant Directors/Service Delivery Managers should notify the relevant Finance Manager of all proposed virements in their area so that the correct approvals are gained and the budget and financial system are updated.

**CONTACT: Corporate Finance Manager**

**5.6 Reserves & Balances and the Robustness of Estimates**

5.6.1 The budget report will contain a comment by the CFO (Chief Financial Officer) on the robustness of the estimates and the adequacy of reserves, in accordance with the requirements of the Local Government Act 2003 and CIPFA guidance. The CFO must also be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.

- 5.6.2 Specifically, the budget report will include a statement on the adequacy of general reserves and provisions for the forthcoming year, linked to the medium term financial strategy.
- 5.6.3 An annual review of earmarked reserves will be undertaken as part of the budget preparation process and a statement will be presented to Council alongside the budget report.
- 5.6.4 The level and purpose of reserves and balances held must be clearly defined and justified by Assistant Directors. Further regular reviews should be undertaken to ensure continuing relevance and adequacy.
- 5.6.5 There is no statutory minimum level of reserves required. This will be a matter of local judgement determined by the CFO but taking into account relevant national guidance.

**CONTACT: Corporate Finance Manager**

**6. Financial Management and Control – Capital**

- 6.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered for the long-term and create financial commitments for the future in the form of financing costs and revenue running costs. Capital resources can only be used to fund capital expenditure, unless a specific capital direction has been granted by the Secretary of State.
- 6.2 The Council will comply with the requirements of CIPFA's Prudential Code for Capital Finance in Local Authorities and will set and monitor a range of Prudential Indicators accordingly to ensure that borrowing is affordable, prudent and sustainable.
- 6.3 The Council will determine the capital programme for the Authority after considering:  
  
overall Corporate Priorities, the Council's Asset Management Plan, the Transport Asset Management Plan, the Capital Strategy; availability of funding; affordability and ongoing revenue implications.
- 6.4 The capital programme shall focus on the medium term service & financial planning period; the total cost and phasing of each approved scheme shall be identified along with the proposed source(s) of funding. The overall Service & Financial Planning Strategy will reflect the revenue implications of the capital programme.
- 6.5 The CFO shall determine the method of funding for each capital scheme within the context of the various capital resources available.

- 6.6 All proposed investments should be subject to a financial appraisal which takes into account the full costs of using the capital resources.
- 6.7 The CFO shall ensure that an effective monitoring system is in place during the year to control capital expenditure and funding. Delivery Managers are responsible for the delivery of capital projects. Assistant Directors are responsible for notifying the CFO if it seems likely that there will be a significant variation in spending on a scheme and any changes to budgeted capital receipts.
- 6.8 Virements, can be approved by those designated below, subject to the limits shown, if there is no significant impact on the delivery of individual elements of the capital programme and/or on the overall capital strategy.
- (a) Up to £50,000 (LIMIT G) – CFO in consultation with the relevant Assistant Director
  - (b) Over £50,000 up to £250,000 (LIMIT K) – Leader and Cabinet Executive approval required
  - (c) Over £250,000 (LIMIT R) – full Council.

## **6.9 Supplementary Capital Estimates**

Any changes to the capital programme, including new capital approvals, must be approved by Full Council.

### **CONTACT: Corporate Finance Manager**

## **7. Taxation and Leasing**

### **Taxation**

- 7.1 Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers and members to be aware of their roles and responsibilities.
- 7.2 It is the responsibility of Assistant Directors to ensure compliance with all tax regulations relating to their Delivery Units. This will include Income Tax, National Insurance, V.A.T. and tax accounted for under C.I.S. If in doubt, Assistant Directors should consult with the CFO. Delivery Units will be liable for any costs, including any penalties and interest charged for incorrect tax treatment.
- 7.3 Each year the Council has to demonstrate that it has not breached the partially exempt VAT threshold. If the threshold is exceeded there are significant financial implications for the Council which include having to repay VAT previously claimed back from Revenues & Customs. It is therefore important that the tax implications of business decisions are fully understood and Assistant Directors and Delivery

Managers must ensure that taxation is considered as part of their everyday operations and in particular when service changes are proposed.

- 7.4 Assistant Directors and Service Delivery Managers must check the employment status of anyone engaged in their Service Area to ensure that tax is correctly calculated. This is particularly relevant to self-employed consultants or “contractors”. Where an individual is deemed to be an employee of the Council they must be paid through payroll.
- 7.5 All officers have a responsibility to ensure that tax is correctly accounted for so that the risk of financial penalty is minimised and tax paid to Revenues & Customs is correct.
- 7.6 The Council’s Taxation Officer will provide guidance in relation to taxation.

### **Leasing**

- 7.4 Leasing is a method of financing the acquisition of certain types of capital assets and allows the cost to be spread over several financial years through annual rentals. It is a specialised area of finance with complex legal and financial agreements. Leasing arrangements may only therefore, be entered into by the CFO or his designated officer. Normal contract procedures should be followed in relation to leasing arrangements.
- 7.5 Detailed guidance on leasing issues is incorporated within specific procedure notes on the Intranet.

### **CONTACT: Corporate Finance Manager**

## **8. Authorised Levels and Controlled Stationery**

- 8.1 The CFO will set (and review in consultation with the Monitoring officer) authorisation levels for officers in respect to expenditure. The current levels are:-

| What | Who | Limits |
|------|-----|--------|
|------|-----|--------|

|   |  |  |
|---|--|--|
| Authorising Orders and invoices                                 | Requisitioners   | Up to £100   |
|   | Team Leaders/Group Managers/Specialists                    | £100 - £19,999   |
|   | SDM's  | £20,000 - £49,999  |
|   | SDM plus AD's  | £50,000 - £99,999  |
|   | AD's plus Director/MD or another specified                 | Over £100,000  |
| Authorising use of the imprest account                          | CFO  | All  |
| Awarding and signing contracts                                  | SDMs<br>ADs<br>AD: Governance, Procurement & Commissioning | Up to £50,000<br>£50,000 and over<br>£ EU Procurement level and contracts under seal |
| Travel and subsistence claims<br>Timesheets and Overtime Claims | Team Leader/Group Managers and below                       | SDM  |
|   | SDM  | AD   |
|   | AD   | Director   |
|   | Director   | Managing Director  |
|   | Managing Director  | Monitoring Officer   |
|   | Members  | CFO  |

8.2 All cheques and other controlled stationery, including receipt books, invoices, and Electronic Fund Transfer (E.F.T.) forms may only be ordered by the CFO or an authorised representative who shall make proper arrangements for their safekeeping.

8.3 Only authorised signatories may commit the Council to expenditure, including electronically, in line with relevant procedure notes by:

- Authorising Orders
- Certifying expenses claims
- Authorising petty cash purchase
- Certifying timesheets and overtime claims
- Signing and awarding contracts (see also Section 7, Contract Procedure Rules)
- Over certain limits more than one officer should be involved in the authorising process.

8.4 Assistant Directors are responsible for informing the CFO of any changes to authorised signatories and the responsibilities of officers.

## **CONTACT:**

For authorised signatories: Finance Officers

For controlled stationery: ICT Asset & Documentation Team

## **9. Internal Audit**

9.1 The Chief Financial Officer (CFO) under section 114 of the LGFA 1988 and the Accounts and Audit Regulations 2015 has a statutory responsibility for the overall financial administration of the Council's affairs. Section 5(1) of the Accounts and Audit Regulations 2015, says that the authority "*A relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance*". The Chief Financial Officer shall, therefore, in accordance with relevant legislation arrange for a continuous and current internal audit of all areas of Council activities.

9.2 The relevant Internal Audit Standard setters for Local Government are CIPFA and they have endorsed the UK Public Sector Internal Audit Standards (The Public Sector Internal Audit Standards are based on the mandatory elements of the Institute of Internal Auditors (IIA) International Professional Practices Framework. Internal Audit will operate to these Standards and any other relevant guidance. The definition of Internal Auditing within the Standards is:

***Internal Auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.***

9.3 As the definition outlines Internal Audit has a key role to play in independently reviewing the effectiveness of the Council's entire control environment in respect to the processes for governance, risk management and control. It contributes an objective opinion to the Council's Annual Governance Statement.

9.4 The existence of a continuous internal audit service does not in any way diminish the responsibility of SMT for the delivery of priorities and Assistant Directors for the management of the Delivery Units under their control and their responsibilities in respect to risk management and the systems of internal control.

9.5 The Audit & Human Resources (IG) Manager is the Council's Chief Audit Executive as defined under the Standards and is the Chief Internal Auditor as defined in CIPFA's Statement on the Role of the Chief Internal Auditor who reports to the CFO and should ensure that Internal Audit remains independent in its planning and operation. The Audit & IG Manager should be responsible for maintaining periodic audit plans which have due regard to the key priorities and associated risks of the authority, the objectives and risks for each service area in delivering their services and the requirements of the external auditor. The plan will deliver work to provide reasonable assurance to the Council based on the resources available. The Audit &

IG Manager must report to the s151 officer or the Audit Committee if there are insufficient resources or limitations in the scope of their work to provide reasonable assurance or a service consistent with the definition of Internal Audit in paragraph 9.2.

**9.6 It is the responsibility of Audit & IG to review, evaluate and report**

- upon the soundness and adequacy of financial and other records and the processes for governance, risk management and control within the Council to provide their assurance for the Annual Governance Statement;
- the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:
  - fraud and other offences
  - waste and inefficient administration, poor value for money or other cause
  - the suitability and reliability of financial and other management data developed within the organisation.
- The soundness and adequacy of the data quality systems operating to collect and report on performance information

**9.7 The Chief Finance Officer's authorised Audit & IG representatives shall be empowered to:**

- enter at all reasonable times any Council premises or land
- have access to all Council and partner records (includes business e-mail and internet records), documentation and correspondence relating to any financial and/or other transactions or other business of the Council, its employees or members, as considered necessary by the CFO, MO or Audit & IG Manager.
- have access to records belonging to third parties such as contractors or partners when required
- require and receive such explanations as are regarded necessary concerning any matter under examination from any employee, member, partner or third party.
- require any employee or member of the Council or any partner/third party to account for cash, stores or any other Council property which is under his/her control or possession on behalf of the Council.

**9.8 All work carried out shall have due regard for the requirements of the access to information legislation (e.g. Data Protection Act 1998, Freedom of Information Act**

2000, etc.) and the Human Rights Act 1998, together with any other relevant legislation current at the time of the audit.

- 9.9 Delivery Managers should agree the draft report and indicate the actions they propose within one month of receipt of the draft report. Assistant Directors and Delivery Managers are responsible for implementing the agreed recommendations within Audit & IG reports within an appropriate timescale.
- 9.10 Failure to implement statutory, policy or financial regulation recommendations within the agreed timetables may be referred to the Chief Finance Officer and the appropriate members, following consultation with the appropriate Assistant Director.
- 9.11 Internal Audit has specific fraud related responsibilities which are set out in the corporate Anti-Fraud & Corruption Policy. It is the duty of any Officer or Member to follow the corporate Anti-Fraud and Corruption Policy. Any officer or member who suspects that an irregularity involving cash, materials or any other property of the Council may have occurred must inform the Assistant Director or report the matter directly to the Audit & IG Manager or Section 151 Officer. Confidentiality, wherever possible, will be respected in any dealings on such matters. The Section 151 Officer shall report to the Managing Director, the MO, the relevant Assistant Director, Director and Cabinet or a specific member of the Cabinet and the Leader, if appropriate, any matter of a significant nature.
- 9.12 Any decision to refer a matter as outlined in paragraph 9.11 to the Police is to be taken by the Audit & IG Manager after informing the Council's Section 151 Officer or their representative and the MO. Where a Member is involved the Managing Director, MO and where appropriate, the External Auditor, will be consulted. Where Police advice is sought but it is not intended that any criminal prosecution shall take place, the Audit & IG Manager shall ensure that the anonymity of the individual(s) concerned shall be maintained at all times.
- 9.13 Internal Audit will define and manage consultancy assignments as set out in the PSIAS.
- 9.14 The Audit & IG Manager reports to the Audit Committee as defined in their terms of reference. This includes the following information:
- a) the Internal Audit plan and Charter;
  - b) quarterly reports summarising the internal audit work undertaken and any key findings; and
  - c) an Annual Report which provides Internal Audit assurance for the Annual Governance Statement.
- 9.15 The Audit & IG Manager, MO and CFO have the authority to report, as appropriate, on any matter, without fear or favour, to all levels of the Council. This can include reporting directly to the Managing Director, Leader or any Cabinet Executive

(including the lead Member for Governance), Chairman of the Audit Committee, SMT, the Monitoring Officer or the Council's External Auditors.

**CONTACT: Audit & IG Manager**

**10 Risk Management**

10.1 The Cabinet Member for Council Finance & Service Delivery is the lead member for Governance for the Council, including risk management.

10.2 The Managing Director is the lead officer in respect to Governance which incorporates risk management. The Managing Director is responsible for the development, co-ordination and maintenance of the Council's Risk management processes which form part of the Service Planning process. However it is the responsibility of all employees and members to ensure that the Council's risks are properly managed.

10.3 SMT will:

- (a) regularly review the Council's strategic risks
- (b) report to the Cabinet on an exception basis when significant risk management issues arise
- (c) keep the Cabinet Member for Council Finance & Service Delivery updated on their reviews of strategic risks

10.4 The Leader and Cabinet Executive will:

- (a) receive the exception reports on significant risk management issues arising during the year; and
- (b) agree the Annual Governance Statement.

10.5 The Audit & IG Manager will keep the Audit Committee informed of any issues arising from the risk management activities of the Council and exception reports presented to Cabinet. This will enable the Audit Committee to independently review the Council's risk management processes as set out in their terms of reference.

10.6 SMT is responsible for the management of risks within the services, projects and priorities that they lead. Assistant Directors are also responsible for ensuring that a proper risk assessment is undertaken for all new activities, projects, changes to services or partnership arrangements and that where required controls are implemented or revised to manage these new/revised risks.

10.7 Each Assistant Director submitting a report to the Leader and Cabinet Executive, the Council or one of the Council's committees must ensure that any opportunities or risks arising from the proposed action or decision are clearly included in the impact assessment contained in the report.

• **Information Security**

11.1 The MO is the Council's designated Senior Information Risk Owner (SIRO) and is responsible for ensuring that there is a proper information governance framework in place.

11.2 The SIRO is responsible for approving all Information Sharing agreements.

- 11.3 SMT is responsible for ensuring compliance with the Council's Information Governance framework.
- 11.4 Assistant Directors are the owners of the information within their service areas and this information encompasses information stored on computers, transmitted across networks including the internet, printed out or written down or spoken in conversation.
- 11.5 SMT must ensure compliance with the Corporate Information Security Policy to ensure:
1. Confidentiality of information
  2. Integrity of information
  3. Availability of information
  4. Proper retention of information
  5. All software installed is appropriate for business use and is properly licensed.
- 11.6 Assistant Directors must ensure appropriate Data Protection Registrations are in place for their service areas. This includes compliance with the regulation of information relating to individuals including obtaining, holding, using and the disclosure of individual's information.

**CONTACT: Audit & IG Manager**

12. Public Accountability – Responsibilities

- 12.1 Members and officers have a Code of Conduct and rules on Gifts and Hospitality which they must comply with.
- 12.2 Members and officers must not:
- Accept any bribe or personal inducement in connection with council business
  - Use Council property, assets, materials or information for other than the purposes of Council business.
  - Subordinate their duty to the Council to their private interest or put themselves in a position where their duty and private interests conflict.
- 12.3 All members and officers must adhere to the Council's Anti-Fraud and Corruption Policy and report any suspected irregularities to the CFO.
- 12.4 SMT – the Managing Director, Directors and Assistant Directors are responsible for leading and demonstrating good governance and ensuring that the Council's Governance Statement is a true reflection of the Council's governance arrangements.

13. Purchasing Arrangements

**General:**

- 13.1 These Financial Regulations should be considered in conjunction with the relevant parts of Contract Procedure Rules relating to contracts. Assistant Directors must ensure that any purchasing contracts comply with Contract Procedure Rules, related guidance, statutory requirements and European directives.

### ***Financial Thresholds & Limits***

- 13.2 All contracts must adhere to the contract thresholds set out in the Contract Procedure Rules in Conducting a Purchase.

### **Works/Goods/Services**

#### **Requisitions, Authorisation, Goods Received, Payments**

- 13.3 Every officer and member of the Council has a responsibility to declare any links or personal interests which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. Officers should complete a **Declarations of Interest Form** and submit this to the Assistant Director or relevant Director as soon as they become aware of such an interest. Members are responsible for amending their own entries in the Register of Interests held by Member Services as soon as they become aware of such an interest.
- 13.4 Official Orders are to be issued only by officers authorised by Assistant Directors. Authorised officers are responsible for authorising orders within their control and in particular for ensuring that the expenditure is necessary, legal and within the approved estimates or covered by a special financial provision.
- 13.5 The CFO should be notified of all officers authorised by Assistant Directors to authorise official orders.
- 13.6 Official orders shall be issued for all work, goods or services to be supplied to the Council; this must be in the form of an electronic order generated by the approved Corporate Procurement System, unless the Government Procurement card is used (see section 14 below). Authorising officers must be able to demonstrate that the work, goods or services are required in order to provide Council Services. Orders should not be raised for supplies of utilities, periodic payments such as rent or rates, or for purchases made through imprest accounts. When ordering from an individual their status must be confirmed using the HMRC Employment status Indicator and recorded on the financial system.
- 13.7 Telephone orders may be used in exceptional circumstances but when this happens they must be confirmed using an electronic emergency order.
- 13.8 All orders must be governed by the Authority's standard terms and conditions; these must not be varied without the prior approval of the Assistant Director: Governance, Procurement & Commissioning.
- 13.9 Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.

- 13.10 Assistant Directors and Service Delivery Managers shall separate the responsibilities for raising requisitions, authorisation of requisitions and receipt of goods, so that 2 different officers are involved.
- 13.11 Goods and services should be checked on receipt to ensure they are in accordance with the order and a Goods Receipt Note raised on the Financial Management System. Discrepancies should be dealt with as agreed procedures.
- 13.12 All payments, apart from the authorised use of imprest accounts (see Financial Regulation 18); due from Service Delivery Units and chargeable against their budgets shall be made in such manner as outlined by the CFO. Apart from payments from cheque imprest accounts the normal method of payment of money due from the Council shall be by BACS or other instrument drawn on the Council's bank account by the CFO. The use of direct debit and credit shall require the prior agreement of the CFO.
- 13.13 All invoices will be received by the Purchase Ledger team unless otherwise agreed. Once received the invoices will be scanned into the system and matched to the order and goods received note, where they exist. Mismatches will be resolved as per the agreed procedures.
- 13.14 Payments to construction contractors on account of contracts shall be made only on a certificate issued by a relevant member of SMT or other officer or external consultant nominated in writing for this purpose. This certificate shall show the total amount of the contract, the value of the work executed to date, retention money, amount paid to date and the amount now certified.
- 13.15 Any interest charged to the Council in respect of late payment under the Late Payment of Commercial Debts (Interest) Act 1998 will be passed on to the Delivery Unit that ordered the goods/services.
- 13.16 The Audit & IG Manager and Employment Services Manager shall examine accounts to the extent considered necessary and shall be entitled to make such enquiries and to receive such explanations as may be required.
- 13.17 Detailed guidance on Requisitions, authorisation, orders, good received notes and payments can be found within specific procedure notes on the Intranet.

**CONTACT: Procurement & Brokerage Manager or Employment Services Manager**

#### **14. Corporate Credit Cards and the Government Procurement Card (GPC)**

##### **14.1 Usage is restricted to the following**

- Corporate Credit Cards: The Leader and Directors may have corporate credit cards. The CFO also has a card which can be used by other Council officers following strict guidance and authorisation procedures.

- Government Procurement-Cards – as part of the process operated by the Procurement Team

14.2 Corporate Credit Cards: there are strict guidelines and procedures associated with the use of corporate credit cards which clearly state card holder responsibilities and allowed expenditure. The cardholder is responsible to account for all expenditure that is incurred on their card. Expenditure must be for business purposes only and VAT receipts must be provided for each transaction. There are set limits for expenditure against the Corporate Credit Card Account which must not be exceeded. The CFO will approve any additional cardholders.

14.3 GPC – the GPC process is in place to enable purchases by telephone, face-to-face or via the internet to streamline the procurement of low value, high volume transactions. Users will be authorised by their Service Delivery Manager and the process controlled by the GPC coordinator in the Corporate Procurement Team. Each card will have set limits for expenditure which must not be exceeded. Each user and their manager receives specific guidance on usage and their responsibilities. The GPC process negates the need for a traditional order; instead the user maintains a monthly log of expenditure, which is validated against the statement issued by the supplying bank at the end of each accounting period. The cardholder is responsible for all expenditure on their card and the essential monthly reconciliation, which is set out in an acceptable use policy. The account will be settled by Direct Debit on a monthly basis. The GPC card spend will be published on the Council’s website on a monthly basis.

**CONTACT:**

**Corporate Finance for further advice and guidance on the Corporate Credit Cards  
Procurement for further advice on the Government Procurement Cards**

**15. Income and debtors**

15.1 ADs and SDMs must ensure that all income due to the Council is identified, collected, receipted (and recorded and securely retained prior to banking) and properly banked. They should, wherever possible seek pre-payment for goods and services; otherwise income collection should be by the most cost effective procedures.

15.2 AD’s and SDM’s are responsible for ensuring that there are proper refund procedures and that appropriate approval is recorded.

15.3 ADs and SDMs must monitor outstanding debt on a regular basis and, as far as possible, ensure transparent separation between those responsible for the identification of debt and those responsible for its collection.

15.4 The Council does not accept the discharge of a debt other than by payment in full other than in respect of write-offs, as below:-

| What  | Who  |
|---|--|
| Value up to the level of Revenues Court costs - £80 | R&B Senior Officer/1 <sup>st</sup> Line Supervisor |
| Revenues Court Costs to £999.99                     | R&B Team Leader                                    |

|  |                            |
|--|----------------------------|
| £1,000 to £9,999.99  | Revenues & Benefits<br>SDM |
| £10,000 to £24,999.99  | AD – Finance & HR          |
| Where the debtor has been declared insolvent or bankrupt and all monies due in dividend has been received or, if the debtor is a company where it has ceased trading or is insolvent | AD – Finance & HR          |
| A debt of more than £25,000 which is not subject to insolvency or bankruptcy proceedings   | Leader/Cabinet             |

- 15.4 Money held on behalf of the Council shall not be used to cash cheques for members, employees or third parties.
- 15.5 All income over £100,000 coming in to the Council must be notified by the AD/ SDM to the CFO as must contracts and leases that involve the receipt of such sums.
- 15.7 ADs will review charges made for services provided within their service delivery areas at least annually.

**CONTACT: CFO**

**16. Banking Arrangements**

- 16.1 All arrangements with the Council's bankers must be made or approved by the CFO who shall be authorised to operate such bank accounts, including giro bank accounts as required.
- 16.2 Cheques drawn on the Council's banking account shall bear the facsimile signature of the CFO or be signed by him/her or such other identified senior officers as he/she may from time to time designate in writing.
- 16.3 The CFO shall maintain a list of identified senior officers who may on his/her behalf give instructions to the Council's banker and countersign cheques. These designated senior officers must countersign cheques for amounts of £50,000 or more (LIMIT G).
- 16.4 Standing order and direct debit payments may only be established by the CFO or such other identified senior officers as he/she may from time to time designate in writing.

**CONTACT: Corporate Finance Manager**

**17. Payments to Employees**

- 17.1 The Council's Pay Policy Statement must be adhered to in respect to all payments to employees.
- 17.2 ADs must ensure that the CFO is notified of all matters affecting the payment of employees and members as soon as possible after there has been a change made that will affect any employee/member.
- 17.3 Any pay records shall be in a form agreed by the CFO.

- 17.4 No payment will be made to a person deemed to be an employee other than through the normal payroll procedure. AD's and SDM's should confirm before engagement the employment status of self-employed consultants or "contractors" and clarify their payment mechanism with the CFO. Office Holders should also be engaged through payroll as they are subject to PAYE.
- 17.5 All claims (travel, subsistence, overtime, additional hours etc.) should be submitted within 3 months.
- 17.6 There are special rules on foreign travel available separately.

**CONTACT: Employment Services Manager or People Services Manager**

**18. Imprests**

- 18.1 The CFO in consultation with appropriate Assistant Directors may make imprest advances to officers for the purposes of paying minor items of expenditure and any other items as may be approved by him/her.
- 18.2 The CFO reserves the right to withdraw imprest facilities from officers if it is deemed that they are being used inappropriately, the expenditure limit is exceeded, or the facility is rarely used.
- 18.3 The accounts should be maintained on an imprest basis using standard Council imprest stationery and recording procedures for this purpose. All officers should maintain a record of their receipts and payments in a form and manner prescribed by the CFO.
- 18.4 No income received on behalf of the Council may be paid into an imprest account but must be banked or paid into the Council as in section 15 of these regulations.
- 18.5 The imprest account should be continually kept in balance and records submitted as required by the CFO at regular intervals for examination and the reimbursement of expenditure.
- 18.6 The officer responsible for an imprest account shall, if requested, give the CFO a certificate confirming the amount held. Upon leaving the Council or at the request of the CFO the responsible officer shall repay to the Council the balance of the imprest held.
- 18.7 Cheque imprest accounts should not be allowed to go overdrawn. The Delivery Unit concerned will be responsible for all bank charges, interest payments and administration charges if this occurs as a result of failure to submit reimbursement claims or if they are submitted too late in order that timely processing can take place.

- 18.8 Imprest should not be used to pay or reimburse employees, or to purchase items from which they will benefit
- 18.9 Detailed guidance on Imprest and Petty Cash Accounts is incorporated within specific procedure notes which are included on the Intranet.

**CONTACT: Corporate Finance Manager**

**19. Insurance**

- 19.1 The MO will be responsible for the Council's insurance. Only the officer identified by the MO may obtain insurance cover on behalf of the Council.
- 19.2 Assistant Directors are responsible for ensuring that all new activities or assets that may introduce an insurable risk to the Council are notified to the Insurance Manager.
- 19.3 Assistant Directors must assess the risks associated with their services and notify the Insurance Team Leader of any changes to risk exposure.
- 19.4 As soon as officers are aware of any loss, liability or damage-causing event that may give rise to a claim of any kind against the Council they must notify the Insurance Manager who will take the appropriate action to safeguard the Council's position.
- 19.5 Appropriate officers will co-operate at all times with the investigations of the Insurance Manager into any claims and will supply all information upon request. It is imperative that officers comply with the timescales for investigating claims. Failure could directly affect the authority's ability to defend a claim or could result in financial penalties being imposed on the authority/Delivery Unit.
- 19.6 The appropriate officer will make an annual declaration of any claims or events likely to give rise to a claim not yet reported to the CFO.
- 19.7 It is the responsibility of the Delivery Manager to ensure that all third parties using the Council's buildings are appropriately insured and that Contractors employed by the Council hold appropriate and valid insurance.

**CONTACT: Insurance Team Leader**

**20. Security and Control of Assets**

**20.1 Stocks and Stores**

- 20.1.1 Assistant Directors are responsible for determining an efficient stock holding policy to ensure stock levels are not in excess of normal requirements.

- 20.1.2 The Assistant Director shall supply the CFO with such information relating to stores with a value exceeding £1,000 as may be required for the accounting, costing and financial records of the Council.
- 20.1.3 Assistant Directors shall ensure periodic test examinations of stocks and shall ensure that all stocks are checked at least twice a year, and that a return of stocks in hand at the 31st March is certified.
- 20.1.4 After each stock check a return should be completed indicating any differences between actual and recorded stock. Where, after thorough investigation, differences cannot be reconciled, then the necessary adjustment should be made to the stores accounts. Adjustments to the accounts should be clearly identified and appropriately authorised. Copies of all adjustments should be available for inspection by Audit Services. If the adjustments account exceeds £10,000 (LIMIT B) in any year, the CFO shall report the circumstances to the lead member on the Cabinet responsible for finance and enterprise, together with explanations for the surplus/deficit.
- 20.1.5 Assistant Directors should ensure that any material surpluses or obsolete stock are disposed of in line with agreed Council procedure. All disposals should be recorded and the records should be available for inspection.

## **21. Inventories**

- 21.1 Inventories shall be maintained by all Delivery Units of all Council assets, including ICT (see 21.2.2). The CFO shall define the extent to which the assets of the Council shall be recorded and the form in which inventories shall be kept.
- 21.2 A corporate inventory for all ICT assets shall be maintained by the Assistant Director: Commercial Services and as such all items will be clearly identified and labelled. Delivery Managers should not arrange relocation or disposal without appropriate notification to the Assistant Director: Commercial Services.
- 21.3 All leased equipment should be clearly identified and labelled. The labelling should indicate that the item should not be sold (as it does not belong to the authority).
- 21.4 The Council's assets shall not be removed from Council premises except in accordance with the ordinary course of the Council's business unless specifically approved by the Assistant Director. Council property shall only be used for the Council's purposes unless specific instructions are issued by the appropriate Assistant Director. The Assistant Director shall be responsible for ensuring that any such agreements are recorded. Attractive and portable items such as computers, cameras, TVs, video recorders and playback/recording equipment should be identified with security markings as belonging to the Council.
- 21.5 All disposals will be in line with agreed Council procedures and E.U. directives. In addition, special procedures are in place to deal with the disposal of leased

equipment – any queries should be referred to the Finance Manager (Capital and Treasury).

- 21.6 Service Delivery Managers are responsible for carrying out an inventory check at least once a year and ensuring that all items are accounted for. All discrepancies must be reported to their Finance Manager.
- 21.7 Detailed guidance on Inventories and Disposal of Assets is incorporated within specific procedure notes which are included on the Intranet.

## **22. Land and Buildings**

- 22.1 The Assistant Director Business, Development & Employment shall be responsible for the Asset Management Plan and maintain or make arrangements for the maintenance of a terrier of all properties owned or rented by the Council.
- 22.2 The terrier should record:
- the date of acquisition or appropriation
  - Council authority
  - the holding Board
  - purpose for which held
  - location, extent and plan reference
  - purchasing details
  - particulars of nature of interest and rent payable
  - particulars of tenancies granted

## **CONTACTS**

**Stocks and Stores, Appropriate Finance Manager Inventories, Audit & IG Manager  
Land and Buildings, Assistant Director Customer and People Services**

## **23. Treasury Management**

- 23.1 The CFO shall arrange all borrowing of monies, and make all arrangements concerning the investment or utilisation of capital monies or other funds.
- 23.2 In exercising the function, the CFO should comply with the contents of CIPFA's 'Code for Treasury Management in Local Authorities'.
- 23.3 The Council shall adopt a Treasury Policy Statement and an annual Treasury Management Strategy. The responsibility for their implementation and monitoring will be delegated to the Leader and Cabinet Executive.
- 23.4 The CFO shall report (at least half yearly) to the Audit Committee on the activities of the Treasury Management function and on the use of delegated Treasury Management powers.

- 23.5 The Audit Committee through their terms of reference (rather than the Budget & Finance Scrutiny Committee) will scrutinise the Councils Treasury management arrangements as set out in best practice guidance. The CFO will provide appropriate information to enable them to fulfil this role.

**CONTACT: Corporate Finance Manager**

**24. Unofficial and Voluntary Funds**

- 24.1 An unofficial or voluntary fund is defined as any fund, other than an official fund for the Council, which is controlled wholly or in part by an officer by reason of his or her employment by the Council.
- 24.2 Staff should seek approval from the appropriate Assistant Director before establishing an unofficial fund.
- 24.3 The Assistant Director shall maintain a register of all such funds. The register will include the following details for each fund:
- The name of the ‘Responsible Officer’, as defined in the procedure notes on Voluntary and Unofficial Funds, responsible for the day to day running of the fund;
  - The accounting period (which should generally be 1st April to 31st March);
  - Bank account details; and
  - Cheque signatories.
- 24.4 Assistant Directors shall ensure that all such funds are audited by suitably qualified auditors and are submitted within 6 months of the end of the accounting period to the Council and any other parties (i.e. clients, sponsors, charitable bodies) with an interest in the fund.
- 24.5 The CFO reserves the right to inspect all documentation relating to unofficial funds and seeks such explanations that are necessary to ensure they are being appropriately managed.

**CONTACT: Corporate Finance Manager**

## APPENDIX A

### Financial Limits

As financial limits require amending from time to time the limits itemised in the various regulations are referenced to this appendix. When amendments are actioned they will take the place of the amounts currently included in the detailed regulations.

| Limit Reference | £                  |
|-----------------|--------------------|
| A               | 5,000              |
| B               | 10,000             |
| C               | 25,000             |
| D               | 5,001 to 10,000    |
| E               | 10,001 to 24,999   |
| F               | 25,000 or over     |
| G               | 50,000             |
| H               | 75,000             |
| J               | 100,000            |
| K               | 250,000            |
| L               | 500,000            |
| M               | Over 100,000       |
| N               | 200,000            |
| P               | Over 200,000       |
| Q               | 100,000 to 250,000 |
| R               | Over 250,000       |
| S               | EU Threshold       |
| T               | EU Threshold       |

## The Contract Procedure Rules

The Local Government Act 2000 (Constitutions) requires the Constitution to include rules, regulations and procedures relating to the Authority's procurement process. The rules are contained within this document. There is also a considerable amount of guidance and templates that underpin and facilitate these rules. Links to this guidance are shown as underlined [blue narrative](#)

### Contents

- Purpose
- Scope
- Legal and Statutory Requirements
- Responsibilities
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- Frameworks
- Joint and Collaborative Procurement and Schemes financed partly or wholly by another Public Sector Organisation,
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## Guidance Documents

1. [Guidance to the Contract Procedure Rules](#)
2. [Procurement Flow Chart](#)
3. [Guidance for Health and wellbeing, care, education and Support](#)
4. [Additional procurement guidance for Construction](#)
5. [Grant Decision Guide](#)
6. [Social Value Guide](#)

### 1. Purpose

- 1.1 The aims of the Contract Procedure Rules (“the Rules”) are to:
  - 1.1.1 achieve value for money
  - 1.1.2 ensure compliance with all legal requirements
  - 1.1.3 ensure transparency, openness, non-discrimination and fair competition
  - 1.1.4 support the Council’s corporate aims, values, priorities and good governance
  - 1.1.5 protect officers
  - 1.1.6 demonstrate probity, consistency, accountability and integrity
  - 1.1.7 assist in time management and planning for procurement
- 1.2 The Rules are supported by Guidance. Officers should have due regards to this Guidance when planning and carrying out procurement

### 2. Scope

- 2.1 The Rules apply to all contracts with outside organisations, or people, including agreements with or on behalf of other public sector organisations & partner agencies, where there is an agreement to supply goods, works or services, in return for money or payments in kind, whether that agreement is formal or informal. This includes:
  - 2.1.1 purchasing of all goods and services or works
  - 2.1.2 loan or leasing arrangements
  - 2.1.3 instruction of outside experts or consultants under contracts for services
  - 2.1.4 tenders for sub-contracts
  - 2.1.5 grants and external funding arrangements
  - 2.1.6 Sale of services, goods and assets
- 2.2 These Contract Procedure Rules do not apply to contracts of employment or contracts relating to interests in land.

### 3. Legal and Statutory Requirements

- 3.1 The Council is obliged by virtue of section 135 of the Local Government Act 1972 to make contract procedure rules to ensure competition and regulate the procurement process

- 3.2 Every contract above the relevant [EU Thresholds](#) whether made by, or on behalf of, the Council must comply with the relevant statutory requirements (known as the ‘EU Procurement Rules’)
- 3.3 Contracts must also comply with the Council’s Financial Regulations and protect the Councils’ interests fully
- 3.4 The risks of non-compliance with the Regulations are significant and include awards of damages, a fine for the authority and contracts being cancelled. A breach of these contract procedure rules could constitute a disciplinary matter.
- 3.5 Where there is a conflict between these Contract Rules and EU Regulations, then EU Regulations will apply.

**4. Responsibilities**

- 4.1 Every officer and member of the Council has a responsibility to declare any links or personal interests which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. Officers should complete a [Declaration of Interest Form](#) and submit this to the Assistant Director or relevant Director as soon as they become aware of such an interest. Members are responsible for amending their own entries in the Register of Interests held by Member Services as soon as they become aware of such an interest.

| Designation               | Responsibilities   |
|---------------------------|--|
| Assistant Directors       | <p>Ensure that their teams comply with these Contract Rules.</p> <p>Ensure that key strategic procurement projects are properly resourced and have legal, financial, procurement and where necessary HR input at the outset.</p> <p>Ensure that schemes of delegation are obtained as required</p>   |
| Service Delivery Managers | <p>Ensure that officers with sufficient training, experience and knowledge of the Rules carry out procurement.</p> <p>Ensure that resources are available to allow compliance with the Rules</p> <p>Ensure contracts are signed at the appropriate level in accordance with the <a href="#">Finance Regulations</a> and the Rules</p> <p>Appoint a Procurement Champion for their Service Delivery Area</p> <p>Attend Auctions to bid for items providing that funding is in accordance with approved budgetary estimates.</p> <p>Enter into leasing arrangements on behalf of the Council</p> |
| Officers                  | <p>Comply with these Contract Rules, Financial Regulations, and the Code of Conduct for employees and with all UK and European</p>   |

| Designation   | Responsibilities   |
|---------------|--|
|               | <p>Union legislation.</p> <p>Ensure they and any team members they are responsible for are suitably trained before they procure.</p> <p>Ensure that any agents, consultants and contractual partners acting on their behalf also comply with the Rules</p> <p>Maintain an audit trail of all authorities given and decisions made to show how the Rules have been complied with in a fair and transparent process</p> <p>Involve Procurement and Legal Services at the earliest opportunity and at all necessary stages of the procurement</p> <p>Store all documents in electronic form, including any correspondence in a restricted shared drive or eTeam site.</p> |
| Third Parties | <p>Must comply with the Rules and Officers instructing third parties to procure contracts must supply them with a copy</p> <p>Officers and third parties must ensure that any Conflict of Interest is avoided in the first instance or declared to the appropriate Assistant Director using the <a href="#">Declaration of Interest Form</a>. Legal advice must be obtained by Officers where any conflict has the potential to impact on a contractual relationship</p>   |

## 5. General Requirements

### 5.1 The Public Services (Social Value) Act 2012

The Act requires public bodies in England and Wales to consider:

how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and

how, in conducting the process of procurement, it might act with a view to securing that improvement

**The Act must be considered at the pre – procurement stage of all contracts for services.**

For further information please refer to the [Social Value Guide](#) guidance

### 5.2 Equalities

- 5.2.1 The general equality duty, set out in the Equality Act 2010, requires Councils to have due regard to the need to:
  - 5.2.2 eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act
  - 5.2.3 advance equality of opportunity between people who share a [Protected Characteristic](#) and those who do not and
  - 5.2.4 foster good relations between people who share a protected characteristic and those who do not.
- 5.3 The Council must consider the impact the procurement outcome may have on the people who live and work in their area, with regard to their age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.4 If the procurement:
  - 5.4.1 may have a high negative impact,
  - 5.4.2 had a previous impact assessment that identified a high negative impact,
  - 5.4.3 impacts on a large number of people, or,
  - 5.4.4 deals with particularly sensitive issues

You may need to carry out a Community Impact Assessment at the planning stage of your procurement. Further guidance can be found on the [Assessing Impact](#) page of the Council's intranet.

## **6. Key Decisions**

- 6.1 Officers must consider whether the decision to procure is a [Key decision](#) and if so ensure that details are entered onto the [Notice of Key Decision](#) in good time for a decision to be properly made.
- 6.2 Where the procurement is a key decision, the Officer must obtain evidence of the key decision being approved such as the minutes from the relevant cabinet meeting, and store this for completeness with the tender and contract documentation.

## **7. Contract Classification and Forms of Contract**

- 7.1 Officers should consider which type of contract they are procuring:-
  - 7.1.1 A contract for works, including [construction and engineering](#)
  - 7.1.2 A contract for services or
  - 7.1.3 A contract for goods
- 7.2 If the procurement is for a "mixed" contract then the predominant purpose will prevail. The appropriate terms and conditions for that type of contract must be used as detailed below.
- 7.3 The Council's [Terms and Conditions](#) must be used for all tenders and contracts and the Council must avoid entering into contracts under provider's/contractor's terms and conditions.

- 7.4 On occasion, there may be a requirement for a specialised service which brings with it a need for non-standard Terms and Conditions. In this case the Terms and Conditions must always be discussed with Procurement Team in advance and approved prior to any tender issue and contract award.
- 7.5 Officers should ensure that any Terms and Conditions indicated by use of a regional or national framework do not differ significantly from the Council's own Terms and Conditions and if in doubt should have these reviewed by the Legal team.
- 7.6 Officers must consider the total value of the contract at the outset (see [guidance to contract procedure rules](#)) and follow the prescribed route below using the [Procurement flow chart](#) for guidance.

| Total Value   | Action  |
|---|---|
| Under £10,000   | Achieve best value through informal quotes                  |
| Between £10,001 and <a href="#">EU Threshold</a> Limits | Three Written Quotes obtained through the eTendering system |
| Over <a href="#">EU Threshold</a> limits                | Formal Tender Using eTendering system                       |

**7.7 For all construction procurement, the following will apply**

| Total Value                                      | Action  |
|--|---|
| Under £5,000                                     | <b>Direct contract or single quotation with supplier from supplier list – can compete if further Value for Money (VFM) is likely to be achieved</b>   |
| Between £5,000 and £50,000                       | <b>Three Written Quotes obtained from the supplier list.</b>  |
| Between £50,000 and <a href="#">EU Threshold</a> | <b>Formal Tender required from at least 4 suppliers for traditional contracts and at least 3 suppliers for Design and Build.</b>  |
| Over <a href="#">EU Threshold</a>                | <b>A minimum of five suppliers must be invited to tender for traditional contracts and at least 4 suppliers for Design and Build (unless fewer suitable candidates have met the selection criteria and these are sufficient to ensure genuine competition).</b> |

**8. In House Provision and Corporate Contracts**

- 8.1 Officers must check if there is an option to access current in-house Services for example Facilities Management, Cleaning Services, Catering Services, Professional

Services and Maintenance for Building and Construction, Communications, Energy Management, Training. Use of an in house resource should offer better overall value.

- 8.2 Officers must also check if there is an option to access an existing [Corporate Contract](#) Where a suitable Corporate Contract exists this must be used unless there is a justifiable reason not to. A list of corporate contracts can be found on the Procurement Intranet page.

## **9. Frameworks**

- 9.1 Officers must ensure that they follow the rules in the framework which set out how individual contracts can be called off. This may be direct award if prices are provided but more often this will involve a further procurement activity, referred to as a mini or further competition. Officers must ensure that the cost quality evaluation criteria used as part of the initial framework award is used to select suppliers through further competition but relevant extra sub criteria can be added. Officers must also check that all terms and conditions of the framework comply with and compliment the Council's own values and priorities.
- 9.2 Authority to establish a new framework agreement (as opposed to ordering from a framework) must be agreed by the relevant Assistant Director.
- 9.3 See [guidance to contract procedure rules](#) for further information

## **10. Joint and Collaborative Procurement and Schemes financed partly or wholly by another Public Sector Organisation,**

- 10.1 Where the Council acts as a Lead Authority to let contracts on behalf of a consortium of public sector bodies, these Contract Procedure Rules must be complied with and all records kept by the Council's nominated officer.
- 10.2 Officers leading or participating in multi-agency schemes where the key decision process applies must obtain approval from the CFO prior to committing the Council to participate in the scheme.
- 10.3 Officers leading multi-agency schemes must ensure that partnership working agreements are in place before procurement activity for the scheme begins or the contract is let.
- 10.4 European Regional Development Funding (ERDF) requires specific procurement rules to be followed in addition to these rules.
- 10.5 See [guidance to contract procedure rules](#) for further information

## **11. Appointing Experts and Consultants,**

- 11.1 A [Use of Consultants](#) Business Case must be completed for any procurement of a consultant or expert where the total value of their services will exceed £500.
- 11.2 Specific Council [Consultant terms and conditions](#) must be used for the appointment of a consultant. It is essential that an appointed Consultant has suitable Professional Indemnity Insurance and certificates should be checked before any contract commences and on an ongoing basis until all advice is completed.
- 11.3 See [guidance to contract procedure rules](#) for further information

## **12. eProcurement**

- 12.1 The Council's eTendering system must be used for all procurement activity over £10,000. This will ensure a robust audit trail and is a cost saving to both the Council and potential suppliers. Full details on how this can be used are available via the Procurement intranet page.
- 12.2 Prior approval must be obtained from the Assistant Director; Governance, Procurement & Commissioning if you wish to procure without using the Council's eTendering system.
- 12.3 See [guidance to contract procedure rules](#) for further information

### **13. Supporting the Economy and advertising,**

- 13.1 All requirements over £10,000 must be advertised through competition of an [Advert Form](#). Officers can advertise requirements below £10,000 if they feel that it may be of benefit, both for the Borough and the Council.
- 13.2 The Procurement Team will manage advertising of the requirement through social media and the Council's internet page.
- 13.3 See [guidance to contract procedure rules](#) for further information

### **14. ICT Facilities & Services,**

- 14.1 Regardless of value, all purchases of ICT hardware, software, licenses, systems, services, or works must be through, or with the agreement of, the ICT team for the purposes of system integration, monitoring compliance with corporate standards and obtaining of Best Value. The ICT team should be consulted at the earliest stage when considering any IT related project or solution.
- 14.2 The requirement must initially be logged with the ICT Service Desk by the Service Area that requires it. The ICT Service Desk will then take appropriate action to make the purchase or provide stakeholder input to an [ICT Project Mandate](#), the specification and project plan.
- 14.3 ICT will also support negotiations regarding annual maintenance charges and system upgrades.

### **15. Leasing Arrangements,**

- 15.1 Leasing is a method of financing the acquisition of certain types of capital assets and allows the cost to be spread over several financial years through annual rentals. It is a specialised area of finance with complex legal and financial agreements. Leasing arrangements may only therefore, be entered into by the Assistant Director or his designated officer.
- 15.2 Please see the [Financial Regulations](#) for further information. \_\_\_\_\_

### **16. Transfer of Undertakings (Protection of Employment) Regulations 2006,**

- 16.1 Where a contract is to be re-procured and TUPE may apply, the contract manager must write to the existing supplier and request TUPE information to be supplied via a [TUPE template](#) well in advance of the tendering exercise commencing.
- 16.2 Officers must ensure that sufficient time is built into the procurement so that the costs and implications can be shared with potential bidders through standard TUPE provision within the tender documents.

16.3 The contract terms and conditions for any new service contract must contain an up to date TUPE clause to ensure that future TUPE details are shared well before any subsequent retendering.

16.4 See [guidance to contract procedure rules](#) for further information

## **17. Grants**

17.1 Officers shall confirm with their Finance Manager that the monies that they wish to issue to a third party can be done so in the form of a grant. If the monies to be issued have been received into the Council as a grant initially the terms of the grant should be referenced in the legal agreement to the final recipient

17.2 Officers must adhere to the approvals limits as detailed in section 8.1 of the Financial Regulations and use the [Grant Conditions](#) document when issuing a grant

17.3 The Officer is responsible for recording the grant on the Grant register held on the Procurement e-team site

17.4 See [guidance to contract procedure rules](#) for further information

## **18. Memorandum of Understanding (MOU) and Service Level Agreements (SLA),**

18.1 SLAs and MOUs can only be used following agreement with Legal services

18.2 All Assistant Directors have authority to sign a MOU or a SLA provided that legal approval has been given.

18.3 See [guidance to contract procedure rules](#) for further information

## **19. Parent Company Guarantee and Bonds,**

19.1 A performance bond or adequate security will be required where:

19.1.1 the nature and length of the contract is such that the risk of failure is sufficiently high; or

19.1.2 the estimated cost of re-establishing a service if the contract fails is

19.1.3 relatively high; or

19.1.4 the financial and technical standing of the contractor is such that the risk of the failure is sufficiently high.

19.2 The amount of the bond will be 10% of the total contract value unless otherwise agreed by the Assistant Director of Finance & Human Resources.

## **20. Keeping Records,**

20.1 Each Service Area must keep proper electronic records of:

20.1.1 the different stages of the tendering process including all the quotes and letters received, and notes of phone calls and meetings about selecting suppliers in addition to all information already held on the eTendering system

20.1.2 the awarding of the contract.

20.1.3 any information provided to tenderers or contractors.

20.1.4 any decisions made, together with the reasons for those decisions.

20.1.5 any exemptions granted to the number of quotes/tenders sought.

20.1.6 Officers must keep all procurement documents for specific periods of time as laid down in the [Council's Corporate Retention and Disposal Scheme \(CRDS\)](#).

20.1.7 all contracts over EU Threshold are to be passed to the Procurement Team who will record the contract on the Legal Services Deeds Database and pass to legal to arrange scanning

20.1.8 original Sealed contracts must be stored in Legal Service’s deeds room

20.2 A [Procurement Report](#) must be completed for Procurement over EU thresholds to meet EU Directives. This report must be held in a shared drive as can subject to Freedom of Information Disclosure.

## **21. Signing Contracts**

21.1 All contracts must be signed by an authorised officer as set out below:

| Contract Value           | Acceptance by  |
|--------------------------|--|
| Up to EU Threshold       | Appropriate Assistant Director or designated Officer<br>One signature is required  |
| EU Threshold to £500,000 | Appropriate Assistant Director or Service Delivery Manager<br>Two signatures required<br>(At least one of whom must be the Assistant Director or Service Delivery Manager. The second signatory can be an officer of any seniority designated by the Assistant Director or Service Delivery Manager) |
| In excess of £500,000    | KEY DECISION<br>Appropriate Assistant Director and Service Delivery Manager<br>Contracts must be sealed by the Assistant Director: Governance, Procurement & Commissioning instead of being signed and the contracts are enforceable for a period of 12 years  |

## **22. Contract management**

22.1 Once awarded, all contracts over £10,000 must be recorded on the Council’s [Contract Monitoring Document](#). This document provides the data source for the Council’s externally published Contracts Register

22.2 The Contract must then be managed in accordance with the Council’s [Contract Management Toolkit](#)

22.3 The Contract Monitoring Document must be updated after each contract monitoring meeting and any savings resulting from the meetings reported through to the Procurement team for recording.

22.4 See [guidance to contract procedure rules](#) for further information

### **23. Contract Variations or Amendments**

- 23.1 Officers can enter into extensions or variations provided;
  - 23.1.1 there is provision within the contract to extend (and this has not already been utilised to its full extent)
  - 23.1.2 the provision is within scope and does not constitute a material change
  - 23.1.3 the budget has been confirmed in writing
  - 23.1.4 the variation is in accordance with the Public Contract Regulations 2015 where applicable. Where the contract is under the EU threshold the variation must not take the whole life costs over EU threshold
- 23.2 Standard [contract variation documentation](#) is to be used to enact the changes of the extension or variation. If the contract to be varied was sealed then a [deed of variation](#) notice is required.
- 23.3 Once signed or sealed, a copy of the variation should be sent to the Procurement team for scanning and filing in the Deeds Room linked to the original contract to enable change control
- 23.4 Legal advice must be sought if proposed changes amount to a significant or material change such as the new requirement not being related to any part of the original advertisement or a value change in excess of the percentages stated in 23.1 but it is unlikely this will be permissible.

### **24. Exemptions and Exceptions to the Contract Procedure Rules**

- 24.1 Contracts that may be exempt from the application of the regulations and the Rules are:
  - 24.1.1 Contracts relating solely to the acquisition or disposal of an interest in land and buildings
  - 24.1.2 Call-offs under framework agreements, providing procedures broadly equivalent to the Rules and compliant with national and EU legislation
  - 24.1.3 transactions conducted by the Assistant Director of Finance & Human Resources in respect of dealing in the money market
  - 24.1.4 in the cases of Social Care contracts for an individual, when there is immediate risk to an Individual's health or wellbeing
  - 24.1.5 In the case of Social Care contracts where a change to a provider is not in the interests or needs of an Individual and such change would be detrimental to the Individual's outcomes
  - 24.1.6 In the case of Social Care contracts where an out of Borough placement is required to facilitate personal choice.
  - 24.1.7 where goods, services or execution of works are obtainable only from one source or contractor and there is no reasonably satisfactory alternative from a weak market
  - 24.1.8 In the case of circumstances beyond the Council's control requiring emergency Works, Supplies or Services when the best value for money option to remedy will apply as a temporary solution.

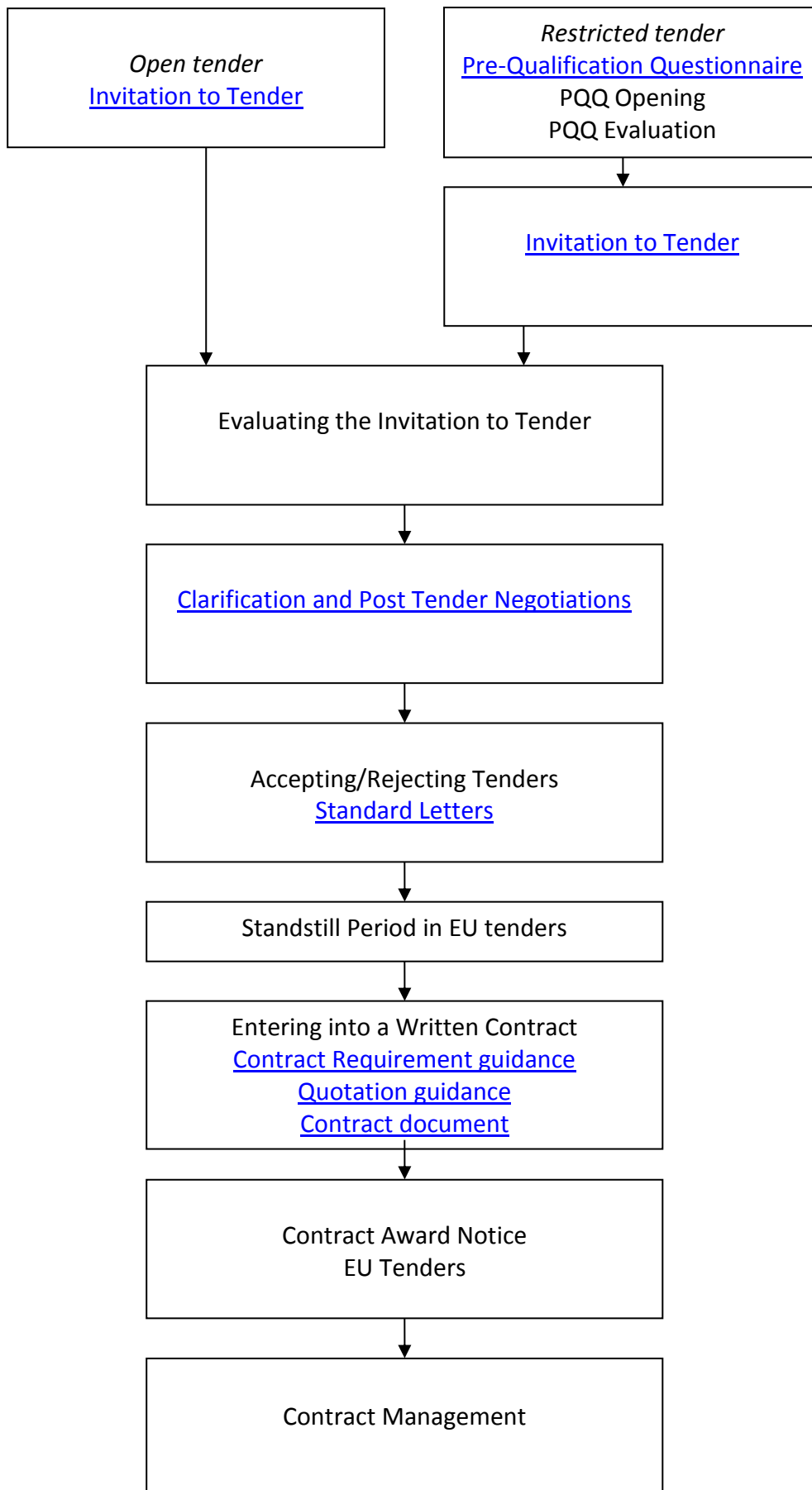
## **24.2 Exceptions to the rules may be:**

- 24.2.1 by the direction of the Council or (in relation to Cabinet functions) the Cabinet. The report to Council/Cabinet must clearly state the reasons why the exception is requested and the alternative contract letting method to be used to ensure best value.
  - 24.2.2 there is a case for urgent decisions outside the budget or policy framework ;
  - 24.2.3 compatibility issues such that procurement from another source would be uneconomic given the investment in previous infrastructure;
  - 24.2.4 a waiver of the rules would be in the interests of the efficient management of the service;
  - 24.2.5 where there is a legal requirement to contract with a particular supplier.
  - 24.2.6 where tendering has resulted in insufficient competition (i.e. only 1 supplier) after two attempts at open competitive tender.
- 24.3 Where an Officer seeks an exemption or exception to the rules they must complete a [Waiver Request Form](#) and this will be reviewed by the Assistant Director: Governance, Procurement & Commissioning. Any such review should include consultation with the Chief Finance Officer (or his/her nominated deputy) and reference to the rules set out in this section of the Constitution. The Assistant Director has delegated powers to decide to approve, refuse or refer the request to the Cabinet (for the Cabinet to determine as set out at section 24.2 above).
- 24.4 Other than in exceptional circumstances Waivers will not be granted where poor time management and planning have resulted in insufficient time to carry out a compliant process.
- 24.5 No waivers can be granted for requirements over the EU Threshold.
- 24.6 Agreed waivers will be recorded by the Procurement Team on the Council's waiver register.
- 24.7 All exemption decisions must be kept by the originating officer along with the contract/quotation documents in accordance with the Council's Retention and Disposal Policy.

## **25. Sale of Services, Asset Disposal and Trading**

- 25.1 When selling Council goods or assets Officers must comply with the aims of the Rules specifically the need to achieve best value, ensure transparency, openness, non-discrimination, probity and accountability.
- 25.2 Surplus goods and materials belonging to the Council may be sold by agreement of the appropriate Service Delivery Manager or Assistant Director subject to compliance with Financial Procedure Rules.
- 25.3 Where sales are proposed the procedures set out in these Rules for the purchase of goods shall be followed, but "highest" shall be substituted for "lowest" in respect of best bids.
- 25.4 Officers can make use of the Council's eBay account to sell lower value items. More information can be obtained via the Procurement Intranet page

- 25.5 Officers undertaking selling goods must be aware of product safety regulations and take reasonable steps to ensure equipment is fit for purpose and safe to use. If electrical, equipment it must bear a current valid electrical testing sticker. If there is any suggestion the product may be unsafe it should not be sold. Advice on product safety regulations is available from the Trading Standards section.
- 25.6 No IT related equipment or materials may be sold / disposed of by Officers. The Council's disposal policy specifies that all such equipment must be returned to ICT who will arrange disposal in accordance with EU Directives and the principles of Best Value. The principle should always apply that it should never cost more to dispose of an asset than its residual worth, except where this is governed by legislation. Officers should obtain a minimum of three offers for items up to £50,000 and obtain Legal Advice for sales of over £50,000.
- 25.7 Local authority services trading is a complex area. It is service dependent, some services being prevented by statute from charging/trading. Consideration must also be given to whether the service is a discretionary service or whether there are specific charging or trading powers, and whether there is an intention to either just recover costs or to make a profit. When supplying a service to a private sector body, there is a requirement for them to accept the additional liabilities that can apply as FOI. Should an Officer consider trading services advice must be sought from Legal Services in the first instance.



## Members' Code of Conduct

Members (including all voting co-opted members) of Telford & Wrekin Council will at all times promote and maintain high standards of conduct when they are acting in that capacity. To do this they will:-

|  |                              |
|--|------------------------------|
| <ul style="list-style-type: none"> <li>Members should serve only the public interest and should treat everyone that they deal with equally and with respect.</li> </ul> <p><b><i>Link to co-operative value of Fairness and Respect</i></b></p>  | <p><b>Selflessness</b></p>   |
| <ul style="list-style-type: none"> <li>Members should not place themselves in a position where they either are or give the appearance that they are under any financial or other obligation to anyone that might seek to influence them in the performance of their duties as a Member.</li> <li>Members should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends</li> <li>Members should only use the resources of the Authority in accordance with reasonable requirements set out for their use from time to time</li> <li>Members should declare and resolve their interests in accordance with the law and with the provisions of this Code of Conduct</li> <li>Members should declare gifts and hospitality that they receive in accordance with the Council's Rules on Gifts and Hospitality</li> </ul> | <p><b>Integrity</b></p>      |
| <ul style="list-style-type: none"> <li>Members should act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.</li> </ul> <p><b><i>Link to co-operative value of Fairness and Respect</i></b></p>  | <p><b>Objectivity</b></p>    |
| <ul style="list-style-type: none"> <li>Members should be accountable to the public for their decisions and actions and should co-operate fully with any scrutiny appropriate to their particular role or office.</li> </ul> <p><b><i>Link to co-operative value of Ownership</i></b></p>   | <p><b>Accountability</b></p> |
| <ul style="list-style-type: none"> <li>Members should be as open as possible about their decisions and actions and should give reasons for their decisions and actions. Information should not be withheld from the public unless there are clear and lawful reasons for doing so and which they can reasonably be expected to know is either exempt or confidential and is not to be disclosed to protect the wider public interest.</li> </ul> <p><b><i>Link to co-operative value of Openness and Involvement</i></b></p>   | <p><b>Openness</b></p>       |
| <ul style="list-style-type: none"> <li>Holders of public office should be truthful.</li> <li>Members have a duty to declare any private interests that relate to their duties as a Member and do whatever is necessary to resolve any such conflict in a way that protects the public interest</li> </ul> <p><b><i>Link to co-operative value of Honesty</i></b></p>   | <p><b>Honesty</b></p>        |

|   |                   |
|---|-------------------|
| <ul style="list-style-type: none"> <li>• Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs</li> </ul> | <b>Leadership</b> |
|---|-------------------|

### Disclosable Pecuniary Interests

The Monitoring Officer of Telford & Wrekin Council will maintain a Register of Disclosable Pecuniary Interests which can be found at <http://www.telford.gov.uk/councillors/name> or viewed by appointment with the Monitoring Officer by calling 01952 383200

| What   | When  | How   | Impact on Meetings   |
|--|---|---|--|
| Disclosable Pecuniary Interests  | Within 28 days of election or re-election (if not already entered)                        | In writing to the Monitoring Officer detailing the existence and nature of the interest | Member cannot participate in or vote on the matter                                 |
| Previously undeclared Disclosable Pecuniary Interest   |   |   |  |
| Outside a meeting  | Within 28 days of the date of disclosure of a Disclosable Pecuniary Interest at a meeting | In writing to the Monitoring Officer detailing the existence and nature of the interest | Member cannot participate in or vote on the matter                                 |
| During a meeting   | As soon as the Member is aware that they have a Disclosable Pecuniary Interest            | Verbally to the meeting detailing the existence and nature of the interest              | Member cannot participate, participate further, vote or further vote on the matter |
| Sensitive Interests – ie where the Monitoring Officer agrees that the disclosure of the interest could lead the Member being subject to violence or intimidation | As above – depending upon the circumstances   | As above but detailing the existence but not the nature of the interest                 | As above   |

### Dispensations

Dispensations can be granted by the Monitoring Officer (for 1 & 2) / Hearings Sub Committee (for 3 & 4), if, after considering the relevant circumstances:-

1. The number of Members precluded from transacting the business is so great that it would impede the business of the Council, committee or Executive
2. The political balance is affected to the extent that it could affect the outcome of a vote relating to the business

3. The dispensation is in the interests of persons living in the Borough of Telford & Wrekin area
4. It is otherwise appropriate to grant a dispensation

## Disclosable Pecuniary Interests

Disclosable Pecuniary Interests may be amended from time to time by regulation but at 1<sup>st</sup> July 2012 they were:-

|  |  |
|--|--|
| <b>Employment, office, trade or profession</b> | Any employment, office, trade, profession or vocation carried out for profit or gain   |
| <b>Sponsorship</b>                             | 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 a person in carrying out duties as a member, or towards the election expenses of that person   |
| <b>Contracts</b>                               | Any contract which is made between the relevant person( or body in which the relevant person has a beneficial interest) and the relevant authority-<br><br><ol style="list-style-type: none"> <li>1. Under which goods or services are to be provided or works are to be executed; and</li> <li>2. Which has not been fully discharged</li> </ol>  |
| <b>Land</b>                                    | Any beneficial interest in land which is within the area of the relevant authority   |
| <b>Licenses</b>                                | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer  |
| <b>Corporate tenancies</b>                     | Any tenancy where ( to the persons knowledge)-<br><br><ol style="list-style-type: none"> <li>1. The landlord is the relevant authority; and</li> <li>2. The tenant is a body in which the relevant person has a beneficial interest</li> </ol>   |
| <b>Securities</b>                              | Any beneficial interest in securities of a body where-<br><br><ol style="list-style-type: none"> <li>1. That body (to the persons knowledge) has a place of business or land in the area of the relevant authority; and</li> <li>2. Either- <ol style="list-style-type: none"> <li>2.1 The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>2.2 If the share capital of that body is of more than one class, the total nominal value of the shares in any one class in which the relevant person has a beneficial interest that exceeds one hundredth of the total issued share capital of that class</li> </ol> </li> </ol> |

## *Members' Remuneration Scheme*

The Members Remuneration Scheme set out below is as approved by the Council in October 2010. The Council received a report from an Independent Remuneration and Allowances Panel which recommended a new Remuneration Scheme for the Authority.

### **REMUNERATION SCHEME**

The Members Remuneration Scheme for 2010/11 provided for:-

1. All Members to receive a basic allowance, currently £7,870
2. The following positions attract a special responsibility allowance (in addition to the basic allowance).

|   |            |
|---|------------|
| Chairman of Cabinet/Leader                  | £22,768.00 |
| Deputy Leader                               | £15,898.00 |
| Cabinet Member                              | £11,805.00 |
| Chairman of Scrutiny Committees             | £ 7,139.00 |
| Main Opposition Group Leader                | £ 9,837.00 |
| Minority Opposition Group Leaders           | £ 3,664.00 |
| Chairman of Plans Board                     | £ 7,870.00 |
| Chairman of Licensing Committee             | £ 7,870.00 |
| Chairman of Audit Committee                 | £ 7,870.00 |
| Independent Chairman of Standards Committee | £ 3,935.00 |
| Chairman of Appeals Committee               | £ 2,361.00 |

3. The scheme provides for travel, subsistence, childcare and dependant carers allowances to also be claimed by Members.
4. It is a condition of the Scheme that a Member can receive no more than one Special Responsibility Allowance even if he/she occupies more than one position which had a Special Responsibility Allowance entitlement.
5. The Scheme allows for an annual uprating of the Basic Allowance and Special Responsibility Allowances in line with the pay award for local authority employees. The annual uprating will be applied at the start of the Municipal Year and backdated to the start of the civic year if the pay award has not been formalised by the date of Annual Council.
6. The Scheme is subject to analysis & review by the Independent Remuneration Panel. The Panel is required to meet and recommend a new scheme to the Council as per the terms of The Local Authorities (Members Allowance) (England) Regulations 2003 (as amended).

## Member/Officer Protocol

### 1. Introduction

- 1.1 A positive and trusting relationship between members and officers is essential to ensure that the Council operates economically, efficiently and effectively providing the right services, in the right way, for local people.
- 1.2 This Protocol has been drafted to summarise the important and different contributions that members and officers make to the running of the Council. It recognises that these distinct roles impose some similar and some different responsibilities.
- 1.3 This Protocol sets out the roles and responsibilities and general principles of behaviour for members and officers, it details what members and officers can reasonably expect when working together and what would happen if the provisions of this Protocol are breached

### 2. Responsibilities and roles

| Members   | Officers   |
|---|--|
| Members are responsible to the electorate and serve for their term of office  | Officers are responsible to the Council and have a duty to advise the Council, committees and individual members, on the work that they do |
| Members are responsible for:-   | Officers are responsible for:-   |
| <ul style="list-style-type: none"> <li>the policy direction of the Council and political leadership</li> </ul>  | <ul style="list-style-type: none"> <li>advising members on the development of policy</li> </ul>  |
| <ul style="list-style-type: none"> <li>representing the Council externally</li> </ul>   | <ul style="list-style-type: none"> <li>representing the Council externally</li> </ul>  |
| <ul style="list-style-type: none"> <li>representing their constituents</li> </ul>   | <ul style="list-style-type: none"> <li>implementing Council policy and day to day management of Council services</li> </ul>                |
| <ul style="list-style-type: none"> <li>Members with special responsibilities (for example, the Leader, cabinet members, chairmen etc.) will generally work more closely with officers than those members without additional responsibilities</li> </ul> | <ul style="list-style-type: none"> <li>Statutory officers have responsibilities over and above their obligations to the Council</li> </ul> |

### 3. Expectations

|                             | Members   | Officers |
|-----------------------------|---|----------|
| <b>Co-operative working</b> | Members and officers:-  |          |
|                             | Recognise that we have a professional working partnership which means that we will treat each other with respect, dignity and courtesy. |          |
|                             | Will be mindful of our respective roles, workloads and pressures  |          |
|                             | Training and development is essential in order to carry out our respective roles effectively  |          |

|                   |   |   |
|-------------------|---|---|
|                   | Officers will provide members with regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold | Officers will not be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between members and officers, and the potential vulnerability of officers, particularly at junior levels |
|                   |   | Officers will provide timely response to enquiries and complaints   |
| <b>Governance</b> | Members will respect the particular responsibilities of the statutory officers  |   |
|                   | Neither officers or members will use their position or their relationship with other officers or members to advance their personal interests or those of others or to influence decisions improperly  |   |
|                   | Officers and members will at all times comply with the relevant Code of Conduct   |   |
|                   |   | Officers will not raise personnel issues with members outside the agreed procedures   |
| <b>Politics</b>   | Members must provide political leadership and direction   | Officers work for and advise the Council, not a political group but will have an awareness of and sensitivity to the political environment  |
|                   | Members will respect the political neutrality of officers.  | Offices will provide professional advice, not influenced by political views or preference.  |

#### 4. Breach of these principles or rules

4.1. If a member or an officer reasonably considers that an officer or member has breached any of the provisions of this protocol we agree that we will work together to resolve them informally and if this does not prove possible formal procedures will be used.

#### 4.2. Informal resolution

Directors may raise issues with:-

|                   |  |
|-------------------|--|
| For Members       | the relevant Group Leader                    |
| For Group Leaders | the Managing Director and Monitoring Officer |

Members may raise issues with:-

|                                 |                       |
|---------------------------------|-----------------------|
| For officers                    | Assistant Director    |
| For Assistant Director          | the relevant Director |
| For Director/ Managing Director | the Managing Director |

**4.3 Formal resolution is through use, for officers, of the Grievance Procedure or the Council's Disciplinary Procedures and, for members, the Councillor's Code of Conduct**

**4.4 Further advice**

Further advice and assistance is available from the Managing Director and the Assistant Director: Governance, Procurement & Commissioning

## ***Officer Employment Procedure Rules***

These rules take account of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

### **1. APPOINTMENTS**

#### **1.1 Declarations**

1.2 The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the partner or close family relative of a serving Member or employee of the Council or the partner of such a person. This statement will be included in appropriate recruitment literature.

1.3 Where a candidate has declared such a relationship, any offer of employment shall be subject to approval by the appropriate Assistant Director, except where the Assistant Director is the officer to whom the candidate has declared a relationship, in which case the appropriate Director will approve any proposed offer of employment or, in the event that the Managing Director is the officer to whom the candidate has declared a relationship, in which case the Assistant Director: Governance, Procurement & Commissioning will approve any proposed offer of employment.

#### **1.4 Seeking support for appointment**

1.5 The Council will disqualify from consideration any candidate who directly or indirectly seeks the support of any Member or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

1.6 No Member or officer will seek to support any candidate for appointment. Councillors must not stand as referees for officers or candidates for appointment as officers of the Council.

### **2. APPOINTMENT OF CHIEF OFFICERS**

2.1 For the purpose of these Rules, the term Chief Officer shall have the same meaning as in the Local Government and Housing Act 1989, and is referred to as the Managing Director and Director. The term Deputy Chief Officer in that Act means an Assistant Director.

2.2 Where the Council proposes to appoint a Director and it is not proposed that the appointment be made exclusively from among its existing officers, the Council will draw up a statement specifying:

2.2.1 the duties of the officer concerned: and

2.2.2 any qualifications or qualities to be sought in the person to be appointed

- 2.2.3 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.

### **3. APPOINTMENT OF HEAD OF PAID SERVICE**

- 3.1 The Managing Director will be designated as the Head of Paid Service. The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by Personnel Board that must include the Leader or at least one member of the Cabinet.

- 3.2 The offer of appointment as Head of Paid Service must not be made until the Personnel Board:-

- 3.2.1 notify the Proper Officer or, if the offer is to an Acting Head of Paid Service, the Assistant Director: Governance, Procurement & Commissioning shall take the place of the Proper Officer, of the name of the proposed appointee and any other particulars which are considered relevant to the appointment;

- 3.2.2 the Proper Officer has notified every member of the Leader and Cabinet Executive of:-

- 3.2.3 the name of the proposed appointee

- 3.2.4 any other relevant particulars as notified to him/her

- 3.2.5 the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Leader and Cabinet Executive to the Proper Officer

and either

- 3.2.6 the Leader, within the specified time period, notifies the Proper Officer that neither he nor any other member of the Leader and Cabinet Executive has any objection to the making of the offer;

- 3.2.7 the Proper Officer has notified the Panel no objection has been received; or

- 3.2.8 the Personnel Board is satisfied that any objection received from the Leader is not material or is not well founded.

### **4. APPOINTMENT OF DIRECTORS STATUTORY OFFICERS**

- 4.1 The appointment of a Director or Statutory Officer will be made by Personnel Board which must include the Leader or at least one member of the Cabinet Executive.

- 4.2 The offer of appointment as Director/ Statutory Officer must not be made until the Personnel Board:-

- 4.2.1 notify the Proper Officer of the name of the proposed appointee and any other particulars which are considered relevant to the appointment;

- 4.2.2 the Proper Officer has notified every member of the Leader and Cabinet Executive of:-

- 4.2.3 the name of the proposed appointee

- 4.2.4 any other relevant particulars as notified to him/her;

- 4.2.5 the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Leader and Cabinet Executive to the Proper Officer

and either

- 4.2.6 the Leader, within the specified time period, notifies the Proper Officer that neither he nor any other member of the Leader and Cabinet Executive has any objection to the making of the offer;
- 4.2.7 the Proper Officer has notified the Panel no objection has been received; or
- 4.2.8 the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

## **5. OTHER APPOINTMENTS**

- 5.1 Appointments of officers below the level of Director are the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Members. All appointments will be made in accordance with the Council's recruitment and selection policy.

## **6. DISCIPLINARY ACTION IN RESPECT OF HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER**

### **6.1 Suspension**

- 6.1.1 The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended on full pay while an investigation takes place into alleged misconduct or incapability. Suspension does not itself constitute disciplinary action and does not imply guilt.
- 6.1.2 Suspension must terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

### **6.2 Independent Person**

- 6.2.1 No disciplinary action may be taken in respect of the Council's designated Head of Paid Service, Monitoring Officer or Chief Financial Officer except after consideration of any advice, views or recommendations from the Panel and after hearing representations, if any, from the officer who is the subject of the disciplinary process.
- 6.2.2 Members will not be involved in disciplinary action against any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct or incapability.

## **7. DISMISSAL**

- 7.1 The Full Council will decide whether or not to approve the dismissal of the Council's designated Head of Paid Service, Monitoring Officer or Chief Finance Officer only after taking into account recommendations from the Personnel Committee and any advice, views or recommendations from the Panel and after hearing representations, if any, from the officer who is the subject of the disciplinary process.
- 7.2 The dismissal of a Directors must not be made until the Personnel Committee notify the Proper Officer of:-
  - 7.2.1 the name of the proposed dismissee;
  - 7.2.2 any other particulars which are considered relevant to the dismissal;
  - 7.2.3 the Proper Officer has notified every member of the Leader and Cabinet Executive of the name of the proposed dismissee and any other relevant particulars as notified to him/her;

7.2.4 the period within which any objection to the making of the decision is to be made by the Leader on behalf of the Leader and Cabinet Executive to the Proper Officer

and either

7.2.5 the Leader, within the specified time period, notifies the Panel that either he or any other member of the Leader and Cabinet Executive has any objection to the dismissal;

7.2.6 the Proper Officer has notified the Panel no objection has been received; or

7.2.7 the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

Members will not be involved in the dismissal of any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct or incapability.

**Note: For the purpose of the Officer Employment Procedure Rules, the Proper Officer shall be the Head of Paid Service, except where the appointment/dismissal relates to the Head of Paid Service, in which case the Proper Officer shall be the Monitoring Officer.**

[INSERT TABLE WHICH IS ATTACHED]

## *Employee Code of Conduct*

### **1. What is the Code of Conduct?**

- 1.1 The Code of Conduct outlines the standards of behaviour that Telford & Wrekin, as a Cooperative Council, expects from you as an employee, as well as the Council's responsibilities as an employer towards you. It has at its core, the Council's Co-operative values and sets out the way we do things and what we stand for. The Code forms part of your overall contract of employment.

### **2. Who is the Code of Conduct for?**

- 2.1 The Code of Conduct applies to all employees. We also require anyone acting as our agent or working on our behalf to uphold the standards set out in the Code, therefore it applies to volunteers, work experience placements, agency workers, contractors, suppliers, consultants and partners<sup>18</sup>.

### **3. What can you expect from the Council?**

- 3.1 As an employee, you can expect:
- 3.2 Clarity about what is expected of you at work and, where relevant, outside work
  - 3.3 A safe and healthy working environment
  - 3.4 Support for your rights and recognition of diversity
  - 3.5 Opportunities for learning, development and support
  - 3.6 Open and honest communication and involvement
  - 3.7 To be treated reasonably and fairly
  - 3.8 Recognition and feedback on your performance

### **4. What can the Council expect from you?**

- 4.1 In return, the Council has the following expectations of you:
- 4.2 Commitment to the Co-operative Council's values of openness and honesty, ownership, fairness and respect and involvement
  - 4.3 To carry out your role with the best interests of customers in mind
  - 4.4 To protect the Council's well-earned reputation
  - 4.5 To act in accordance with Council policies and procedures and terms and conditions of employment
  - 4.6 To speak up promptly about any concerns you have

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<sup>18</sup> The term employee is used in the Code to cover employees as well as all of the categories referred to in this paragraph.

## **5. Our Principles:**

- 5.1 The following key principles should guide our decision-making, our behaviour and our actions on a daily basis.

## **6. Personal & Business Integrity**

- 6.1 Integrity is central to how we deliver services and we will lead by example, as follows:
- 6.2 We work for and serve the whole Council, recognising our duty as public sector employees to discharge public functions reasonably and within the law.
- 6.3 We are open and honest and transparent in all we do
- 6.4 We demonstrate high personal standards, treating others as we would expect to be treated ourselves, fairly and with respect.
- 6.5 We never ignore or condone wrongdoing
- 6.6 We are accountable for what we do and take responsibility for our actions and decisions.

## **7. Bribery**

- 7.1 We do not offer or accept bribes or facilitation payments or engage in any form of corruption whether directly or through a third party. Gifts and hospitality will be operated within strict council guidelines.

## **8. Fraud, deception and dishonesty**

- 8.1 We will not engage in, condone or ignore any kind of fraud, false claim, deception or dishonest behaviour or allow someone else to do this on our behalf.

## **9. Conflicts of Interest**

- 9.1 We will avoid situations in which our personal circumstances could lead to a conflict of interest. Our focus is work which will lead to improvements for our community and individuals within it.

## **10. Political Interests**

- 10.1 We follow every policy of the Council and will not allow our own personal or political opinions to interfere with our work. We will comply with statutory restrictions on political activity both at work and in our personal lives. We will respond to people's needs in a fair and consistent way.

## **11. Working with third parties**

- 11.1 We will conduct due diligence on all prospective suppliers/agents and partners and will work with third parties whose policies and standards support ours.

## **12. Legality and Competition**

- 12.1 We operate lawfully at all times encouraging fair, open and honest competition to achieve value for money and refuse to engage in practices that try to achieve an unfair competitive advantage.

## **13. Further Information:**

- 13.1 Anti-Fraud & Corruption Policy
- 13.2 Gifts & Hospitality Guidance
- 13.3 Business Activities & Private Work
- 13.4 Contract Procedure Rules

## **14. Making Every Contact Count**

- 14.1 Our sole aim as an employer is to serve the public. Without them we have no main function or purpose. Our employees are critical in achieving our ambition to 'make every contact count'.
- 14.2 We will treat our customers and the community as we would want to be treated ourselves and make every contact they have with us count
- 14.3 We will work together with our community, involving them in decisions which affect their lives and being prepared to listen and take on new ideas.
- 14.4 We will be ambassadors for the Council when dealing with the public, acting as its eyes and ears
- 14.5 We will live and breathe our values when serving the public and will be willing to go the extra mile; nothing will be too much trouble for our customers.
- 14.6 We will create an environment which enables our customers to access the help and support they need not only about our own services but those of our partners as well.

## **15. Further information:**

- 15.1 Customer Charter
- 15.2 Customer Service Strategy

## **16. Open & Honest Working Relationships:**

- 16.1 We aim to be an organisation where we treat each other with honesty and respect and where everyone has the opportunity to reach their full potential. We believe that no one should be harmed as a result of any work we do.
- 16.2 We select, promote, develop and reward on the basis of skills and merit and are committed to removing barriers to equal opportunity
- 16.3 We will be truthful and open about decisions affecting working lives.
- 16.4 We treat each other with respect and dignity and support employee's rights and diversity
- 16.5 We value and respect those who work for and with us
- 16.6 We are committed to providing a healthy, supportive and safe working environment

## **17. Health & Safety**

17.1 We will not compromise the safety of anyone involved in or affected by our services and recognise that safety is the responsibility of everyone.

## **18. Drugs and alcohol**

18.1 We will not misuse any substance before or during working hours to the extent that:

18.1.1 it impairs our performance and/or

18.1.2 it potentially or actually puts our own or others health or safety at risk and/or

18.1.3 it adversely affects the public image of the Council

## **19. Equalities**

19.1 We are committed to maintaining high standards of employment practice and undertake that all employees, and those who apply for employment, will be treated with fairness, respect and dignity.

## **20. Harassment and bullying**

20.1 We will treat all colleagues and customers with respect and dignity and will not tolerate any form of harassment, discrimination, bullying or victimisation.

## **21. Human rights**

21.1 We are committed to upholding the human rights of all those we serve, who work for us and with us.

## **22. Further Information:**

22.1 Health & Safety Policy

22.2 Substance Misuse Policy

22.3 Equality & Diversity Policy – Fairness for All

22.4 Equal Opportunities Charter

22.5 Dignity at Work

22.6 Protocol on Member/Officer Relations {Part 5, Section 3 of The Constitution}

22.7 Disciplinary Procedure & Disciplinary Rules

22.8 Grievance Procedure

## **23. Keeping assets and data safe**

23.1 When we are entrusted with personal information and Council data, we will keep it safe.

23.2 We respect and safeguard confidential and personal information

23.3 We will use computer systems and communication devices appropriately

23.4 We will be transparent and honest in our communications and our dealings with our community and stakeholders

23.5 We record all financial transactions completely, accurately and honestly.

## **24. Protecting Personal information**

24.1 We respect individual's rights to privacy and will treat all personal information as confidential, complying with data protection and privacy laws.

## **25. Safeguarding confidential information**

25.1 We keep confidential information safe and protect it from unauthorised disclosure whether wilful or accidental.

## **26. Use of IT and communications systems**

26.1 We have secure IT and communications systems and use them responsibly to undertake our Council roles, with restricted personal use. We recognise that the improper use of social media sites, whether at work or in a personal capacity, can impact upon our employment relationship and responsibilities and commit to using these sites responsibly.

## **27. Financial controls and record keeping**

27.1 We ensure that the public funds entrusted to us are used responsibly, properly and in a lawful manner. We ensure we have suitable financial controls in place and that our records and reporting processes are complete, accurate and transparent.

## **28. Protecting the Council's assets**

28.1 We understand the value of all our assets and resources and will protect them from improper use. We will not utilise property, vehicles or other Council facilities for personal use unless authorised to do so.

## **29. Communications**

29.1 Our communications will be timely, honest, open and without misrepresentation. All external media communications will be managed through the Corporate Communications Team.

## **30. Further Information:**

30.1 Corporate Information Security Policy

30.2 Financial Regulations

30.3 Media Protocol

30.4 Social Media Policy

## **31. Protecting our community and environment**

31.1 We are committed to operating as a sustainable organisation by caring about our people, our communities and the environment we live in. We want to protect and improve our environment for the future.

- 31.2 We will operate proper and sustainable procurement policies to safeguard the environment
- 31.3 We will ensure that our suppliers adopt similar environmental standards and controls
- 31.4 We will be aware of our own role in promoting social responsibility and helping to keep our borough clean and safe and a borough to be proud of

### **32. Why is it important to Speak Up?**

- 32.1 If you have any concerns that a breach of the Code of Conduct might be taking place, it is important to speak up about it. Speaking up early helps to protect you, makes investigation easier and could protect the Council's reputation. You can do this through the Council's Speak Up policy.

### **33. What if you are unsure?**

- 33.1 We all want to do the right thing. If you are unsure about whether a course of action is right or wrong just ask yourself the following questions:
- 33.2 Am I comfortable with it? Would I be happy if my colleagues or the press knew about it? Would I be proud to tell my friends and family about it? What would a reasonable member of the public think?
- 33.3 Is it in line with our values? The Council has clear values – openness & honesty, ownership, fairness & respect and involvement. Does this action sit well with these?
- 33.4 Does it seem honest? If something seems less than totally open and above board, it probably is.

### **34. Is it fair?**

- 34.1 Think carefully about whether the course of action gives someone unfair advantage over others, both internally or externally

### **35. Could it damage our reputation?**

- 35.1 Reputations are hard earned. If you think our good reputation is at risk, seek appropriate advice.
- 35.2 If you are still unsure, or have any doubts, talk to someone. This could be your Line Manager, or if this is not appropriate, you can contact People Services or Audit & Information Governance.

# Transparency

## *Citizens and the Council*

This sets out what citizens can expect from the Council, what rights they have and their responsibilities in return.

### **CITIZENS' RIGHTS**

1. The term “citizen”, means everyone who lives and works in the Borough of Telford & Wrekin.
2. Citizen’s rights, in terms of engaging with the democratic process, are set out below. Other rights for citizens such as making applications for housing benefit or making planning applications are not contained in this document but details are available on the Council’s website [www.telford.gov.uk](http://www.telford.gov.uk)
  - 2.1 **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote for their local Councillor(s) and to sign a petition to request a referendum for an elected mayor form of Constitution. Citizens will have a right to vote for an elected mayor in the event of a referendum being held.
  - 2.2 **Information.** Citizens have the right to:
    - 2.2.1 attend as observers, meetings of the Council, Cabinet and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
    - 2.2.2 find out from the Notice of Key Decisions what key decisions will be taken by the Leader, the Cabinet Executive or by an officer under delegated authority
    - 2.2.3 inspect reports and background papers, and any records of decisions made by the Council and its committees and the Leader and Cabinet Executive; and
    - 2.2.4 inspect the Council’s accounts and Audit Commission’s Annual Audit and Inspection Letter and make their views known to the external auditor.
    - 2.2.5 such other information as may be specified in the Council’s Freedom of Information publication scheme [**INSERT LINK TO THE COUNCIL’S INFORMATION GOVERNANCE PAGES**].
3. **Assembly Sessions.**
  - 3.1 The Council shall facilitate further participation by holding, as and when required, meetings of Assembly Sessions at which partner organisations may through nominated spokespersons attend and debate with elected members matters of public policy. As appropriate these Assembly Sessions may also invite for debate, reports from other public and private agencies and from the Borough’s, Westminster, European and other representatives.

3.2 Citizens will have the right to express views on all aspects of local government and the Council will take steps to consult effectively, and have the right to have those views considered.

4. **Complaints.** Citizens have the right to complain to:

4.1 the Council itself under its complaints scheme;

[http://www.telford.gov.uk/info/200025/complaints/79/comments\\_compliments\\_and\\_complaints](http://www.telford.gov.uk/info/200025/complaints/79/comments_compliments_and_complaints)

4.2 the Ombudsman after using the Council's own complaints scheme;

<http://www.lgo.org.uk/>

4.3 the local Standards Committee about a breach of the Councillor's Code of Conduct.

[www.telford.gov.uk](http://www.telford.gov.uk) [set out the link]

## 5. CITIZENS' RESPONSIBILITIES

5.1 A healthy democracy depends upon active citizenship. Citizens are encouraged to make conscientious use of their roles as both voters and members of a wider community. In particular, by:

5.1.1 voting at every opportunity

5.1.2 respecting the expression of differing opinions in public debate;

5.1.3 promoting tolerance and respect between their fellow citizens, and

5.1.4 individually and collectively seeking information about the decision-making role of Councillors and respecting the Council procedures which give effect to a representative democracy.

## ***Access to Information - Publication of Agendas, Minutes and Decision Notices***

The Council is committed to open and democratic decision-making. This section sets out the process for publishing details of decisions, mainly Key Decisions that are going to be made, agendas and reports for meetings recording decisions taken at meetings or by individuals and public attendance at meetings.

### **1. Key decisions:-**

#### **1.1 Decisions which have a significant financial impact including:**

- 1.1.1 Decisions which will result in the authority incurring expenditure, or making savings, of more than £500,000 e.g. the letting of a contract;
- 1.1.2 Involve a virement between service budgets of more than £50,000; or
- 1.1.3 Involve a virement between service budgets of between £25,000 and £50,000 where the sum is more than 20% of the budget; or
- 1.1.4 Decisions to participate or lead in collaborative schemes funded (partly or wholly) from external sources, which may expose the Council to contractual risk exceeding £500,000, e.g. schemes carrying repayment penalties or schemes where the Council will carry contractual responsibility for execution of the contract.

**OR**

#### **1.2 Decisions which are likely to be significant in terms of their effects on communities living or working in an area comprising two or more wards in the Borough.**

### **2. Limits to Key Decisions**

- 2.1 When considering whether or not a decision is a Key Decision the following guidance should be followed:-
  - 2.1.1 Contracts of employment are to be treated as outside the scope of key decisions.
  - 2.1.2 The aggregate value of multi-year contracts should be considered e.g. a contract for £500,000 p.a. for two years would be caught under the definition.
  - 2.1.3 Reports allocating block capital budgets between specific schemes will be taken to Leader and Cabinet Executive and will be treated as Key Decisions. Changes to these allocations in excess of the virement limits will also be treated as Key Decisions. However the letting of individual contracts funded from these block capital approvals will not be treated as Key Decisions even if they affect more than one ward unless the total value of the contracts exceeds the approved budget for the particular schemes.

- 2.1.4 The letting of contracts for an individual child by Children & Young People or for a vulnerable adult by Adult Social Care in respect of personal care or “specialist placements” will not be treated as Key Decisions regardless of whether those contracts would be covered by approved budgets, due to statutory requirements to ensure that appropriate provision is made for personal social services or education. The cumulative effects of such commitments will be subject to reporting requirements to Leader and Cabinet Executive where there is a proposed overspend against budget provision for the year.
- 2.1.5 The nature of Treasury Management decisions is such that decisions to borrow or invest are taken in response to interest rate movements and to the daily cash flow position. These factors cannot be accurately forecast in order to comply with the timetable for key decisions and therefore must be treated as an exclusion to the definition of key decisions.

### **3. Publication of Information**

- 3.1 The Council publishes:

### **4. Notices of Key Decisions**

- 4.1 The decision maker is required, at least 28 working days before the decision is made, to publish a document which sets out details of the key decision(s) to be taken that must be shall be published and be available the for inspection by the public at the offices of the Council, Addenbrooke House and on the Council website.

### **5. Urgent decisions**

- 5.1 Where a Key Decision is required to be taken for which at least 28 days notice has not been given, the Proper Officer must inform the Chairman of the appropriate Scrutiny Committee in writing of the details of the decision to be made and the reasons why it is impracticable to give 28 days notice. Where the urgency of the decision is such that five clear days between the notice and the decision cannot be given, the decision-maker must obtain the agreement of the Chairman of the relevant Scrutiny Committee (or in their absence the Mayor or Deputy Mayor of the Council) that the decision does need to be taken as a matter of such urgency, and the reasons why it cannot be reasonably be deferred.

### **6. Notices of Exempt or confidential information**

- 6.1 If a decision is proposed to be taken in private because exempt or confidential information might be disclosed, at least 28 days’ notice must be given of the intention to consider that decision in private, along with a statement of reasons. Any representations received by the Cabinet about why the meeting/decision should be open to the public must be published at least 5 clear working days before the meeting, along with the Cabinet’s response to any such representations.

### **7. Agendas and reports of Officers**

- 7.1 All agendas and reports (except those that are exempt/confidential) are published at least five working days before the date of the meeting unless the meeting is convened

at shorter notice or where an item is added to the agenda at shorter notice in cases of urgency in accordance with the provisions of the Local Government Act 1972.

- 7.2 Members of Cabinet (and Opposition Group Leaders) and any Committee (and substitutes) may request a paper copy of the agenda and all reports. All other Members of the Council will be sent a hyperlink to the Council's website. Copies of these documents will be available from Democratic and Scrutiny Services upon request.

## **8. Decision Notices/Minutes of Cabinet and Decision Notices relating to Key Decisions taken by Officers under delegated powers**

- 8.1 Within four working days after a Cabinet decision has been made by the Cabinet as a whole or by an individual member, or a Key Decision made by an officer, the proper officer shall make a written record of that decision. All Decision Notices, except those that are exempt/ confidential, shall be published and be available for inspection by the public at the offices of the Council, Addenbrooke House and on the Council website.
- 8.2 All Decision Notices will be co-ordinated by Democratic Services. Where an individual member of the Cabinet or an officer is taking a Key Decision they must advise Democratic Services in order that Decision Notices are published within the requisite timescale, ie within four working days and sent to all Members of the Council via email.
- 8.3 To support the call-in process Decision Notices will be e-mailed to all Members within four working days of the decision(s) being taken.
- 8.4 Decision Notices in respect of Key Decisions on matters that are exempt/confidential will not be available for public inspection.
- 8.5 A Decision Notice will include the reasons for decision, details of options considered, record of any conflict of interest, and record of any dispensation granted by the Standards Committee.

## **9. Exceptions for Exempt and Confidential Information**

- 9.1 These rules do not apply where the publication of a report, or background paper or attendance at a meeting would be likely to disclose exempt or confidential information, as defined in the Local Government Act 1972, Schedule 12A (as amended). Such reports or background papers shall only be sent to Members of the Council.

## **10. Meetings**

- 10.1 All meetings of the Cabinet and Committees are held in public, although the press and public may be excluded during consideration of any matter which would involve the disclosure of confidential or exempt information.

