

## **COUNCIL CONSTITUTION COMMITTEE**

### **Minutes of a meeting of the Council Constitution Committee held on Tuesday, 11<sup>th</sup> January at 6.20 p.m. in the Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors S.M. Kelly (Chairman), R.K. Austin, E.J. Carter, A.J. Eade, G.M. Green, J.M. Seymour, C.F. Smith and V. Tonks

#### **CCC-16      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Council Constitution Committee held on the 9<sup>th</sup> November, 2010 be confirmed and signed by the Chairman.

#### **CCC-17      APOLOGIES FOR ABSENCE**

None.

#### **CCC-18      DECLARATIONS OF INTEREST**

None.

#### **CCC-19      REVIEW OF THE COUNCIL'S CONSTITUTION**

The Head of Governance gave a verbal and powerpoint presentation on the proposed restructuring and reformatting of the Council's Constitution to meet both the requirements of the Strong Leader and Cabinet model, as adopted by the Council at its meeting on 25<sup>th</sup> November 2010, the Localism Bill, and of producing a more 'user-friendly' document.

He outlined the proposed structure of the Constitution, which would be formatted and available in an electronic format. In doing so he stressed the need for transparency so that users could clearly understand the Council's decision making processes.

With the regard to the Strong Leader and Cabinet model, he sought the Committee's views on the decision making powers of the Leader and to whom these could be delegated. This was linked to a proposal to revise terms of reference and delegated powers whereby committees and appropriate officers would have delegated authority to make all decisions apart from those specifically retained for member decision.

The Committee welcomed the proposal to simplify the Constitution and more easily accessible by users. Council A.J. Eade said that he had some reservations with regard to delegating decision making powers to the Leader of the Council and requested that the Constitution be drafted to allow these powers to be delegated to the Cabinet and provide the necessary safeguards. In addition Councillor E.J. Carter requested that the Constitution be drafted to show the way in which the Cabinet worked in conjunction with the Leader. The Head of Governance responded that he would consider these points and circulate a note to all members of the Committee setting out his proposals. However, he cautioned Members that it might be difficult

to limit the powers of the Leader in this way. However he would look into this and report back to members.

Councillor C.F. Smith commented that the current proposals on the operation of the Strong Leader and Cabinet model were still not detailed and asked the Head of Governance to seek further information.

**RESOLVED – that comments made by the Committee be taken into account in the drafting of the revised Constitution.**

The meeting ended at 6.40 p.m.

**Chairman:** .....

**Date:** .....

**TELFORD & WREKIN COUNCIL**

**COUNCIL CONSTITUTION COMMITTEE – 22 FEBRUARY, 2011**

**UPDATE TO COUNCIL CONSTITUTION**

**REPORT OF THE HEAD OF GOVERNANCE**

**1.0 PURPOSE**

- 1.1 To request the Committee to recommend the following to Full Council :  
for approval:
- 1.1.1 Changes to the Council’s Constitution in respect of Governance and delegations of powers
- 1.1.2 Amendments to the Functions and Powers of the Personnel Board
- 1.1.3 Proposed changes to the Financial Regulations within the Council’s Constitution

**2.0 RECOMMENDATIONS**

- 2.1 That the changes to the Constitution in respect of Governance and the delegation of powers, as set out in Annex A, be approved to come into force on 8 May, 2011;**
- 2.2 That the additional Terms of Reference of the Personnel Board, as set out in Annex B, be approved and implemented with immediate effect;**
- 2.3 That the changes to Part 4 – Section 6 – Financial Regulations of the Constitution, as set out in Annexes C1 and C2, be approved.**

**3.0 SUMMARY**

- 3.1 A change in the Elected Members model of leadership to the “Strong Leader” model is required to be in force following the Borough Council elections in May 2011. The proposed model was approved by Council at its meeting on 25 November, 2010 when it was resolved “that the Leader and Cabinet model be formally adopted for the Council’s Executive arrangements with effect from 8 May, 2011 following the May 2011 Borough elections”.
- 3.2 In the light of the conclusions of the remuneration panel, references to the role of Cabinet Assistant have been deleted.
- 3.3 The positions of Speaker and Mayor have been combined in to a single role, in line with practice in the majority of other councils.
- 3.4 References to the Emergency Committee have been deleted as there is provision to call a special meeting of the Executive or the relevant committee, dependent on the issue arising.

- 3.5 Deletion of some out of date guidance notes
- 3.6 Changes in the Terms of Reference of the Personnel Board are suggested to address current omissions in the current delegation.
- 3.7 The key changes to the Financial Regulations are required to reflect the revised requirements resulting from the introduction of a new financial management system which incorporates modules in respect of an integrated purchase to payments process, financial accounting (including commitment accounting), sales ledger and financial reporting. This system is to be implemented on 1 April, 2011.

#### **4.0 PREVIOUS MINUTES**

- 4.1 Council Constitution Committee – 8 June, 2010 (Minute No. CCC-9)
- 4.2 Council – 24 June, 2010 (Minute No. 30)
- 4.3 Council Constitution Committee – 9 November, 2010 (Minute No. CCC-15)
- 4.4 Council – 25 November, 2010 (Minute No. 59)

#### **5.0 INFORMATION**

- 5.1 Provisions in the Local Government and Public Involvement in Health Act 2007 (Schedule 4, part 1, section 3) require the Council to make changes to its executive arrangements. In accordance with the proper procedure, a consultation exercise was undertaken during 2010 to consider views as to whether the change should be to an elected Mayor or Strong Leader Executive Model. On 25 November, 2010 the Council resolved to adopt the Strong Leader Model and this needs to be in place following the forthcoming Council elections in May.
- 5.2 The change to the “Strong Leader executive model will mean that the executive powers previously vested in the Cabinet will now be vested initially in the Leader of the Council who will be appointed, following the elections, to serve for a four year term. The Leader will be able to decide upon the composition of the Cabinet and also in respect of those delegations of powers previously vested in the Cabinet. In some cases those powers will be shown in the Constitution but the Leader of the Council can delegate those powers without them appearing in the Constitution although it is suggested that any such changes in delegations are reported to the Cabinet as soon as possible thereafter.
- 5.3 Provisions need to be added for the appointment of the Leader, Deputy Leader together with provisions for removing both. The Committee will be aware that a full review of the Council’s Constitution is being undertaken but certain provisions need to be in place for May and, accordingly, the necessary changes are proposed here.  
Suggested changes, referred to in sections 3.2 to 3.5 of the report are also proposed in Annex A. These amendments deal with:
  - (i) Deletion of references to Cabinet Assistants

- (ii) Single role for Mayor/Speaker
- (iii) Deletion of references to Emergency Committee
- (iv) Deletion of some out of date guidance notes

At Annex B the Committee will see that there is a proposed change to the delegated powers provided by the Council to the Personnel Board in order to deal with disciplinary issues relating to senior officers. It is proposed that the Personnel Board be delegated the power to deal with senior officer matters on behalf of the Council.

5.4 The key changes to the Financial Regulations are due to the implementation of a new financial management system on 1<sup>st</sup> April 2011. Paragraph 11 has been shortened referring readers to the Contract Procedure Rules to reduce duplication and paragraphs 12, 13 and 15 have been combined into a new paragraph 12 to reflect the updated integrated system for requisition, authorisation, receipt of goods and payment. As a result paragraphs 14 onwards have been re numbered.

5.5 Minor changes have also been made to reflect the Council's senior management restructure, service area restructures and the tighter financial controls introduced in response to the current economic climate and local government finances.

Attached as Annexes C1 and C2 are a tracked change version and an updated version incorporating the changes.

## 6.0 OTHER INFORMATION

<b>Equality &amp; Diversity</b>	Any changes to the Constitution must comply with all the equality and diversity legislation and regulations.
<b>Environmental Impact</b>	None arising directly from this report.
<b>Legal Comment</b>	The legal comment is set out within the main body of this report.
<b>Links with Corporate Priorities</b>	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy.
<b>Opportunities &amp; Risks</b>	The opportunities and risks associated with this process have been assessed. Arrangements have been put in place to manage the risks and maximise the opportunities that have been identified.
<b>Financial Implications</b>	The changes will be accommodated within existing budgets. It should also be noted that there are currently a number of financial delegations to officers which are made by Cabinet

	which under the Strong Leader model will be made by the Leader. The role and responsibilities of the Chief Finance Officer (S151/S114) are unchanged.
<b>Ward Implications</b>	Borough wide

## 7.0 **BACKGROUND PAPERS**

Council Constitution  
Local Government and Public Involvement & Health Act 2007

Report prepared by Jonathan Eatough, Head of Governance (01952 383200)



**Telford & Wrekin**  
**C O U N C I L**

## **LOCAL GOVERNMENT ACT 2000**

# **Constitution**

Strong leader amendments

**July 2010**  
**Issue C Revision 1**

**This page has intentionally been left blank**

# CONSTITUTION OF THE COUNCIL

## Contents

<b>PART 1 - SUMMARY AND EXPLANATION</b>	<b>1:1</b>
<b>PART 2 - ARTICLES OF THE CONSTITUTION</b>	<b>2:1</b>
ARTICLE 1 – THE CONSTITUTION	2:1
ARTICLE 2 – MEMBERS OF THE COUNCIL	2:3
ARTICLE 3 – CITIZENS AND THE COUNCIL	2:5
ARTICLE 4 – THE FULL COUNCIL	2:7
ARTICLE 5 – CHAIRING THE COUNCIL	2:11
ARTICLE 6 – OVERVIEW AND SCRUTINY COMMISSIONS	2:13
ARTICLE 7 – THE <b>LEADER &amp;</b> CABINET <b>EXECUTIVE</b>	2:15
ARTICLE 8 – REGULATORY AND OTHER COMMITTEES	<u>2:202:19</u>
ARTICLE 9 – THE STANDARDS COMMITTEE THE AUDIT COMMITTEE	<u>2:222:21</u>
ARTICLE 10 – AREA WORKING ARRANGEMENTS	<u>2:282:27</u>
ARTICLE 11 – JOINT ARRANGEMENTS	<u>2:302:29</u>
ARTICLE 12 – OFFICERS	<u>2:322:31</u>
ARTICLE 13 – DECISION MAKING	<u>2:372:36</u>
ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS	<u>2:402:39</u>
ARTICLE 15 – REVIEW AND REVISION OF THE CONSTITUTION	<u>2:422:41</u>
ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION	<u>2:442:43</u>
<b>PART 3 – RESPONSIBILITY FOR FUNCTIONS</b>	<b>3:1</b>
<b>PART 4 – RULES OF PROCEDURE</b>	<b>4:3</b>
SECTION 1 – COUNCIL PROCEDURE RULES	4:3
SECTION 2 – ACCESS TO INFORMATION PROCEDURE RULES	4:21
SECTION 3 – POLICY FRAMEWORK AND BUDGET PROCEDURE RULES	4:23
SECTION 4 – CABINET DECISION PROCEDURE RULES	<u>4:284:27</u>
SECTION 5 – OVERVIEW AND SCRUTINY PROCEDURE RULES	<u>4:344:33</u>
SECTION 6 – FINANCIAL REGULATIONS	<u>4:604:59</u>
SECTION 7 – CONTRACT PROCEDURE RULES	<u>4:894:87</u>
SECTION 8 – OFFICER EMPLOYMENT PROCEDURE RULES	<u>4:1154:113</u>
SECTION 9 – STANDING ORDERS DEALING WITH “CONFLICT RESOLUTION” BETWEEN THE FULL COUNCIL AND THE EXECUTIVE. THESE ARE MANDATORY STANDING ORDERS REQUIRED BY THE LOCAL AUTHORITY (STANDING ORDERS) REGULATIONS 2001	<u>4:1214:119</u>
SECTION 10 – COMMITTEE PROCEDURE RULES	<u>4:1234:121</u>
FUNCTIONS, POWERS AND DUTIES OF LICENSING COMMITTEE	<u>4:1294:127</u>
PLANS BOARD	<u>4:1354:133</u>
APPEALS COMMITTEE	<u>4:1374:135</u>
STANDARDS COMMITTEE	<u>4:1394:137</u>
AUDIT COMMITTEE	<u>4:1414:139</u>
PERSONNEL BOARD	<u>4:1434:141</u>
COUNCIL CONSTITUTION COMMITTEE	<u>4:1454:143</u>
<b>PART 5 – CODE AND PROTOCOLS</b>	<b>5:1</b>
SECTION 1 – MEMBERS CODE OF CONDUCT	5:1
PART 1 – GENERAL PROVISIONS	5:1
PART 2 – INTERESTS	5:4

PART 3 - REGISTRATION OF MEMBERS' INTERESTS	5:8
SECTION 2 – OFFICER CODE OF CONDUCT	5:9
SECTION 3 – PROTOCOL ON MEMBER/OFFICER RELATIONS	5:13
SECTION 4 – PROTOCOL ON USE OF SUBSTITUTES	5:17
<b><u>PART 6 – MEMBERS' REMUNERATION SCHEME</u></b>	<b>6:1</b>
<b><u>PART 7 – DEFINITIONS</u></b>	<b>7:1</b>
<b><u>PART 8 – NOT ALLOCATED</u></b>	<b>8:1</b>
<b><u>PART 9 – GENERAL GUIDANCE</u></b>	<b>9:1</b>
GUIDANCE NOTE 1 – DEFINITIONS OF KEY DECISION	9:3
<del>GUIDANCE NOTE 2 – REPORT FORMAT</del>	9:7
<del>GUIDANCE NOTE 3 – DEFINITIONS OF KEY DECISION</del>	9:13
GUIDANCE NOTE 4.2 – ATTENDANCE AT CABINET MEETINGS (VOLUNTARY PROTOCOL)	9:15
GUIDANCE NOTE 5.3 – PUBLICATION OF AGENDAS, MINUTES AND DECISION NOTICES,	9:17
<b><u>PART 10 – LOCAL FUNCTIONS</u></b>	<b>10:1</b>
<b><u>PART 11 – RESPONSIBILITY FOR FUNCTIONS LIST OF POWERS EXERCISABLE BY OFFICERS – COUNCIL AND ITS COMMITTEES FUNCTIONS AND CABINET FUNCTIONS</u></b>	<b>11:1</b>
ADULT SOCIAL CARE	11:1
ASSET & PROPERTY MANAGEMENT	11:4
BUILDING CONTROL	11:5
BUILDING MANAGEMENT	11:9
CHILDREN & YOUNG PEOPLE	11:9
ENVIROCRIME – ENVIRONMENTAL MAINTENANCE	11:14
ENVIRONMENTAL HEALTH	11:24
POLLUTION CONTROL	11:47
FINANCIAL	11:67
HIGHWAYS	11:72
HOUSING	11:83
HUMAN RESOURCES	11:93
LEGAL SERVICES	11:94
LEISURE & CULTURE	11:97
LICENSING	11:99
MEMBERS AND LOCAL DEMOCRACY	11:105
MISCELLANEOUS FUNCTIONS	11:106
REGENERATION	11:107
PLANNING	11:108
REGISTRATION SERVICES	11:113
STANDARDS IN LOCAL GOVERNMENT	11:113
TRADING STANDARDS	11:113
PETROLEUM LICENSING	11:113

## **CHAPTER 1**

# **Part 1 – Summary and Explanation**

## **THE COUNCIL'S CONSTITUTION**

The Constitution sets out how the Council will operate, how decisions are made, and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

## **WHAT'S IN THE CONSTITUTION?**

**Article 1** of the Constitution commits the Council to exercising all its powers and duties in accordance with the law and this Constitution in pursuit of the Council's vision for

Formatted: Heading 2, Left

"A successful, prosperous and healthy community which offers a good quality of life for all the people of Telford & Wrekin."

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

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

Formatted: Left

## **HOW THE COUNCIL OPERATES**

The Council is composed of 54 councillors elected every four years. Councillors are democratically accountable to residents of their Ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

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

All councillors meet together as the Council. Meetings of the Council take place approximately every 2 months and are open to the public unless items to be discussed are of a confidential nature. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader of the Council **who and decides upon the**

~~number and membership and powers of the up to 9 members of the Leader and Cabinet Executive~~ which is the body which takes decisions about the running of the Council and the implementation of its policies. ~~The Council~~ also appoints the members of the Scrutiny Committees and all other committees/boards of the Council.

The Council holds the ~~Leader & Cabinet Executive~~ and the other Council committees and boards to account by receiving reports from them at its meetings and receiving questions and answers on these reports. Some Council meetings will include “public assembly sessions” where spokespersons of partner organisations will be invited to participate with Councillors in debates about key issues affecting the Borough. In addition, there ~~will~~ may be an annual “State of the Borough” debate, again involving partner organisations, which will be used to inform the policy framework and budget setting.

## HOW DECISIONS ARE MADE

The ~~Leader and Cabinet Executive~~ is the part of the Council which is responsible for most operational decisions. The ~~Leader and Cabinet Executive~~ is made up of the Leader and up to 9 ~~other~~ Councillors appointed by the ~~Leader~~Council. When major decisions (called “Key” Decisions) are to be discussed or made, these are published in the Forward Plan in so far as they can be anticipated. This Plan must include at least those decisions which the ~~Leader and Cabinet Executive~~ anticipates it will have to make over the next 4 months. If a Key Decision needs to be made which is not in the Forward Plan, special provisions exist to enable this to happen.

If these major decisions are to be discussed at a meeting of the Cabinet, this will be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council’s overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

## OVERVIEW AND SCRUTINY

There are 7 Scrutiny Committees and a Scrutiny Assembly which support the work of the Cabinet and the Council as a whole. 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 officers of the Council and inviting people from outside the Council to give opinions and expert advice. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committees and Scrutiny Assembly also monitor the decisions of the Cabinet. They can ‘call-in’ a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate.

They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

## AREA WORKING ARRANGEMENTS

In order to give citizens a greater say in local affairs, the Council ~~may~~ is considering the introduction of area working arrangements. The Council will decide on whether to introduce these arrangements in all or parts of the ~~district~~Borough.

## THE COUNCIL’S EMPLOYEES

The Council employees (called ‘officers’) give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between officers and councillors

## CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights. This and other useful links can be found on the Council's website [www.telford.gov.uk](http://www.telford.gov.uk).

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- access a copy of the Constitution;
- see agendas and reports and attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Cabinet;
- find out, from the Cabinet's Forward Plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where decisions are being discussed or decided;
- see reports and background papers, and records of decisions made.
- complain to the Council about Council services or how they feel they have been treated by the Council;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process. Telephone: 01952 380000;  
<http://www.telford.gov.uk/Council+democracy/Customer+complaints/Complaints+comments+and+compliments.htm>
- complain to the local Standards Committee if they have evidence which they think shows that a councillor has not followed the Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

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

The Council welcomes participation by its citizens in its work. For further information, or if you would like to join the Telford & Wrekin Community Panel, details can be found on the Council's website at [www.telford.gov.uk](http://www.telford.gov.uk)

**This page has intentionally been left blank**

## **Part 2 - Articles of the Constitution**

### **Article 1– The Constitution**

#### **Explanatory Comment**

This Article sets out the fundamental provisions of the Constitution. It confirms that the Council will act within the law and the provisions of this Constitution. It defines those documents which comprise the Constitution.

#### **1.01 Powers of the Council**

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

#### **1.02 The Constitution**

This Constitution, and all its appendices, is the Constitution of the Council

#### **1.03 Purpose**

#### **Vision Statement**

The Council's vision of its area, community and district:-

“A successful, prosperous and healthy community which offers a good quality of life for all the people of Telford & Wrekin.”

The aims of the Constitution are to:

1. facilitate a wider understanding of democratic values within the community, particularly amongst young people, and a greater knowledge of how the Council operates and its decision making processes;
2. enable citizens to have a wider understanding of the role and duties of elected members and of the concept of active citizenship and public service;
3. create an effective means of holding decision-makers to public account and to promote the interests of the many, not the few;
4. ensure that Council decisions are subject to effective scrutiny and are taken without conflicts of interest damaging to the well being of the community;
5. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
6. provide a means of securing best value for the community in the delivery of services;
7. facilitate effective working with key community, regional, national and international partners in promoting the best interests of the people of the Borough

#### **1.04 Interpretation and Review of the Constitution**

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

**This page has intentionally been left blank**

## Article 2 – Members of the Council

### **Explanatory Comment**

This Article sets out the composition of the Council, eligibility to stand for election as a member of the Council and the form of election to be used.

The Article also contains a section on the roles and functions of members of the Council.

The Article also deals with the rights and duties of members, especially as they affect access to land, buildings, documents and information and any confidentiality requirements surrounding the latter.

#### **2.01 Composition and eligibility**

- (a) **Composition.** The Council will comprise 54 members, otherwise called Councillors. Either one, two or three Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State/Electoral Commission.
- (b) **Eligibility.** Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor.

#### **2.02 Election and terms of Councillors**

The regular election of all Councillors will be held on the first Thursday in May every four years, which began in 2003. The term of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

#### **2.03 Roles and functions of all Councillors**

- (a) **Key roles.** All Councillors will:
  - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
  - (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
  - (iii) be involved in decision-making;
  - (iv) ensure the [Leader and Cabinet Executive](#) is held to account;
  - (v) maintain the highest standards of public conduct and ethics;
  - (vi) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
  - (vii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate for their communities;
  - (viii) effectively represent the interests of their ward and of individual constituents;
  - (ix) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
  - (x) respond to constituents' enquiries and representations, fairly and impartially;

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

(xii) be involved in area working.

(b) **Rights and duties**

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

(ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

(iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

(iv) Councillors should be given reasonable advice and support from officers of the Council in the maintenance of their personal security in their work as Councillors.

(v) Councillors should be given reasonable informal advice from officers of the Council should they be defamed or otherwise subject to harassment in connection with their Council duties.

(vi) When the Council considers it is in the interest of the Council to appoint Councillors to represent it on an outside body, the Council will consider indemnifying the Councillor against costs incurred in good faith. Councillors will be given reasonable advice, guidance and support from officers of the Council on the responsibilities they take on in acting in good faith as a result of representing the Council on outside bodies.

(vii) Training will be given to Councillors on the operation of the Members' Code of Conduct. After having regard to the relevant facts, officers of the Council may give support to Councillors where they are accused of breaches of any Code of Conduct or protocol referable to a formal Standards hearing.

(viii) That subject to legal advice and on the individual merits of each case, where the Council identifies that it has a legitimate interest in ensuring that a Councillor's case in a Standards or an Internal Audit investigation is properly presented it will consider making a reasonable contribution towards any cost of legal and other representation.

(ix) The Association of Councillors is an example of an independent body which individual Councillors may wish to use in seeking advice.

**2.04 Conduct**

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

**2.05 Remuneration**

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

## Article 3 – Citizens and the Council

### Explanatory Comment

This sets out what citizens can expect from the Council and what rights they have. However, with rights come responsibilities and it is also the role of the Constitution to show how the Council expects to be treated in return.

#### 3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution: Citizens also have rights under the **Freedom of Information Act 2000** to make requests for information held by the Council.

- (a) **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. For a petition to be valid to require a referendum, the number of signatures to it must equate to no less than 5% of the electorate of the Borough. Citizens will have a right to vote for an elected mayor in the event of a referendum being held.
- (b) **Information.** Citizens have the right to:
- (i) attend as observers, meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (ii) attend as observers, meetings of the Cabinet when decisions are being considered except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (iii) find out from the Forward Plan what key decisions will be taken by the **Leader**, Cabinet **Executive** or by an officer under delegated authority
  - (iv) inspect reports and background papers, and any records of decisions made by the Council and its committees and the **Leader and Cabinet Executive**; and
  - (v) inspect the Council's accounts and Audit Commission's Annual Audit and Inspection Letter and make their views known to the external auditor.
  - (vi) such other information as may be specified in the Council's Freedom of Information publication scheme
- (c) **Assembly Sessions.** 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.

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.

(d) **Complaints.** Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;  
<http://www.telford.gov.uk/Council+democracy/Customer+complaints/Complaints+comments+and+compliments.htm>
- (ii) the Ombudsman after using the Council's own complaints scheme;  
<http://www.lgo.org.uk/>
- (iii) the local Standards Committee about a breach of the Councillor's Code of Conduct. [www.telford.gov.uk](http://www.telford.gov.uk)

### 3.02 Citizens' responsibilities

*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:*

- (i) voting at every opportunity
- (ii) respecting the expression of differing opinions in public debate;
- (iii) promoting tolerance and respect between their fellow citizens, and
- (iv) individually and collectively seeking information about the decision-making role of Councillors and respecting the Council procedures which give effect to a representative democracy.

## Article 4 – The Full Council

### Explanatory Comment

The **Local Government Act 2000** gives the Council responsibility for approving the policy framework and budget. A list of the statutory and non-statutory plans which fall within this policy framework appear below. The Council as a whole retains responsibility for regulatory functions and has a role in holding the [Leader and Cabinet Executive](#) to account.

#### 4.01 Meanings

- (a) The core statutory elements of the Council's policy framework are the Community Strategy and the Council Plan. These plans are supported in more detail by a range of policy/service plans. These service plans are also complemented by a range of statutory documents which will form part of the policy framework. These include:-
- (i) Those required by the **Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and regulations thereunder.**
- Children & Young People's Plan
  - Crime and Disorder Reduction Strategy;(Safer & Stronger Communities Strategy)
  - Plans and strategies which together comprise the Local Development Framework (including Local Development Documents, Local Minerals Plan and Local Waste Plan)
  - Youth Justice Plan.
- (ii) Other plans and strategies which the Council considers should be adopted include:-
- Capital Strategy and Asset Management Plan
  - Governance Framework (Accounts and Audit Regulations 2003 as updated 2006)
  - Governance Statement (Accounts and Audit Regulations 2003 as updated 2006)
  - Adult Community Learning Plan;
  - Local Cultural Strategy
  - Local Transport Plan
  - The plan and strategy which comprise the Housing Investment Programme;
- (iii) other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice include:-
- (b) **Budget.** The budget includes the allocation of financial resources to services and projects, proposed contingency funds, the Council tax base, setting the Council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits, which shall include setting limits on virements and approving the plans for the Council's capital expenditure and budget.

#### 4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) reviewing and changing the Constitution;

- (b) approving or adopting the policy framework and the budget, which shall include setting limits on virements and approving the plans for the authority's revenue and capital expenditure and budgets.
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of ~~a the Leader and Cabinet Executive~~Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing and removing the Leader ~~and members of the Cabinet~~;
- (e) agreeing and/or amending the terms of reference for committees, boards, sub-committees and sub-boards (hereinafter referred to as committees) deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is a Cabinet function of the Leader and Cabinet Executive or has been delegated by the Council;
- (g) adopting a Members' Remuneration Scheme under Article 2.05;
- (h) changing the name of the area;
- (i) granting the Freedom of the Borough
- (j) confirming the appointment and dismissal of the Head of Paid Service;
- (k) making, amending, revoking, re-enacting or adopting bye-laws and promoting or opposing the making of local legislation or personal Bills;
- (l) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- (m) all other matters which, by law, must be reserved to Council.
- (n) to determine the meaning of "significant" in relation to key decisions (Article 13 paragraph 13.03I refers).

#### 4.03 Council meetings

There are four types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings;
- (d) assembly sessions.

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

#### 4.04 Responsibility for functions

The Council will maintain the information contained in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Leader and Cabinet Executive~~Cabinet~~.

**This page has intentionally been left blank**

## Article 5 – Chairing the Council

### **Explanatory Comment**

Council meetings will be chaired by ~~the Mayor~~ a member known as the ~~Speaker and the civic/ceremonial role carried out by a member known as the Mayor.~~

#### **5.01 Title of the person chairing Council meetings**

The person elected to chair meetings of the Council is referred to as “the Mayor Speaker”.

#### **5.02 Role and function of the ~~Speaker~~Mayor**

The ~~Mayor Speaker~~ and Deputy ~~Mayor Speaker~~ will be elected by the Council at the Annual Council Meeting.

The ~~Speaker~~Mayor and in his or her absence, the Deputy ~~Mayor Speaker~~ will have the following roles and functions:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members ~~who are not on the Cabinet~~ are able to hold the ~~Leader and Cabinet Executive~~Cabinet to account;
4. to promote public involvement in the Council’s activities;

#### **5.03 Ceremonial Role**

A member will be elected as Mayor at the Annual Council meeting.

The Mayor’s role and responsibilities will ~~also include be~~ to attend such civic and ceremonial functions that the Council and he/she determines appropriate.

**This page has intentionally been left blank**

## Article 6 – Overview and Scrutiny Committees ssions

### OVERVIEW AND SCRUTINY

#### Explanatory Comment

The overview and scrutiny function is a central element to this constitution. The Scrutiny Committees and Scrutiny Assembly will meet in public to discuss and make recommendations on the development of policies and hold the Cabinet to account for their actions. They will also have a key role in considering other matters of local concern.

**[Derivation: Section 21: Local Government Act 2000]**

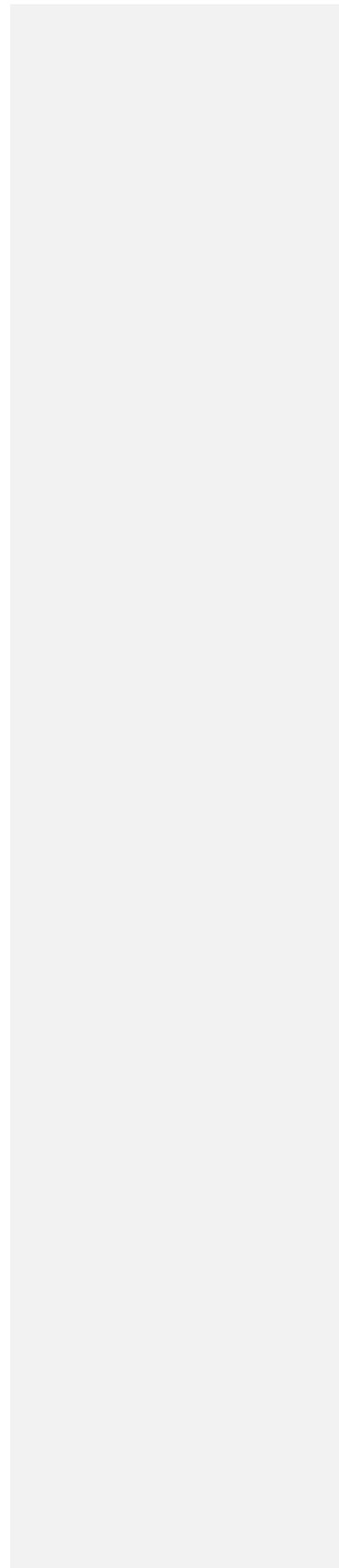
The guiding principle for the work of scrutiny is that it should be consensual and positive. The emphasis of the work should be on making a proactive and positive contribution to the development of policy and the discharge of the Council's functions. This is best achieved by an inclusive process covering members, partners, service users and employees.

Structure:

- Group Leaders will appoint their own representatives to the 7 Scrutiny Committees in line with political balance requirements. These representatives cannot be Cabinet Members, ~~Cabinet Assistants~~ or the Mayor.
- All Members of the Council will automatically become members of a Scrutiny Assembly, excluding Cabinet Members, ~~Cabinet Assistants~~ or the Mayor.
- All scrutiny standing co-optees will be members of the Scrutiny Assembly.
- The Scrutiny Committees may appoint standing groups to which it can delegate areas of responsibility to scrutinise in detail.

Roles:

- The Scrutiny Committees' role is to scrutinise the work within the remit of the relevant priority area in the Council and relevant partner organisations. The Scrutiny Chairmen will liaise with the Leader and Cabinet Members.
- Each of the Chairmen of the 7 Scrutiny Committees takes responsibility for one of the Council's ~~other~~ Community Priorities.
- The Scrutiny Chairmen will exercise overall responsibility for the finances made available to them.
- The Scrutiny Chairmen must report annually to full Council on the workings of the Scrutiny and make recommendations for future work programmes and amended working methods if appropriate.
- The Scrutiny Committees and Scrutiny Assembly will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.
- The Scrutiny process allows the participation of voting statutory representatives as co-optees for education matters in scrutiny. The Scrutiny Committees may also appoint non-voting representatives as standing co-opted members of scrutiny except co-optees on the Joint Health Scrutiny Committee who will have voting rights as agreed by Full Council.



## Article 7 – The Leader and Cabinet

### Explanatory Comment

~~The Leader of the Council is responsible for appointing the Cabinet and delegating executive functions to the Cabinet as a whole and to individual Cabinet members. However, whilst the Leader, as Senior Executive Member may discharge any functions which are the responsibility of the Leader and Cabinet Executive~~ The Cabinet is at the heart of the day-to-day decision-making process. It also has a key role in proposing the policy framework and budget to the Council.

#### 7.01 **Role**

The Leader and Cabinet Executive will lead the implementation of Council policy within the Council's budget and policy framework. In doing this the Leader and Cabinet Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

#### 7.02 **Appointment and Composition**

The Cabinet will consist of the Leader of the Council together with such additional Councillors, at least 2 but not more than 9, as the Council Leader shall determine, ~~who shall be appointed to the Cabinet by the Leader Council.~~

#### 7.03 **Leader**

The Leader will be a Councillor elected to the position of Leader by the Council at its Annual Meeting following an ordinary election of Councillors or at ~~a subsequent meeting of the Council if the Council fails to elect the Leader at the Annual Meeting~~ the next meeting when a vacancy occurs. The Leader will hold office until the day of the post-election annual meeting which follows his election unless:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a Councillor of this Council under **Part III of the Local Government Act 2000** (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a Councillor of this Council; or
- (d) he/she is removed from office by resolution of the Council following a written notice of no confidence on at least 10 working days notice and signed by at least 25% of all Councillors. If a motion of no confidence is passed, the Leader shall immediately cease to act as Leader.
- (e) he/she is removed from office by resolution of the Council in the event of a change in political control of the Council

In the event that the Leader no longer holds office as described above, the Deputy Leader will carry out the role and duties of Leader until such time as the Council elects a Councillor to the position of Leader.

~~-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 executive leader's place or must arrange for a member of the Cabinet to act in his/her place.~~

#### 7.04 Deputy Leader

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 ~~executive~~ Leader is vacant.

The Deputy Leader will hold office until the end of the term of office of the Leader unless:

- (a) he/she resigns as Deputy Leader or ceases to be a member of the authority;
- (b) the Leader removes the Deputy Leader from Office

If a vacancy occurs in the office of Deputy Leader, the ~~Executive~~ 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 Head of Governance.

Formatted: Font: Bold

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

#### 7.04 Other Cabinet members

The Leader will appoint ~~Other Cabinet~~all Cabinet members and will provide notification of those appointments to the Head of Governance in writing on or before the date of the Annual Meeting or at the next meeting after a vacancy arises except that the Leader may make an interim appointment to replace a Cabinet member subject to ratification at the next Council meeting. ~~They~~Meeting They will hold office until:

- (a) they resign from office; or
- (b) they are suspended from being Councillors of this Council under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer Councillors of this Council; or
- (d) they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect immediately upon receipt of notice by the Head of Governance~~Audit & Democracy~~, or
- (e) they are removed from office, either individually or collectively, by resolution of the Council following a written notice of no confidence of at least 10 working days notice and signed by at least 25% of all Councillors. If a motion of no confidence is passed the Cabinet member(s) shall immediately cease to act.
- (f) the Council removes them from office, either individually or collectively, but only in the event of a change in political control of the Council.

In the event that a vacancy arises the Leader will appoint another Councillor as a replacement. The replacement will take effect upon the Leader providing notification of the appointment in writing to the Head of Governance.

#### 7.05 Proceedings of the Cabinet

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

#### 7.06 Responsibility for functions

The Leader ~~may will recommend and the Council shall~~ determine which Cabinet functions shall be allocated to individual members of the Cabinet ~~except in so far as the Leader may determine and~~ those which shall be reserved to the Cabinet. These responsibilities may be amended by the Leader on written notice to the Head ~~of of Governance~~ Audit & Democracy, ~~who will report on the amendments to the next meeting of the Council.~~

The Leader ~~will recommend and the Council~~ will determine a list setting out those Cabinet functions which are the responsibility of the Cabinet and which individual members of the Cabinet, officers or joint arrangements are responsible for the exercise of particular ~~Executive~~ Cabinet functions.

#### ~~7.07~~ **Cabinet Assistants**

~~The Leader shall appoint such members to provide advice and support to particular Cabinet Members. The Leader will advise the Head of Governance Audit & Democracy in writing of the names of designated Cabinet Assistants. These members will be known as 'Cabinet Assistants'. Persons occupying such positions will not themselves be members of the Cabinet and do not have any Executive or decision making authority. They will not be entitled to vote at Cabinet meetings. Neither will they be entitled to act as members of any Scrutiny Committee. They will hold office until:~~

- ~~(a) they resign from office; or~~
- ~~(b) they are suspended from being Councillors of this Council under **Part III of the Local Government Act 2000** (although they may resume office at the end of the period of suspension); or~~
- ~~(c) they are no longer Councillors of this Council; or~~
- ~~(d) they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect immediately upon receipt of notice by the Head of Governance Audit & Democracy.~~

~~7.08 The role of Cabinet Assistant includes:-~~

- ~~• Undertaking a work programme as agreed with the portfolio Cabinet member~~
- ~~• Having a good working knowledge of the portfolio~~
- ~~• When representing the Cabinet member, acting as the political figurehead and ambassador for the portfolio~~
- ~~• Keeping abreast of related developments, policy and good practice in relation to the work of the portfolio~~
- ~~• Having knowledge of national policy and legislation in relation to local government~~
- ~~• Understanding the broader corporate agenda and supporting the Cabinet member and officers to maximise the portfolio's contribution to the Council's priorities~~
- ~~• Maintaining good relationships with officers and other elected members~~
- ~~• Assisting the Cabinet member and the portfolio's Corporate Director and management team in their role in the Council's budgeting process~~
- ~~• Attending local, regional and national meetings and events as agreed with or requested by the Cabinet member~~
- ~~• Developing effective partnerships, relationships and networks at all levels~~
- ~~• Working with the Cabinet member to help build Telford & Wrekin's regional and national profile~~
- ~~• Providing robust and constructive challenge~~
- ~~• Demonstrating commitment to the Council's values~~
- ~~• Carrying out the role in accordance with the Code of Conduct and the Council's constitution~~
- ~~• Attending all training sessions and development activities deemed essential for Cabinet Assistants, including those specific to the portfolio~~

Formatted: Normal 11pt, Left

Formatted: Normal 11pt, Left, No bullets or numbering

**This page has intentionally been left blank**

## Article 8 – Regulatory and Other Committees

### Explanatory Comment

Committees will need to be created to undertake non-~~Leader and Cabinet Executive~~~~Cabinet~~ functions under powers delegated from full Council. By way of example planning and licensing are not functions ~~for the Leader and of the~~ Cabinet ~~Executive~~.

#### 8.01 Regulatory and other committees

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

### Committees

### Functions

Plans Board

- Town and Country Planning and Development Control
- Miscellaneous powers in relation to footpaths, bridleways, use and enjoyment of highways and duty to keep definitive map and statement under review.
- Tree Preservation Orders (where objections have been received)
- Protection of important hedgerows

Licensing Committee

- Licensing and Registration functions excluding those relating to social care.
- Elections.
- Health & Safety at Work.
- Health Act 2006 Part 1 Chapter 1
- The naming and status of areas and individuals.
- Power to make, amend, revoke or re-enact bye-laws.
- Power to promote or oppose local or personal Bills.
- To make payments etc in cases of maladministration.
- Licensing Act 2003
- Gambling Act 2005

Standards Committee

- Matters relating to ethics, standards and governance.

Audit Committee

- Matters relating to governance and overseeing the audit, risk management and financial statements processes.

Council Constitution Committee

- To review and recommend changes to the Constitution of the Council

### **Committees**

Adult Care and Support Scrutiny Committee  
Efficient and Community Focused Council Scrutiny Committee  
Community Protection and Cohesion Scrutiny Committee  
Housing, Regeneration and Prosperity Scrutiny Committee  
Active Lifestyles – Leisure & Culture Scrutiny Committee  
Environment & Rural Areas Scrutiny Committee  
Children & Young People Scrutiny Committee

### **Functions**

- To scrutinise the work of the Council, its Committees and the Cabinet in relation to the Corporate Priority.
  - To scrutinise the work of other organisations relating to this priority in accordance with national legislation and good practice
- Appeals Committee
- To hear and determine all appeals except those which by statute require to be determined by a separate body, e.g. social services appeals
- Personnel Board
- Appointment of Corporate Directors and Statutory Officers
  - Local Government Pension Scheme
  - To agree at a strategic level all matters relating to the Council's employees

### **Footnote**

- (i) General functions relating to all committees are listed above which also include Standards Committee, Audit Committee and the Scrutiny Committees.
- (ii) The following functions listed for Licensing Committee will be reserved to full Council for determination: -
- power to make, amend, revoke or re-enact bye-laws
  - power to promote or oppose personal bills

## **Article 9 – The Standards Committee and The Audit Committee**

### **Explanatory Comment**

The Standards Committee has an important role in ensuring and promoting good ethical conduct of Councillors and officers. The Audit Committee has an important role in overseeing financial processes, audit and risk management. They both support good governance in the public sector, with particular reference to local government.

**(Section 53-55 and Sections 81(5), Local Government Act 2000)**  
(CIPFA Position Statement –“Audit Committee Principles in Local Government”)

### **9.01 Standards Committee**

The full Council will establish a Standards Committee.

### **9.02 Composition**

#### **Political Balance**

The Standards Committee will be politically balanced as per the political balance rules in **section 15 of the Local Government & Housing Act 1989.**

- (a) **Membership:** The Standards Committee will be composed of:-
- eight Councillors, excluding the Leader and only one of whom may be a member of the Cabinet;
  - four persons who are not Councillors or Officers of the Council or any other body having a Standards Committee (independent members);
  - at least three parish council representatives (who are not members of the Council)
- (b) **Independent Members** – Independent members will be appointed in accordance with guidance issued. Independent members will be entitled to vote at meetings;
- (c) **Chairing the Committee** – The Chairman must be an Independent Member of the Committee and should either have previous knowledge or have received training on standards, regulation and ethical issues.
- (d) **Quorum** – The quorum for a meeting of the Standards Committee shall be three which must include one of the independent members.
- (e) **Training** – In addition to the Chairman’s training outlined above, all members of the Committee should be properly trained to fulfil their role, including awareness of standards, ethics and governance.
- (f) **Sub-committees** –
- (i) **Terms of Reference of the Referrals Sub-Committee**

#### **As approved by the Standards Committee**

1. Terms of Reference
  - a. The Referrals Sub-Committee is established to receive allegations that a member of the Authority has failed, or may have failed, to comply with the Authority’s Code of Conduct.
  - b. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:

2:22

- i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
- ii. refer the allegation to the Standards Board for England;
- iii. decide that no action should be taken in respect of the allegation; or
- iv. where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- c. Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
  - i. it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
  - ii. the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
  - iii. the matter should be referred to the Adjudication Panel for determination.
- d. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) or 2(c) above, the Sub-Committee shall state its reasons for that decision.
- e. The Sub-Committee shall consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- f. The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

## 2. Composition of the Referrals Sub-Committee

The Referrals Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee (and one of whom shall chair the Sub-Committee), and at least 2 elected members of the Authority. When the Referrals Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.

**(ii) Terms of Reference of the Review Sub-Committee**

**As approved by the Standards Committee**

1. Terms of Reference

- a. The Review Sub-Committee is established to review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Referrals Sub-Committee that no action be taken in respect of that allegation.
- b. Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Referrals Sub-Committee and shall then do one of the following:
  - i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;
  - ii. refer the allegation to the Standards Board for England;
  - iii. decide that no action should be taken in respect of the allegation; or
  - iv. where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- c. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) above, the Sub-Committee shall state its reasons for that decision.

2. Composition of the Review Sub-Committee

The Review Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee (and one of whom shall chair the sub-committee), and at least two shall be elected members of the Authority. When the Referrals Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.

4. Frequency of Meetings

The Review Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Referrals Sub-Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.

(iii) **Terms of Reference of the Dispensations Sub-Committee**

**As approved by the Standards Committee**

1. Terms of Reference

The Dispensations Sub-Committee is established to determine applications from members of the authority and members of other relevant authorities for a dispensation in accordance with the provisions of the Local Government Act 2000 (as amended) and the Standards Committee (Further Provisions) (England) Regulations 2009.

2. Composition of the Dispensations Sub-Committee

The Dispensations Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee and at least two shall be elected members of the Authority. When the Dispensations Sub-Committee considers an application from a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative. The Chairman of the Dispensations Sub-Committee must be an independent member of the Standards Committee.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering an application from a Parish or Town Councillor.

**9.03 Role and Function**

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors, parish councillors and co-opted members, (including church and parent governor representatives);
- (b) assisting the Councillors, parish councillors and co-opted members (including church and parent governor representatives) to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;

- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging training in relation to the Code of Conduct;
- (f) granting dispensations to Councillors, co-opted members (including church and parent governor representatives) from requirements relating to interests set out in the Members' Code of Conduct;
- (g) receiving allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct
- (h) establish sub-committees of the standards committee to make initial assessments of complaints received by the Standards Committee alleging a breach of the Members' Code of Conduct;
- (i) establish sub-committees to consider requests received by the Standards Committee to review decisions to take no action in relation to a complaint made to its sub-committee set out at paragraph (g) above
- (i) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by a sub-committee of the Standards Committee or an ethical standards officer to the Monitoring Officer and setting up hearings sub-committees to deal with those reports as and when required
- (k) in conjunction with the operation of the Standards Board for England, the Standards Committee will work within the existing policy and procedures for handling of issues relating to probity and matters of an ethical nature.
- (l) consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act
- (m) advising the Council on the appointment of independent members taking account of guidance issued by the Standards Board for England
- (n) selecting and recruiting Parish Council representatives to serve on the Standards Committee taking account of guidance issued by the Standards Board for England

#### 9.04 Audit Committee

The full Council will establish an Audit Committee.

#### 9.05 Composition

##### Political Balance

The Audit Committee will be politically balanced, as per the Political Balance Rules in **section 15 of the Local Government & Housing Act 1989**.

- (a) **Membership:** The Audit Committee will be composed of:
  - six councillors, excluding the Leader and any member of the Cabinet;
  - ~~the members of the Audit Committee will be appointed for the full term of the Council (4 years) or other such time remaining to the end of the current Council, when they are appointed;~~

- the Leader and/ or any Cabinet Member: ~~Resources~~ can be invited to attend by the Chairman and he/she may contribute to the debate, through the Chair, but will not be able to vote;
- (b) **Co-opted Members:** one or more persons can be co-opted to the Committee who are not councillors or officers of the Council. Co-opted members will not be entitled to vote.
- (c) **Chairing the Committee:** the Chairman will be appointed from the Council members of the Committee. They should either have previous knowledge or have received training on financial and risk management, internal control assurance, the Council's core activities, accounting issues and regulation/compliance. The Chairman will have such access to members, officers and the external auditor as is required to discharge their duties.
- (e) **Quorum:** The quorum for a meeting of the Audit Committee shall be three.
- (f) **Training:** In addition to the Chairman's training outlined above, all members of the Committee should be properly trained to fulfil their role, including awareness of governance, risk management, internal control assurance, the Council's core activities, accounting issues and regulation compliance.
- (g) Due to the training and experience required by the members of this Committee there will be no system of substitute members.

#### 9.06 Role and Function

The Audit Committee will have the following roles and functions:

- (a) Overseeing the Council's:
  - internal audit processes
  - external audit processes
- (b) Seeking assurances that the Council's risk management processes are operating properly;
- (c) Overseeing the Council's governance processes and reviewing and approving the Annual Governance Statement; and
- (d) Contributing to the approval of the Council's accounts.

## **Article 10 – Area Working Arrangements**

### **Explanatory Comment**

The Council has discretion in deciding whether it wishes to introduce Area Working arrangements. It recognises however that a key part of the modernisation process is to strengthen the engagement of the community with the Council. One of the means to achieving this is by way of Area Working arrangements.

#### **10.01 Area Working Arrangements**

No final decisions have yet been taken by the Council in respect of Area Working arrangements. The Council has however recognised the need to engage the community in Area Working which in its early stages may involve: listening and communicating better at the local level; identifying, reporting and representing the needs of the locality; community planning at the local level; and monitoring the local delivery of services.

Area Working arrangements will also need to engage the parishes and other existing local arrangements.

The approach to Area Working arrangements will be evolutionary whilst building upon partnerships and structures already established.

#### **10.02 Timetable for Area Working Arrangements**

The Council may introduce Area Working arrangements as it sees fit, 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.

#### **10.03 Composition and function**

Decisions will be made at a future date

**This page has intentionally been left blank**

## Article 11 – Joint Arrangements

### Explanatory Comment

The Local Government Act 2000 and regulations enable local authorities to make use of joint arrangements with other authorities and delegate to other local authorities.

#### 11.01 Arrangements to promote well being

The Council, or the ~~Cabinet~~Leader and Cabinet Executive ~~or~~, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

#### 11.02 Joint arrangements

- (a) In accordance with Section 101 of the Local Government Act 1972, the Council may establish joint arrangements with one or more local authorities ~~and/or their Cabinets~~ to exercise functions which are not Cabinet functions in any of the participating authorities.
- (b) The Leader and Cabinet Executive Cabinet may establish joint arrangements with one or more local authorities to exercise his functions ~~which are Cabinet functions~~. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) The ~~Cabinet~~Leader and Cabinet Executive may only appoint Cabinet members to a joint committee exercising his Cabinet functions (e.g. West Mercia Supplies). Joint Committees which exercise functions which are functions reserved to the Council will need to be politically balanced.
- (d) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

#### 11.03 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply to functions of the Leader and Cabinet Executive Cabinet and to functions of a joint committee provided all the Members of the joint committee are members of the Cabinet within each participating authority.
- (b) If the joint committee contains members who are ~~neither the Leader nor~~ ~~not~~ on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

#### 11.04 Delegation to and from other local authorities

- (a) The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, to the Leader ad Cabinet Executive ~~Cabinet~~ of another local authority.

- (b) The Leader and Cabinet Executive Cabinet may delegate Cabinet functions to another local authority or the Leader or Cabinet Executive of another local authority in certain circumstances.

#### 11.05 Contracting out

The Council for functions which are not Cabinet functions and the Leader and Cabinet Executive Cabinet 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 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.

## Article 12 – Officers

### Explanatory Comment

12.00 This Article describes the structure of the Council and the roles of the Statutory Officers - Head of Paid Service (Chief Executive), Monitoring Officer (MO), Chief Financial Officer (CFO), Director for Children's Services (DCS), Director of Adult Social Services (DASS) and Scrutiny Officer.

#### 12.01 Management structure

- (a) **Structure:** The Head of Paid Service will determine and publicise a description of the senior officer structure of the Council.
- (b) The Corporate Management Team is made up of the Chief Executive, Corporate Directors, Assistant Chief Executive and any other officer as determined by the Chief Executive. The duties of the Corporate 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. Each Corporate Director has responsibility for at least one Council priority, corporate themes, projects and strategies, and where applicable statutory responsibilities.
- (c) The Council is required to designate statutory officers (as per paragraph 12.00) who will act in accordance with their professional standards and best practice guidance.

#### 12.02 Functions of the Head of Paid Service

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 Chief Executive he/she may delegate other functions which are not included in Section 4.

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

#### 12.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by members, employees and the public.  
<http://www.telford.gov.uk/Council+democracy/Democracy+elections/Council+Constitution.htm>
- (b) **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.

- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **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.
- (g) **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.
- (h) **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.
- (i) **Appointment of a Deputy.** The Monitoring Officer shall appoint a deputy 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.**
- (j) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

#### 12.04 **Functions of the Chief Financial Officer**

- (a) **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 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.
- (b) **Administration of financial affairs.** The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **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.
- (d) **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.
- (e) **Give financial information.** The Chief Financial Officer will provide financial information to the media, members of the public and the community.

- (f) **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.

#### 12.05 Functions of the Director of Children's Services (DCS)

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.

- (a) The functions of the Director of Children's Services are specified in Section 18(2):

- functions conferred on or exercisable by the LA in its capacity as a local education authority<sup>1</sup> ;
- social services functions as they relate to children within the meaning of the Local Authority Social Services Act 1970;
- functions relating to persons leaving care<sup>2</sup> ;
- 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<sup>3</sup>;
- 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
- 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<sup>4</sup> and
- such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations

- (b) Key roles:

- leadership –
  - to promote the importance of improving outcomes for all children and young people,
  - to encourage all services to contribute to improving outcomes for all children within the Children's Trust and other partnerships; and
  - working with local head teachers collectively to drive up standards in schools and improve children's wellbeing.
- championing children and young people and their families within the local area;
- management of the local authority's children's services, with professional responsibility and accountability for their effectiveness, availability and value for money;
- safeguarding and promoting the welfare of children
- supporting looked after children
- ensuring there are effective arrangements for school improvement in the area;
- ensuring effective delivery of the authority's responsibilities for 14-19 commissioning and provision, and all aspects of 16-19 provision;

<sup>1</sup> Subject to exceptions set out in Section 18(3)

<sup>2</sup> Sections 23C to 24 D Children Act 2004

<sup>3</sup> Sections 10 to 12 and 17 Children Act 2004

<sup>4</sup> Part 1 of the Childcare Act 2006

- promoting early intervention and prevention in delivering services for children, young people and families; and
- emphasising and ensuring all plans and strategies reflect the importance of reducing child poverty in the area.

#### 12.06 **Functions of the Director of Adult Social Services (DASS)**

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).

- (a) 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), other than those for which the DCS is responsible, in respect of adults.
- (b) The responsibilities of the DASS must properly relate to the local authority's functions in respect to adult social services including:
- accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
  - professional leadership, including workforce planning;
  - leading the implementation of standards;
  - safeguarding vulnerable adults;
  - managing cultural change;
  - promoting local access and ownership and driving partnership working;
  - delivering an integrated whole systems approach to supporting communities; and
  - promoting social inclusion and wellbeing.

#### 12.07 **Functions of the Scrutiny Officer (SO)**

The Scrutiny Officer shall undertake the following functions, including:

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

#### 12.08 **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.

#### 12.09 **Conduct**

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

**12.10 Employment**

- (a) The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.
- (b) All officers shall be appointed on merit in accordance with Section 7 of the Local Government and Housing Act 1989.

## Article 13 – Decision Making

### Explanatory Comment

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. This record is referred to in Part 3 of this Constitution.

#### 13.01 Responsibility for decision making

~~A~~ 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.

The various levels of decision making are:-

- (i) Council – Committees – Boards – delegations to officers.
- (ii) Leader - Cabinet (either collectively or an individual Cabinet member)– ~~individual members of the Cabinet (although at the present time these powers have not been delegated to individual Cabinet Members and are only exercisable by the Cabinet as a whole)~~–delegations to officers

Whilst specific functions are reserved to full Council by statute ~~and the Council~~ 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 members and to officers. Where such decisions have been delegated it remains open to the person 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.

~~As a matter of principle all key decisions shall be taken at full meetings of the Cabinet?.~~

The separation of powers between the Council and the Leader and Cabinet Executive is fundamental to the operation of modernised local government.

**The Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended)** set out what decisions the Council must make itself and these are detailed in Article 4. The following functions under Schedule 2 of the Regulations are also functions in relation to which the Council itself will make decisions:

- (a) approval of the Council Plan;
- (b) 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 and/or Cabinet;

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.

Decisions which the Council is delegating to Committees and Boards are identified in Article 8. The ~~Leader Council will~~ may allocate functions within the Cabinet, or to an individual Cabinet Member, or an officer.

~~If the Council chooses not to exercise its power to allocate responsibilities within the Cabinet, the Leader will exercise all powers including the power of delegation to individual Members of the Cabinet and/or officers. Decisions are made by the Cabinet collectively.~~  
Decisions in relation to the policy framework and budget are exclusively reserved to the Council.

### 13.02 Principles of decision making

All decisions of the Council, its Committees/Boards, the Leader and Cabinet Executive and those under delegated powers 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.

### 13.03 Types of decision

- (a) Decisions reserved to full Council – Decisions relating to the functions listed in Article 4 will be made by the full Council and not delegated.
- (b) Decisions made by Committees/Boards appointed by the Council – Power to make such decisions is delegated by the Council in accordance with Part 4 of this Constitution. (Section 101, Local Government Act 1972)
- (c) 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 is likely:
  - (1) 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;or
  - (2) 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.

A key decision will relate to a decision on a matter identified in the Forward Plan, except in cases of urgency when the provisions [contained within the Policy Framework Budget Procedure Rules] will apply.

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 (see Guidance Note 3) 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.

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

**13.04 Decision making by the full Council**

Subject to Article 13.08, when considering any matter, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution

**13.05 Decision making by the Cabinet**

Subject to Article 13.08, when considering any matter, the Leader, Cabinet, individual member of the Cabinet or officer exercising delegated powers will follow the Cabinet Decision Procedures Rules set out in Part 4 of this Constitution.

**13.06 Decision making by the Scrutiny Committees**

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

**13.07 Decision making by other Committees and Boards established by the Council**

Subject to Article 13.08, other Council Committees, Boards will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

**13.08 Decision making by Council bodies acting as tribunals**

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

## Article 14 – Finance, Contracts and Legal Matters

### Explanatory Comment

This article refers to the Council's Legal Matters, and Financial and Contract Rules, which are contained in Part 4 of this Constitution.

#### 14.01 Financial Management

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

#### 14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution. ~~Individual members of the Council will not be able to enter into contracts beyond the value of £10,000 except that at the current time individual members have not been empowered to make individual decisions.~~

#### 14.03 General Emergency Powers

- (a) The Chief Executive 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 district and its inhabitants, and which cannot be dealt with in accordance with the normal decision making process of the Council.
- (b) ~~Subject to the provisions of Article 7~~ The Chief Executive has delegated authority to deal with those urgent items of business falling within the remit of the Leader Cabinet where a Leader ~~is not and Cabinet are not~~ in office. In addition, the Chief Executive has delegated authority to undertake the role of consultee for those functions within the Council's Scheme of Delegation to Officers (Section 100g(2) List) requiring prior consultation with the Leader ~~or appropriate Cabinet Member~~ where they are not in office.

#### 14.04 Legal Proceedings

The Head of ~~Legal Services Governance~~ is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Services Governance considers that such action is necessary to protect the Council's interests.

#### 14.05 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 Head of ~~Legal Services Governance~~ or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

#### 14.06 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of ~~Legal Services Governance~~. 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 Head of ~~Governance Legal Services~~ should be sealed. The affixing of the Common Seal will be attested by the Head of ~~Governance Legal Services~~ or some other person authorised by him/her.

**This page has intentionally been left blank**

## Article 15 – Review and Revision of the Constitution

### Explanatory Comment

This Article places a duty to monitor and review the Constitution on a particular body/person.

#### 15.01 **Duty to monitor and review the Constitution**

The Council is required to keep the Constitution under review, and this task is to be undertaken by the Council Constitution Committee reporting to full Council. The Council is also required to keep the Constitution up to date, to reflect changes which may be made from time to time, for example by Council or the Leader and Cabinet Executive.

The results of any review will be reported to full Council, which can approve and adopt any necessary changes to the Constitution.

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 report at least on an annual basis to the Council Constitution Committee.

#### 15.02 **Protocol for monitoring and review of Constitution by Monitoring Officer**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations to the Council Constitution Committee for ways in which it could be amended to better achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

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

#### 15.03 **Changes to the Constitution**

~~Changes to the Cabinet arrangements must be approved by Council and, -Wwhere the~~ proposed change to the Constitution involves 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. A change to a mayoral form could not be implemented unless endorsed by a local referendum.

**This page has intentionally been left blank**

## Article 16 – Suspension, Interpretation and Publication of the Constitution

### Explanatory Comment

This Article ensures that the articles of the Constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the Council's governance. However, it does provide for rules of procedure to be suspended in certain circumstances.

#### 16.01 Suspension of the Constitution

- (a) Limit to suspension. The Articles of this Constitution may not be suspended. The Rules of Procedure relating to meetings of the Council, the Cabinet, Committees and Sub-Committees may be suspended by the Council or the Cabinet to the extent permitted within the Council Procedure Rules and the Cabinet Procedure Rules contained in Part 4 and the law.
- (b) Procedure to suspend. A motion to the full Council to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the aims of the Constitution set out in Article 1.

#### 16.02 Interpretation

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

#### 16.03 Keeping the Constitution Up To Date

The Council has delegated power under **Section 37 of the Local Government Act 2000** to prepare and keep up to date the Constitution to the Chief Executive who shall make appropriate arrangements to ensure the Constitution is kept up to date and is made available in accordance with paragraph 16.04 below.

#### 16.04 Publication

<http://www.telford.gov.uk/Council+democracy/Democracy+elections/Council+Constitution.htm>

- (a) The Chief Executive 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.
- (b) The Chief Executive will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased on payment of a reasonable fee.
- (c) The Chief Executive will ensure that the summary Part 1 Chapter 1 of the Constitution is made widely available within the area and is updated as necessary.

**This page has intentionally been left blank**

## Part 3 - Responsibility for Functions

**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, by subsequent legislation or by regulations made under the Local Government Act 2000. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)** sets out those functions:

- a) which must not be discharged by the Cabinet, Leader and Cabinet Executive (e.g. determination of planning applications; licensing and registration functions);
- b) which may be the responsibility of the Leader and Cabinet Executive ~~Cabinet~~ (e.g. service of an abatement notice for a statutory nuisance; functions relating to contaminated land);
- c) which may not be the sole responsibility of the Leader and Cabinet Executive ~~Cabinet~~ (e.g. the Council Plan; and
- d) 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:

- a) those functions which are reserved as Council functions by the **Local Government Act 2000** and by subsequent legislation;
- b) those functions which are reserved as Council functions by the **Local Authorities (Functions and Responsibilities) (England) Regulations 2000** and subsequent regulations under the **Local Government Act 2000**;
- c) of those functions set out in **Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000**:
  - i) under paragraph 2 of that Schedule, any appeal in respect of a decision which is a Council function shall be a Council function;

and

- ii) 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**

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** for the discharge of any of its functions by:

- a) a Committee;
- b) a Sub-Committee;
- c) a Joint Committee;
- d) another local authority, or
- e) an officer.

Such arrangements are set out in Part 2 of this Constitution and in the Scheme of Delegation of Council Functions to Officers.

| Under Section 145(2) of the **Local Government Act 2000**, the ~~Leader Council~~ may make provision that specific Cabinet functions shall be allocated to, and discharged by,

- a) the Cabinet (as a body);
- b) an individual member of the Cabinet;
- c) a Committee of the Cabinet; or
- d) an officer.

N.B. A summary of all delegations will be prepared and made available to the public on request

CHAPTER 2

## Part 4 - Rules of Procedure

### Section 1– Council Procedure Rules

Rule

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Assembly Session
5. Appointment of Substitute Members of Committees
6. Time and place of meetings
7. Notice of and summons to meetings
8. Chairman of meeting
9. Quorum
10. Questions by members
11. Notice of Motion
12. Motions without notice
13. Rules of debate
14. Previous decisions and motions
15. Voting
16. Minutes
17. Minutes of Boards and Committees, Boards & Commission  
Reports of Cabinet and Chairmen at Council Meeting
18. Record of attendance
19. Exclusion of public
20. Members' conduct
21. Disturbance by public
22. Declaration of interest of members in contracts and other matters
23. Suspension and amendment of Council Procedure Rules
24. Alteration of Date/Time of Meeting
25. Application of Rules to Committees, Boards and Commissions
26. Interests of Officers in Contracts
27. Advice to Council by Officers

## 1. ANNUAL MEETING OF THE COUNCIL

### 1.1 Timing and business

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in March, April or May (Local Government Act 1972, Schedule 12 paragraph 1).

The annual meeting will:

- (i) elect a person to preside if the Mayor Speaker is not present;
- ~~(ii) elect the Speaker;~~
- ~~(iii) appoint the Deputy Speaker of the Council;~~
- (iv) appoint the Leader if the Annual Meeting follows an ordinary election of Councillors;
- ~~(v) appoint a Deputy Leader~~
- (vi) appoint a Mayor
- (vii) appoint a Deputy Mayor
- (viii) receive any declarations of interest from members
- (ix) approve the minutes of the last meeting;
- (x) receive any announcements from the Speaker, Leader, the mayor and/or Head of Paid Service;
- ~~(xi) agree the number of councillors to be appointed to the Cabinet and appoint those members of the Cabinet;~~
- (xii) appoint such committees and boards as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3, of this Constitution), agree the size and terms of reference of these bodies and to appoint Chairmen, Vice Chairmen, Members and substitute Members for such committees and boards in accordance with political balance rules;
- (xiii) agree the scheme of delegation in accordance with the requirements of the Local Authority (Functions & Responsibilities) (England) Regulations 2000 or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xiv) receive a programme of ordinary meetings of the Council for the year; and
- (xv) consider the Leader's annual statement of policy priorities and the responses of the Leaders of the two largest opposition parties
- (xvi) consider any business set out in the notice convening the meeting

Formatted: Indent: Left: 0 cm, First line: 0 cm

## 2. **ORDINARY MEETINGS**

2.1 Ordinary meetings of the Council will take place in accordance with the calendar of meetings. Ordinary meetings will:

- (i) elect a person to preside if the ~~Mayor Speaker~~ and Deputy ~~Mayor Speaker~~ are not present;
  - (ii) have prayers led by the ~~Speaker Mayor~~ or a nominee
  - (iii) receive apologies for absence (if any)
  - (iv) deal with any business required by statute to be done before any other business
  - (v) approve the minutes of the previous meeting and any outstanding from previous meetings;
  - (vi) receive any declarations of interest from members;
  - (vii) receive any announcements from ~~the Speaker,~~ the Leader and Cabinet Members, the Mayor, ~~members of the Cabinet~~ or the Head of Paid Service;
  - (viii) deal with any business from the previous Council meeting;
  - (ix) receive reports from the Leader and Cabinet Members, and receive questions and answers on any of these reports;
  - (x) receive reports from the Council's committees and receive questions and answers on any of these reports. All recommendations to Council for approval contained within such reports to be clearly identified on the agenda for the meeting;
  - (xi) receive reports about and receive questions and answers on the business of external organisations;
  - (xii) receive statutory reports:
  - (xiii) to answer questions received from members under Rule 10 in the order in which they were received
  - (xiv) consider motions from members under Rule 11 in the order in which they were received; and
  - (xv) consider any other business specified in the Summons to the meeting, including consideration of proposals from the Leader and Cabinet Executive in relation to the Council's budget and policy framework and reports of the Scrutiny Committees and Scrutiny Assembly for debate.
- 2.2 The order of items (i), (ii), (iii) or (iv) of paragraph 2.1 shall not be varied. The order of other business may be varied:-
- (i) at the discretion of the ~~Speaker Mayor~~, prior to the meeting following consultation with the Leader or at the meeting
  - (ii) by a resolution passed at the meeting on a motion (which need not be in writing) duly moved and seconded, and put without discussion.

### **3. EXTRAORDINARY MEETINGS**

#### **3.1 Calling extraordinary meetings**

Those listed below may request the Head of ~~Governance Audit & Democracy~~ to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the ~~Mayor~~ Speaker;
- (iii) the Monitoring Officer; and
- (iv) any five members of the Council if they have signed a requisition presented to the ~~Speaker~~ Mayor and he/she has refused to call a meeting or has failed to call a meeting within five working days of the receipt of the requisition **Local Government Act 1972, Schedule 12, paragraph 3(2)**.

#### **3.2 Business**

Business conducted at an extraordinary meeting shall be restricted to a single item with no consideration of previous minutes or reports from committees.

### **4. ASSEMBLY SESSION**

#### **4.1 Calling of Debate**

The Leader, after consultation with the ~~Mayor~~ Speaker, may request the Head of ~~Governance Audit & Democracy~~ to call an Assembly Session as and when required.

- 4.2 The Head of ~~Governance Audit & Democracy~~ will, by letter, invite partner organisations through nominated spokespersons, to attend and debate with members of the Council, matters of public policy. The letter of invitation will set out the rules of debate applicable to Assembly Sessions.

#### **4.3 Form of Debate**

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include workshops and other events prior to or during the Assembly Sessions.

#### **4.4 Chairing of debate**

The debate will be chaired by the ~~Mayor~~ Speaker

#### **4.5 Results of Debate**

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader in proposing budget and policy framework to the Council for the coming year.

## **5. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES**

### **5.1 Allocation**

As well as allocating seats on committees, the Council may allocate seats in the same manner for substitute members, and these will be appointed at the Annual Council meeting. Subject to the requirements of Rule 5.2, substitute members may also be appointed by the relevant political group except that there should be no substitute arrangements in relation to the following:-Standards Committee, ~~Audit Committee~~, Personnel Board, and Scrutiny Committees, except in the case of Call-In Meetings. The appropriate Group Leader will be required to notify the Head of ~~Governance~~~~Audit & Democracy~~ of the appointment.

### **5.2 Number**

For each committee where substitutes are permitted, the Council or relevant political group will appoint no more than the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee.

### **5.3 Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

### **5.4 Substitution**

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after that member notifying the Head of ~~Governance~~~~Audit & Democracy~~ one hour before the start of the meeting of the intended substitution.

## **6. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Head of ~~Audit & Democracy~~~~Governance~~ and notified in the summons.

## **7. NOTICE OF AND SUMMONS TO MEETINGS**

The Head of ~~Audit & Democracy~~~~Governance~~ will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Head of ~~Audit & Democracy~~~~Governance~~ will send a Summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The Summons will state the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by reports

## **8. CHAIRMAN OF MEETING**

The person presiding at the meeting may exercise any power or duty of the ~~Speaker~~~~Mayor~~. Where these rules apply to Committee, Board and Scrutiny Committee meetings, references to the ~~Speaker~~~~Mayor~~ also include the Chairman of Committees and Boards.

## 9. QUORUM

The quorum of a meeting shall be 14 members. During any meeting if the ~~Mayor~~~~Speaker~~ counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the ~~Mayor~~~~Speaker~~. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## 10. QUESTIONS BY MEMBERS

### 10.1 On reports of the Cabinet or Committees

A member of the Council may ask the Leader or the Chairman of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

### 10.2 Questions on notice at full Council

Subject to Rule 10.3, a member of the Council may ask:

- ~~The Mayor-Speaker;~~
- any member of the Cabinet; or
- the Chairman of any Committee or Board.

At any ordinary meeting of the Council a question on any matter in relation to which the Council has powers or duties or which affects the Borough.

### 10.3 Question and Answer Process

- (a) There will be a maximum of 30 minutes allowed for questions and answers.
- (b) Questions will be dealt with strictly in accordance with the order in which they are received by the Head of ~~Audit & Democracy~~~~Governance~~.
- (c) A member asking a question will refer to that question as printed and circulated rather than to read out the question.
- (d) Any question not answered within the 30 minute time limit will receive a written reply within 7 working days.
- (e) A member asking a question under Rule 10.2 may respond once without notice to the reply from the member to whom the first question was asked. The questioner's response must arise directly out of the original question or the reply. The member to whom the question was addressed shall then have the right to conclude the debate.

### 10.4 Notice of questions

A member may only ask a question under Rule 10.2 if either:

- (a) the question has been submitted in writing at least two working days prior to the Council meeting to the Head of ~~Audit & Democracy~~~~Governance~~; or

*(N.B. Notices of Questions should be by 5.00pm on the last day of receipt. These may be delivered by e-mail and facsimile)*

- (b) the question relates to urgent matters, they have the consent of the MayorSpeaker to whom the question is to be put and the content of the question is given to the Head of Audit & Democracy Governance if at all possible no later than 24 hours before the time fixed for the meeting.

#### 10.5 Questions out of Order

The MayorSpeaker may, in consultation with the Chief Executive or Head of Legal Services Governance, rule out of order questions which in his/her opinion would risk:-

- (a) defamation of any individual;
- (b) not conforming to the provisions of paragraph 10.2.

No invalid questions will be circulated.

#### 10.6 Response

An answer may be given by the member to whom the question was asked or such other member as they may nominate.

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and to all other Members via the Council's Intranet or e-mail within 7 working days.

#### 10.7 Time allowed for questions

The time allowed in Council meetings for dealing with questions received under this Council's Procedure Rules shall not exceed 30 minutes. If questions remain unanswered, then written answers will be circulated within 5 working days after the meeting to the questioner and to all other Members via the Council's Intranet or e-mail.

### 11. NOTICE OF MOTION

#### 11.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion must be delivered to Head of Audit & Democracy Governance not later than 7 clear working days before the date of the meeting.

These will be available for inspection the day after the closing date for receipt.

*(NB. Notices of motion should be delivered by 5.00 pm on the last day of receipt. These may be delivered by e-mail and facsimile)*

#### 11.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

### 11.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect Telford & Wrekin.

### 11.4 Withdrawing a motion

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

### 11.5 Motions Out of Order

The ~~Speaker—Mayor~~ may in consultation with the Chief Executive or Head of ~~Governance~~Legal Services, rule out of order motions which, in his/her opinion, would risk:-

- (a) defamation of any individual;
- (b) not conforming to the provisions of paragraph 11.3 or which breach Council Procedure Rules.

Such motions shall not appear on the Council agenda or be otherwise circulated.

### 11.6 Referring a motion

If the subject matter of any motion of which notice has been duly given comes within the province of the Leader and Cabinet Executive or any committee, board or commission, it shall, upon being moved and seconded, stand referred without discussion to the Leader and Cabinet Executive or such committee or to such other committee as the Council may determine, for discussion and report, provided that the ~~Mayor~~Speaker may consider it convenient and conducive to the despatch of business to allow the motion to be dealt with at the meeting at which it is brought forward.

## 12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda; (in accordance with Rule 2.2 (ii))
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to extend the time limit for speeches
- (i) to amend a motion;

- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.
- (r) to requisition voting by roll-call in accordance with Rule 15

### **13. RULES OF DEBATE**

#### **13.1 No speeches until motion seconded**

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

#### **13.2 Right to require motion in writing**

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

#### **13.3 ~~Seconders' speech~~**

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

#### **13.4 Content and length of speeches**

- (a) Speeches must be directed to the question under discussion or to a personal explanation or point of order. Except as set out below no speech may exceed three minutes without the consent of the ~~Speaker~~Mayor or upon a passing of a motion under Rule 12(h)
- (b) the following persons may be allowed to speak for up to 5 minutes:
  - (i) The Leader or a Cabinet Member and a member of the Cabinet or Chairman of a Committee who is presenting a report to the Council or moving the adoption of minutes of that Committee
  - (ii) The mover of a motion.
  - (iii) A Member exercising his/her right of reply to a motion
- (c) (i) At the Annual Council Meeting and at the Council meeting which determines the budget and on the occasion of the State of the Borough Debate the Leader shall be allowed 20 minutes to deliver his/her priorities speech.

- (ii) The Leaders of the two largest opposition groups shall each be allowed 10 minutes to reply to (c) (i) above
- (iii) The Leader or a Cabinet Member ~~other person as they may nominate~~ shall be allowed a further 10 minutes in total to respond to the speeches in (ii) above

### 13.5 When a member may speak again

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

- (a) if the member has formally seconded a motion or amendment and reserved the right to speak later
- (b) to speak once on an amendment moved by another member;
- (c) to move a further amendment if the motion has been amended since he/she last spoke;
- (d) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (e) in exercise of a right of reply;
- (f) on a point of order; and
- (g) by way of personal explanation.

### 13.6 Amendments to Motions and Recommendations

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Any proposed amendment to a motion or recommendation at Council shall be submitted to the Head of Audit & Democracy Governance by no later than 2.30 p.m. on the day of the meeting. The Head of Audit & Democracy Governance will ensure that Group Leaders are notified by telephone or email of any amendments received as soon as possible prior to the commencement of the Council meeting. If the meeting commences any earlier than 6.30 p.m. then the deadline shall be 4 hours before the start time shown on the summons.
- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) 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.
- (f) After an amendment has been carried, the MayorSpeaker will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### 13.7 Alteration of motion

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

### 13.8 Withdrawal of motion

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

### 13.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) The mover of a motion may nominate another member to exercise the Right of Reply in their place.
- (c) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (d) The mover of the amendment has no right of reply to the debate on his or her amendment.

### 13.10 Motions which may be moved during debate

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

- (a) to withdraw a motion; (See Rule 13.8)
- (b) to amend a motion; (See Rule 13.6)
- (c) to proceed to the next business; (See Rule 13.11)
- (d) that the question be now put; (See Rule 13.11)
- (e) to adjourn a debate; (See Rule 13.11)

- (f) to adjourn a meeting; (See Rule 13.11)
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

#### 13.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Speaker-Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Speaker-Mayor 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.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Speaker-Mayor 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.

#### 13.12 Point of order

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

#### 13.13 Personal explanation

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

### 14. PREVIOUS DECISIONS AND MOTIONS

#### 14.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 10 members.

#### 14.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 10 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

#### 14.3 Decision of Committee to rescind a previous decision

If a Committee decides that a decision of the Council or a Committee, made within the previous 6 months ought to be rescinded or substantially varied then that Committee, may recommend but may not resolve to the Council that the decision in question be rescinded or varied.

### 15. VOTING

#### 15.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting in the room at the time the question was put. (**Local Government Act 1972, Schedule 12, paragraph 39(1)**).

#### 15.2 ~~Speaker's~~ ~~Mayor's~~ casting vote

If there are equal numbers of votes for and against, the ~~Mayor~~~~Speaker~~ will have a second or casting vote. There will be no restriction on how the ~~Speaker~~~~Mayor~~ chooses to exercise a casting vote. (Local Government Act 1972, Schedule 12, paragraph 39(2)).

#### 15.3 Voting

The ~~Mayor~~ ~~Speaker~~ will take the vote by means of an electronic voting system that will automatically record the vote and this information will be entered into the minutes. In the event of an electronic vote recording system not being used the ~~Speaker~~~~Mayor~~ will take the vote by show of hands or if there is no dissent by affirmation at the meeting.

#### 15.4 Recorded vote

In the event of an electronic voting system not being used the following paragraph will apply: If 7 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

#### 15.5 Right to require individual vote to be recorded

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

#### 15.6 Voting on appointments

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

## 16. MINUTES

### 16.1 Signing the minutes

The ~~Speaker~~Mayor will sign the minutes of the proceedings at the next suitable meeting. The ~~Speaker~~Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy, which shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the ~~Speaker~~Mayor shall sign the minutes.

### 16.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting which is not an extraordinary meeting will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### 16.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the ~~Speaker~~Mayor put them.

## 17. MINUTES OF BOARDS AND COMMITTEES AND REPORTS OF CABINET AND CHAIRMEN AT COUNCIL MEETING

17.1 The Minutes of the Scrutiny Committees and other Committees shall be submitted for adoption and information to the Council and shall distinguish between decisions made using delegated powers and those made by the appropriate body using referred powers. Decisions in the former case shall be preceded by the word 'RESOLVED' and in the latter case by the word 'RECOMMENDED'.

17.2 The person presenting the minutes shall submit the minutes of the Scrutiny Committees or Committee/Board as appropriate for approval by the Council, and shall formally move their adoption.

17.3 Reports from the ~~Leader and~~ Cabinet ~~Executive~~ containing recommendations shall be submitted for adoption by the Council, and shall formally be moved by the Leader or ~~Cabinet Member a member of the Cabinet~~.

17.4 Following the seconding of the motion, the number of each minute/report which contains a recommendation or recommendations, will be called out in turn by the ~~Speaker~~Mayor. When a minute/report containing a recommendation or recommendations is called, a member may indicate that he/she wishes to speak.

17.5 A member may move an amendment, comment, question or make an observation relating to the minute/report. A member wishing to move an amendment must do so at the commencement of his/her speech.

17.6 No comment, observation or question by members on any resolved minutes shall be allowed, except by the discretion of the ~~Speaker~~Mayor,

17.7 There shall be no amendment to resolved minutes.

17.8 At the conclusion of all questions on and debate on amendments of the Minutes of a Board, Committee or Commission or amendments to reports of the Cabinet, the

~~Speaker-Mayor~~ shall put it to the Council Meeting that the Minutes (or the Minutes as amended as the case may be) or reports shall be adopted.

17.9 Members of the Cabinet, the Chairmen of the Scrutiny Committees and other Boards or Committees having given nine working days notice to the Head of ~~Audit & Democracy Governance~~ shall bring to the attention of the Council such matters in respect of which notice has been given after which a debate may follow on matters within that report only. At the conclusion of the debate the ~~Leader, a Cabinet Member Cabinet Member~~ or Chairman of the appropriate Committee shall have the right of final response.

17.10 Notwithstanding Rule 14 the Cabinet has the power to request the Council to reverse a decision within five days of that decision being made.

## **18. RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting. (Local Government Act 1972, Schedule 12, paragraph (40)).

## **19. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

## **20. MEMBERS' CONDUCT**

### **20.1 Standing to speak**

When a member speaks at full Council they must stand and address the meeting through the ~~Mayor Speaker~~, except where the member or members may be physically impaired from so doing. If more than one member stands, the ~~Speaker-Mayor~~ will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

### **20.2 ~~Speaker-Mayor~~ standing**

When the ~~Speaker-Mayor~~ indicates by standing or some other means during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

### **20.3 Member not to be heard further**

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

### **20.4 Member to leave the meeting**

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

### **20.5 General disturbance by individual member or groups of members**

If there is a general disturbance making orderly business impossible, the ~~Speaker-Mayor~~ may adjourn the meeting for as long and to such place as he/she thinks necessary.

## **21. DISTURBANCE BY PUBLIC**

### **21.1 Removal of member of the public**

If a member of the public interrupts proceedings, the ~~Speaker-Mayor~~ will warn the person concerned. If they continue to interrupt, the ~~Speaker-Mayor~~ will order their removal from the meeting room.

### **21.2 Clearance of part of meeting room**

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

## **22. DECLARATIONS OF INTEREST OF MEMBERS**

If a member of the Council has a personal interest as referred to in Part 2 of the Council's Code of Conduct for Members in any matter under consideration, then the member shall declare his or her interest and if it is considered prejudicial withdraw from the meeting until discussion of the relevant matter is concluded unless that member has obtained a dispensation from the Council's Standards Committee.

## **23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **23.1 Suspension**

All of these Council Rules of Procedure except Rules 15.5,16.2 and 18-24 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

### **23.2 Amendment**

Unless it is on the recommendation of the Council Constitution Committee and five working days prior notice in writing is given to each Member of the Council of any addition, variation or revocation of those Rules of Procedure, any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## **24. ALTERATION OF DATE/TIME OF MEETING**

The ~~Mayor Speaker~~ or Deputy ~~Speaker-Mayor~~ may in any case when he/she considers it necessary following consultation with the Leader, and provided due notice can be given, alter the date or time of the meeting of the Council.

## **25. APPLICATION OF RULES TO COMMITTEES AND BOARDS**

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 5–9, 10–13, 14–16, 19–25 (but not Rule 20.1) apply to meetings of Committees and Boards.

## **26. INTEREST OF OFFICERS IN CONTRACTS**

The Head of ~~Audit & Democracy Governance~~ shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under **Section 117 of the Local Government Act 1972**.

**27. ADVICE TO COUNCIL BY OFFICERS**

| The ~~Speaker-Mayor~~ may permit Officers to give advice to the Council as and when appropriate.

**This page has intentionally been left blank**

# Part 4 – Rules of Procedure

## Section 2 – Access to Information Procedure Rules

The requirements for access to information in respect of decision-taking by the Council are very largely set out in statute and regulations. This section provides a summary of those statutory provisions together with a more detailed statement where the Council has decided to grant rights of access over and above the statutory provision.

### 1. Council Functions

All decisions in respect of Council functions are regulated by **Sections 100A to 100K of the Local Government Act 1972**.

The Council has made no supplemental provisions for access to information in respect of Council functions.

### 2. Cabinet Functions

All decisions in respect of Cabinet functions are regulated by the **Local Authorities (~~Executive Cabinet Arrangements~~) (Access to Information)(England) Regulations 2000, as amended as follows:**

#### a) Advance notice of forthcoming decisions

- i) The requirement for advance notice of forthcoming Leader and Cabinet Executive Cabinet decisions apply to “Key Decisions”, which are defined by Regulation 8 to comprise any executive Cabinet decision which is likely to:
  - result in significant expenditure or significant savings, or
  - be significant in terms of its effects on two or more wards or electoral divisions within the authority’s area.
- ii) The Leader is required, at least 10 working days before the start of each calendar month, to prepare a Forward Plan which sets out details (as set out in Regulation 14) of any matters which he/she considers are likely to be the subject of a Key Decision within the next 4 calendar months.
- iii) The Leader shall instruct that the authority shall advertise annually the existence and availability of the Forward Plan
- iv) Where a Key Decision is required to be taken which has not been publicised in the Forward Plan, the decision-taker must give at least 5 working days notice of the proposed decision and a copy of any report to the Chairman of the appropriate Scrutiny Committee. Where the urgency of the decision is such that even that notice cannot be given, the decision-taker must obtain the agreement of the Chairman of the Scrutiny Committee (or in their absence the ~~Mayor~~Speaker or Deputy ~~Mayor~~Speaker of the Council) that the decision does need to be taken as a matter of such urgency.

#### b) The decision-making process

- i) Where a decision is to be made by the Cabinet (as a body):

- the agenda for the meeting and every public, and non-exempt report shall be available for inspection as soon as they are made available to members of the decision-making body, unless it discloses confidential or exempt information. At least 5 working days notice shall be given 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**.
  - the meeting must be a public meeting, although the press and public may be excluded during consideration of any matter which would involve the disclosure of confidential or exempt information.
- ii) Where an individual member of the Cabinet or an officer proposes to take a Key Decision, a Decision Notice shall first be published within four working days and sent to all Members of the Council via email.
- c) **Recording the Decision**
- (i) 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 with the exception of those referred to in (d) below shall be published by being made available in the Main Reception of Civic Offices and sent via email to all Members of the Council.
  - (ii) Records of Cabinet decisions shall be available for public inspection within four working days after the decision has been taken, together with a copy of any report considered and any background papers.
- d) **Exceptions for Exempt and Confidential Information**

In respect of (b)(i) and (ii) above the rules do not apply where the publication of a report, a Decision Notice thereon 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, Decision Notices or background papers shall only be sent to Members of the Council.

## Part 4 – Rules of Procedure

### Section 3 – Policy Framework and Budget Procedure Rules

#### 1. The Framework for Cabinet Decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Leader and Cabinet Executive to implement it.

#### 2. Process for Developing the Framework

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:

- (a) Before the end of December each year the Leader and Cabinet Executive Cabinet 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.
- (b) During the consultation period:
  - (i) the Leader and Cabinet Executive Cabinet's proposals shall be referred to the Scrutiny Committee for an Efficient Community Focused Council 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) the Leader and Cabinet Executive Cabinet's proposals shall be available to Opposition Groups for consideration. 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.
- (c) Any budget proposals proposed by Opposition Groups must be presented to the Scrutiny Committee for an Efficient Community Focused Council prior to Cabinet presenting their proposals to Full Council. This may be during the consultation period.
- (d) Having considered the results of consultation and any reports of the Scrutiny Committee for an Efficient and Community Focused Council and Opposition Groups, the Cabinet, if it considers it appropriate, may amend its proposals
- (e) 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.
- (f) The Council will consider the proposals of the Leader and Cabinet Executive Cabinet in accordance with its normal rules of procedure.
- (g) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately
- (h) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the

policy framework which may be undertaken by the Leader and Cabinet Executive Cabinet. Any other changes to the budget and policy framework are reserved to the Council.

### 3. Decisions outside the policy framework or budget

- (a) Subject to the provisions of paragraph 5 (virement) the Leader, Cabinet, other individual 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.
- (b) If the Leader, Cabinet, other individual 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/or 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 either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

### 4. Urgent decisions outside policy framework or budget

- (a) The Leader, Cabinet, other individual 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.

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 Speaker Mayor, and in the absence of both, the Deputy Mayor Speaker will be sufficient.

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

### 5. Virement

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 4 of the Constitution.

## 6. Call-in of decisions outside the policy framework or budget

- (a) 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/or Chief Financial Officer.
- (b) In respect of functions which are the responsibility of the Leader and Cabinet Executive Cabinet, the Monitoring Officer's report and/or Chief Financial Officer's report shall be submitted to the decision-taker Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the decision-taker Cabinet must meet to decide what action to take in respect of the Monitoring Officer's and/or the Chief Financial Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Financial Officer conclude that the decision was a departure, and to the Scrutiny Committee if the Monitoring Officer or the Chief Financial Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the 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/or the Chief Financial Officer. The Council may either:
- i) endorse a decision or proposal of the Cabinet 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 or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function 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 Cabinet decision-taker to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer.

**This page has intentionally been left blank**

# Part 4 – Rules of Procedure

## Section 4 – Cabinet Decision Procedure Rules

### 1. HOW THE CABINET OPERATES

#### 1.1 Who may make Cabinet decisions – Schedule 1, Part 4, Local Government Act 2000

The arrangements for the discharge of Cabinet functions are set out in the Cabinet Arrangements (Article 13 and Part 3). They provide for Cabinet functions to be discharged by:

- i) the Cabinet as a whole;
- ii) an individual member of the Cabinet including the Leader ~~(although no such delegation currently exists);~~
- iii) an officer;
- iv) joint arrangements; or
- v) another local authority.

#### 1.2 Delegation by the Leader

At the Annual Council Meeting, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's Scheme of Delegation. The document presented by the Leader will contain the following information about Cabinet functions in relation to the coming year:

- i) the extent of any authority delegated to Cabinet members both collectively and individually, including details of the limitation on their authority;
- ii) the nature and extent of any delegation of Cabinet functions to any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and

#### 1.3 Sub-delegation of Cabinet functions

- (a) Where the Cabinet acting as a whole or an individual member of the Cabinet is responsible for a Cabinet function, they may delegate further to a committee exercising joint arrangements or an officer.
- ~~(b) Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate to an officer.~~
- (c) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated it.

Formatted: Indent: Hanging: 1 cm

#### 1.4 The Council's Scheme of Delegation and Cabinet functions

- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 of this Constitution.
- (b) ~~If~~ the Leader is able to decide whether to delegate Leader and Cabinet Executive Cabinet functions ~~and; he/she~~ may amend the scheme of delegation relating to Leader and Cabinet Executive Cabinet functions at any time during the year. To do so, the Leader must give written notice to the ~~proper officer~~ Head of Governance and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. ~~The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.~~
- (c) Where the Leader seeks to withdraw delegation from a joint committee, notice will be deemed to be served on that joint committee when he/she has served it on its Chairman.

#### 1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this will be dealt with as set out in the Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the Cabinet has a conflict of interest this will be dealt with as set out in the Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of a ~~an~~ Leader and Cabinet Executive Executive Cabinet function has been delegated to an individual member of the Cabinet or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Code of Conduct for Members in Part 5 of this Constitution.

#### 1.6 Cabinet meetings – when and where?

The Cabinet will meet at least once per month (except in July and August) at times to be agreed by the Leader or the Chief Executive. The Cabinet shall normally meet at Civic Offices, Telford or another location to be agreed by the Leader.

A meeting of the Cabinet shall be summoned by the Head of ~~Governance Audit & Democracy~~ who will give a minimum of five working days notice and comply with the processes contained within the Access to Information Rules.

#### 1.7 Public or private meetings of the Cabinet?

Meetings of the Cabinet will be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with the Access to Information Rules as set out in Part 4 of this Constitution.

#### 1.8 Quorum

The quorum for a meeting of the Cabinet shall be four members of the Cabinet.

### **1.9 How are decisions to be taken by the Cabinet?**

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

## **2. HOW ARE CABINET MEETINGS CONDUCTED?**

### **2.1 Who presides?**

The Leader will preside at any meeting of the Cabinet at which he/she is present, and in his/her absence the Deputy Leader will preside. In the absence of both the Leader and Deputy Leader the members present may appoint another member of the Cabinet to preside.

### **2.2 Who may attend?**

Members of the public (which may include non-Cabinet members of the Council and officers at the discretion of the Cabinet) may attend all meetings of the Cabinet except when exempt or confidential information is being considered where the press and public (including non-Cabinet members of the Council), may be excluded by resolution of the Cabinet in accordance with the Access to Information Rules contained in Part 4 of this constitution.

### **2.3 What business?**

Meetings of the Cabinet will include the following business:

- i) consideration of the minutes of the last meeting;
- ii) apologies for absence
- iii) declarations of interest, if any;
- iv) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Policy Framework and Budget Procedure Rules set out in Part 4 of this Constitution;
- v) consideration of reports from individual members of the Cabinet;
- vi) consideration of reports from a Scrutiny Committee
- vii) Forward Plan;
- viii) reports of Statutory Officers; and
- ix) matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions.

Items (iv) – (ix) shall require written reports except in cases of urgency where it is impractical to do so.

## 2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the policy framework and budget should contain details of the nature and extent of consultation undertaken with stakeholders and the Scrutiny Leadership Board. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## 2.5 Who can put items on the Cabinet agenda?

- (a) Any member of the Cabinet may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. The proper officer will comply, subject to the agreement of the Leader.
- (b) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by the Scrutiny Committees and Scrutiny Assembly. However the number of items per Cabinet meeting, will have regard to the amount of business on the agenda.
- (c) Any resolution of the Council which is required to be considered by the Cabinet will be so considered within fifteen working days of the date of the Council resolution, or at the next scheduled meeting of the Cabinet.
- (d) The Chief Executive, Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where the Head of Paid Service or Chief Financial Officer or Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

## 2.6 Timescales

| In considering matters in relation to budgetary issues the **Leader and Cabinet Executive** will have due regard to any appropriate timescale within which the budget has to be approved by the Council. By way of example the timespan required to deal with this will include consultation with partners and other external agencies plus reference to the Scrutiny Committee for an Efficient and Community Focused Council

## 2.7 Key Decisions

Key Decisions shall only be taken provided that the matter in question is contained within the Forward Plan, or if not in the Forward Plan, after giving five working days notice, together with a report to the Chairman of the appropriate Scrutiny Committee and with the consent of the Chairman of the relevant Scrutiny Committee

## 2.8 Recording of Decisions

All decisions including Key Decisions are to be made by a simple majority of these Members of the Cabinet present and voting, except for voting on appointments where two or more persons are nominated for any position in which case if there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

Following a meeting of the Cabinet at which a report (whether oral or in writing) has been received and at which a Cabinet decision has been made or a decision of a individual Cabinet member after consideration of a report, the proper officer shall ensure that a written record will be published

#### **2.9 Officer Attendance**

No decision will be made by the full Cabinet unless there is present at the meeting the senior officer responsible for the service or their representative and/or the Proper Officer for recording the meeting.

A written statement of the decision taken will be produced by the proper officer four working days following the Cabinet meeting or after the individual Cabinet member instructs the officer to do so.

#### **2.10 Urgent Decisions and Call-in**

Where an urgent decision has been taken by the Cabinet this should be recorded and this decision will not be subject to call-in (see Overview and Scrutiny Procedure Rules).

**This page has intentionally been left blank**

## Part 4 – Rules of Procedure

### Section 5 – Overview and Scrutiny Procedure Rules

#### 1.0 Arrangements for Scrutiny

1.1 Group Leaders will determine their own representation on the 7 Scrutiny Committees in accordance with the political balance of the Council. The Scrutiny Assembly will automatically have all members of the Council appointed to it, except the Leader, other Cabinet Members, ~~Cabinet Assistants~~ and the Mayor. The Scrutiny Chairmen's Forum will co-ordinate the work of the 7 Scrutiny Committees and the Scrutiny work programme.

1.2 The Lead Scrutiny Member will be the Chairman of the Scrutiny Assembly and will be appointed by Full Council.

#### 2.0 TERMS OF REFERENCE FOR THE SCRUTINY COMMITTEES

##### 2.1 Membership

The number of Members on each committee will be:

- Adult Care and Support 6
- Efficient and Community Focused Council 6
- Community Protection and Cohesion 6
- Housing Regeneration and Prosperity 6
- Active Lifestyles, Leisure and Culture 6
- Environment and Rural Areas 6
- Children and Young People 6

2.2 Each Scrutiny Committee will be politically balanced.

2.3 Where smaller opposition groups share a place on a Scrutiny Committee, the Leaders of the groups concerned will agree the allocation of the Scrutiny Committee places amongst themselves.

##### 2.4 Term of Membership

Members of the Scrutiny Committees will be appointed for a 2 year period. However, during this period Group Leaders may allocate their place to an alternative member but must confirm this in writing to the Head of Governance.

2.4.1 Each Scrutiny Committee will be responsible for scrutiny of one of the Council's priorities.

##### 2.5 Chairman

The Chairman of each Scrutiny Committee will be the Lead Scrutiny Member for that Council priority.

2.6 Each Scrutiny Committee will have an overview and scrutinise the work of the Council within these priority areas as set out by the **Local Government Act (2000)**. Within the remit of each priority area each Committee will:

- Review the strategies and policies of the Leader and Cabinet Executive and the Council and scrutinise any matter affecting local people.

- Review the discharge by the Leader and Cabinet Executive~~Cabinet~~ of any of its functions, including comparison of performance against any appropriate targets, plans or standards.
- Review any decisions or proposed decisions of the Council and of the Leader and Cabinet Executive~~Cabinet~~.
- 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 and Cabinet Executive~~Cabinet~~ arising from that consideration.
- Consider any matter referred to it by the Scrutiny Chairmen's Forum from the Leader and Cabinet Executive~~Cabinet~~ or the Council and recommend to the Leader and Cabinet Executive~~Cabinet~~ or the Council accordingly.

2.7 The table below sets out the statutory and cross cutting responsibilities of the 7 Scrutiny Committees.

<b>Scrutiny Committee</b>	<b>Statutory Powers and Responsibilities</b>
Adult Care and Support	Consideration of Health and Social Care referrals for the Local Involvement Network (LINK) (as set out in section 226 of the <b>Local Government and Public Involvement Act (2007)</b> )
Efficient Community Focused Council	Budget Scrutiny and Statutory Scrutiny of Local Area Agreements (as set out in <b>section 21E of the Local Government Act 2000</b> )
Community Protection and Cohesion	Scrutiny of the Crime and Disorder Reduction Partnership (as set out in <b>section 19 of the Police &amp; Justice Act (2006.)</b> )
Housing, Regeneration and Prosperity Active Lifestyles – Leisure and Culture	Statutory Health Scrutiny Function including appointing Members and Co-optees to any Joint Health Scrutiny arrangements ( as set out in <b>Section 7 of the Health &amp; Social Care Act (2001)</b> and amended by the <b>National Health Service Act (2006)</b> )
Environment and Rural Areas	Scrutiny of Flood and Water Management (as set out in the <b>Flood and Water Management Act 2010</b> )
Children and Young People	To appoint at least 2 and no more than 5 statutory co-optees (as set out in the Parent and Governor Regulations (England) Regulations 2001 (S/I 2001 /478) (PGR 2001)

2.8 The Scrutiny Work Programme will be determined by the Scrutiny Assembly and co-ordinated by the Chairmen's Forum.

2.9 Each Scrutiny Committee has:

- The powers of an Overview and Scrutiny Committee in relation to Leader and Cabinet Executive~~Cabinet~~ decisions related to that priority 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.

- The power to appoint co-optees in line with the Co-optee Protocol
- The powers of an Overview and 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**.
- The powers of an Overview and Scrutiny Committee in relation to petitions as set out in the **Local Democracy, Economic Development and Economic Construction Act (2009)**

### **3.0 Meetings of Scrutiny Committees**

3.1 Each Scrutiny Committee will meet formally a minimum of 2 times a year. In addition to these meetings the Committees may undertake In-depth Reviews, Special Interest Meeting and Spot Light Reviews as determined by the process to agree the Scrutiny work programme.

#### **3.2 Requisition of Meetings**

3.2.1 The Chairman of each Scrutiny Committee can requisition additional meetings of the Committee.

3.2.2 Any Member of the Scrutiny Assembly may request that Chairman of the Committee to requisition a meeting of the Committee. The meeting may be called at the Chairman's discretion.

3.2.3 For urgent business a meeting of a Scrutiny Committee will be called as soon as practicable if 7 Members of the Scrutiny Assembly sign a request to call a meeting specifying the reasons.

#### **4.0 Co-optees**

4.1 The Scrutiny Committees shall be entitled to appoint a number of people as co-optees to the Scrutiny Committee in addition to those required below.

- Other than the 4 statutory co-optees required below and the Co-optees on the Joint Health Scrutiny Committee as agreed by Full Council, co-optees are non-voting members of the Scrutiny Assembly.
- Co-optees will be appointed for either a fixed term or as a standing member, and in any case, terminable with one month's notice on either side.

4.2 The full protocol for co-opted members is set out in the Scrutiny hand book.

#### **5.0 Education representatives**

5.1 The relevant Scrutiny Committee shall include in its membership the following voting representatives for education matters:

- (a) Church of England diocese representatives (one);
- (b) Roman Catholic diocese representative (one);

(c) parent governor representatives (two).

5.2 The meaning of “education matters” in this paragraph relates wholly or in part to any education functions which are the responsibility of the Authority’s Cabinet. If the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may play a full part in the work of the Committee and the Scrutiny Assembly.

## **6.0 Quorum**

6.1 The quorum for the Scrutiny Committees shall be as set out for committees in the Council Procedure Rules in Part 4 Section 10 of this Constitution.

## **7.0 CO-ORDINATION BY THE CHAIRMEN ACTING COLLECTIVELY**

7.1 The co-ordination of the work of the Scrutiny Committees will rest with the Chairmen’s Forum. The Chairmen will meet as the Scrutiny Chairmen’s Forum:

7.2 To approve the annual Overview and Scrutiny work programme to ensure it is an efficient use of the Committees’ time and that the potential for duplication is minimised.

7.3 Where matters fall within the remit of more than one Scrutiny Committee, to determine which of them will assume responsibility for any particular issue and to resolve any issues of dispute between the Scrutiny Committees.

7.4 To receive requests from the ~~Leader and Cabinet Executive~~Cabinet 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.

7.5 To put in place and maintain a system to ensure that referrals and recommendations from Scrutiny to the ~~Leader and Cabinet Executive~~Executive, either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in the Constitution.

7.6 To prioritise the use of the annual consultant’s budget in consultation with the Head of Governance.

## **8.0 TERMS OF REFERENCE FOR THE SCRUTINY ASSEMBLY**

8.1 All Councillors except ~~the Leader, other~~ Members of the Cabinet, ~~Cabinet Assistants~~ and the Mayor will be members of the Scrutiny Assembly, although the Mayor may still attend and participate in meetings if he or she wishes

### **8.2 Membership**

All co-opted Members on Scrutiny Committees will be Members of the Scrutiny Assembly

8.3 The Chairman of the Scrutiny Assembly will be appointed at Annual Council and will be the Lead Scrutiny Member.

8.4 The Scrutiny Assembly will hold an annual work programme workshop to generate ideas and prioritise these to form the basis of a scrutiny work programme .

8.5 The Scrutiny Assembly will also hold an annual Question and Answer workshop.

## **9.0 SCRUTINY WORK PROGRAMME**

### 9.1 Process to agree work programme

Scrutiny Committees will have the power to determine their own work programme. Cross cutting reviews will be identified by the Scrutiny Chairmen. The Scrutiny work programme will be agreed through the following process:

- Scrutiny Assembly meeting, resulting in a list per Scrutiny Committee of items for scrutiny – these will be scored in priority order.
- The Scrutiny Team work with relevant officers to complete the scoring matrix for the priorities for each Scrutiny Committee.
- Scrutiny Chairmen's Forum agrees the cross cutting reviews to be carried out during the year and the number of meetings allocated to these. The Chairmen will report this decision to each Scrutiny Committee.
- Each Committee meets to plan their work programme, dividing the remaining scrutiny meetings between the Committees. The Committee will consider the topics identified at the Scrutiny Assembly and issues referred from the previous Scrutiny arrangements. The Committees can use the meetings allocated in different formats.

9.2 Review groups, special interest meetings and standing groups are not formally constituted Council committees and therefore do not have to meet in public or meet political balance requirements.

### 9.3 Additions and Changes to the Scrutiny Work Programme in Year

Any member of the Scrutiny Assembly or member of the public may complete a Scrutiny suggestion form to raise a potential issue for scrutiny as an agenda item, review or special interest meeting. ~~Leader and Cabinet Executive Cabinet~~ and Council may also refer an issue to Scrutiny. Any referral from Council will be included in the work programme for the relevant Committee. Other suggested additions to the Scrutiny work programme will be raised using a Scrutiny Suggestion Form. Once received the Scrutiny suggestion will be scored against the criteria used to agree the Scrutiny work programme.

The suggestion form and the results of the scoring process will be circulated to the Members and co-optees of the relevant Scrutiny Committee. If a simple majority of the membership of the Committee confirm that this issue should come to Scrutiny this will go to the Scrutiny Chairmen's Forum to be included in the work programme and they will determine the method of scrutiny. It may be necessary to remove or delay other items on the Scrutiny work programme if an additional item is agreed.

9.4 The person or body who raised the issue with Scrutiny will be notified of the decision of the Chairmen's Forum.

### 10.0 Policy Review and Development

10.1 The role of ~~the~~ Scrutiny in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules. Proposals must be mindful of the Council's budgetary position and take account of the resources available.

10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Scrutiny Committees, Scrutiny Assembly as a whole or any one of its flexible working mechanisms may make proposals to the ~~Leader and Cabinet Executive Cabinet~~ in so far as they relate to matters within their terms of reference.

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

## 11.0 Conduct of Scrutiny Reviews

11.1 At the outset of reviews the terms of reference will be scoped with advice from relevant officers and a list of interviewees agreed.

### 11.2 Chairmen of Scrutiny Reviews

Review groups will be chaired by the relevant Scrutiny Committee Chairman.

11.3 The Chairman of the Review will ensure the review remains within the scope agreed.

11.4 If during a review circumstances arise which makes it necessary to change the scope of the review, the full review group must agree any changes to the terms of reference of the review or the list of interviewees. If the revised scope requires additional work it may be necessary to remove or delay other elements of the work programme.

## 12.0 PROTOCOL FOR SCRUTINY REPORTS

12.1 Following scrutiny reviews, the Scrutiny Committee, Scrutiny Assembly or the scrutiny groups will produce thorough reports detailing the work undertaken including consultation processes used and the key findings. The reports will include clear recommendations for consideration by the Leader and Cabinet Executive~~Cabinet~~ and, if proposing changes to the policy and budget framework, by full Council (and where appropriate for consideration by external agencies). The full protocol is set out in the Scrutiny Handbook

### 12.2 Process to Sign Off Scrutiny Reports

Once a scrutiny group has formed recommendations on proposals for policy development, it will prepare a formal report that will be agreed by all members involved in the work and endorsed by Members of the relevant Scrutiny Committee for onward submission to the Proper Officer for consideration by the Leader and Cabinet Executive~~Cabinet~~ (e.g. if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework). The expectation is that a minority report is the exception and that the Scrutiny group will seek to reach agreement. The protocol for Scrutiny reports is set out in the Scrutiny Handbook.

## 13.0 MEMBERS AND OFFICER GIVING ACCOUNT

13.1 Scrutiny groups may scrutinise and review decisions made or actions taken in connection with the discharge of any Cabinet and Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, they may require any member of the Cabinet, the Head of Paid Service and/or any senior officer (Service Delivery Manager, Head of Service or Corporate Director) to attend before it to explain in relation to matters within their remit:

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

iii) the performance of the service

13.2 and it is the duty of those persons to attend if so required within 1 month of being requested.

13.3 Scrutiny Members must confine their questions to the particular issue on the agenda.

13.4 Information obtained as a Scrutiny member through private meetings of Scrutiny Review Groups or Scrutiny Sub-Groups may be sensitive and should be treated as confidential and not used for purposes other than for scrutiny.

13.5 In addition to those people referred to above the Scrutiny Assembly members may invite groups, organisations and individuals to address them, discuss issues of local concern and/or answer questions.

13.6 The Scrutiny Handbook sets out the protocol for Members and Officers giving account

#### **14.0 PROTOCOL FOR THE CALL-IN OF DECISIONS (EXCEPT DECISIONS OUTSIDE THE POLICY FRAMEWORK AND BUDGET) WHICH ARE SET OUT IN THE POLICY FRAMEWORK AND BUDGET RULES**

14.1 The call-in procedure allows for any member of the Council, subject to the call-in procedure rules and this protocol, to refer decisions which have been made by Leader and Cabinet ExecutiveCabinet or delegated key decisions taken by officers, but not yet implemented, back to the appropriate decision making body for reconsideration. This is intended to be a check on the decision-making responsibilities of the Leader and Cabinet ExecutiveCabinet and the delegated key decisions taken by officers. This also includes the statutory co-optees for decisions upon which they can vote. This protocol clarifies the call-in process and the documentation required for the process.

14.2 If call-in is triggered, the decision is effectively suspended pending reconsideration. If call-in were used too frequently it would delay the decision making process and work against the principle of speeding up decision making. The call-in procedure and protocol has therefore been carefully designed to ensure that there is an appropriate balance between effectively holding the Cabinet to account, being able to question decisions before they are implemented, and allowing effective and efficient decision making by the Leader and Cabinet ExecutiveCabinet.

14.3 There is also reference to call-in under Budget and Policy Framework Procedure Rules.

14.4 This protocol will be subject to review and change by the Council Constitution Committee.

14.5 All decisions of the Leader and Cabinet ExecutiveCabinet (whether taken collectively or individually) must be recorded. The record must show the reasons for the decision, details of alternative options considered, record of any conflict of interest declared, and any dispensation granted by Standards Committee, where appropriate. When a decision is made by the Leader and Cabinet ExecutiveCabinet, or a key decision is made by an officer with delegated authority from the Leader and Cabinet ExecutiveCabinet, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council within 4 working days of being made. Members will be sent copies of the records of all such decisions within the same timescale, by the Head of Governance.

14.6 That notice will bear the date on which it is published and will specify when the decision will come into force, and may then be implemented, on the expiry of 3 working days after the publication of the decision, unless the decision is subject to call-in.

14.7 The call-in procedure does not apply to:

- a) Decisions taken by the Leader and Cabinet Executive~~Cabinet~~ that are urgent;
- b) Decisions of full Council;
- c) Any decisions taken by officers that are not key decisions;
- d) Recommendations from the Leader and Cabinet Executive~~Cabinet~~ to the Council;
- e) Specific or individual Employee Relations, Disciplinary or Grievance matters;
- f) Matters which are subject to formal or statutory appeal processes or are sub-judice;
- g) Individual appeal cases for example, Planning, Licensing, Housing, Education;
- h) Decisions of the Standards and Audit Committee or Regulatory Committees;

14.8 Any request for call-in must be made in writing to the Head of Governance on a "Call-in Request form" within 3 working days of the decision being published. The form must be signed by a minimum of 5 members. A faxed form or emailed form will be accepted.

14.9 When the Call-in has been received, the Head of Governance will record the time and date of receipt on the request form and will inform the decision taker. The call-in of decisions will be effected by the Chairman of the appropriate Scrutiny Committee Chairman or, in his/her absence, by the Vice Chairman of the Scrutiny Committee upon a request in writing from a minimum of 5 members, stipulating a draft proposal to be debated at the Scrutiny Committee. The final wording of the proposal will be accepted from the lead call-in member up to 48 hours after receipt of the call-in form in writing via email, fax or handwritten to the Head of Governance. So far as education matters only are concerned this minimum number of 5 may include the statutory voting co-optees referred to in the procedure rules.

14.10 All call-ins will be considered by the relevant Scrutiny Committee. In exceptional circumstances where it is not possible to achieve a quorate meeting of the Scrutiny Committee within the prescribed timescales, substitute members may be appointed by group leaders from the Scrutiny Assembly.

14.11 The Chairman of the Scrutiny Committee will determine within 3 working days whether the call-in request is valid. The Chairman of the Scrutiny Committee, or in his or her absence the Vice-Chairman of the Scrutiny Committee, will sign the call-in request form to verify that it is valid. The members who signed the call-in request form shall be notified that the call-in has been received and will be given notice of the meeting at which the matter will be considered.

14.12 A decision should only be called in once. If the Leader and Cabinet Executive~~Cabinet~~ significantly alter the decision after call-in by scrutiny, the new decision will be capable of being called-in.

14.13 The decision is suspended from the time of receipt of the request for call-in, pending the decision of the Scrutiny Committee.

14.14 An informal meeting will be held between members supporting the call-in, the decision taker and the Head of Governance or his/her representative.

14.15 The objectives of this meeting are to clarify the points at issue and ensure that there is no confusion regarding the decision and to identify whether the concerns expressed on the call-in request form can be addressed by the decision taker in the original decision. After this meeting members supporting the call-in will be able to withdraw their support if they wish to do so in the light of further information or assurances gained at this meeting. If less than 5 signatories remain, the call-in will no longer be valid. If 5 or more signatories remain, the call-in request remains valid and the Scrutiny Committee will meet to consider the call-in request.

14.16 To prevent unnecessary delay to the implementation of the decision, while the informal meeting is being arranged, the necessary arrangements to hear a call-in will also continue, as set out below.

14.17 A member may withdraw their support for a call-in request no later than 24 hours before the start of the call-in meeting by letter, fax or e-mail to the Head of Governance. If after one or more members have withdrawn their support there are less than five members still in support of the call-in request the call-in will no longer be valid.

14.18 The papers despatched for the meeting will be the original report on which the decision was based together with a copy of the call-in request. In addition, both sides of the call-in are requested to produce basic information to enable the Scrutiny Committee to come to an informed decision. This should include:

- One side of an A4 sheet of paper setting out the main points of their argument which will be distributed to each member of the Scrutiny Committee to use during the meeting. This will be the maximum amount of paperwork that each party will be allowed to table at the call-in meeting.
- Any background information that supports these arguments, which could include budgetary information, statistical information, maps, consultation results or as summary of changes in legislation. This must be circulated to scrutiny members and other parties involved in the meeting at least 48 hours prior to the meeting.

14.19 The Head of Governance will liaise with the Chairman of the Scrutiny Committee to determine whether a site visit should be organised prior to the call-in meeting taking place.

14.20 It is acceptable for the Scrutiny Committee (or substitute) members to ask questions of anyone sitting at the table in the call-in meeting, including any external witnesses.

14.21 Any Scrutiny Committee members arriving at the meeting after the lead call-in member has started their 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 should be made clear on the agenda for the meeting.

14.22 Proceedings at the meeting will follow the format set out below. Time limits will be strictly adhered to by the Chairman of the meeting, except in exceptional circumstances by determination of the Chairman:-

- a) If having considered the proposal, the appropriate Scrutiny Committee supports the original decision it may be implemented with immediate effect.
- b) If, having considered the proposal, the Scrutiny Committee is still concerned about the original decision, then it may refer it back to the decision making ~~ring person or~~

~~body~~ for reconsideration, or refer the matter to full Council only if the decision is deemed to be outside the policy and budget framework. If referred to full Council, the decision is further suspended pending a meeting of full Council, which must take place within 10 working days of the decision to refer to full Council.

If referred to the ~~Leader and Cabinet Executive~~~~Cabinet~~ the ~~decision taker~~~~y~~ shall then reconsider ~~at the next scheduled Cabinet meeting~~ amending the decision or not before adopting a final decision. If the decision has been made by an officer with delegated authority, that person shall then reconsider within 3 working days of the call-in meeting, amending the decision or not.

- c) If a call-in meeting of the Scrutiny Committee has not been held within 10 working days of a valid call-in request being received, the decision being called-in will take effect from that date.
- d) Call-in of decisions outside the policy framework or budget are covered in Part 4 Rules of Procedure, Section 3 – Policy Framework and Budget Procedure Rules in this Constitution.

Action	By Whom	Time limit
Apologies	Chairman	
Declarations of interest and party whip	Chairman	
Welcome : including explanation of procedure to be followed	Chairman / Officer	
Explanation of reasons for the call-in and justification for proposal set out on the call-in form  A4 sheet summarising argument will be distributed	Lead call-in member and any other persons that they wish to involve	30 minutes
Explanation of decision taken and views on alternative proposal.  A4 sheet summarising argument will be distributed	<del>Relevant</del> <del>Cabinet member</del> <del>Decision-taker</del> and officer (if a cabinet decision) or relevant officer (if decision was delegated to an officer) and any other persons that they wish to involve.	30 minutes
Questioning of call-in representatives and decision taker and consideration of any photographs, plans etc that illustrate the issue under discussion.	Scrutiny Committee Members	Unlimited
Summing-up	Lead call-in member	5 Minutes

<b>Summing-up</b>	<b>Decision taker</b>	<b>5 Minutes</b>
<b>Discussion and voting on the proposal on the call-in form</b>	<b>Scrutiny Committee Members</b>	<b>Unlimited</b>
<b>Sum up and clarify any points which members wish to pass to the Cabinet. These will be reported to the Cabinet by the Scrutiny Committee Chairman.</b>	<b>Chairman of the Scrutiny Committee.</b>	<b>Unlimited</b>

14.23 The Scrutiny Committee having reviewed the decision can:

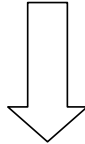
- 1) reject the call-in proposal and note the original decision. The decision will take effect on the date of the call-in meeting;
- 2) accept the proposal set out on the call-in form and refer back to the decision ~~making person or body taker~~. The ~~Cabinet decision-taker~~ shall then reconsider ~~at the next scheduled Cabinet meeting~~, amending the decision or not before adopting the final decision. If the decision has been made by an officer with delegated authority, that person shall then reconsider within a further 3 working days amending the decision or not, before adopting a final decision;
- 3) accept the proposal set out on the call-in form and refer the matter to full Council if the decision is deemed to be outside the policy and budget framework.

14.24 Whether a call-in proposal is supported or not, members may come to agreement on any comments they wish to pass to the ~~Cabinet or~~ 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 Committee Chairman.

14.25 If after a call-in is received the Scrutiny Committee does not meet in the period set out above, the decision shall take effect on the expiry of 10 working days after the call-in form has been received.

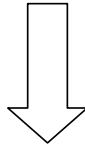
## SUMMARY OF TIMETABLE FOR CALL-IN

DECISION MADE



4 working days

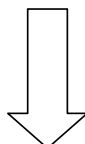
DECISION PUBLISHED



3 working days

CALL-IN REQUEST DEADLINE (with at least 5 eligible signatures)

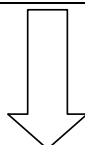
Final proposal will be accepted up to 2 working days after receipt of the call-in form. A final decision on validity of call-in within a further working day.



3 working days

CHAIRMAN OF SCRUTINY COMMITTEE DECIDES VALID OR INVALID

---



7 working days

MEETING OF SCRUTINY COMMITTEE

To decide:

Accept proposal and refer back to ~~Cabinet~~ or decision taker (forwarding comments if members wish to)

OR Reject proposal and note ~~Cabinet Leader and Cabinet Executive~~ decision, decision is implemented (forwarding comments if members wish to)

If the Scrutiny Committee does not meet in the period set out above, the decision shall take effect on the expiry of 10 working days after the call-in form is received.

Formatted: Font: Bold

TELFORD & WREKIN COUNCIL

**CALL-IN REQUEST FORM**

<b>Decision reference/minute no.</b>	
<b>Date of publication of decision:</b>	
<b>Decision taken by:</b>	
<b>This form must be returned to the Head of Governance within 3 working days of the decision being published with at least 5 signatures.</b>	
<b>Decision Called in:</b>	
<b>Suggested proposal you would like to be voted on at the call-in meeting:</b>	

**Members requesting call-in of the decision:**

	Name	Signature (e mails from your Council computer will be accepted in lieu of a signature but paper or faxed forms must be signed)	Date
1 LEAD CALL-IN MEMBER			
2			
3			
4			
5			
6			
7			
8			
9			
10			

**THIS PART OF THE FORM IS TO BE COMPLETED BY THE HEAD GOVERNANCE OR THEIR REPRESENTATIVE**

Date and time form received:	
Form processed by (name):	
Date of publication of decision:	
Was the Call-in request received within 3 working days of publication?	YES/NO If no reject and inform relevant parties.
Are there at least 5 appropriate member's signatures on the call-in notice?	YES/NO If no reject and inform relevant parties

Signature of Chairman of Scrutiny Committee		Date:
---	--	-------

Appropriate decision making body, Members requesting call-in, the Head of Governance and the Corporate Communications Manager need to be informed of receipt of call-in form.

**15.0 NON-APPLICATION OF CALL-IN AND URGENCY**

15.1 The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interest. The record of the decision and notice

by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the relevant Scrutiny Committee, or in his or her absence, the Speaker and in the absence of both, the Deputy Speaker, must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

15.2 The operation of the provisions relating to call-in and urgency shall be monitored at least annually by the Scrutiny Chairmen's Forum, and a report submitted to the Council Constitution Committee with proposals for review if necessary by the Scrutiny Chairmen's Forum and the Head of Governance.

## **16.0 THE PARTY WHIP**

16.1 Scrutiny is intended to operate outside the party whip system. However, when considering any matter in respect of which a member of scrutiny is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement of the scrutiny deliberations on the matter. The Declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

16.2 The expression "party whip" can be taken to mean: "Any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner."

## **17.0 PROTOCOL FOR SCRUTINY MEMBER AND OFFICER RELATIONS**

17.1 All officers of the Council have an equal responsibility to serve both Cabinet and Scrutiny Members. The Council has good well-established officer/member working relationships based on respect, dignity, trust and integrity. The Member/Officer Protocol contained within the Constitution supports this position and applies to all officer/member relations, whether Cabinet, Scrutiny or other. The Scrutiny protocol for Scrutiny and Officer relations set out in the Scrutiny Handbook supplements this protocol and provides clarity for officers when serving both the Cabinet and Scrutiny functions.

## **18.0 PROTOCOL FOR PUBLIC RELATIONS AND SCRUTINY**

18.1 The protocol set out in the Scrutiny Handbook has been written as a basis for all communications between scrutiny members and the media. It will ensure that the corporate communications team is able to maximise opportunities for scrutiny to publicise its work and promote the transparency of the Council's decision-making process.

## **19.0 CHANGES TO THE CONSTITUTION REGARDING SCRUTINY**

19.1 The Chairmen's Forum will recommend changes to the Council Constitution Committee regarding Scrutiny arrangements including Call-In. Scrutiny Assembly Members will be informed of any proposed changes.

## **20.0 PROTOCOL FOR THE OPERATION OF COUNCILLOR CALL FOR ACTION**

20.1 Under the Council's Constitution, the relevant Scrutiny Committee may be requested to review ward issues by a Ward Member as a Councillor Call for Action. This protocol seeks to set out the process for Councillor Calls for Action, guidance for Ward Members and the proforma to fill out to request a Councillor Call for Action.

20.2 Councillor Call for Action (CCfA) has been introduced to support elected members in achieving improvements for their local areas. It is envisaged that it would help those Ward Councillors who have been unable to resolve problems in their particular wards by talking to the local authority and its partners, by allowing the Ward Councillor to refer the matter to the Scrutiny Committee for consideration.

20.3 Key Principles:

20.4 The successful operation of CCfA will rely on several principles:

- CCfA will be a means of “last resort”; with issues being raised with the Scrutiny Committee after all other avenues have been exhausted.
- CCfA can only be used in matters affecting a particular Ward area.
- It is a technique for helping to resolve issues, but it is not a panacea. Simply bringing issues to scrutiny through the CCfA process will not automatically produce a solution.

## 20.5 Operation

20.5.1 The Ward Councillor will come across a problem in their area; this may be through their own experience or via the experience of residents in their area who may approach them for help. The ward councillor will examine the issue and signpost on for:

- Requests for service;
- An individual complaint for an issue specific to an individual’s experience of a specific service;
- Advise of bringing a petition.

20.5.2 If the issue cannot be solved using the methods above, the Ward Councillor will then, dependent on the issue, try to resolve the issue through a number of different avenues:

- Checking that the relevant complaints procedures have been complied with. If the resident’s issue appears to be that a standard service has not been provided, or not to a sufficient standard, then the Councillor should check that the relevant complaints procedure has been used, and that the service provider has responded to the complaint.
- Approaching the local service manager. The issue may at its core be that residents feel that the standard service is not the right one for local conditions and, therefore, the matter may be a question of making some slight adjustments. The Ward Councillor would discuss the matter with the local service manager in an attempt to secure the change.
- Approaching relevant partnership bodies or local groups. If a matter requires attention from a number of different agencies acting in partnership, the Ward Councillor should contact the partner agencies to allow them an opportunity to resolve the issue.
- Approaching the relevant Cabinet Member or Members. The Ward Councillor may come to the conclusion that a resolution can only be found following a policy change, which would require a discussion with the relevant Cabinet Member or, if the issue is complex, Cabinet Members to allow them a chance to consider if a policy decision should be made.

20.5.3 Following the Ward Councillor’s pursuit of one or all of these avenues, they may still be no nearer a resolution to the issue. They will need to consider whether the issue

warrants consideration as a CCfA by the relevant Scrutiny Committee. Before initiating a CCfA the Ward Councillor will be expected to “filter” issues by either deciding that it does require further action through CCfA or that it does not as there is no compulsion for Ward Councillors to initiate a CCfA.

20.5.4 A Ward Councillor should consider the following when deciding if an issue warrants referral as a CCfA:

- (a) Are the concerns individual complaints? If yes, this should be signposted to the complaints process.
- (b) Do the concerns relate to an individual “quasi judicial” decision: Planning, Licensing, Education appeals, Housing appeals or Standards. Scrutiny is not appropriate for dealing with these kinds of concerns as they are subject to their own statutory appeals processes. However, patterns of issues may be appropriate to consider as a concern under CCfA – e.g. community concerns about the proliferation of licensed premises in a local neighbourhood.
- (c) Are the concerns to do with the quality of public service provision across a number of different organisations or agencies? CCfA is not only for Scrutiny to look at issues of concern relating to council services but to issues relating to all public services e.g. community safety, health issues or issues relating to local schools.
- (d) Has this concern already been taken through the CCfA process and someone is trying through another Ward Councillor? In which case you should automatically reject it as a CCfA, unless the issue has substantially changed in its nature to warrant reconsideration.
- (e) Is the focus of concern on a neighbourhood or locality issue? CCfA focuses on neighbourhood or locality issues where you as the Ward Councillor can help resolve issues of concern in your ward. If the concern is of a more general nature e.g. about policy across Telford & Wrekin, it would not be appropriate for CCfA but you could still make a request to Scrutiny in the usual way for it to be considered as part of the Scrutiny work programme.
- (f) Is the issue a genuine local concern? You will want to make sure that the concerns in your Ward are genuine and not just individual “hobby horses”. Finding out the views of other residents in the Ward will help to clarify this.
- (g) Have all other mechanisms for resolution of the concern been used to the full extent:
  - discussing the issue with officers of the Council or other agency;
  - discussing the issue with the relevant Cabinet Member/s;
  - facilitating an informal discussion at an appropriate local forum;
  - raising the issue with locality based arrangements – like PACT meetings;
  - formally raising the concern with partnerships or partner agencies.
- (h) Is the issue persistent and unresolved by Ward Members? Do you feel you have done everything within your power to remedy a community concern and have exhausted all mechanisms? Have you tried to resolve problem(s) with the aid of other agencies and partnerships but have been unsuccessful in finding an

adequate solution? Then you are able to refer the issue(s) to Scrutiny as a CCfA but this should be the last resort.

## 20.6 Referral

20.6.1 In order to ensure that CCfA referrals are accurately recorded, the Ward Councillor will need to fill out a CCfA proforma. They should give a summary of the issue, why they think it constitutes a CCfA and what resolution they would like to see. It is very important that as much information is included as possible in order that the Chairman of the relevant Scrutiny Committee can make an informed decision on whether this is a CCfA or not. Advice on filling in the proforma can be sought from the Head of Governance and the Scrutiny Manager.

20.6.2 Once the proforma has been filled in by the Ward Councillor this should be forwarded to the Customer Quality Team who will record receipt of the CCfA on the feedback system and acknowledge receipt to the Ward Councillor. The Customer Quality Team will then forward the CCfA proforma to the Scrutiny Manager, the relevant Director and CEO of any relevant partner organisation.

## 20.7 Validity

20.7.1 The Chairman of the appropriate Scrutiny Committee (or in their absence the Vice Chairman) with advice from the Scrutiny Manager, will decide on validity of CCfA and inform the Ward Councillor calling the CCfA, Scrutiny Committee, Director and any other organisations to which matter relates.

20.7.2 In judging whether a CCfA is valid or not the Chairman will consider the following questions:

- (i) Does the issue relate to an individual Ward?
- (ii) Am I satisfied that reasonable attempts at resolution have been made by the Ward Councillor?
- (iii) Have scrutiny or Cabinet Members considered a similar issue recently? If they have, has the issue substantially changed to warrant re-examination?
- (iv) Are there projects, reviews, audits or inspections already underway that are already considering the concern?
- (v) In the case of a crime & disorder issue, that the matter has been referred to the Safer and Stronger Communities Partnership for resolution?
- (vi) Have the relevant area committee structures been exhausted?
- (vii) Have relevant partners or Council service areas been informed and not responded?
- (viii) Is there a more complex/strategic issue at the heart of it that could not be resolved at a lower level?
- (ix) Is the CCfA vexatious (refer to the guidance on vexatious under the Freedom of Information Act), discriminatory or unreasonable?
- (x) Could the issue raised in the CCfA be dealt with through an existing right of review or appeal e.g. planning appeals and licensing appeals? (If so then this would render the CCfA invalid except where the CCfA relates to a systematic failure of a Council function within these areas.)

20.7.3 Once the Chairman of the Scrutiny Committee comes to a decision a letter will be sent from the Scrutiny Manager to the Ward Councillor confirming whether the CCfA is valid or not. If valid, the letter will also confirm the date of the Scrutiny Committee meeting to consider the issue.

20.7.4 The Scrutiny Manager will contact the relevant Director of the Service or Chief Executive of the partner agency to collect any further information available on the issue to be sent with the agenda for the Scrutiny Committee meeting.

### **20.8 Scrutiny Committee meeting**

20.8.1 The Scrutiny Committee will invite the Ward Councillor and relevant officers from the Council or its partner agencies to discuss the matter in more detail at a public meeting. The Scrutiny Committee will either:

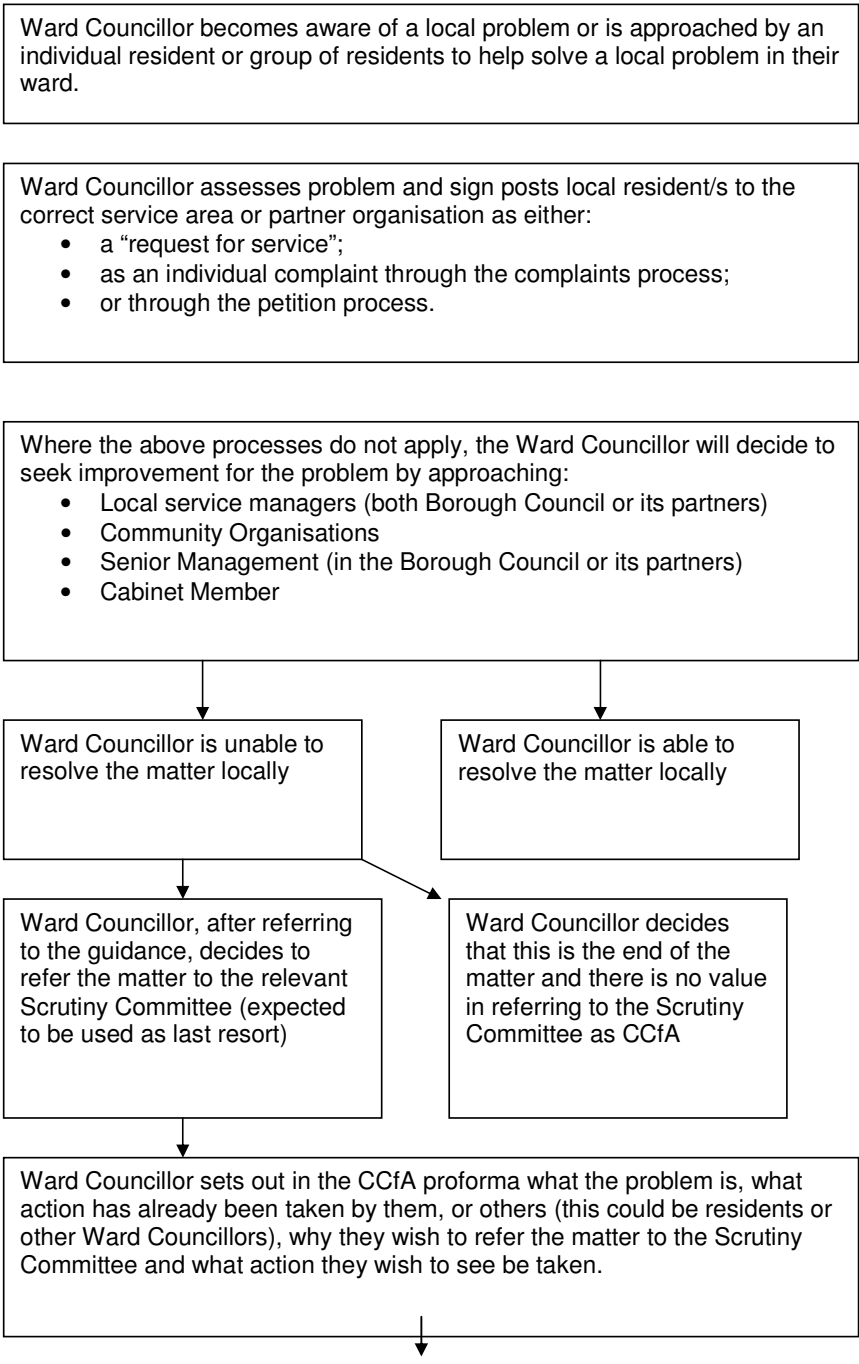
- (i) Reject the CCfA in its entirety;
- (ii) Make recommendations to the Cabinet or Council for actions to be taken;
- (iii) Make recommendations to the Chief Executive Officer of a partner agency for actions to be taken;
- (iv) Agree to undertake a Scrutiny Special Interest Meeting/spotlight review or in-depth review on the issue. Where necessary other items on the work programme may be removed or delayed.
- (v) Agree to hold a further meeting to discuss, where further evidence is required;
- (vi) Or, where appropriate, a combination of the actions stated above.

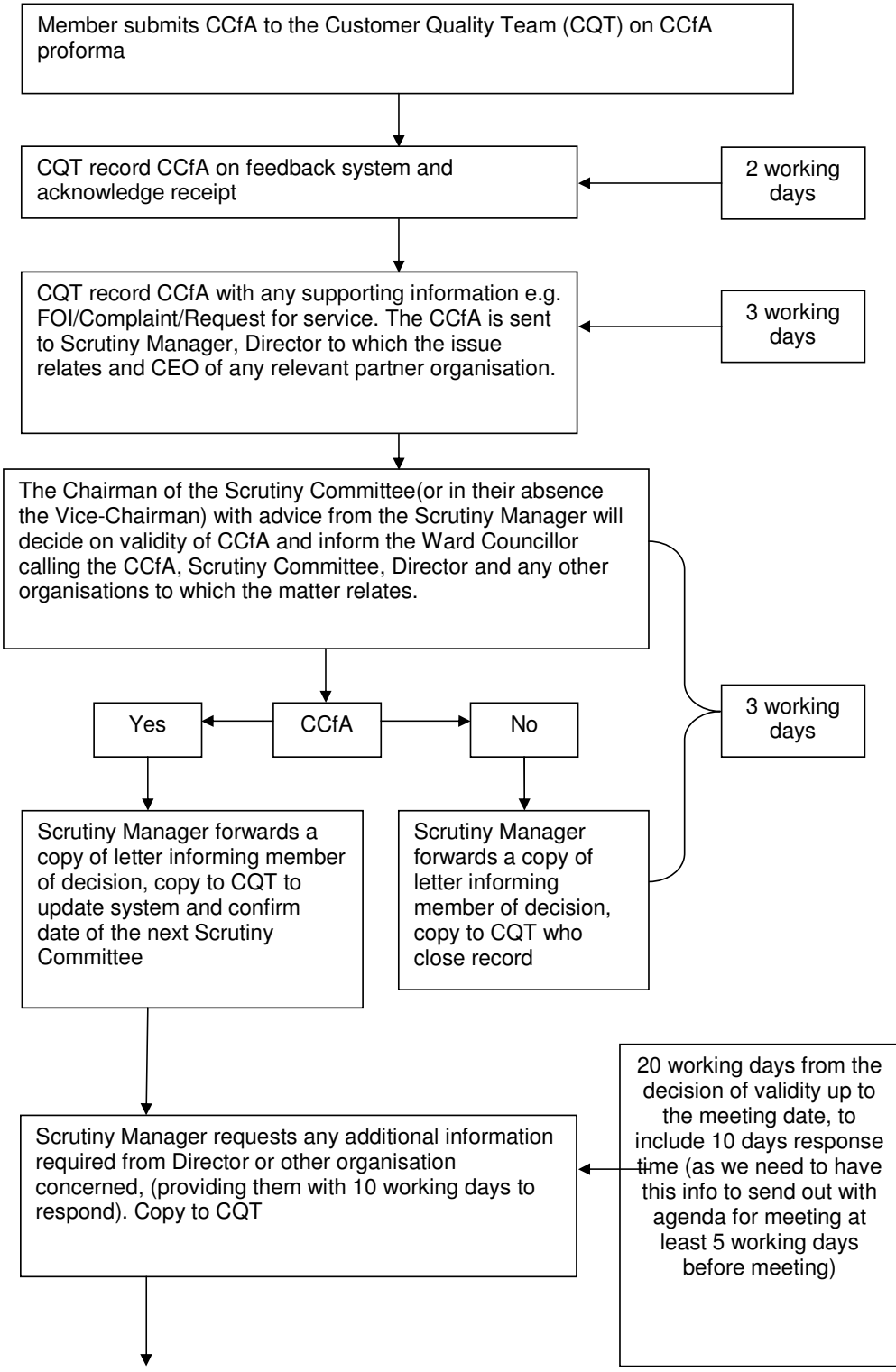
### **20.9 Scrutiny Committee decision/recommendation**

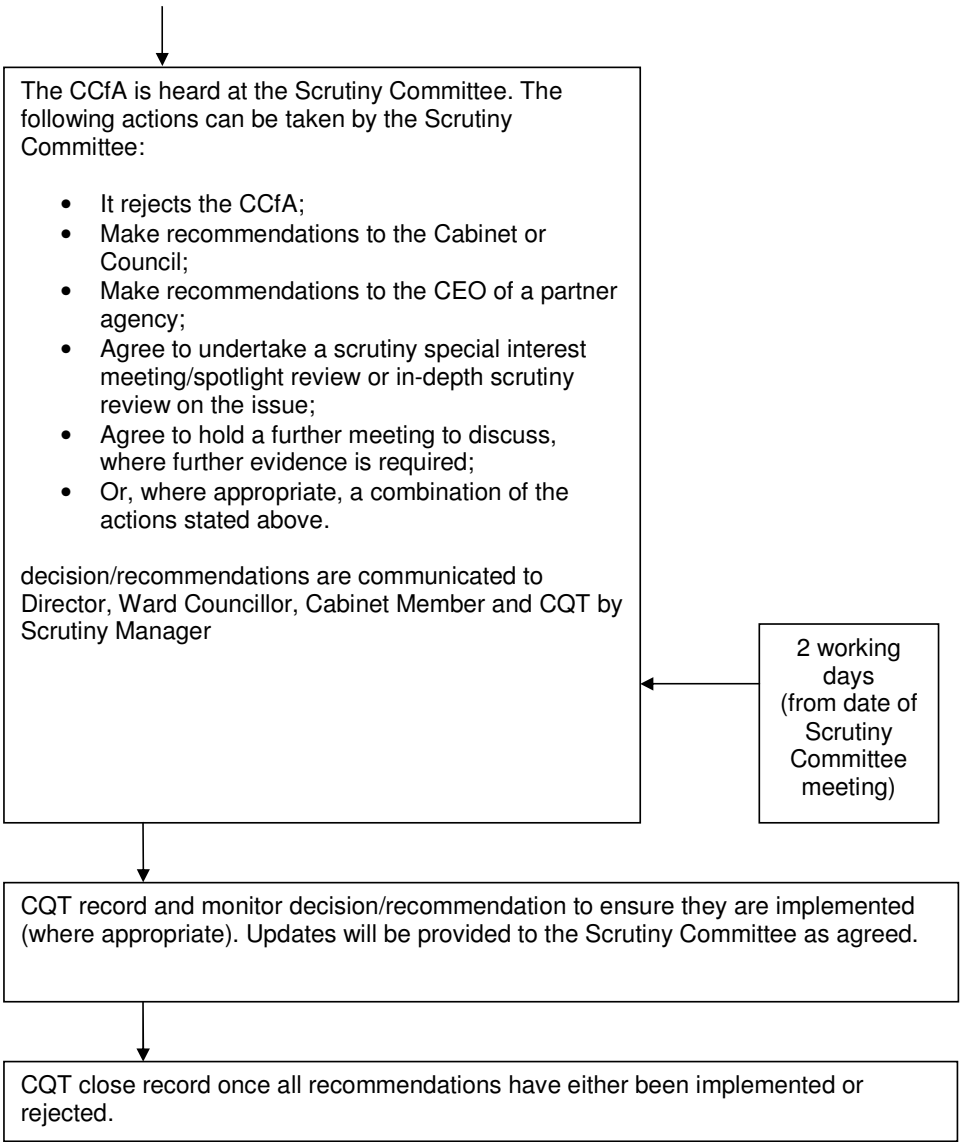
20.9.1 The outcome of the meeting will be communicated to the Ward Councillor, Director and Chief Executive Officer of the partner agency, the Cabinet Member/s and the Customer Quality Team who will record the decision/recommendations and track their implementation/rejection. Updates will be provided to the Scrutiny Committee as agreed.

20.9.2 Once all recommendations have either been implemented or rejected by the Cabinet/Council or partner agency the CCfA record will be closed.

## **COUNCILLOR CALL FOR ACTION (CCfA) PROCESS MAP**







**COUNCILLOR CALL FOR ACTION  
PROFORMA**

Please forward this form to the Customer Quality Team, Telford & Wrekin Council, Civic offices, PO Box 215, Telford, TF3 4LF or via email on [customer.quality@telford.gov.uk](mailto:customer.quality@telford.gov.uk)

Name of Member	Ward	Members Signature	Date

Summary of CCfA issue:
Summary of why this constitutes a CCfA:
Details of the resolution being sought

Please indicate if this issue has been responded to previously via any of the following processes.

Process	Yes/No	Outcome
Complaints Procedure		
Freedom of Information Enquiry		
PACT meeting		
Member Enquiry		
MP Enquiry		
Petition		
Parish enquiry		

Details of other actions taken:

**This part of the form to be completed by the Chairman of the Scrutiny Committee, or in his or her absence the Vice-Chairman:**

Date CCfA received	
Does this constitute a CCfA? (reasons to be given if not)	

<b>If so, date of the Scrutiny Committee meeting to which it will be presented.</b>	
<b>What, if any information is required from the relevant Director or other organisation concerned?</b>	
<b>Date of request to the relevant Director or other organisation concerned for this information.</b>	

<b>Signature of Chairman/Vice-Chairman of the Scrutiny Committee</b>	
<b>Date</b>	

**Contacts: Jonathan Eatough    01952 383200**  
**jonathan.eatough@telford ,gov.uk**

**Fiona Bottrill    01952 383113**  
**[fiona.bottrill@telford.gov.uk](mailto:fiona.bottrill@telford.gov.uk)**

**This page has intentionally been left blank**

## Part 4 – Rules of Procedure

### Section 6 – Financial Regulations

#### Index

<u>Point</u>	<u>Description</u>
1	Status of Financial Regulations
2	Responsibilities
3	Financial Planning
4	Accounting Systems, Financial Records and Returns
5	Financial Management and Control – Revenue
6	Financial Management – Capital
7	Taxation and Leasing
8	Controlled Stationery and Authorised Signatories
9	Internal Audit
10	Public Accountability – Responsibilities
11	Purchasing Arrangements
12	Schemes Financed Partly or Wholly by External Funding
13	Orders for Work, Goods and Services
14	Corporate Credit Cards and the Government Procurement Card (GPC)
15	Payment of Accounts
16	Cash Income and Debtors
17	Banking Arrangements
18	Payments to Employees
19	Travel and Subsistence
20	Imprests
21	Risk Management
22	Insurance
23	Security and Control of Assets
24	Treasury Management
25	Unofficial and Voluntary Funds

#### **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. In addition they assist sound administration, reduce the risk of irregularities and support delivery of effective, efficient and economical services.
- 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 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 Heads of Service to ensure that all staff in their delivery units are aware of their responsibilities according to the Financial Regulations and other internal regulatory documents (e.g. the Anti-Fraud and Corruption Policy) 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, if the named officer wishes for reasons of practicality to delegate their authority to another appropriate officer in their area this is permissible as long as it has been documented.

- 1.5 Where the Leader and Cabinet ExecutiveCabinet has been named in Regulations it will be their responsibility to ensure compliance. The Leader and Cabinet ExecutiveCabinet can delegate such responsibility to one of its Cabinet members as set out in the Constitution procedures.
- 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 To help assist members and officers, the 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 are included on the Intranet. . These procedures, though printed under separate cover, must be treated as an integral part of the Regulations.
- 1.8 Any financial values are summarised in **Appendix A** to allow ease of update.
- 1.9 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.
- 1.10 Failure to comply with Financial Regulations, or procedures issued under them, may lead to disciplinary action for employees and an investigation by the section 151/Monitoring Officer for Members and if necessary referral to the Standards Committee.

## 2 Responsibilities

- 2.1 Any major organisation requires a set of clearly understood rules and regulations for the management of its financial affairs. 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<sup>5</sup>.
- 2.2 Section 114 of the Local Government Finance Act (LGFA) 1988 requires the Chief Finance Officer to report to the Council if the authority, one of its committees, the Leader and Cabinet ExecutiveCabinet 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 Finance Officer to nominate a properly qualified member of staff to deputise, should the Chief Finance 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 those for strategy and the budget.

<sup>5</sup> Chief Finance Officers means the same as Chief Financial Officer or Responsible Officer, where appropriate

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

Formatted: Font: Bold

\* **Chief Finance Officer Responsibilities (s151/s114) – these have been allocated to an appropriately qualified Corporate Director 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 Head of Governance** has delegated responsibility under the Accounts and Audit Regulations 2003<sup>6</sup> to maintain an adequate and effective Internal Audit service and has direct responsibility for the operation and support of the Council's Scrutiny function. The Head of Governance has the ability to report directly, without fear or favour, to any level within the organisation or to the External Auditor.

\* **Corporate Management Team (Chief Executive, Directors and Assistant Chief Executive)** are responsible for ensuring that Heads of Service provide services that meet the Council's overall policy objectives. This includes ensuring compliance with the Council's governance arrangements including Financial Regulations and Contract Procedure Rules.

\* **The Chief Executive** is responsible for leading on corporate governance issues throughout the Council.

\* **The Head of Finance** will act as deputy Section 151 Officer

\* **Heads of Service** 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** are responsible for the day to day provision of services and the management of the associated budget. This includes ensuring that staff comply with Financial Regulations and Contract Procedure Rules in performance of their duties.

**Note:** 'Delivery Managers' also includes managers and/or team leaders with budget and staff responsibilities.

### 2.3 Financial Training

The Chief Financial Officer should assess the financial skills required by members of the Leader and Cabinet ExecutiveCabinet, and Corporate Management Team should commit to develop the specific skills to enable their roles to be carried out effectively.

<sup>6</sup> As updated by the Accounts and Audit (Amendment)(England) Regulations 2006 (SI2006/564)

The Head of Finance should through senior finance staff identify financial competencies for managers and members and provide adequate financial training to enable them to undertake their roles effectively and understand the financial requirements of the Constitution and associated financial policies and procedures.

### **3. Financial Planning**

#### **3.1 Introduction**

The Council is responsible for approving the budget, various plans and policies, which will be proposed by the [CabinetLeader 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 the Constitution.

#### **3.2 Financial Forecasting**

The Chief Finance Officer shall, within the general direction of the [CabinetLeader and Cabinet Executive](#), produce forecasts of financial resources and advise upon the financial and economic implications of medium and long-term service development plans and programmes and budget strategies. In exercising this duty he/she shall be mindful of the Accounts and Audit Regulations 2003 (as amended 2006), the Code of Practice on a Prudential Approach to Local Government Commitments and current accepted local government accounting codes and will review levels of reserves and balances and ensure that a robust budget process has been undertaken. The Chief Finance Officer is responsible for the Council's arrangements for under and overspendings to be carried forward to the following year.

3.3 The forecasts will indicate the likely changes to the Council's budget for the specified period both in terms of commitments arising out of statutory variations and Council policy and also the likely variations to funding from central or local sources.

3.4 The [CabinetLeader and Cabinet Executive](#), having considered the forecasts and options for the specified period shall, propose the overall budget strategy to the Council for approval after the consultation process as outlined in the Budget and Policy Framework Procedures Rules within the Constitution.

3.5 All matters relating to the financial administration of the authority shall be kept under review by the member of the [CabinetLeader and Cabinet Executive](#) responsible for Resources.

3.6 The full Council is also responsible for approving procedures and for agreeing variations to approved budgets, plans and strategies forming the policy framework.

**CONTACT: Head of Finance**

### **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 its annual accounts to present fairly its operations during the year. These are subject to internal and external audit. This provides assurance that the accounts are properly prepared and proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resource.

- 4.2 The Chief Finance Officer should ensure that there is a proper retention policy for financial documents. The periods for which documents are to be retained is specified separately in the retention of records procedure note .
- 4.3 The Head of Finance 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 Head of Finance. In particular Heads of Service should confer with the Head of Finance 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 Heads of Service must maintain through their officers full and accurate records as agreed with the Head of Finance to ensure the availability of all financial, costing and statistical and other information as may be required to fully and accurately maintain the accounts of the Council, and report on its finances .This includes the correct coding of expenditure in line with the CIPFA standard classifications. All accounting records will be maintained in accordance with current CIPFA Codes of Practice,
- 4.5 Heads of Service are responsible for ensuring the completion and submission of Grant applications and financial returns. The Chief Finance Officer is entitled to such explanations or information as may be required prior to forwarding to the relevant government department or agency under his signature. No bid for external funding shall be submitted without approval from the relevant Priority Lead Director and relevant Finance Manager.
- 4.6 Heads of Service 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

**CONTACT: Corporate Finance Manager**

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

**5.1 Background**

5.1.1 The Council is responsible for adopting the authority's Constitution and Code of Conduct and for determining the budget and policy framework within which the [Cabinet Leader and Cabinet Executive](#) operates. It is also responsible for setting and monitoring compliance with the authority's overall framework of accountability and control via the scrutiny process. The framework is set out in the constitution.

5.1.2 This section of the regulations deals with the preparation and approval of budgets, budgetary control and variations from budget provision. It applies to all areas of the Council's activities except schools.

5.1.3 No expenditure is to be incurred or reduction in income authorised unless covered by these regulations.

**5.2 Preparation and Approval of Budget**

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

5.2.2 The form of revenue estimates shall be determined by the Head of Finance in consultation with Heads of Service within the general guidelines of the [Cabinet Leader and Cabinet Executive](#) and relevant professional requirements. Estimates shall be

prepared annually before the start of the financial year and revised during the course of the year.

5.2.3 Prior to the commencement of each financial year each Service Delivery Unit Manager should prepare a Service Delivery Plan setting out the Service Delivery Unit's aims and objectives and expenditure and income projections within corporately agreed allocations of resources. These should be agreed with the Corporate Management Team.

5.2.4 Once the council's budget for the year has been approved the Heads of Service and Delivery Managers can authorise expenditure within the limits agreed subject to the separate rules on virement.

5.2.5 The Delivery Managers in conjunction with the relevant Finance Manager must ensure that a satisfactory monitoring system is in existence during the financial year with regular reports to the Head of Finance.

### 5.3 **Budgetary Control (see also para 4.4 above)**

5.3.1 The corporate finance information system determined by the Head of Finance is the Council's prime accounting record. It provides the mechanism for Heads of Service and Delivery Managers to monitor and control budgets.

5.3.2 Heads of Service 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.

5.3.3 Regular financial updates will be taken to ~~Cabinet~~[Leader and Cabinet Executive](#).

5.3.4 Generally all Council budgets are prepared on a cash limited (outturn) price base. This means that no supplementary estimates will be provided for inflation increases once budgets have been approved, except in exceptional circumstances.

5.3.5 Unavoidable cost increase, e.g. public utilities, increments etc, for which insufficient allowance has been made at budget time will need to be met by equivalent reductions elsewhere.

5.3.6 All reports to Corporate Management Team or Members must be cleared by finance staff for financial implications and should be made available to those staff in reasonable time before due for submission.

### 5.4 **Supplementary Estimates**

5.4.1 The Council sets budgets for gross expenditure and income in the context of a cash limit. Therefore it is important that any additional commitments not covered in Business Unit budgets, (including where the net budget requirement of the Council is not increased), are funded by savings elsewhere or additional grant funding and do not increase the net budget requirement of the Council (see Virement section). In exceptional circumstances this may not be possible and if this is the case, approval should be sought from the Council for additional funding.

### 5.5 **Grants**

5.5.1 All grant bids must be approved by the relevant Priority Lead Director and a Finance Manager prior to submission.

5.5.2 Acceptance of grant terms must also be approved by the relevant Head of Service and a Finance Manager.

5.5.3 All grant claims must be certified by a relevant Finance Manager. (Subject to the conditions of the grant awarding body)

## 5.6 Virement

5.6.1 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. The ability to exercise virement applies to all controllable budgets.

5.6.2 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 at budget time for a particular client or to meet a particular situation, or
- \* utilising efficiency or other savings.

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

5.6.4 Heads of Service, in consultation with the relevant Finance Manager, shall have the authority to make virements within each approved service delivery unit budget provided:

- It is within the overall policy framework;
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

5.6.5 The Head of Finance, in consultation with the relevant Finance Manager and relevant Head of Service, shall have the authority to make virements **between** service delivery units provided:

- The amount does not exceed £50,000 (**LIMIT G**)
- It is within the overall policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

For amounts over £50,000 Heads of Service and the Chief Finance Officer shall have the authority to make virements between services delivery units with **Cabinet Leader and Cabinet Executive** approval provided that

- It is within the policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.
- The amount does not exceed £250,000

For amounts above £250,000 approval by full Council is required

5.6.6 All virement decisions must be notified to the relevant Finance Manager (and the financial information system updated) before expenditure is incurred.

## 5.7 Year End Arrangements

5.7.1 Year end arrangements (carry forwards of over or underspending), have been designed to be as flexible as possible, consistent with the Council's overall financial situation and with regard to the controls exercised by the Government.

### **Overspending and Underspending**

5.7.2 No Head of Service or Delivery Manager should plan to overspend his/her budget. All expenditure plans should be consistent with Service Delivery Plans. Potential overspends on particular budget heads will have been addressed during the year and, in some cases, virement will have been exercised.

5.7.3 All underspends and deficits on controllable budgets will be carried forward to the next financial year as a first call on the budget for the year.

**CONTACT:** Corporate Finance Manager

## 5.8 Reserves & Balances and the Robustness of Estimates

5.8.1 The budget report will contain a comment by the CFO (Chief Finance 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.

5.8.2 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.

5.8.3 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.

5.8.4 The level and purpose of reserves and balances held must be clearly defined and justified by Heads of Service. Further regular reviews should be undertaken to ensure continuing relevance and adequacy.

5.8.5 There is no statutory minimum level of reserves required. This will be a matter of local judgement determined by the CFO but following current Audit Commission guidance.

**CONTACT:** Corporate Finance Manager

## 6. Financial Management – 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.

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 in line with overall Corporate Priorities, the Council's Asset Management Plan, Capital Strategy and availability of funding.
- 6.4 The capital programme shall focus on the medium term service & financial planning period but reflect the total cost and phasing of each approved scheme along with the proposed source(s) of funding.
- 6.5 The capital programme will demonstrate:
- the original and revised total estimated cost of each scheme
  - actual expenditure to the end of the previous financial year
  - forecast phased expenditure for the current and subsequent years
  - the revenue budget implications of the proposed programme
- 6.6 The Head of Finance shall determine the method of funding for each capital scheme, having consulted with the relevant Head of Service and working within the context of the various capital resources available. All proposed investments should be subject to an appropriate level of analysis/appraisal by the relevant service area before commitment.
- 6.7 The Head of Finance shall ensure that an effective monitoring system is in place during the year to control capital expenditure. Heads of Service will be responsible for notifying the Head of Finance if it seems likely that there will be a significant variation in spending on a scheme. Variations may be permitted only if they can be accommodated by virement within the total capital resources available.
- 6.8 Variations, subject to the following limits, can be approved by those designated below 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**) – Head of Finance in consultation with the relevant Head of Service
- (b) Over £50,000 up to £250,000 (**LIMIT K**) – ~~Cabinet~~ Cabinet Leader and Cabinet Executive approval required
- (c) Over £250,000 (**LIMIT R**) – the Council.
- 6.9 Any capital expenditure over £50,000 even if entirely covered by additional external funding but outside the approved capital programme, must be approved by 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 Heads of Services 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, Heads of Services should consult with the Head of Finance. Delivery Units will be liable for any costs, including any penalties and interest charged for incorrect tax treatment.

- 7.3 Detailed guidance on taxation issues is incorporated within specific procedure notes which are included on the Intranet.

#### **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 Head of Finance or his designated officer.
- 7.5 The normal contract procedures should be followed in relation to leasing arrangements [See Part 4, Section 7, Contracts Procedure Rules]
- 7.6 Detailed guidance on leasing issues are incorporated within specific procedure notes on the Intranet.

**CONTACT:** Corporate Finance Manager

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

- 8.1 All cheques and other controlled stationery, including order books, receipt books, invoices, and Electronic Fund Transfer (E.F.T.) forms may only be ordered by the Head of Finance or an authorised representative who shall make proper arrangements for their safekeeping.
- 8.2 Heads of Service are responsible for maintaining a listing of authorised signatories in the form prescribed by the Head of Finance. All officers on the signatories listing must be authorised by a Head of Service (or Corporate Director if a Head of Service).
- 8.3 Only authorised signatories may commit the Council to expenditure, including electronically, in line with relevant procedure notes by:
- Authorising Orders
  - Certifying invoices
  - Certifying expenses claims
  - Authorising petty cash purchase
  - Certifying timesheets and overtime claims
  - Signing and awarding contracts (see also Section 7, appendices 1 to 4)

More than one officer should be involved in the authorising process e.g. it should not be the same officer who authorises the order and invoice that certifies receipt of the goods or service.

- 8.4 A financial limit shall be prescribed for all officers. The Head of Finance in consultation with the Head of Governance shall be responsible for establishing a consistent framework for financial limits across the Council based on the roles responsibilities of officers.
- 8.5 Heads of Service are responsible for ensuring that the authorised signatories list is kept up to date at all times, by informing the Head of Finance of any changes to authorised signatories and the responsibilities of the officer.

8.6 Guidance on authorised signatories is available from Audit Services.

**CONTACT:**

**For authorised signatories: Employment Services or Procurement**

**For controlled stationery: Property & Design Administration**

## 9. Internal Audit

9.1 The Chief Financial Officer under section 114 of the LGFA 1988 and the Accounts and Audit Regulations 2003 (as amended 2006) has a statutory responsibility for the overall financial administration of the Council's affairs. Section 6 of the Accounts and Audit Regulations 2003 (as amended 2006), says that the authority "shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control,..".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 "Proper internal control practices" are defined in the guidance on the Accounts and Audit Regulations 2003 (as amended 2006)<sup>7</sup> as the CIPFA publication – "Code of Practice for Internal Audit in Local Government in the United Kingdom". Internal Audit will operate to this Code and any other relevant guidance. The definition of Internal Audit within the Code is:

*Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on the control environment<sup>8</sup> by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.*

9.3 As the definition outlines Internal Audit has a key role to play in independently reviewing the Council's<sup>9</sup> arrangements for corporate governance, risk management and internal control. It contributes an objective opinion to the Council's Annual Governance Statement (including the Statement on Internal Control).

9.4 The existence of a continuous internal audit service does not in any way diminish the responsibility of Corporate Directors for the delivery of priorities and Heads of Service 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 & Risk Manager should ensure that Internal Audit remains independent in its planning and operation. The Audit & Risk Manager should be responsible for maintaining periodic audit plans which have due regard for the key strategic risks of the authority, the risks involved 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 & Risk 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 Internal Audit to review, evaluate and report upon

<sup>7</sup> Department for Communities and Local Government Circular 03/2006 dated 18/08/06

<sup>8</sup> The control environment comprises the systems of governance, risk management and internal control.

<sup>9</sup> Internal Audit's remit extends to the entire control environment of the Council

- the soundness and adequacy of accounting records and the system of internal controls 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 extravagance 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
- The corporate governance arrangements of the Council
- The risk management processes of the Council both at Strategic and Service Delivery Level

9.7 The Chief Finance Officer's authorised Internal Audit representatives shall be empowered to:

- enter at all reasonable times any Council premises or land
- have access to all Council and partner records<sup>10</sup>, 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 Head of Governance or Audit & Risk Manager.
- have access to records belonging to third parties such as contractors or partners when required<sup>11</sup>
- 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 Corporate Directors, Heads of Service and Delivery Managers are responsible for responding to Internal Audit reports and the implementation of agreed recommendations within an appropriate timescale. Delivery Managers should indicate the actions they propose within one month of agreeing the draft report.

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 Head of Service.

<sup>10</sup> Records include business e-mail and internet records

<sup>11</sup> As defined in the articles of association/memorandum, SLA, grant conditions or contract

- 9.11 Internal Audit has specific fraud related responsibilities which are set out in the corporate Anti-Fraud & Corruption Policy. Within the scope of their work Internal Audit also provide advice and consultancy in respect to issues around controls and governance, based on their professional knowledge and expertise.
- 9.12 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 Head of Service or report the matter directly to the Audit & Risk Manager or Section 151 Officer. Confidentiality, wherever possible, will be respected in any dealings on such matters.
- 9.13 The Section 151 Officer shall report to the Chief Executive, the relevant Head of Service, Corporate Director, and ~~CabinetLeader and Cabinet Executive~~, if appropriate, any matter of a significant nature.
- 9.14 Where Audit Services inform the Section 151 Officer of any such matter outlined in paragraph 9.12, the Section 151 Officer will inform the appropriate Head of Service, Corporate Director and the Chief Executive/~~CabinetLeader and Cabinet Executive~~, if appropriate.
- 9.15 Any decision to refer a matter as outlined in paragraph 9.12 to the Police is to be taken by the Audit & Risk Manager after informing the Council's Section 151 Officer or their representative. Where a Member is involved the Chief Executive, Monitoring Officer 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 & Risk Manager shall ensure that the anonymity of the individual(s) concerned shall be maintained at all times.
- 9.16 Internal Audit should report to a body of members the following information:
- a) the Internal Audit plan and strategy;
  - 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.
- 9.17 The Audit & Risk Manager and Head of Governance 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 Chief Executive, ~~the Leader, CabinetLeader and Cabinet Executive~~ Member: Efficient Community Focused Council, Chairman of the Audit Committee, s151 Officer, Corporate Management Team , the Monitoring Officer or the Council's External Auditors.

**CONTACT:** Audit & Risk Manager

## **10. Public Accountability – Responsibilities**

### **10.1 General**

- 10.1.1 Members should ensure that they follow the Members Local Code of Conduct and have read the Members Handbook, taking any guidance into account including the declaration of any interest.
- 10.1.2 Employees should ensure that they follow the Employee Code of Conduct.

- 10.1.3 The corporate Anti-Fraud and Corruption Policy applies to all Members and Officers of the Council and they should be aware of its contents whilst representing and working for the Council including the registration of Members and Officers interests.
- 10.1.4 An officer of the Council must not, under cover of his/her position or office of employment, accept any fee or reward, other than his/her proper remuneration without the express permission of the Assistant Chief Executive /Human Resources Manager.
- 10.1.5 A member or officer must not accept any bribe or personal inducement in connection with the Council's business.
- 10.1.6 A member or officer must not use Council property, assets, materials or information for other than the purposes of the Council.
- 10.1.7 A member or officer must not subordinate his/her duty to the Council to his/her private interest or put himself/herself in a position where his/her duty and private interests conflict.
- 10.1.8 Employees must ensure that they declare any private interest they may have in any of the Council's activities. Such a declaration should be made where the employee could benefit in the form of a financial or other pecuniary gain. The interest should be recorded in the Register of Interests held in Democratic Services.

## 10.2 **The Cashing of Cheques**

- 10.2.1 The cashing of cheques (whether Council or otherwise) by a member or officer is prohibited except in line with the Council's Code of Practice on cheque encashment.

## 10.3 **Gifts**

- 10.3.1 Officers and Members should follow the advice given in the guidance note on gifts and hospitality (see the Guidance Note on the Intranet). The receipt of personal gifts should be discouraged. If an officer, during the course of, or as a result of, official duties, receives or is offered any personal gift, other than one of only token value, the matter must be reported to the Head of Service. The Head of Service will decide if the item is to be returned, or forwarded to some charitable cause. The Head of Service should inform the donor of what has happened to the gift, and explain the reason why gifts should not be sent in the future. A record should be made of all gifts refused and / or returned.
- 10.3.2 The Corporate Management Team support team and Heads of Service support team must maintain a record for employees of all gifts offered, received, refused and any actions taken as outlined in the guidance.
- 10.3.3 Members should take equal care in receiving gifts whilst in office. Members Services will hold records for members of all gifts offered, received, refused and any actions taken.

## 10.4 **Hospitality and Services**

- 10.4.1 Members and officers should follow the advice given in the guidance note on Gifts and Hospitality available on the Intranet. Hospitality must only be given or accepted when it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant and justifiable as in the public interest. It must be apparent that no cause could reasonably arise for adverse criticism or suggestions of improper influence by the acceptance of the hospitality. The circumstances and the type of

hospitality should be agreed by the appropriate Head of Service who shall ensure that a record is kept of all hospitality offered, accepted or refused

10.4.2 Members and Officers should not accept services. Any approach should be politely but firmly refused and if required an explanation made. The offer and rejection should also be recorded.

## 10.5 Private Work / Relations with Clients and Contractors

10.5.1 Officers who are, in accordance with the conditions of service and the procedure note on Business Activities and Private Work, permitted to carry out private or other paid work must not do so during Council time. Officers must declare to their Head of Service in writing the nature and duration of such private work.

10.5.2 Members or Officers must not use any Council premises, resources or facilities for the execution of private work. No stationery or publicity material is to indicate that the person is a Member or Council employee nor should the address or any telephone number of the Council be stated. Members and Officers should pay due notice to the relevant section of the Local Government Act 1972.

10.5.3 Officers must not work for any current or prospective supplier or contractor to the Council.

10.5.4 Officers and Members must respect the confidentiality of information and must not use information received for personal gain.

10.5.5 Officers and Members should avoid any arrangements which might prevent fair competition.

10.5.6 Detailed guidance on Business Activities and Private Work. All associated Procedures and Guidance referred to in this Section are available on the Intranet.

**CONTACT:** Audit & Risk Manager

## 11. Purchasing Arrangements

### **General:**

11.1.1 These Financial Regulations should be considered in conjunction with the relevant parts of Contract Procedure Rules relating to contracts.

11.1.2 Heads of Service must ensure that any purchasing contracts comply with Contract Procedure Rules, related guidance, statutory requirements and European directives.

11.1.3 Officers should seek the advice of the Corporate Procurement Unit where appropriate.

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

11.2.1 All contracts must adhere to the contract thresholds set out in the Contract Procedure Rules in Conducting a Purchase,

11.2.2 For special exemptions to the above please see Contract Procedure Rules Part 4 Section 7 Paragraph 9 Special Exemptions to the Contract Procedure.

11.2.3 Heads of Service must maintain a contracts register for their Service Delivery Unit for all contracts with a value of £25,000 or more during the lifetime of the contract (Limit G).

## **12. Schemes Financed Partly or Wholly by External Funding**

12.1 Requirements in relation to Schemes Financed Partly or Wholly by External Funding are detailed in the Contract Procedure Rules Part 4 Section 7 Paragraph 24. It should be noted that officers leading or participating in multi-agency schemes where the key decision process applies must obtain approval from the Chief Finance Officer prior to committing the Council to participate in the scheme,

## **13. Orders for Work, Goods and Services**

13.1 Every officer and member of the authority 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 declare any such interest to their Head of Service or relevant Corporate 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.

13.2 Official Orders are to be issued only by officers authorised by Heads of Service. Authorised officers are responsible for issuing orders within their control and in particular for ensuring that costs are covered by approved estimates or by a special financial provision.

13.3 The Head of Finance should be notified of all officers authorised by Heads of Service to authorise official orders.

13.4 Corporate Management Team and Heads of Service must ensure that Financial Regulations and Contract Procedure Rules relating to contracts and tenders have been complied with.

13.5 Official orders shall be issued for all work, goods or services to be supplied to the Council; this can be in the form of an electronic order generated by the approved Corporate Procurement System. 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 by petty cash.

13.6 All official orders should be in writing and delivered /passed to the supplier, unless the Government Procurement card is used (see section 14 below). Telephone orders may be used in exceptional circumstances but when this happens they must be confirmed, in writing to the supplier, at the earliest opportunity by a clearly marked confirmation order. Standard terms and conditions must not be varied without the prior approval of the Head of Finance. Goods and services should be checked on receipt to ensure they are in accordance with the order. This check should, wherever possible be carried out by a different officer from the person who signed the order. .

13.7 Official orders shall indicate clearly the date of the order, the quantity, quality and nature of the goods, works and services and the contract or agreed price. An estimated price shall be provided when an agreed price is not available.

13.8 Official order books shall be ordered and supplied to Delivery Units by the Head of Finance who shall satisfy himself as to arrangements for their control. Electronic

orders may only be used where these are part of an official council system, in line with controls specified at 13.11

- 13.9 Apart from petty cash and 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 Head of Finance. The use of direct debit and credit shall require the prior agreement of the Head of Finance.
- 13.10 Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.
- 13.11 E-commerce – the purchases of goods via electronic means shall be strictly controllable and the necessary processes and controls must be in place to maintain the security and integrity of data.
- 13.12 Invoices, not subject to dispute, should be promptly passed to the Payments Unit in order to ensure that the financial system is up to date and the local 20 day payment P.I. is achieved. 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.
- 13.13 Heads of Service and Delivery Managers shall, wherever possible, separate the responsibilities for placing an order, receipt of goods and authorisation of payment but at least 2 different officers should be involved.

**CONTACT:** Corporate Finance 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 Corporate Directors. The Head of Finance 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 Purchase Ledger and the Corporate Procurement Unit
- 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 Head of Finance 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 Delivery Manager and the process controlled by the GPC coordinator. Each card will have set limits for expenditure which must not be exceeded. Each user 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. The cardholder is responsible for all expenditure on their card, which is set out in an acceptable use policy. The account will be settled by Direct Debit on a monthly basis.

**Contact:** Corporate Procurement for further advice and guidance

## **15. Payment of Accounts**

- 15.1 All payments, apart from the authorised use of imprest accounts (see Financial Regulation 19), due from Business Units and chargeable against their budgets shall be made in such manner as outlined by the Head of Finance.
- 15.2 Any Head of Service whose Service Delivery Team Manager issues an order for works, goods and services, shall be responsible for the examination, verification and certification of all invoices. All accounts certified for payment should be signed by the Head of Service concerned or by an officer authorised by him to do so.
- 15.3 The certification shall include that:
- The goods, services and work have been received or carried out, examined and approved as to quality and quantity and conform with a duly authorised order or Council resolution where appropriate.
  - The expenditure is necessary, legal and within the estimates provision.
  - The prices are in accordance with any quotation, tender or contract and/or are reasonable.
  - Discounts or credits due have been deducted
  - VAT or other tax treatment is correctly stated.
  - The account is arithmetically correct.
  - The amount has not been previously paid or certified for payment, either in whole or part.
  - Appropriate entries have been made in asset registers, inventories and stock records.
- 15.4 For specified classes and categories of invoice the Head of Finance may agree a modified procedure.
- 15.5 Payments to construction contractors on account of contracts shall be made only on a certificate issued by the Head of Service 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.
- 15.6 Where an invoice is found to be incorrect e.g. because of an addition error, the VAT is incorrectly calculated or the invoice is not addressed to the Council, it should be returned to the supplier with an explanatory note. Hand-written amendments should not be made to an invoice as this may invalidate the recovery of VAT.
- 15.7 The Audit & Risk Manager and Procurement & Payments 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.
- 15.8 Detailed guidance on Payment of Invoices is incorporated within specific procedure notes which are included on the Intranet and is also subject to para 13 above.

**CONTACT: Procurement & Payments Manager**

## **16. Cash Income and Debtors**

- 16.1 Income can be a vulnerable asset and the Head of Finance shall ensure that effective income collection systems are in place to ensure that all of the income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services.

- 16.2 Heads of Service and Delivery Managers in conjunction with the Finance Team are responsible for ensuring that all income due to the Council is received at the right time using the correct and most cost effective procedures and the appropriate stationery. Effective action shall be taken to pursue non-payment within defined timescales.
- 16.3 Effective monitoring of outstanding debts and regular reporting of outstanding debt provision will be provided to the Head of Finance.
- 16.4 Heads of Service and Delivery Managers shall, wherever possible, separate the responsibility for identifying amount due and responsibility for collection as far as is practicable. They should also ensure that any un-banked income is retained securely to safeguard against loss or theft and that receipts, tickets and other records of income are held securely for an appropriate period.
- 16.5 No debit in respect of an amount due to the Council once established shall be discharged otherwise than by payment in full except where write-off has been properly authorised as below:
- 16.6 Where the amount involved is £25,000 or less (**LIMIT C**) or the debtor has been declared insolvent or bankrupt and all monies due in dividends have been received, or the debtor being a company that has ceased to trade or is insolvent the writing off of the debt can be undertaken with the agreement of the Head of Service concerned and the Head of Finance.. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary. Write-offs above £25,000 must be approved by the [Cabinet Leader and Cabinet Executive](#). Detailed guidance on write-offs is incorporated within specific procedure notes which are included in the Managers Handbook.
- 16.7 The cost of all write-offs will be borne by the Delivery Unit, which originally benefited from the credit.
- 16.8 Heads of Service and Delivery Unit Managers shall promptly notify the Head of Finance of any monies of £100,000 or more (LIMIT J) due to the council and of contracts, leases and other arrangements entered into which involve the receipt of money of this value by the Council. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary.
- 16.9 All receipts, tickets and other acknowledgements for payments received shall be vetted by the Head of Finance, and Internal Audit shall be satisfied as to the arrangements.
- 16.10 Each officer who receives money on behalf of the Council, or for which they are accountable to the Council, shall keep such records as from time to time be required by the Head of Finance.
- 16.11 All money received by an officer on behalf of the Council shall be paid promptly and completely to the Head of Finance, or as he/she may direct, to the Council's bankers. This should be preferably on the same day or if this is not possible at the earliest opportunity. In the interim the money should be kept securely. No deductions may be made from such money other than as may be approved by the Head of Finance. When money is banked information as to the reason for its receipt, or its origin, shall be supplied.
- 16.12 Money held on behalf of the Council shall not be used to cash cheques for members, staff or third parties.

16.13 Heads of Service shall review charges made for services under their control at least annually, in line with the Council's Income and Charging Policy.

**CONTACT:** Head of Finance

## **17. Banking Arrangements**

17.1 All arrangements with the Council's bankers must be made or approved by the Chief Finance Officer and the Head of Finance, who shall be authorised to operate such bank accounts, including giro bank accounts as required.

17.2 Cheques drawn on the Council's banking account shall bear the facsimile signature of the Chief Finance Officer or be signed by him/her or such other identified senior officers as he/she may from time to time designate in writing.

17.3 The Head of Finance, or such other identified senior officers must countersign cheques for amounts of £50,000 or more (LIMIT F) as he/she may from time to time designate in writing.

17.4 Standing order and direct debit payments may only be established by the Head of Finance or such other identified senior officers as he/she may from time to time designate in writing.

17.5 The Head of Finance shall maintain a list of identified senior officers who may on his/her behalf give instructions to the Council's banker and countersign cheques.

**CONTACT:** Corporate Finance Manager

## **18. Payments to Employees**

18.1 Staff costs are the largest item of expenditure for most Council services. It is therefore important that there should be controls in place to ensure that payments are made only where they are due for services to the Council and that payments accord with the individual's conditions of employment.

18.2 The payment of all amounts to employees shall be the responsibility of the Head of Finance. Such payments will include wages, salaries, travel and subsistence and other allowances due under a contract of employment.

18.3 Heads of Service shall, promptly notify the Head of Finance in a form agreed of all matters affecting the payment to employees and in particular of:

- appointments, resignations, dismissals, suspensions, secondments and transfers;
- absences from duty, apart from normal annual leave;
- changes in remuneration, other than normal increments and pay awards and agreements of general application.
- information necessary to maintain records of service for superannuation, income tax, national insurance etc.

18.4 Appointments shall be made only in accordance with approved establishments, grades and rates of pay, unless agreed otherwise with the Assistant Chief Executive or an officer nominated by him and a Finance Manager.

18.5 Any pay records, shall be in a form agreed by the Head of Finance and shall be certified by or on behalf of the Head of Service. A list of officers authorised to sign such records shall be sent to the Head of Finance together with specimen signatures

and any amendments to the list shall be notified in advance to the Head of Finance in writing.

- 18.6 No payment shall be made to a person deemed to be an employee other than through the normal payroll procedure except for reimbursement of minor expenditure through petty cash. Heads of Service and Delivery Managers should give careful consideration to the employment status of individuals employed on a 'self-employed consultant or sub-contract' basis as these may well be employees and should be paid through the payroll.
- 18.7 There shall be frequent reconciliation of payroll expenditure against approved budgets by the Finance Team. Arrangements shall be made to ensure that appropriate payroll documents are retained and stored for the defined period..

**CONTACT:** Employment Services Manager or -Human Resources Manager

## **19. Travel and Subsistence**

19.1 Heads of Service are responsible for the verification of their officers' travel claims. This includes:

- that the costs have been incurred whilst officers were engaged on official Council business
- the accuracy of the mileage;
- the subsistence claimed particularly where not supported by receipts (applies to certain employees terms and conditions only) ; and
- the validity of the journeys taken.

Heads of Service must ensure compliance with the Council's Car Allowance Regulations, Car Leasing Scheme, Car Loan Scheme and other decisions of the Council that may be deemed appropriate. Standard mileages must be used where given.

- Claims from Heads of Service must be authorised by a Corporate Director,
- Claims from Corporate Directors must be authorised by The Chief Executive,
- Claims from the Chief Executive must be authorised by another Corporate Director.

19.2 The Head of Finance will reimburse members' claims on receipt of the completed claim form certified by the Member concerned. The Head of Governance will ensure that claims comply with the relevant section of the Members' Allowance Scheme.

19.3 All claims should be completed in full, appropriately authorised and must be submitted within three months of undertaking the journey or incurring the expenses, to qualify for reimbursement.

19.4 All foreign travel must be approved in advance in line with the Council's Overseas Visits procedure note.

19.5 Detailed guidance on Business Mileage and Expenses Reimbursement and Overseas Visits is incorporated within specific procedure notes which are included on the Intranet.

**CONTACT:** Employment Services Manager

## 20. Imprests

- 20.1 The Head of Finance in consultation with appropriate Heads of Service 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.
- 20.2 The Head of Finance 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.
- 20.3 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 Head of Finance.
- 20.4 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.
- 20.5 The imprest account should be continually kept in balance and records submitted as required by the Head of Finance at regular intervals for examination and the reimbursement of expenditure.
- 20.6 The officer responsible for an imprest account shall, if requested, give the Head of Finance a certificate confirming the amount held. Upon leaving the Council or at the request of the Head of Finance the responsible officer shall repay to the Council the balance of the imprest held.
- 20.7 In no circumstances shall cheque imprest accounts 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.
- 20.8 Detailed guidance on Imprest and Petty Cash Accounts is incorporated within specific procedure notes which are included on the Intranet.

**CONTACT:** Corporate Finance Manager

## 21. Risk Management

- 21.1 The Cabinet Member for Efficient Community Focused Council is the lead member on risk management for the Council.
- 21.2 The Chief Executive is the lead officer in respect to risk management and is responsible for the corporate risk management processes of the Council. However it is the responsibility of all employees and members to ensure that the Council's risks are properly managed.
- 21.3 The Corporate Management Team will:
- (a) regularly review the Council's key strategic risks
  - (b) annually review the risk management strategy
  - (c) approve an annual report on the Council's risk management activities
- 21.4 The ~~Cabinet~~ **Leader and Cabinet Executive** will:
- (a) regularly review the Council's key strategic risks
  - (b) annually review the risk management strategy process

(c)approve an annual report on the Council's risk management activities

- | 21.5 The Audit & Risk Manager will keep the Audit Committee informed of the reviews of the Council's key strategic risks, the annual review of the risk management strategy and the annual report on the Council's risk management activities. This will enable the Audit Committee to independently review the Cabinet Leader and Cabinet Executive's and Council's risk management processes as set out in their terms of reference.
- 21.6 The Chief Executive is is responsible for the development, co-ordination and maintenance of the Council's Corporate Risk management strategy.
- 21.7 Corporate Directors are responsible for the implementation of the Corporate Risk Management Strategy within the priorities that they lead.
- 21.8 Heads of Service are responsible for implementation of the Corporate Risk Management Strategy within their delivery units. Heads of Service 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.
- | 21.9 Each Head of Service submitting a report to Cabinet 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 outlined in the report, in line with the Corporate Risk Management Strategy.

**CONTACT:** Audit & Risk Manager

## **22. Insurance**

- 22.1 The Head of Finance will be responsible for the Council's insurance. Only the officer identified by the Head of Finance may obtain insurance cover on behalf of the Council.
- 22.2 Heads of Service 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.
- 22.3 Each year Heads of Service must check that the risk-financing strategies in place are sufficient for their risk exposures and notify any changes required to the Insurance Manager.
- 22.4 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.
- 22.5 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.
- 22.6 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 Head of Finance .
- 22.7 It is the responsibility of the Delivery Unit Manager to ensure that all third parties using the Council's buildings are appropriately insured.

**CONTACT:** Insurance Manager

## **23. Security and Control of Assets**

### **23.1 Stocks and Stores**

- 23.1.1 Heads of Service are responsible for determining an efficient stock holding policy to ensure stock levels are not in excess of normal requirements.
- 23.1.2 The Head of Service shall supply the Head of Finance with such information relating to stores as may be required for the accounting, costing and financial records of the Council.
- 23.1.3 Heads of Service 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.
- 23.1.4 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 Head of Finance shall report the circumstances to the member on the [Cabinet Leader and Cabinet Executive](#) responsible for an Efficient Community Focused Council together with explanations for the surplus/deficit.
- 23.1.5 Heads of Service 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.

### **23.2 Inventories**

- 23.2.1 Inventories shall be maintained by all Delivery Units of all Council assets, including ICT (see 23.2.2). The Head of Finance shall define the extent to which the assets of the Council shall be recorded and the form in which inventories shall be kept.
- 23.2.2 A corporate inventory for all ICT assets shall be maintained by the Head of Information Communications and Technology and as such all items will be clearly identified and labelled. Delivery Managers should not arrange relocation or disposal without appropriate notification to the Head of ICT.
- 23.2.3 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).
- 23.2.4 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 Head of Service. Council property shall only be used for the Council's purposes unless specific instructions are issued by the appropriate Head of Service. The Head of Service 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.

23.2.5 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).

23.2.6 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 the Head of Finance.

23.2.7 Detailed guidance on Inventories and Disposal of Assets is incorporated within specific procedure notes which are included on the Intranet.

### 23.3 **Land and Buildings**

23.3.1 The Head of Property & Design 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.

23.3.2 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

### 23.4 **Information**

23.4.1 Heads of Service are responsible for the security of all information within their service area. Information can be stored on computers, transmitted across networks including the Internet, printed out or written down on paper and spoken in conversation.

23.4.2 Heads of Service must ensure compliance with the Council's Corporate Information Security Policy to ensure:

- Confidentiality of information
- Integrity of information
- Availability of information
- All software installed and used is properly licensed and appropriate for business use.

23.4.3 Heads of Service must ensure that appropriate registrations under the Data Protection Act are in place to cover the use of information within their service areas. The Data Protection Act 1998 makes provision for the regulation of information relating to individuals, including obtaining, holding, use or disclosure of such information.

#### **CONTACTS**

Stocks and Stores, Head of Finance

Inventories, Audit & Risk Manager

Land and Buildings, Head of Property & Design -Management

Information, Head of Governance

## 24. Treasury Management

- 24.1 The Chief Finance Officer shall arrange all borrowing of monies, and make all arrangements concerning the investment or utilisation of capital monies or other funds.
- 24.2 In exercising the function, the Chief Finance Officer should comply with the contents of CIPFA's 'Code for Treasury Management in Local Authorities'.
- 24.3 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 [Cabinet Leader and Cabinet Executive](#).
- 24.4 The Chief Finance Officer shall report (at least half yearly) to the [Cabinet Leader and Cabinet Executive](#) on the activities of the Treasury Management function and on the use of delegated Treasury Management powers.
- 24.5 The Audit Committee through its Terms of Reference will scrutinise the Council's Treasury Management management arrangements as set out in the Audit Commission's best practice guidance. The Chief Finance Officer will provide appropriate information to enable them to fulfil this role.

**CONTACT:** Corporate Finance Manager

## 25. Unofficial and Voluntary Funds

- 25.1 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.
- 25.2 Staff should seek approval from the appropriate Head of Service before establishing an unofficial fund.
- 25.3 The Head of Service 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.
- 25.4 Heads of Service 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.
- 25.5 The Head of Finance 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 (currently 156,442)
T	EU Threshold (currently 3,927,260)

**This page has intentionally been left blank**

# Part 4 – Rules of Procedure

## Section 7– Contract Procedure Rules

### Contents

#### **Scope and Purpose**

1. Purpose
2. Scope
3. Legal Requirements
4. Responsibilities

#### **Steps to Purchase**

5. Approvals
6. General Requirements

#### **Conducting a Purchase**

7. Contract Values
8. Competition Requirement
9. Special Exemptions
10. Variations
11. Conducting a Procurement Flow Diagram
12. Process for Major contacts (over £50,000) which have received special exemption from the Delta e-tendering process
13. Disclosure of Tender Information
14. Ordering and Entering into a written contract
15. Signing Contracts
16. Sealed Contracts
17. Keeping Written Records
18. Contracts Register
19. Storing Documents

#### **Special Types of Contract**

20. Construction Contracts
21. Framework Agreements
22. Appointing Experts and Consultants
23. Collaborative Purchasing Arrangements
24. Schemes financed partly or wholly by another Public Sector Organisation
25. Schemes funded partly by Voluntary Sector in collaboration with the Public Sector
26. Procedure for Emergency Works, Supplies or Services
27. Procedure for Urgent Decisions under Paragraph 4 of the Budget and Policy Framework Procedure Rules
28. External Funding
29. Leasing Arrangements
30. Sales/Asset Disposal
31. Replacement of Council Vehicles
32. ICT Facilities & Services
33. Procedure for arranging Adult Social Care and Support Contracts for individuals
34. Procedure for arranging Education, Care and Support Contracts for Children & Young People

#### **Appendices**

- App 1      Guidance and Standard documents

## **CONTRACTS**

### **Scope and Purpose**

#### **1. Purpose**

These Contract Procedure Rules help us to:

- achieve value for money
- keep within the law
- maintain standards of conduct
- be fair to our suppliers
- protect our officers
- demonstrate public probity
- meet the Council's corporate aims and policies

#### **2. Scope**

These Contract Procedures Rules apply to all contracts with outside organisations, or people (including agreements with or on behalf of other public sector organisations & partner agencies). They apply to all contracts for works, goods or services but not to contracts of employment or contracts relating to interests in land.

A contract is considered to be any agreement to supply goods, works or services, in return for money or payments in kind, whether that agreement is formal or informal. This includes:

- placing orders
- loan or leasing arrangements
- employing outside experts or consultants under contracts for services
- tenders for sub-contracts
- spending grant income received from a third party

#### **3. Legal Requirements**

Every contract whether made by or on behalf of the Council must:

- adhere to all relevant guidance referred to in these Contract Procedure Rules.
- comply with all relevant English and European laws.
- comply with these Contract Procedure Rules unless specially authorised otherwise (See Special Exemptions).
- comply with the Council's Financial Procedure Rules (Part 4, Section 6 of the Constitution).
- be drafted correctly.
- protect the Council's interests fully.

Contracts covered by these rules are subject to any relevant requirement of English or European (EU) law. Where there is a conflict between these Contract Procedure Rules and EU Regulations, then EU Regulations will apply.

**Formatted:** No underline, Font color: Auto

## 4. **Responsibilities**

### 4.1. **Officers**

Officers responsible for purchasing or disposal must comply with these Contract Procedure Rules, Financial Regulations, and the Code of Conduct for officers and with all UK and European Union binding legal requirements. Officers must also ensure that any agents, consultants and contractual partners acting on their behalf also comply.

Officers must:

- have regard to the guidance provided by the Corporate Procurement Unit.
- complete a Procurement Plan for all contracts over £50,000 and have it approved by Corporate Procurement. The level of CPU involvement will be dependant on contract risk.
- check whether a suitable Corporate Contract exists before seeking to let another contract; where a suitable Corporate Contract exists, this must be used unless there is an auditable reason not to.
- record the details of all contracts over £25,000 in their Service Delivery Unit's contract register.
- keep records required in line with the Council's Retention & Disposal Scheme.
- take all necessary legal, financial and professional advice.
- make sure that where appropriate any requirements relating to key decisions have been complied with.
- check there is sufficient funds in the budget before a financial commitment is made.
- ensure all tenders/contracts have a Freedom of Information Act 2000 clause in order to meet our duty to provide any recorded information to any individual or organisation who requests it, subject to exemptions.

**Formatted:** No underline, Font color: Auto

**Formatted:** No underline, Font color: Auto

**Formatted:** No underline, Font color: Auto

**Formatted:** No underline, Font color: Auto

**Any legislation queries on Freedom of Information should be directed to [ig@telford.gov.uk](mailto:ig@telford.gov.uk) or call 82537.**

### 4.2. **Heads of Service**

Heads of Service must:

- Ensure that their staff comply with these Contract Procedure Rules.
- Keep registers of:
  - contracts advertised in their service area
  - maintain a list of authorised signatories

## Steps to Purchase

### 5. Approvals

Before beginning a purchase, the Officer responsible for letting the contract must:

- make sure that the appropriate approvals have been gained before starting the procurement process and spend the money.
- make sure that there is enough money in the budget to cover the total whole-life financial commitment being made.
- make sure that the Forward Plan requirements have been followed where the purchase is a Key Decision. (All contracts over £500,000 will constitute a 'Key Decision' for the Council). **Delegated authority to award the contract must be sought before the tender process begins.**

if it is a non delegated Key Decision, your recommendation for awarding the contract must be put before Cabinet Leader and Cabinet Executive for formal approval, followed by a period when the decision may be 'called in', before contacting the successful tenderer. N.B. Key Decisions must be listed on the Council's published *Forward Plan*. If in doubt, seek advice from your Head of Service or Democratic Services.

- complete a Procurement Plan for contracts over £50,000 and have it approved by Corporate Procurement.

Formatted: No underline, Font color: Auto

Formatted: No underline, Font color: Auto

Formatted: No underline, Font color: Auto

### 6. General Requirements

Before beginning a purchase, the Officer responsible for it must:

- appraise the need for the expenditure and its priority.
- define the objectives of the purchase.
- carry out an options appraisal, including the critical Make or Buy decision, to decide what procurement method is most likely to achieve the purchasing objectives.
- assess the risks associated with the purchase and how to manage them.
- consult key stakeholders where possible.
- consider whether the European Procurement Rules apply.
- complete a Procurement Plan.
- ensure the required approvals are in place (including funding).

## Conducting a Purchase

### 7. Contract Values

The table below sets out which procedures must be followed for different contract values.

The Whole Life Cost of the contract is:

Yearly contract value	x	Contract period in Years (including any options to extend periods)	=	The Total Value of the contract
£15,000	x	5 (3 years plus 2 year option to extend)	=	£75,000

- contract figures are calculated exclusive of VAT.
- where the contract is for a one off purchase, the value is the cost of the purchase, plus any associated delivery, installation commissioning and disposal costs.
- where the contract period is unknown EU Procurement Regulations require that a minimum 3 year period is assumed.
- When purchasing multiple items which are related (e.g. equipment plus maintenance), the value is the price for the total package. This definition is a requirement of European law and therefore care must be taken in valuing these contracts.
- where the contract is for goods on short-term hire, the value is the periodic payment multiplied by the minimum number of payments agreed.

Contract Value	Number of Tenders
<b>Minor and Small Contract</b>	
Less than £5,000 MINOR CONTRACT	<b>No formal action</b> , however Officers will be expected to have due regard to the need for accountability and securing value for money wherever possible.
Between £5,000 and £50,000 SMALL CONTRACT	<b>Minimum 3 written quotations</b> , however where the nature of the contract indicates that a tender would be in the interests of Best Value this should be undertaken.
<b>Major Contracts</b>	
Supplies and Services £50, 000 to £156,442	<b>Formal Tender - Delta system must be used</b> At least 4 suppliers invited to tender.
Supplies and Services £156,442 to £250,000	<b>EU Tender – Delta system must be used</b> At least 5 suppliers invited to tender.
Supplies and Services £250,001 to £500,000	<b>EU Tender – Delta system must be used</b> No fewer than 5 tenderers to be invited.
Supplies and Services In excess of £500,000	<b>EU Tender – Delta system must be used</b> <b>KEY DECISION – Must be listed on the forward plan</b> No fewer than 6 tenderers to be invited
Works	<b>Formal Tender – Delta system must be used</b>

£50,000 to £250,000	At least 4 suppliers invited to tender 3 for Design & Build contracts
Works	<b>Formal Tender – Delta system must be used</b>
£250,001 - £500,000	No fewer than 6 tenderers to be invited 4 for Design & Build contracts
Works	<b>Formal Tender – Delta system must be used</b> <b>KEY DECISION – Must be listed on the forward plan</b>
£500,001 to £3,927,260	At least 6 tenderers to be invited to tender 4 for Design & Build contracts
Works	<b>EU Tender – Delta system must be used</b> <b>KEY DECISION – Must be listed on the forward plan</b>
In excess of £3,927,260	At least 6 tenderers to be invited to tender 5 for Design & Build contracts
Works	Small lots within aggregated contract value for works involving more than one contract
Small Lots - £810,580	

If the Contract Value exceeds EU thresholds, then the EU Procurement Rules guidance must be consulted.

Formatted: No underline, Font color: Auto

**If the contract is for Social Care for Adults, Social Care for Children & Young People or is Construction related also see Special Types of Contracts.**

## 8. Competition Requirement

All contracts must meet the requirements of these Contract Procedure Rules.

All contracts with a total value of £5,000 or above must be competitively let unless you have obtained an exemption from these Contract Procedure Rules (see Special Exemptions).

You must not enter into separate contracts or select methods of calculating Total Value in order to minimise the application of these Contract Procedure Rules or EU Procurement Rules. Contract values must be aggregated in order to decide if the thresholds above are reached.

## 9. Special Exemptions from the Contract Procedure Rules

There shall be no exceptions to these Contract Procedure Rules except:

- by the direction of the Council or (in relation to Cabinet Leader and Cabinet Executive functions) the Cabinet Leader and Cabinet Executive. The report to Council / Cabinet Leader and Cabinet Executive must clearly state from which paragraphs of these Contract Procedure Rules exemption is requested, the reasons why, and the alternative contract letting method to be used to ensure best value.
- in the cases of Social Care contracts for individuals, in accordance with the procedures contained in paragraph 33.
- in the cases of care, support and specialist services contract for Children and Young People, in accordance with the procedures contained in paragraph 34.
- in the case of Emergency Works, Supplies or Services when the procedure contained in paragraph 26 of these Financial and Contract Procedure Rules shall apply.

- in the case of variations to the number of quotes/tenders for contracts:

**Contracts between £5,000 and £50,000** – variations to the number of quotes sought must be agreed by the Head of Governance and Finance Manager.

**Contracts above £50,000** - variations to the number of tenders sought must be agreed by the Head of Governance and Finance Manager. However, please note that Major contracts may be subject to the European Procurement Rules, and no exemption is allowed from them. In the case of variations to the number of quotes for contracts

**Examples of circumstances which may justify an exemption are:**

- ***no real competition – the nominated officer must use market analysis to prove that there is only one viable supplier. Documentation of this analysis and the case for exemption shall be kept on file. However, please note that major contracts may be subject to the European Procurement Rules, and NO exemption is allowed from them.***
  - ***price control – if the price is controlled by trade organisations or government order and there is no reasonable alternative.***
  - ***repairs or parts – if the only option is to repair or buy new parts for existing equipment or buildings and there is only one supplier.***
  - ***used, recycled or second hand goods – if the Head Of Service is satisfied that the market for such goods or materials is such that it would be unreasonable to tender or where the time required to complete the tender process is likely to lead to the loss of opportunity to purchase a used or second hand item.***
  - ***pilot schemes – a pilot scheme may in certain circumstances be granted an exemption.***
- in the case of urgent decisions outside the budget or policy framework – see Paragraph 4 of the Budget and Policy Framework Procedure Rules contained in paragraph 27.

***Any use of an exemption must be able to demonstrate that it is in the best interests of the Council. As Best Value (which will include whole life costing) must be demonstrated at all times Best Value alone cannot be used to justify an exemption.***

## **10. Variations**

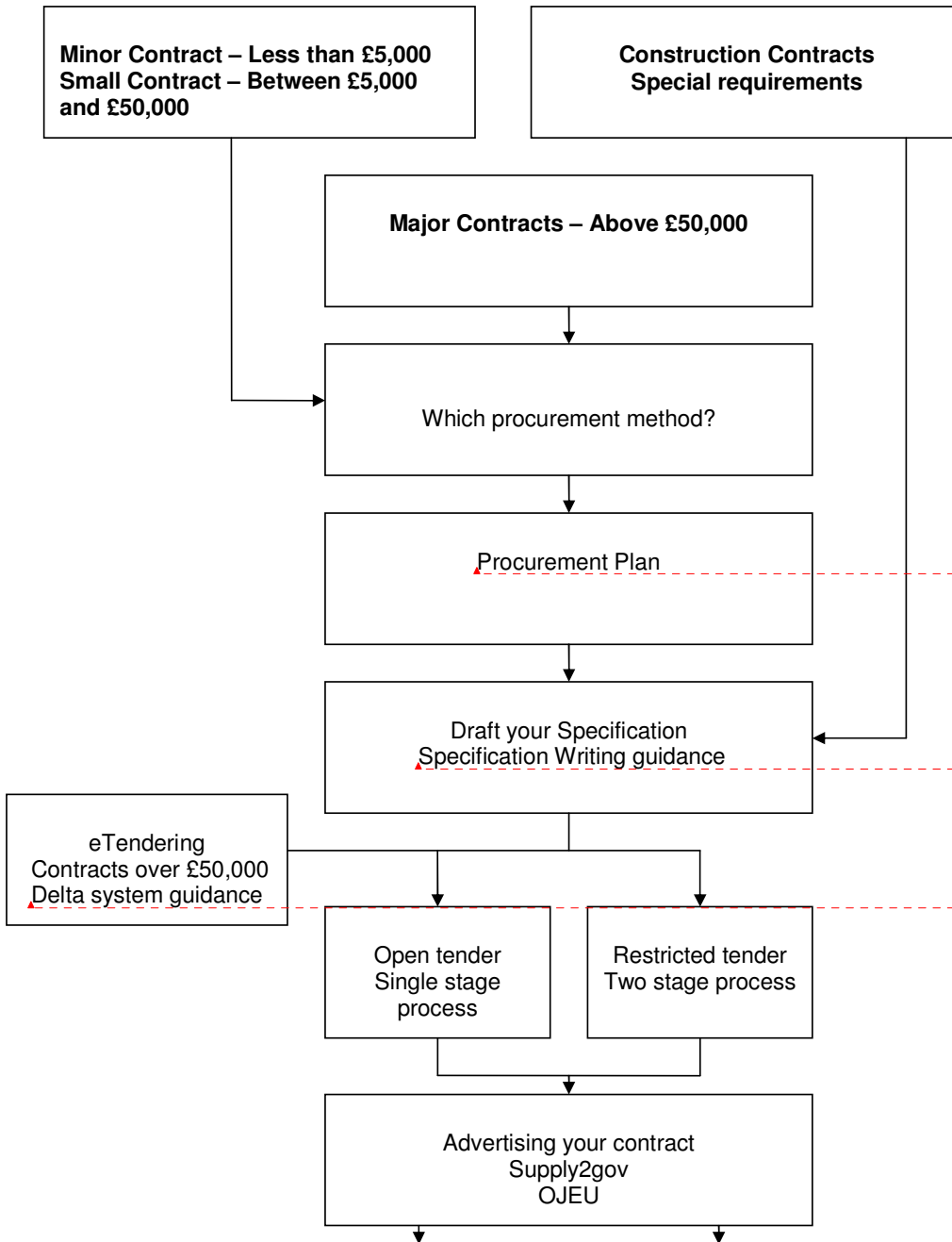
Contract variations that are not provided for in the contract must be referred to the Corporate Procurement Unit and Legal Services and Officers must refer to the Contract Variation guidance.

**Formatted:** No underline, Font color: Auto

## 11. Conducting a Procurement Flow Diagram

The Buyer's Guide will take you through the steps depicted by the FLOW DIAGRAM below. The Flow Diagram incorporates links to specific guidance and documentation.

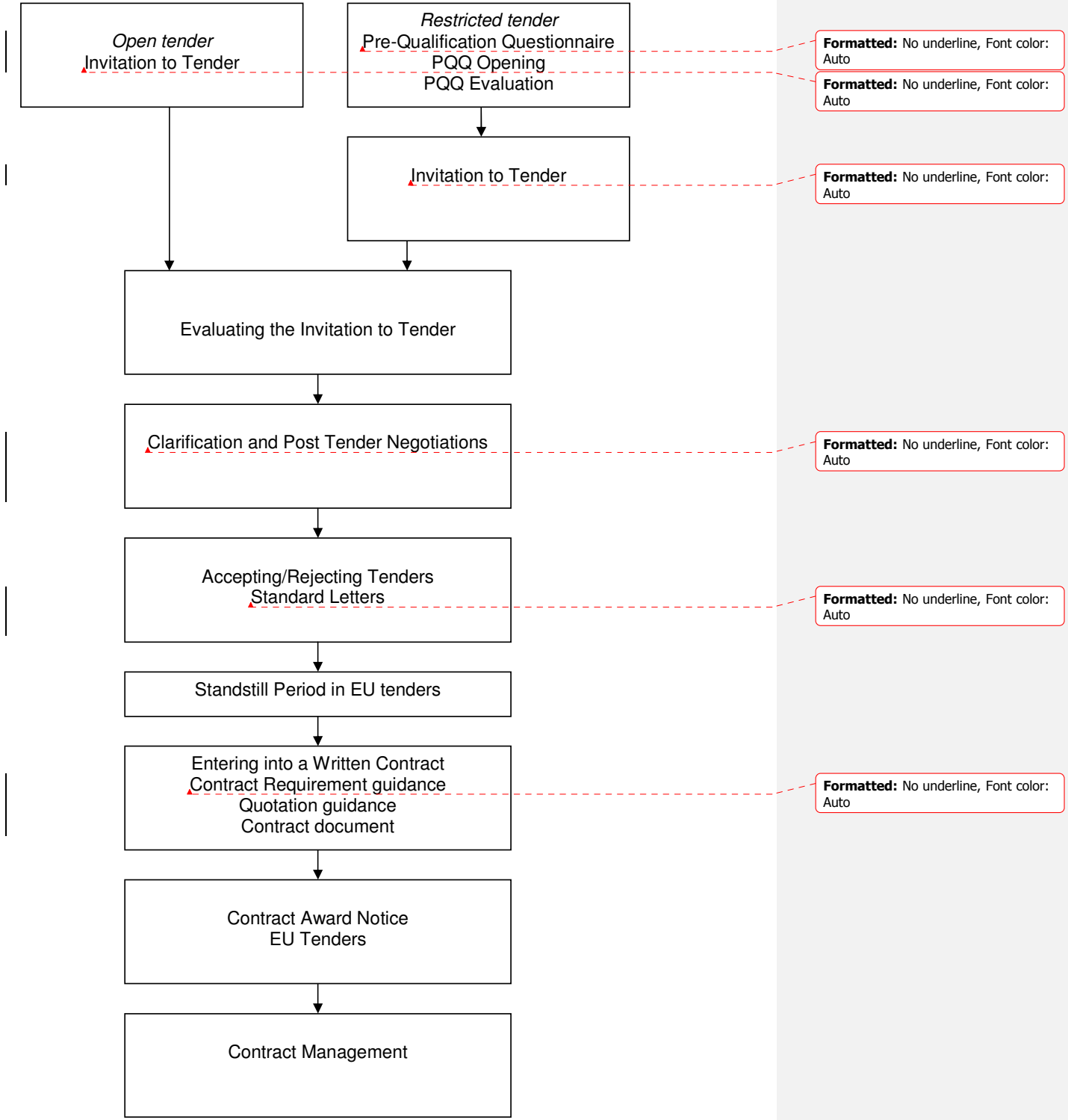
**Formatted:** No underline, Font color: Auto



**Formatted:** No underline, Font color: Auto

**Formatted:** No underline, Font color: Auto

**Formatted:** No underline, Font color: Auto



**Formatted:** No underline, Font color: Auto

**Formatted:** No underline, Font color: Auto

**Formatted:** No underline, Font color: Auto

**Formatted:** No underline, Font color: Auto

**Formatted:** No underline, Font color: Auto

**Formatted:** No underline, Font color: Auto

**12. Process for Major contracts (over £50,000) which have received special exemption from the Delta e-tendering process**

In exceptional circumstances the Corporate Procurement Unit may approve an exemption from the e-tendering (Delta) process. In such cases the following manual processes will apply.

**Receipt and Opening of Tenders - Applicable to the manual system and e-Tendering**

Up to £50,000	<i>Appropriate Head of Service</i>
In excess of £50,000	<i>Head of Governance or their designated Officer</i>
<i>In excess of £156,442</i>	<i>Head of Governance or their designated Officer</i>

**Inviting Tenders**

If you want to know whether the supplier has received the invitation to tender, you must request confirmation or enclose a 'Tender received confirmation form'.

**Returning Tenders**

Each tenderer must be provided with an envelope or label prominently bearing the name of the contract, the word "Tender", and the date and time when the tender must be returned by, and they must be instructed to return their tender in the envelope provided or in a plain envelope with the label attached. Tenders will not be accepted if the envelope or label provided is not used. No other marks or writing should be made on the envelopes. Tenderers must be advised not to use their company franking machine. Tenders will not be accepted if there are identifying marks (such as a return address, company name, logo, etc).

Tenders can be returned by hand or by post to the Head of Governance to the following address;

Telford & Wrekin Council, Civic Offices, Coach Central, Telford. TF3 4HD

Tenderers should be advised to use postal services that provide them with proof of postage and the time of sending. Tenders sent by fax or e-mail will not be accepted. This is because the information cannot be kept secret. Suppliers must be told that tenders sent by fax or e-mail will not be accepted. Tenders must be signed by a duly authorised person on behalf of the supplier.

As tenders are identified in the incoming mail they should be recorded by Democratic Services in the register which shows the time, date and name of the contract. Tenders delivered by hand should be acknowledged with a written receipt and the time, date and name of the contract similarly recorded in the register. To ensure that all tenders are received by the Democratic Services Officer when the tenders are collected, confirmation will be made that the number of envelopes handed over agrees with the number recorded in the register since the last collection. The Democratic Services Officer should initial the register to indicate the number is correct and to take responsibility for the custody of the tenders collected. Tenders will not be opened until the final deadline for receiving them. They must be kept in a safe place.

Tenders must be stored securely until it is time for them to be opened. The storage used should be locked and access to it available only to those officers in Democratic Services responsible for handling tenders, who must ensure that keys are secure at all times.

If a tender is opened by mistake before the deadline, a record of how this has happened should be attached to the packaging. The tender should be re-sealed immediately and its contents kept secret.

### **Opening Tenders**

All tenders estimated at over £50,000 must be:

addressed to the Head of Governance,

In exceptional circumstances, the relevant Head of Service, in consultation with the Head of Governance may postpone the deadline for a reasonable length of time (the reason must be recorded); provided that all tenderers are notified by the same method and no tenders have been opened. This provision is to cater for circumstances e.g. a postal strike where some extension of the closing date for the receipt of tenders may be desirable in the interests of fair competition and to provide best value to the Council. However, it is not acceptable to extend the deadline for returning tenders or delay the time for opening them to allow for late tenders.

In exceptional circumstances the Head of Governance can accept a late tender (see below).

The Democratic Services Manager must make sure that the procedures for opening tenders are followed and that the correct records and documents are completed. These include the requirement to:

- open the tenders in front of another officer.
- open all tenders at the same session, but one at a time, with each officer present signing and dating them. The officers must sign the pricing pages of each tender.
- record the details of each tender, including price, on a tender return form, with each officer checking, signing and dating the form.
- after opening, tenders should be held in a secure place and delivered as soon as possible to the Authorised Officer responsible for the tender.

**It is important that two officers are present throughout the tender opening and recording process.**

### **Late Tenders**

The Democratic Services Manager will reject tenders which are received after the deadline. In exceptional circumstances the Head of Governance, can accept a late tender. This only applies if:

they are satisfied, on the basis of the information available to them, that the tenderer despatched the tender by a means and by a time which, in the normal course of events, would have ensured that the tender arrived with the Council by the relevant deadline. In other words, they are satisfied that the tenderer took all reasonable steps to ensure delivery of the tender by the deadline and that the lateness of delivery was not due to any default on his part. The record of their decision must include a summary of the information available to them.

If the Head of Governance decides to accept a late tender, he/she must treat that tender in the same way as all other tenders. The Authorised Officer must record full details of the decision to accept the late tender on file.

If the Head of Governance decides to reject the late tender, he should open the tender only after all other tenders have been opened and recorded. He must clearly mark it as a late

tender, recording the date and time it was received, and retaining the envelope with the documents. Opening the tender will tell the Authorised Officer which suppliers have submitted late tenders, so that he/she will be able to give them feedback in case of any queries on why their bid was not successful. The Authorised Officer should keep the late tender on file with other documentation for two years, after which time he/she may destroy it.

### **13. Disclosure of tender information**

You must not give tenderers or suppliers or anyone who has a financial interest in the contract any information about the bids or affairs of any other tenderer or contractor unless the law says you must do this. The information you receive is confidential.

### **14. Ordering and entering into a written contract**

Once you have selected the successful supplier, you need to complete the contractual arrangements.

All contracts must be in writing and meet the requirements set out in the Contract Requirements guidance. This guidance provides advice on the standard contents of contracts and is available from the Corporate Procurement Unit.

Formatted: No underline, Font color: Auto

Each Head of Service must ensure that the contracts within his or her service area:

- are legal
- comply with Financial Rules
- are drafted properly
- protect the Council's interests fully
- keep copies of contract documentation in line with document retention guidance

In legal terms a contract can arise from an oral arrangement just as much as from written documentation. For contracts made by the placing of an order, the Council's official order form and the resulting invoice will be the written evidence; and for contracts where the order was initially placed orally, a confirmation written order should be sent within two working days. Oral contracts should only be used in cases of extreme urgency. Any orders must include a copy of the Council's standard terms and conditions.

Electronic confirmations will only be acceptable where this is via official Council purchasing systems, and bears a copy of the Council's terms and conditions, or is via the Council's Corporate GPC process.

Where the contract arises from the acceptance of a tender, the written form will be either the Officer's acceptance letter and the tender documents or the contract document. These must include a copy of the Council's standard terms and conditions unless JCT / ICE / NEC or similar standard form construction/industry contracts are used.

Adherence to this is vital, as where terms and conditions are not included with an order or confirmation, the Council may be legally deemed to have accepted the suppliers own terms and conditions.

Standard Terms and Conditions and Contract Documentation are available from the Corporate Procurement Unit.

Formatted: No underline, Font color: Auto

Formatted: No underline, Font color: Auto

### **15. Signing Contracts**

You must make sure that the contract is signed by a properly authorised officer as set out below:

<u>Contract Value</u>	<u>Acceptance by</u>
Up to £156,442	Appropriate Head of Service or designated Officer <ul style="list-style-type: none"> <li>• One signature is required</li> </ul>
£156,442 to £500,000	Appropriate Head of Service or Service Delivery Manager <ul style="list-style-type: none"> <li>• Two signatures required (At least one of whom must be the Head of Service or Service Delivery Manager. The second signatory can be an officer designated by the HOS)</li> </ul>
In excess of £500,000	<b>KEY DECISION</b> Appropriate Head of Service and Service Delivery Manager <ul style="list-style-type: none"> <li>• Two signatures required</li> </ul>

The lists of authorised contract signatories must be kept with the service area's contract register.

### 16. Sealed Contracts

Contracts in excess of £500,000 should be sealed by the Head of Governance instead of being signed. These contracts are enforceable for a period of 12 years.

### 17. Keeping Written Records

Each Service Area **must keep proper written records** of:

- the different stages of the tendering process including all the quotes and letters you have received, and notes of phone calls and meetings about selecting suppliers.
- the awarding of the contract.
- any information provided to tenderers or contractors.
- any decisions made, together with the reasons for those decisions.
- any exemptions granted to the number of quotes/tenders sought.
- you must keep these records for the periods set out in the Council's Corporate Retention & Disposal Scheme, see storing documents below.

**Formatted:** No underline, Font color: Auto

It is acceptable to keep written records in electronic form, including storing documents and correspondence on the eTendering tool, Delta and on the MOSS system.

### 18. Contracts Register

Authorised contract signatories must record the details of all contracts over £25,000 signed by them in their Service Delivery Area's contract register(s). A copy of this register shall be forwarded to the Corporate Procurement Unit on a quarterly basis and when requested.

### 19. Storing Documents

You must consider confidentiality when storing contracts and other information relating to tenders and agreements.

Subject to paragraph 16, contracts must be stored for a specific length of time, please follow the rules set down in the Council's Corporate Retention & Disposal scheme (CRDS).

**Formatted:** Font color: Auto

Storing documents in electronic format is acceptable.

Sealed contracts must be stored in the deeds room within Legal Services.

## **Special Types of Contract**

### **20. Construction Contracts**

When letting a Construction contract, Officers must refer to the Construction Contracts guidance.

**Formatted:** No underline, Font color: Auto

### **21. Framework Agreements**

Framework agreements (call-off contracts) allow the Council to fix terms and conditions in advance and to award contracts as and when they arise without needing to re-advertise or re-tender.

Framework agreements must be a maximum of four years.

You must follow the Contract Value Rules when setting up framework agreements and call-off contracts.

Framework agreements are subject to all UK and EU procurement legislation and must also follow these Contract Procedure Rules.

Framework contracts put in place by WMS, the Office of Government Commerce (OGC) Buying Solutions and Local Authority Purchasing Organisations such as Eastern Shires Purchasing Organisation (ESPO) and Yorkshire Purchasing Organisation (YPO) have all been exposed to competition through the EU Regulations.

Framework Guidance is available from the Corporate Procurement Unit.

**Formatted:** No underline, Font color: Auto

### **22. Appointing Experts and Consultants**

Where individuals operate under a '**contract for services**' (as an independent contractor), these Contract Procedure Rules apply. Such individuals are self-employed and paid by invoice. You must ensure there is appropriate Professional Indemnity Insurance in place to cover the work of the consultant.

Where a person is taken on as an employee under a '**contract of service**', the Council's HR (recruitment) policies apply. Such individuals are employees of the Council and must be paid through Payroll.

Further guidance on appointing consultants is available from the Corporate Procurement Unit.

**Formatted:** No underline, Font color: Auto

### **23. Collaborative Purchasing Arrangements**

Collaborative purchasing arrangements are subject to all UK and EU procurement legislation and must also follow these Contract Procedure Rules.

Collaborative arrangements include joint working where one partner takes the lead and awards contracts on behalf of the other partners.

Where the Council acts as a Lead Authority to let contracts on behalf of a consortia of public sector bodies, these Contract Procedure Rules must be complied with and all records kept by the Council's nominated officer.

If a contract is being jointly let, where Telford & Wrekin let a contract on behalf of another local authority or agency, then Telford & Wrekin Contract Procedure Rules apply (and EU regulations if appropriate).

Where another authority or agency lets the contract then that organisation's Financial and Contract Procedure rules will apply. However, consideration needs to be given to ensure that these are acceptable to Telford & Wrekin.

#### **24. Schemes financed partly or wholly by another Public Sector Organisation**

Increasingly cross-agency working is generating collaborative schemes where multiple public sector partners share total costs, nominating one partner to lead the procurement process. The lead partner signs the contract on behalf of the partnership, and is liable for any resulting default or contractual risk.

Officers leading or participating in multi-agency schemes where the key decision process applies must obtain approval from the Chief Finance Officer prior to committing the Council to participate in the scheme.

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.

#### **These must be in writing, and as a minimum should cover:**

A definition of who the funding bodies are and what they are committed to under the agreement e.g. allocation of contractual risks, roles and responsibilities, who will be responsible for any cost overruns, etc.

Express agreement as to whether the Contracts (Rights of Third Parties) Act 1999 should apply to any contract subsequently entered into with a supplier by the lead partner on behalf of the partnership. This will allow the partners other than the lead body to both enforce their rights under the contract and to be held liable for default or risk under it. Please note that this clause must also be expressly stated in the contract with the supplier to be valid.

How the specification will be agreed by all of the funding bodies. The specification should include:

- a description of the goods / services / outputs to be produced
- timescales
- testing / effects procedures
- ownership of any intellectual property (eg copyright, design rights etc) or physical property (e.g. goods, buildings) resulting from the agreement
- procedure for making variations to the agreement or the project
- measures of quality/success
- how disputes between the funding partners will be dealt with
- written agreement to pay / physical fund transfer to the lead body (when and how this will be done)
- exit arrangements if the parties are unable to agree.

Officers leading or participating in multi-agency schemes must keep records of all correspondence between the funding partners, especially those relating to agreement of specification, roles, risks and responsibilities.

Officers leading or participating on multi-agency schemes must keep all appropriate documents and evidence required to satisfy internal and external audit.

For schemes financed via the European Regional Development Fund (ERDF) the specific procurement regulation stipulated by ERDF shall supersede the Council's contract regulations. Any contracting over the EU threshold shall also adhere to the EU Procurement Regulations.

## **25. Schemes funded partly by Voluntary Sector in collaboration with the public sector**

When dealing with schemes funded partly by the Voluntary Sector, please seek advice from Legal Services.

## **26. Procedure for Emergency Works, Supplies or Services**

What counts as 'emergency'?

Construction related works of an emergency nature include the following:

- Works which if not done pose an immediate risk to Health & Safety
- Work required to keep the building operational
- Urgent maintenance works (i.e. where further deterioration resulting in additional repair costs would occur if immediate action is not taken)
- Work required immediately following an act of vandalism or arson to make the premises secure

Non Construction related works, supplies, or services of an emergency nature include the following:

- Works, services, and supplies which if not done / delivered pose an immediate risk to Health & Safety and Welfare

### **Financial Limits:**

**Construction related** work of an emergency nature at a site **up to the value of £15,000** may be awarded directly to a contractor at the discretion of the responsible Officer (Surveyor / Engineer or their Line Manager).

**Non Construction** related works, supplies or services of an emergency nature **up to the value of £15,000** may be awarded directly to a supplier at the discretion of the responsible officer (Budget Manager or their Line Manager).

For works, supplies or services with an estimated value **between £15,000 and £50,000** written quotations from a minimum of three suppliers or contractors will normally be required.

In situations where this will result in disruption and further delay, formal approval to award directly to a supplier or contractor may be obtained from the Service Delivery Manager /Head of Service.

For works, supplies or services with an estimated value **between £50,000 and EU limits (£156,442 for Supplies/Services or £3,927,260 for Works)** detailed written quotations from a minimum of four suppliers or contractors (or three for design and build projects only) will normally be required.

In situations where this will result in disruption and further delay, formal approval to award directly to a supplier or contractor may be obtained from the relevant Head of Service or another Head of Service in their absence. . This authority may not be delegated.

Works, supplies or services with an estimated value which **exceeds EU limits (£156,442 for Supplies/Services or £3,927,260 for Works)** – must follow the procedures for ‘Urgent decisions outside the budget or policy framework’ contained at Appendix 5.

**Note that EU Rules will still apply – but an Accelerated Procedure with compressed timescales may be justified. In these instances, please contact the Corporate Procurement Unit for guidance.**

All procedures relating to the placing of orders and subsequent payment of works will be in accordance with standard procedures.

All other works requiring formal tenders are to be carried out in accordance with Contracts Procedure Rules and Financial Procedure Rules and in accordance with standard procedures.

## **27. Procedure for Urgent Decisions under Paragraph 4 of the Budget and Policy Framework Procedure Rules**

*This procedure covers decisions contrary to the policy framework and contrary to or not wholly in accordance with the budget.*

### **Urgent decisions outside the budget or policy framework**

The [Cabinet Leader and Cabinet Executive](#), and any Officers, committees of the Council, area committees or joint arrangements discharging [Cabinet Leader and Cabinet Executive](#) functions may take a decision which is contrary to the Council’s policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- if it is not practical to convene a quorate meeting of the full Council and
- if the Chairman of the appropriate Scrutiny Committee agrees that the decision needs to be taken as a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the appropriate Scrutiny Committee 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 appropriate Scrutiny Committee the consent of the Speaker, and in the absence of both, the Deputy Speaker will be sufficient.

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.

## **28. External Funding**

When letting a contract which is wholly funded by an external provider the contract award method of the fund provider shall take precedence over these Contract Procedure Rules, except where EU regulations shall apply. The usual requirement to retain documentation in these circumstances will be for 6 years after the contract or scheme ends, but may be more if specified by the fund provider.

## **29. Leasing Arrangements**

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 Head of Finance or his

designated officer.

Please see the guidance on Leasing Arrangements.

Formatted: No underline, Font color: Auto

### **30. Sales / Asset Disposal**

It is important to be able to show to a third party that the Council obtains best price even when selling surplus goods and materials.

Surplus goods and materials belonging to the Council may be sold by the appropriate Head of Service subject to compliance with Financial Procedure Rules except where the provisions below apply.

Where sales are proposed the procedures set out in these Financial and Contract Procedure Rules for the purchase of goods shall be followed, but "highest" shall be substituted for "lowest".

The sale of goods and materials to staff must be approached with caution and the tendering procedures must be used. The officer undertaking to sell the goods must be aware of product safety regulations and take reasonable steps to ensure equipment is safe to use. If electrical, equipment must bear a current valid electrical testing sticker. If there is any suggestion the product may be unsafe it should not be sold.

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 Corporate ICT who will arrange disposal in accordance with European Directives and the principles of Best Value.

Where electrical equipment is to be disposed of the European Directive on Waste Electrical and Electronic Equipment (WEEE) will apply and officers must ensure these provisions are observed. Specialist advice on the disposal of ICT equipment is available via the ICT Service Desk.

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.

Advice on product safety regulations is available from the Trading Standards section.

### **31. Replacement of Council Vehicles**

In the case of replacement vehicles only, the relevant Head of Service shall be authorised to open and accept tenders and order vehicles accordingly and to attend auctions and bid, and to buy used vehicles providing that funding is in accordance with approved budgetary estimates.

This enables vehicles to be acquired expeditiously whether by way of seeking tenders or bidding at auction.

### **32. ICT Facilities & Services**

Regardless of value, **all purchases of ICT hardware, software, licences, systems, services, or works** must be through or with the agreement of the Head of ICT and Procurement for purposes of monitoring compliance with corporate standards, and the obtaining of Best Value.

They must initially be logged with the ICT Service Desk by the Service Area that requires it. The ICT Service Desk or ICT Account Managers will then take appropriate action to make the purchase on behalf of, and in conjunction with, the Service Area.

### **33. Procedure for arranging Adult Social Care and Support Contracts for individuals**

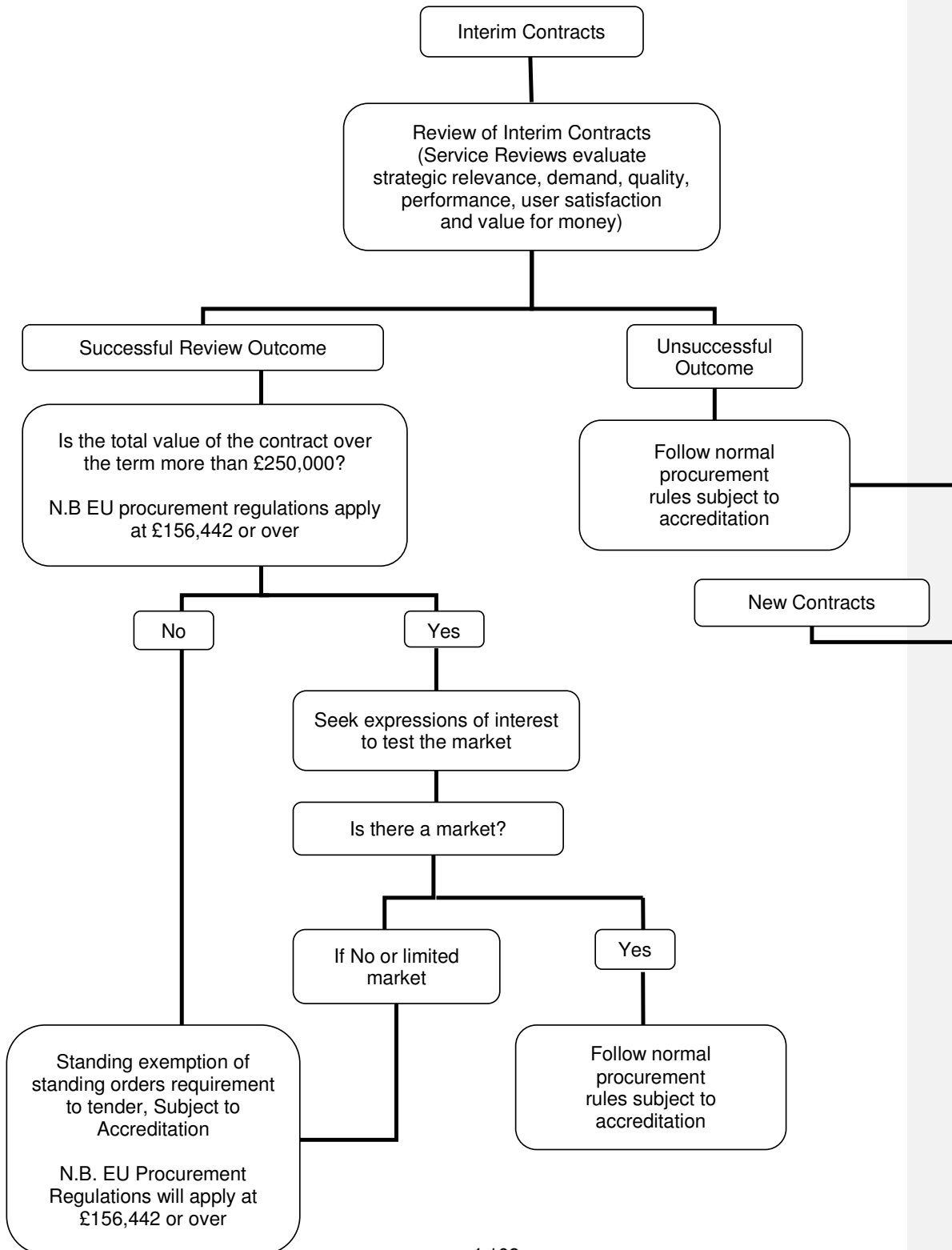
#### **Introduction**

The Council's Standing Orders allow for standing exemption from usual tendering procedures for contracts relating to the purchase of care and support services for **individuals**. This has been agreed so that the provision of residential/nursing placements, housing-related support, homecare, day care, and other forms of care in the community do not become delayed due to the procedures that would normally apply, and therefore allow social care to discharge its obligations in a timely manner.

This procedure does **not** apply to block contracting care or support arrangements, where it is deemed more appropriate to tender out the service in the normal manner. There is an exception for supporting people services and preferred partners arrangements with voluntary, charitable and not for profit organisations, where the council can clearly demonstrate value for money and that the relevant head of service can confirm that there is no market available to seek to tender out the service, or the transactional costs of tendering would be detrimental to the council.

Many Supporting People services are multi faceted, mainly care based but including an intrinsic element of commercial services. (For example care based residential provision which includes housing management services). The Supporting People Protocol recognises that it is not feasible to separate the commercial element out of these contracts in order to tender it. Where no competitive market exists for these consolidated contracts, and a successful review has been undertaken, the Supporting People Protocol includes a standing exemption from the requirement to tender these contracts.

**SUPPORTING PEOPLE PROTOCOL** Table 1



## **Assessment and Care Management**

Purchase of care services should only occur following an assessment of individual care needs, in accordance with the assessment and care management procedures relevant to the service user group (Community Care).

Assessment of individual care needs may result in a requirement to purchase one or more of the following services: -

- Residential Home care
- Nursing Home care
- Home / domiciliary care
- Day care
- Respite care
- Specialist services

Wherever possible, home or day care services should be arranged through providers who are on the Council's list of approved providers. Service users have a statutory right to choose their provider for nursing residential home care. However, it is also recognised that good practice in other forms of care provision should allow for the exercise of choice by the service user whenever possible, within available resources.

## **Purchasing Care Services**

### **Residential and Nursing Homes**

A person assessed as requiring residential or nursing home care has a right to choice of provider. Service user, relatives and carers should be signposted to the Care Quality Commission (CQC) where they can obtain factual information in relation to the quality of services available through CQC published reports.

The level of payments, which the Council makes for residential or nursing home care are set annually. These are the maximum that we pay for the categories of care identified. If the service user makes a choice of a more expensive home, the maximum Council contribution still applies. The additional cost must be met from a third party such as a relative and completion of a "Third Party Contract" will be required to cover the additional cost. This situation cannot arise if there is no third party, as the service user will either be assessed to pay the full cost, or will have the cost of care met by the Council under our standard levels of payment (full details are contained in our Charging Policy guidance).

### **Day and Home Care/Domiciliary Care**

These services will either be provided in-house, or purchased through the independent sector providing of course providers can demonstrate that they meet national minimum standards (if applicable) and hold the necessary registration status with CQC (not applicable to day care providers) and have signed up to the council's normal contracting arrangements for this type of service provision.

When arranging services, the cost should be checked and confirmed with the provider before a contract is issued. The most cost-effective service provider should be used, subject to the provider being appropriate to the assessed care needs, and service availability.

### **Respite Care**

Where respite care is purchased externally it should be either through standing arrangements via the Joint Commissioning and Contracting Teams, or on the basis of prices obtained in advance from the service provider. Where prices need to be obtained, more than

one provider should be approached if feasible, subject to suitability to meet assessed care needs and the preferences of the service user.

### **Specialist Care**

Service providers who are able to meet the most complex care needs may be available only through out-of-borough placements, and/or at high cost. In some cases such as adults requiring specialist mental health services, or people with continuing Health Care Needs. For example, there may also be issues such as shortage of placements and joint funding with other stakeholders such as health.

Specialist placements involving costs that are higher than standard rates should be agreed in advance by the Service Delivery Manager responsible for the service. In exceptional circumstances such placements may be authorised by team managers on grounds of urgency if the Service Delivery Manager or Head of Service is unavailable.

When specialist placements are being considered, they will normally be subject to a multi-disciplinary/multi-agency assessment process, which should include consideration and agreement on shared funding. Whenever possible, a number of suitable providers should be approached and cost obtained prior to the placement being made.

### **Contracts**

All arrangements for purchasing adult care services should be supported by a Telford and Wrekin Social Care Contract. These are issued to purchasing teams as standard format numbered sets and supplies are available from the Finance Section at Darby House. There are separate contracts for: -

- Residential Home and Nursing Home placements for older people and Physical & Sensory Disability.
- Residential and nursing home placements for Adults (eg, Adults with learning disabilities, and mental health).
- Nursing Home placements
- Third party payments (residential / nursing homes)
- Home care
- Day care

In each case a copy of the contract should be completed by the care manager/team manager and sent unsigned to the care provider. Upon return of the signed copy, the care manager/team manager should counter-sign the contract and send copies to: -

- Care provider
- Finance section, Darby House
- File copy, to be retained by team

Where there is a need to modify the standard form of contract or a care provider will not sign a standard contract, the Joint Commissioning and Contracting Unit must be contacted before confirming the placement arrangements and operations will be expected to place instructions with the Joint Commissioning and Contracting Unit so that a deed of variation can be drafted.

## Supporting People Contracts

All arrangements for the provision of Supporting People Services are managed and coordinated by the Housing and Personalisation Commissioning Team based in Darby House. The Strategy and Commissioning Group within the Adult Care Portfolio are the responsible body for agreeing to contracts being issued in accordance with the Supporting People Protocol, as detailed above.

## Services Purchased Under Preferred Partner Arrangements via a Service Agreement for Specialist Social Care & Support Arrangements

An exemption to standing orders is in place for the purchase of specialist services which historically would have been made under grant arrangements. This exemption may only be applied, with the approval of the relevant Head of Service, where it would not be in best interest of the Council to tender out the service because there is not a viable competitive market, and where the Council can clearly demonstrate that Best Value will be achieved. A formal service agreement must be drawn up, supported by a detailed service specification. The total value for the term of the service agreement must not exceed £250,000. N.B. EU procurement regulations will apply to all contracts exceeding £156,442 this is a legal requirement which cannot be waived.

## 34. Procedure for arranging Education, Care and Support contracts for Children & Young People

### Introduction

The Council's Standing Orders allow for standing exemption from usual tendering procedures for contracts relating to the purchase of care and support services for **children and young people**. This has been agreed so that the provision of residential schools, fostering, other residential provision including short breaks, supported lodgings, parent(s) and baby placements, parenting assessments both community and supported housing based, and other specialist therapeutic provisions for children and young people do not become delayed due to the procedures that would normally apply, and therefore allow service delivery units to discharge its obligations in a timely manner.

This procedure does **not** apply to block contracting arrangements, where it is deemed more appropriate to tender out the service in the normal manner. There is an exception for preferred partners arrangements with voluntary, charitable and not for profit organisations, where the council can clearly demonstrate value for money and that the relevant head of service can confirm that there is no market available to seek to tender out the service, or the transactional costs of tendering would be detrimental to the council. This may also be in relation to, where non full cost recovery can be clearly demonstrated and evidenced.

Some services are multi faceted; mainly social care and education based but include an intrinsic element of commercial services. (For example care based residential provision which includes housing management services/residential school). All service delivery units must have in place a protocol that demonstrates why it is not feasible to separate the commercial element out of these contracts in order to tender it. Where no competitive market exists for these consolidated contracts, and a successful review has been undertaken, then there will be a standing exemption from the requirement to tender these contracts.

### Education and Social Care or Specialist Assessment for Children and Young People

Purchase of education, social care and support services should only occur following an assessment of individual care needs, in accordance with the Children Act 1989.

Assessment of individual care needs may result in a requirement to purchase one or more of the following services: -

- Schools – residential, or specialist
- fostering
- all residential provision including short breaks
- supported lodgings
- parent(s) and baby placements
- parenting assessments both community and supported housing based, other specialist therapeutic provisions

### **Purchasing individual Children and Young People services**

All individual placements will be sourced internally and externally to ensure an appropriate matching and that the outcomes for children and Young People can be fully met. External placements will be initially sourced using the West Midlands database. Any individual placements made will be completed using the West Midlands Child Care Consortium standard Pre-Placement Agreement (PPA) and Individual Placement Agreement/Frameworks (IPA/F).

All Pre-Placement and Individual Placement Agreements are held by the Placement's Team.

Where there is a need to modify the Pre-Placement and / or Individual Agreement or a placement provider will not sign the standard Agreement, advice must be sought from the Joint Commissioning Team for Children and Young People and if necessary legal advice sought.

### **Children & Young People Contracts for services**

When purchasing services for a group of individuals this must be supported by the Borough of Telford & Wrekin Children & Young People's Standard Contract Terms or a local, regional, or national framework agreement.

This will include:

- schools
- all residential provision including short breaks
- supported lodgings
- parent(s) and baby placements
- parenting assessments both community and supported housing based and other specialist therapeutic provisions

Where there is a need to modify the Standard Contract or a provider will not sign the contract without amendment, advice must be sought from the Joint Commissioning Team for Children and Young People before agreeing to any changes and if necessary legal advice sought.

### **Services Purchased Under Preferred Partner Arrangements via a Service Agreement for Specialist Education, Care & Support Arrangements**

An exemption to standing orders is in place for the purchase of specialist services which historically would have been made under grant arrangements. This exemption may only be applied, with the approval of the relevant Head of Service, where it would not be in best interest of the Council to tender out the service because there is not a viable competitive market, and where the Council can clearly demonstrate that Best Value will be achieved. A

formal service agreement must be drawn up, supported by a detailed service specification. The total value for the term of the service agreement must not exceed £250,000.

***N.B. EU procurement regulations will apply to all contracts exceeding £156,442; this is a legal requirement which cannot be waived.***

## **Appendix 1**

### **Guidance and Standard Documents**

#### **Guidance Documentation**

- EU Procurement Rules
- Specification Writing
- Clarification and Negotiation
- Framework Guidance
- Contracts Requirements
- Delta Guidance
- Appointing Consultants
- Contract Variations
- Quotation Guidance

#### **Standard Documentation**

- Invitation to Tender
- Pre-Qualification Questionnaire
- Standard Letters (Award, Unsuccessful supplier) EU and Non EU
- Contract documentation
- Procurement Plan
- Standard Terms and Conditions (Services, Supplies & Consultancy)

## Part 4 – Rules of Procedure

### Section 8 – Officer Employment Procedure Rules

#### Explanatory Comment

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

#### 1. Appointments

##### 1.1 Declarations

- i) 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.
- ii) Where a candidate has declared such a relationship, any offer of employment shall be subject to approval by the appropriate Head of Service, except where the Head of Service is the officer to whom the candidate has declared a relationship, in which case the appropriate Corporate Director will approve any proposed offer of employment or, in the event that the Chief Executive is the officer to whom the candidate has declared a relationship, in which case the Head of Human Resources will approve any proposed offer of employment.

##### 1.2 Seeking support for appointment

- i) 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.
- ii) 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 Head of Paid Service and Chief Officers

[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 a Corporate Director. The term Deputy Chief Officer in that Act means a Head of Service.]

2.1 Where the Council proposes to appoint a Corporate Director and it is not proposed that the appointment be made exclusively from among its existing officers, the Council will:

##### 2.1.1 draw up a statement specifying:

- i) the duties of the officer concerned: and
- ii) any qualifications or qualities to be sought in the person to be appointed
- iii) 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 full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a politically balanced Panel of Members set up for that purpose in accordance with the Council's Selection and Recruitment policy. That Panel must include at least one member of the CabinetLeader and Cabinet Executive.
- 3.2 The offer of appointment as Head of Paid Service must not be made until the Panel of Members:-
- a) notify the Proper Officer or, in the event that the offer is to an Acting Head of Paid Service, the Head of Human Resources 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;
  - b) the Proper Officer has notified every member of the CabinetLeader and Cabinet Executive of:-
    - i) the name of the proposed appointee
    - ii) any other relevant particulars as notified to him/her
    - iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the CabinetLeader and Cabinet Executive to the Proper Officerand
  - c) either
    - i) the Leader, within the specified time period, notifies the Panel that neither he nor any other member of the CabinetLeader and Cabinet Executive has any objection to the making of the offer;
    - ii) the Proper Officer has notified the Panel no objection has been received; or
    - iii) the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

**Note: For the purpose of the Officer Employment Procedure Rules, the Proper Officer shall be the Head of Paid Service, except where the dismissal of the Head of Paid Service is concerned, when the Proper Officer shall be the Head of Human Resources.**

### 4. Appointment of Corporate Directors

- 4.1 The appointment of a Corporate Director or Statutory Officer will be made by a politically balanced Panel of Members set up for that purpose in accordance with the Council's Selection and Recruitment policy. That Panel must include at least one member of the CabinetLeader and Cabinet Executive.
- 4.2 The offer of appointment as Corporate Director must not be made until the Panel of Members:-
- a) notify the Proper Officer of the name of the proposed appointee and any other particulars which are considered relevant to the appointment;

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

- i) the name of the proposed appointee
- ii) any other relevant particulars as notified to him/her;
- iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet Leader and Cabinet Executive to the Proper Officer

and

c) either

- i) the Leader, within the specified time period, notifies the Panel that neither he nor any other member of the Cabinet Leader and Cabinet Executive has any objection to the making of the offer;
- ii) the Proper Officer has notified the Panel no objection has been received; or
- iii) 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 Corporate 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 Statutory Chief Officers

### 6.1 Suspension

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.

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

No disciplinary action may be taken in respect of those officers except in accordance with a recommendation in a report made by a designated Independent Person.

(Explanatory Note: an independent person is a person appointed in accordance with **Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001**. His/her role is to prepare a report before any conclusion on disciplinary action is reached. He/she may direct that no further steps should be taken or recommend the disciplinary action, if any, that should be taken.)

6.3 Members will not be involved in disciplinary action against any officer below Corporate 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 approve the dismissal of the Head of Paid Service following a recommendation of such a dismissal by a politically balanced Panel of Members set up for that purpose. That Panel must include at least one member of the Cabinet Leader and Cabinet Executive.

7.2 The dismissal of a Corporate Director or Statutory Officer will be made by a politically balanced Panel of Members. That Panel must include at least one member of the Cabinet Leader and Cabinet Executive.

7.3 The dismissal of Head of Paid Service must not be made until the Panel of Members:-

a) notify the Proper Officer of the name of the proposed dismissee and any other particulars which are considered relevant to the dismissal;

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

i) the name of the proposed dismissee;

ii) any other relevant particulars as notified to him/her;

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

and

c) either

i) the Leader, within the specified time period, notifies the Panel that neither he or any other member of the Cabinet Leader and Cabinet Executive has any objection to the dismissal;

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

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

7.4 The dismissal of Corporate Directors and or Statutory Officer must not be made until the Panel of Members:-

a) notify the Proper Officer of the name of the proposed dismissee and any other particulars which are considered relevant to the dismissal;

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

i) the name of the proposed dismissee;

ii) any other relevant particulars as notified to him/her;

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

and

c) either

i) the Leader, within the specified time period, notifies the Panel that neither he nor any other member of the ~~Cabinet~~Leader and Cabinet Executive has any objection to the dismissal;

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

iii) 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 Corporate Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct or incapability.

**This page has intentionally been left blank**

## Section 9 – Standing Orders Dealing with “Conflict Resolution” between the Full Council and the Executive. These are mandatory Standing Orders required by the Local Authority (Standing Orders) Regulations 2001

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 in a – f below
  - (a) 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 Leader of any objections and instruct that the policy and budget proposals be reconsidered by the Cabinet 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.
  - (b) within the **5 working days** the Leader may:-
    - i) submit a revised draft plan of the policy and budget proposals to the Council and the Cabinet's decision-taker's reasons for any amendments; or
    - ii) inform the Council of any disagreement the Cabinet decision-taker has with any of the Council's objections and the reasons for any disagreement.
  - (c) when the **5 working days** has expired, the Council must take into account any amendments made by the Cabinet 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.
  - (d) the Council meeting must take place within 10 working days of the receipt of the decision-taker Cabinet's proposals. At that Council meeting, the decision of the Council shall be reconsidered in the light of the decision-taker Cabinet's comments, which will be available in writing for the Council.
  - (e) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately.
2. If before 8 February in any financial year the decision-taker Cabinet shall submit to the Council for its consideration in relation to the following financial year:-
  - a) estimates of the amounts to be aggregated in making a calculation (whether originally or by a substitute) in accordance with any of Sections 32 – 37 or 43 – 49 of the Local Government Finance Act 1992;
  - b) estimate of other amounts to be used for the purposes of such calculation;
  - c) estimate of such a calculation; or
  - d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992.

and following consideration of those estimates, the Council has any objections to them, it must follow the same procedure as set out in paragraphs (a) – (e) above.

However this provision shall not apply to:-

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

| This provision shall not apply when ~~Cabinet~~ the decision-taker submit their proposals to the Council after 8 February in any financial year.

## **Section 10– Committee Procedure Rules**

### **CONDUCT OF BUSINESS**

#### **1. GENERAL**

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

#### **2. APPOINTMENT OF COMMITTEES**

- (1) 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 1.1(xi) and 1.2 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:
  - (i) shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Council;
  - (ii) may at any time dissolve a Committee or alter its membership.
- (2)
  - (i) Members of the Council may notify the Chief Executive 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.
  - (ii) The Chief Executive 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.
  - (iii) If the Chief Executive 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.
- (3) Following the procedures mentioned in (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 before the Annual Meeting.
- (4) 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.

### 3. CONSTITUTION OF COMMITTEES

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

Adult Care & Support Scrutiny Committee  
Efficient & Community Focused Council Scrutiny Committee  
Community Protection & Cohesion Scrutiny Committee  
Housing, Regeneration & Prosperity Scrutiny Committee  
Active Lifestyles – Leisure & Culture Scrutiny Committee  
Environment & Rural Areas Scrutiny Committee  
Children & Young People Scrutiny Committee

Standards Committee  
Audit Committee  
Licensing Committee  
Plans Board  
Appeals Committee  
~~Emergency Committee~~  
Personnel Board  
Council Constitution Committee

- (2) The number of members specified for each Committee shall be determined at the Annual Meeting of the Council.
- (3) No member of the Council shall be Chairman of more than one Committee unless the Council shall otherwise determine.
- (4) ~~The Speaker shall be invited to attend all Committee meetings in that capacity, save in that capacity the Speaker shall have no vote.~~
- ~~(5)~~ The Mayor shall not sit on any Board or Committee of the Council during his/her year of office. The Mayor will have the right to attend any meeting and, after prior consultation with the Chairman, to speak at any meeting.

### 4. 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

### 5. 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.

### 6. 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,

### ~~7. EMERGENCY COMMITTEE~~

~~The Emergency Committee shall consist of the Speaker, the Chairman of the relevant Committee and three other members selected in accordance with political balance rules.~~

#### **87.. SPECIAL MEETINGS OF COMMITTEES**

- (1) The Chairman of a Committee or the Speaker 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 Head of ~~Audit & Democracy Governance~~. 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.
- (2) Unless especially called together at the request of the ~~Speaker-Mayor~~ or the Deputy ~~MayorSpeaker~~, for the purpose of considering urgent business or for nominating members to Committees and to represent the Council on outside bodies, no Committee, (other than the Licensing Committee) shall hold any unscheduled meetings in the month of August with the exception of the Plans Board 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.

#### **98.. ALTERATION OF DATE/TIME OF MEETINGS**

The Chairman of a Committee, or the ~~Speaker-Mayor~~ or Deputy ~~Speaker-Mayor~~ 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

#### **109.. ESTABLISHING TASK FORCES**

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

#### **110.. RESIGNATION FROM COMMITTEE**

- (1) 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 Chief Executive and the resignation shall be effective immediately such notice is received by the Chief Executive.
- (2) Upon receipt of such notice the Chief Executive 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 Chief Executive. Upon receipt of the written notice the Chief Executive shall approve the appointment of the replacement member of the Committee.
- (3) The Chief Executive shall also be authorised to approve the appointment of members to newly constituted Committees in accordance with the written instructions of the appropriate political group.

#### **12.11. QUORUM OF COMMITTEES**

- (1) 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 which must include one of the independent members.

(2) ~~In the case of matters of urgency dealt with by the Emergency Committee the quorum shall be three.~~

(3) For the purposes of (1) ~~and (2)~~ above, the following tables show the quorums required for meetings of Committees, depending on the size:-

No. of Seats on Committee Required	Quorum
20	5
18	5
17	5
16	4
15	4
14	4
13	4
12	3
11	3
10	3
9	3
8	3
7	3
5 (Emergency Committee)	3

(Local Government Act 1972, Schedule 12 paragraph 6)

#### **1312. 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.

#### **1413. RECORDING OF VOTES**

(1) 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.

#### **1514. COUNCIL PROCEDURE RULES TO APPLY TO COMMITTEES**

The Council Procedure Rule 13 headed "Rules of Debate" for Council meetings (except those parts which relate to standing and to speaking more than once) and Council Procedure Rule 22 headed "Declarations of Interest of Members in Contracts and Other Matters" shall, with any necessary modifications, apply to Committee meetings.

#### **1615. MEMBER ATTENDING MEETINGS OF A COMMITTEE OF WHICH HE/SHE IS NOT A MEMBER**

Subject to Committee Procedure Rule 17, 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 Plans Board, but

subject to Council Procedure Rule 22 may remain after the Board or Committee has resolved to exclude the public under Section 100A (2) or (4) of the Local Government Act 1972.

#### **1716. 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.

#### **1817. 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.

#### **1918. PRESENTATION OF PETITIONS**

- (1) A petition may be presented to a meeting of the relevant Committee 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 Head of ~~Audit & Democracy Governance~~.
- (2) There shall be no right of a petitioner to address members.
- (3) Consideration of a petition may take place at the meeting of the Committee 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 referred to the relevant Officer for report to a future meeting.

**This page has intentionally been left blank**

## **FUNCTIONS, POWERS AND DUTIES OF LICENSING COMMITTEE**

The Licensing Committee shall have the power to order the institution of legal proceedings in Courts of Summary Jurisdiction or in the County Courts or Appeal to Crown Courts in appropriate cases and the Head of Legal Services shall have power in the name of the Council to appoint a solicitor to defend any legal proceedings against the Council.

### **NON-DELEGATED MATTERS (i.e. matters to be referred to Council for decision)**

#### **A FUNCTIONS RELATING TO NAME AND STATUS OF AREA**

1. Power to change the name of the district.
2. Power to change the name of a parish.
3. Power to petition for a charter to confer borough status.

#### **B. BYE-LAWS AND LOCAL BILLS**

1. The making, variation or revocation of bye-laws, orders, regulations, rules, schemes or similar instruments or scales of fees and charges requiring the confirmation of a Government Department and the power to promote or oppose local or personal Bills.

#### **C. MISCELLANEOUS FUNCTIONS**

1. Power to confer title of honorary alderman or to admit to be an honorary freeman.

### **DELEGATED MATTERS (i.e. matters which can be decided (resolved))**

#### **A LICENSING AND REGISTRATION FUNCTIONS**

1. The functions of the Council in relation to licensing and registration policy (except in relation to the Licensing Act 2003 and the Gambling Act 2005).
2. Power to issue licences authorising the use of land as a caravan site ('site licences')
3. Power to license hackney carriages and private hire vehicles
4. Power to license drivers of hackney carriages and private hire vehicles.
5. Power to license operators of hackney carriages and private hire vehicles.
6. Power to issue entertainment licences.
7. Power to license sex shops and sex cinemas.
8. Power to license performances of hypnotism.
9. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis.
10. Power to license pleasure boats and pleasure vessels.
11. Power to license market and street trading.
12. Duty to keep list of persons entitled to sell non-medicinal poisons.

13. Power to license dealers in game and the killing and selling of game'
14. Power to register and license premises for the preparation of food.
15. Power to license scrap yards.
16. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.
17. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.
18. Power to issue fire certificates.
19. Power to licence premises for the breeding of dogs.
20. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
21. Power to register animal trainers and exhibitors.
22. Power to license zoos.
23. Power to license dangerous wild animals.
24. Power to license knackers' yards.
25. Power to license the employment of children.
26. Power to approve premises for the solemnisation of marriages.
27. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to; -
  - (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or,
  - (b) an order under section 147 of the Enclosure Act 1845.
28. Power to register variation of rights of common.
29. Power to license persons to collect for charitable and other causes.
30. Power to grant consent for the operation of a loudspeaker.
31. Power to grant a street works licence.
32. Power to license agencies for the supply of nurses.
33. Power to issue licences for the movement of pigs.
34. Power to license the sale of pigs.
35. Power to license collecting centres for the movement of pigs.
36. Power to issue a licence to move cattle from a market.

37. Power to permit deposit of builder's skip on highway.
38. Power to license planting, retention and maintenance of trees etc. in part of highway.
39. Power to authorise erection of stiles etc. on footpaths or bridleways.
40. Power to license works in relation to buildings etc. which obstruct the highway.
41. Power to consent to temporary deposits or excavations in streets.
42. Power to dispense with obligation to erect hoarding or fence.
43. Power to restrict the placing of rails, beams etc. over highways.
44. Power to consent to construction of cellars etc. under street.
45. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.
46. Power to sanction use of parts of building for storage of celluloid.
47. Power to approve meat product premises.
48. Power to approve premises for the production of minced meat or meat preparations.
49. Power to approve dairy establishments.
50. Power to approve egg product establishments.
51. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.
52. Power to approve dispatch or purification centres.
53. Power to approve fishery product establishments.
54. Power to register auction and wholesale markets.
55. Duty to keep register of food business premises.
56. Power to register food business premises.
57. Power of the Council to deal with dangerous trees.
58. Powers in connection with the provision and management of sites for the accommodation of gypsies.
59. Duty to keep register of information with respect to maps, statements and declarations.
60. Power to determine application for public path extinguishment order.
61. Power to make a special extinguishment order.
62. Power to make a public path diversion order.
63. Power to make a special diversion order.

64. Power to require applicant for order to enter into agreement.
65. Power to make SSSI diversion order.
66. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
67. Power to decline to determine certain applications.
68. Power to authorise temporary disturbance of surface of footpath or bridleways.
69. Power temporarily to divert footpath or bridleway.
70. Functions relating to the making good of damage and the removal of obstructions.
71. Power to extinguish certain public rights of way.
72. Power to designate footpath as cycle track.
73. Power to extinguish public right of way over land acquired for clearance.
74. Power to authorise stopping-up or diversion of footpath or bridleway.
75. Power to extinguish public rights of way over land held for planning purposes.
76. Power to enter into agreements with respect to means of access.
77. Power to provide access in absence of agreement.
78. Duty to make arrangements for proper administration of financial affairs etc.
79. Power to appoint Officers for particular purposes (appointment of "proper officers").
80. Power to make closing order with respect to take away food shops.
81. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.
82. Duty to designate officer as the monitoring officer and to provide staff etc.
83. All powers under the Regulatory Reform (Fire Safety) Order 2005.
84. Street naming and numbering
85. Power to grant licences under the Motor Salvage Operators Registration Scheme/Power to issue a Notice of Proposed Refusal of Application.

#### **Delegated Matters in relation to the Licensing Act 2003**

1. Power to determine an application for a personal licence.
2. Power to determine an application for a premises licence or club premises certificate.
3. Power to determine an application for a Provisional statement.
4. Power to determine an application to vary a premises licence, club premises certificate or designated premises supervisor.
5. Power to determine a request to be removed as a designated premises supervisor.
6. Power to determine an application for transfer of premises licence.

7. Power to determine an application for Interim Authorities.
8. Power to determine an application for a review of a premises licence or club premises certificate.
9. Power to determine whether a representation is irrelevant, frivolous or vexatious.
10. Power to object as consultee to an application.
11. Power to determine a police representation to a Temporary Event Notice.
12. Authority to prosecute in respect of offences under the Licensing Act 2003.

#### **Delegated Matters in relation to Gambling Act 2005**

1. Power to determine an application for a premises licence.
2. Power to determine an application for a variation to a licence.
3. Power to determine an application for a transfer of a licence.
4. Power to determine an application for a provisional statement.
5. Power to determine an application for reinstatement.
6. Power to determine a review of a premises licence.
7. Power to determine an application for club gaming/club machine permits.
8. Power to determine the cancellation of club gaming/club machine permits.
9. Power to determine an application for other permits.
10. Power to determine the cancellation of licensed premises gaming machine permits.
11. Power to consider a temporary use notice.
12. Power to determine the issue of a counter notice to a temporary use notice.
13. Power to deal with Small Society Lottery Registration.
14. Authority to prosecute in respect of offences under Gambling Act 2005.
15. Authority to Authorised Local Authority Officers to enter premises under the Gambling Act 2005.
16. Authority to the Head of Legal Services or any other Officer authorised by them to sign on behalf of the Licensing Authority in order to acknowledge receipt of any Notices, Applications or other documentation received by the Licensing Authority under the Gambling Act 2005 and its associated Regulations.

#### **B. HEALTH & SAFETY AT WORK**

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. HEALTH ACT 2006**

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

#### **D. ELECTIONS**

1. Duty to appoint an electoral registration officer.
2. Power to assign officers in relation to the requisitions of the registration officer.
3. Functions in relation to parishes and parish councils.
4. Power to dissolve small parish councils.
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.
6. Duty to appoint returning officer for local government elections.

7. Duty to provide assistance at European Parliamentary elections.
8. Duty to divide constituency into polling districts.
9. Power to divide electoral divisions into polling districts at local government elections.
10. Powers in respect of holding elections.
11. Power to pay expenses properly incurred by the electoral registration officers.
12. Power to fill vacancies in the event of insufficient nominations.
13. Duty to declare vacancy in office in certain cases.
14. Duty to give public notice of a casual vacancy.
15. Power to make temporary appointments to parish councils.
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the people Act 2000

**E. MISCELLANEOUS**

1. Power to make payments or provide other benefits in cases of maladministration etc.
2. Annually review their effectiveness and their terms of reference.

**F. COMMUNITY GOVERNANCE REVIEWS**

1. To deal with all matters relating to Community Governance Reviews as detailed within the Local Government & Public Involvement in Health Act 2007

## **FUNCTIONS, POWERS AND DUTIES OF PLANS BOARD**

### **Delegated Matters (i.e. matters which can be decided (resolved))**

1. Power to determine applications for planning permission.
2. Power to determine applications to develop land without compliance with conditions previously attached.
3. Power to grant planning permission for development already carried out.
4. Power to decline to determine application for planning permission.
5. Duties relating to the making of determinations of planning permission.
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
8. Power to enter into agreement regulating development or use of land
9. Power to issue a certificate of existing or proposed lawful use or development.
10. Power to serve a completion notice.
11. Power to grant consent for the display of advertisements.
12. Power to authorise entry onto land.
13. Power to require the discontinuance of a use of land.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.
15. Power to issue an enforcement notice.
16. Power to apply for an injunction restraining a breach of planning control.
17. Power to determine applications for hazardous substances consent and related powers
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mining permissions relating to mining sites, as the case may be, are to be subject
19. Power to require proper maintenance of land
20. Power to determine application for listed building consent, and related powers
21. Power to determine applications for conservation area consent
22. Duties relating to applications for listed building consent and conservation area consent

23. Power to serve a building preservation notice, and related powers.
24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area
25. Power to acquire a listed building in need of repair and serve a repairs notice
26. Power to apply for an injunction in relation to a listed building.
27. Power to execute urgent works.
28. Power to create footpaths and bridleways
29. Power to stop up footpaths and bridleways.
30. Power to divert footpaths and bridleways.
31. Duty to assert and protect the rights of the public to use and enjoyment of highways.
32. Powers relating to the removal of things so deposited on highways as to be a nuisance.
33. Duty to keep a definitive map and statement under review.
34. Duty to reclassify roads and used as public paths.
35. Powers relating to the preservation of trees.
36. Powers relating to the protection of important hedgerows.
37. Power to make limestone pavement order.

**General**

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

## **FUNCTIONS, POWERS AND DUTIES OF APPEALS COMMITTEE**

### **Delegated Matters (i.e. matters which can be decided (resolved))**

1. To consider and deal with any appeals arising out of the Council's function 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.
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.0

**This page has intentionally been left blank**

## **FUNCTIONS, POWERS AND DUTIES OF STANDARDS COMMITTEE**

### **Delegated Matters (i.e. matters which can be decided (resolved))**

1. To prepare Codes of Conduct for members and employees taking account of national codes and guidance.
2. To submit these Codes for approval by full Council.
3. To ensure that the Codes are understood and implemented throughout the Council and the local community.
4. To monitor the implementation of the Codes and advise Council of any changes that may be desirable.
5. To grant dispensations to councillors, parish councillors and co-opted members (including church and parent governor representatives) from requirements relating to interests set out in the Members' Code of Conduct.
6. To prepare an Anti-Fraud and Corruption Strategy for the Council, submit it to the Council and review it on an annual basis.
7. To instigate a '*whistle blowing*' or Speak Up policy for the Council, and to monitor its operation
8. To receive and investigate/determine allegations of breaches of the members Code (employees to be part of the disciplinary process) in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 and associated legislation and guidance.
9. To consider and deal with reports relating to issues of conduct referred to the Committee by the Monitoring Officer/Finance Officer both of whom shall have a right of direct access to the Committee.
10. To prepare a Protocol for members/Employee relations within the Council
11. To arrange and/or provide training for Councillors on ethical conduct.
12. Annually review their effectiveness and their terms of reference.
13. To consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer
14. To Advise the Council on the appointment of independent members taking account of guidance issued by the Standards Board for England
15. To select and recruit Parish Council representatives to serve on the Standards Committee taking account of guidance issued by the Standards Board for England

**This page has intentionally been left blank**

## **FUNCTIONS, POWERS AND DUTIES OF AUDIT COMMITTEE**

### **Delegated matters (i.e. Matters which can be decided (resolved))**

#### **Internal Audit**

1. The approval (but not direction) of, and monitoring of progress against, the internal audit strategy 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, 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 once a year, if 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.

#### **Risk Management**

Recognising that Risk Management is a Cabinet function, the Committee should:-

9. Seek assurances that the authority's risk management arrangements are effective and operating within Council policy and review the Annual Risk Management report to Council.
10. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.

#### **Governance**

11. Be responsible for the review and approval of the authority's Annual Governance Statement ensuring that it properly reflects the risk environment and any actions required to improve it. Following approval, it should recommend its inclusion in the Accounts.
12. Consider the effectiveness of the control environment including reviewing the Council's Code of Corporate Governance and other corporate governance arrangements to ensure compliance with best practice.

### **Treasury Management**

13. 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**

14. 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**

15. To approve the Anti-Fraud and Corruption Policy for adoption by the Council, and to review it at least once every 2 years.
16. To approve the Speak Up Policy ('*whistle blowing*') for adoption by the Council, and to monitor its operation. This policy will be reviewed at least once every two years.

### **Complaints**

Recognising that Complaints/Compliments are a Leader and Cabinet Executive ~~Cabinet~~ function, the Committee should:-

17. Review the Annual Complaints Report and seek assurances that the Council is improving in response to complaints raised.

### **General**

18. 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.
19. To ensure that adequate training is received by the members of the committee on the areas covered by the terms of reference 1 – 16 above.
20. To ensure that any sensitive or confidential information obtained as a result of membership of the Committee is treated as confidential.
21. Annually review their effectiveness and their terms of reference.

## FUNCTIONS POWERS AND DUTIES OF PERSONNEL BOARD

See Appendix B

~~Non-Delegated Matters (i.e. matters to be referred to Council for decision)~~

- ~~1. To make recommendations on the organisational structure for employees, insofar as they are not delegated to the Head of Human Resources~~
- ~~2. To consider and make recommendations on the Human Resources implications of service matters.~~

~~Delegated Matters (i.e. matters which can be decided)~~

- ~~1. To advise upon policies dealing with all aspects of the employment of people by the Council and proposals relating to nationally and locally negotiated conditions of service.~~
- ~~2. To consider and approve strategic employment reviews, for example the review under the National Agreement on Pay and Conditions of Service 1997 (Single Status).~~
- ~~3. Power to appoint staff (so far as this is not inconsistent with the Officer Procedure Rules contained in Part 4, Section 8 of the Constitution).~~
- ~~4. To agree at a strategic level all matters relating to the Council's employees, including:
  - ~~• Terms and conditions~~
  - ~~• Training and development~~
  - ~~• Employee relations~~
  - ~~• Equality of opportunity in employment~~~~
- ~~5. All functions relating to the local government pension scheme~~
- ~~5. Annually review their effectiveness and their terms of reference.~~

~~**NOTE: The appointment of all staff below the level of Head of Service and day to day interpretation and implementation of all staffing matters and individual terms and conditions are delegated to the Head of Human Resources**~~

**This page has intentionally been left blank**

## **FUNCTIONS, POWERS AND DUTIES OF COUNCIL CONSTITUTION COMMITTEE**

### **Non-Delegated Matters (i.e. matters to be referred to Council for decision)**

1. To make recommendations on any proposed changes to the Council's Constitution.

### **Delegated Matters (i.e. matters which can be decided (resolved))**

1. To review the Constitution on an annual basis.
2. To consider in detail any proposed changes to any part of the Council's Constitution.
3. To monitor the operation of the Constitution.
4. To assess the implementation of any changes approved by the Council.
5. Annually review their effectiveness and their terms of reference.

**This page has intentionally been left blank**

## Part 5 - Code and Protocols

### Section 1 – Members Code of Conduct

#### Preamble – General Principles

**Selflessness** – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and Integrity** – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – Members should be as open as possible about their actions and those of their Authority, and should be prepared to give reasons for those actions.

**Personal Judgement** – Members may take account of the view of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for Others** – Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

**Duty to Uphold the Law** – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law

**Leadership** – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

#### Part 1 – General provisions

##### Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State (**a**).<sup>12</sup>
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—

---

<sup>12</sup> See the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401)

“meeting” means any meeting of—

- (a) the authority;
- (b) the executive of the authority
- (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” includes a co-opted member and an appointed member;

(5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

## Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority—
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### General obligations

3. (1) You must treat others with respect.
- (2) You must not—
  - (a) do anything which may cause your Authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be—
    - (i) a complainant
    - (ii) a witness, or
    - (iii) involved in the administration of any investigations or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (3) In relation to police authorities and the Metropolitan Police authority, for the purposes of sub-paragraph (2)(d) those who work for, on behalf of, an authority are deemed to include a police officer.
4. You must not—
  - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
    - (i) you have the consent of a person authorised to give it;
    - (ii) you are required by law to do so;
    - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
    - (iv) the disclosure is—
      - (aa) reasonable and in the public interest; and
      - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
  - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
  - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

- (b) must, when using or authorising the use by others of the resources of your authority—
  - (i) act in accordance with your authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a).<sup>13</sup>

7.—(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## **Part 2 - Interests**

### **Personal interests**

8.—(1) You have a personal interest in any business of your authority where either—

- (a) it relates to or is likely to affect—
  - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
  - (ii) any body—
    - (aa) exercising functions of a public nature;
    - (bb) directed to charitable purposes; or
    - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
 of which you are a member or in a position of general control or management;
  - (iii) any employment or business carried on by you;
  - (iv) any person or body who employs or has appointed you;
  - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of

---

<sup>13</sup> (a) 1986 c.10

that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (ix) any land in your authority's area in which you have a beneficial interest;
  - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
  - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority—
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
  - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
  - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

### **Disclosure of personal interests**

9. —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or

8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1) (b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(a).<sup>14</sup>

### **Prejudicial interest generally**

- 10.**—(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
  - (c) relates to the functions of your authority in respect of—
    - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease
    - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends:

---

<sup>14</sup> (a) See the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations (S.I. 2000/3272)

- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

#### **Prejudicial interests arising in relation to overview and scrutiny**

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or a sub-committee of such a committee) where –
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

#### **Effect of prejudicial interests on participation**

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from your authority's standards committee; and
- (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### **Part 3 - Registration of Members' Interests**

#### **Registration of members' interests**

13. (1) Subject to paragraph 14, you must, within 28 days of—
- (a) this Code being adopted by or applied to your authority; or
  - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

#### **Sensitive information**

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

## Part 5 – Code and Protocols

### Section 2 – Officer Code of Conduct

#### Explanatory Comment

The National Code of Conduct for Officers has not yet been drawn up by Government. In the meantime the Council has adopted a Local Code for Employees which will be reviewed when the National Code has been issued.

#### **CODE OF CONDUCT FOR TELFORD & WREKIN EMPLOYEES**

##### *A – General Principles*

1. The public is entitled to expect the highest standards of conduct from all Council employees. The role of such employees is to serve the Council by providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

##### *B – Accountability*

2. Council employees work for and serve the whole Council. They are accountable to, and owe a duty to the Council. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

##### *C – Political Neutrality*

3. Council employees, whether or not politically restricted, must follow every lawfully expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. Where Council employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

##### *D – Relations with members, the public and other employees*

4. Mutual respect between Council employees and members is essential to good local government, and working relationships should be kept on a professional basis.

5. Council employees must deal with the public, members and other employees sympathetically, efficiently, and without bias. Their dealings must demonstrate the Council's ethos of value, fairness and trust.

##### *E – Equality*

6. Council employees must comply with policies relating to equality issues, as agreed by the Council, in addition to the requirements of the law. The Council will make available relevant training for employees on these issues.

##### *F – Stewardship*

7. Council employees must ensure that they use public funds entrusted to them in a responsible and lawful manner consistent with the Council's Constitution, and must not

utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.

*G – Personal Interests*

8. Whilst Council employees' private lives are their own concern, they should not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:
- (1) The Council's rules on the registration and declaration by employees interests – financial or otherwise.
  - (2) The Council's rules for employees of hospitality or gifts offered to or received by them, from any organisation doing or seeking to do business with the Council, or which may otherwise benefit from a relationship with the Council. Council employees must not accept benefits from a third party unless authorised to do so.

*H – Whistleblowing (Confidential Reporting)*

9. In the event that a Council employee becomes aware of activities that the employee believes to be illegal, improper, unethical or otherwise inconsistent with:
- a) this Code;
  - b) the Council's Constitution;
  - c) the Council's Anti-Fraud and Corruption Policy; or
  - d) other Council policies and procedures,

the employee should report the matter under the Council's Speak Up policy, preserving their rights under the Public Interest Disclosure Act 1998.

*I – Treatment of Information*

10. Openness in the dissemination of information and decision making is normal within the Council. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Council member, employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

*J – Appointment of Staff*

11. Council employees involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must be properly trained and must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.
- Associated Policies and Procedures

## **APPENDIX 1**

The Council policies and procedures listed below must be followed to assist in adherence to this Code. (The letter in brackets references the section of the Code above).

1. The Constitution – Financial regulations and Contract Standing Orders (A,B,C,F,G,H)
2. The Member/Officer Protocol (D)
3. The Council's Equalities Policy (E)
4. Declaration of Interests – guidance (G)
5. Gifts and Hospitality Guidance (G)
6. Anti-Fraud and Corruption Policy (H)
7. Speak Up Policy (H)
8. Recruitment and Selection Policy and procedures (J)

**This page has intentionally been left blank**

## Part 5 – Codes and Protocols

### Section 3 – Protocol on Member/Officer Relations

#### 1. INTRODUCTION

- 1.1 The relationship between members and employees is an essential ingredient that goes into the successful working of the organisation. This relationship within the Council is characterised by mutual respect, informality and trust. Members and employees feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship, it is rather to help members and employees to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Head of Human Resources
- 1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for speak up (whistle blowing).

#### 2. ROLES OF MEMBERS AND EMPLOYEES

- 2.1 The respective roles of members and employees can be summarised as follows:

Members and employees are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Employees are responsible to the Council. Their job is to give advice to members and the Council, and to carry out the Council's work under the direction and control of the Council, the Cabinet, and relevant committees, boards, panels etc.

Mutual respect between Councillors and employees is essential to good local government

- 2.2 Members

Members have three main areas of responsibility: determining the policy of the Council and giving it political leadership, representing the Council externally, and acting as advocates on behalf of their constituents. It is not the role of members to involve themselves in the day to day management of Council services.

- 2.3 Members of the Cabinet, Chairmen and Vice-Chairmen

Members of the Cabinet and Chairmen and Vice-Chairmen of Committees, Boards, Panels etc have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and more complex than those of members without those responsibilities, and this is recognised in the expectations they are entitled to have.

- 2.4 Opposition Members

As individual members of the Council, all members have the same rights and obligations in their relationship with employees and should be treated equally. This principle is particularly important in the context of scrutiny and overview. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between employees,

particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

## 2.5 Employees

The role of employees is to give advice and information to members and to implement the policies determined by the Council.

Certain employees e.g. Head of Paid Service, Monitoring Officer, Chief Financial Officer (Section 151 Officer) and the Statutory Chief Officers have responsibilities in law over and above their obligations to the Council and its Members that they must be allowed to discharge.

## 3 EXPECTATIONS

### Members can expect from employees:

- A commitment to the Council as a whole, and not to any political group
- A working partnership
- An understanding of and support for respective roles, workloads and pressures
- Timely response to enquiries and complaints
- Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of employees.
- 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
- Awareness of and sensitivity to the political environment
- Respect, dignity and courtesy
- Training and development in order to carry out their role effectively
- Integrity, mutual support and appropriate confidentiality
- Not to have personal issues raised with them by employees outside the agreed procedures
- That employees will not use their relationship with members to advance their personal interests or to influence decisions improperly
- That employees will at all times comply with the relevant Code of Conduct

### Employees can expect from members:

- A working partnership
- An understanding of and support for respective roles, workloads and pressures
- Political leadership and direction

- Respect, dignity and courtesy
- Integrity, mutual support and appropriate confidentiality
- Not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of employees in determining what are reasonable requests, having regard to the power relationship between members and employees, and the potential vulnerability of employees, particularly at junior levels
- That members will not use their position or relationship with employees to advance their personal interests or those of others or to influence decisions improperly
- That members will at all times comply with the relevant Code of Conduct

#### **4 WHEN THINGS GO WRONG**

##### **Procedure for employees**

- 4.1 From time to time the relationship between members and employees may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or member, employees will have recourse to the Grievance Procedure or to the Council's Monitoring Officer, as appropriate to the circumstances. Within each portfolio, one male and one female manager will be identified to whom an initial approach may be made by a concerned employee. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate Group Leader will decide on the course of action to be taken, following consultation with the Chairman and Vice-Chairman of the Standards Committee.

##### **Procedure for members**

- 4.2 In the event that a member is dissatisfied with the conduct, behaviour or performance of an employee, the matter should be raised with the appropriate Head of Service. A member may choose to express their concern specifically to a male or female manager. Where the employee concerned is a Head of Service or Corporate Director, the matter should be raised with the appropriate Corporate Director or with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Head of Human Resources. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.

**This page has intentionally been left blank**

## Part 5 – Codes and Protocols

### Section 4 – Protocol on Use of Substitutes

#### Explanatory Note

The protocol below applies to the use of substitutes at meetings of Committees, Boards, etc. except for the Standards Committee, Audit Committee, and Scrutiny Committees – Call-In Meetings.

#### The Protocol

- 1.1 In accordance with the requirements of Council Procedure Rule 5.2, each political group shall be entitled to provide a pool of substitutes for each relevant Committee/Board.
- 1.2 The lists of pools of substitutes (listed in order of preference i.e. first choice, second choice) shall be submitted to the Democratic Services Manager for retention and for updating on the instructions of the appropriate Group Leaders.
- 1.3 Any member of a Committee/Board where substitutes are permitted, if he/she is unable to attend a meeting of which he/she has been given notice is entitled to appoint a substitute for that meeting.
- 1.4 That member shall contact a member from the relevant named pool of substitutes, invite the member to attend the meeting as substitute and notify the Head of ~~Audit & Democracy Governance~~ at least 1 hour before the start of the meeting of the intended substitute.
- 1.5 If the first choice substitute is not able to attend, then the Member will contact the remainder of members in order of preference from the named pool of substitutes and invite that member to attend the meeting. If all substitutes for a particular Group are unavailable then no substitute will attend.

**This page has intentionally been left blank**

## Part 6 - Members' Remuneration Scheme

### Explanatory Comment

The Members Remuneration Scheme set out below is as approved by the Council in September 2008. 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 2008/09 provided for:-

- All Members to receive a basic allowance, currently £7,583
- The following positions attract a special responsibility allowance (in addition to the basic allowance).

Chairman of Cabinet/Leader	£22,903.00
Deputy Leader	£15,320.00
Cabinet Member	£10,800.00
Chairman of Scrutiny Management/Leadership Board	£10,237.00
Main Opposition Group Leader	£ 9,479.00
Lead Scrutiny Members	£ 7,583.00
Chairman of Plans Board	£ 7,583.00
Chairman of Licensing Committee	£ 7,583.00
Chairman of Audit Committee	£ 7,583.00
Independent Chairman of Standards Committee	£ 7,583.00
Cabinet Assistants	£ 4,550.00
<del>Speaker of Council</del>	<del>£ 2,511.00</del>
Chairman of Appeals Committee	£ 2,275.00

- The scheme provides for travel, subsistence, childcare and dependant carers allowances to also be claimed by Members.
- 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.
- 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.
- 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 in 2012. **Local Authorities (Members Allowance)(England) Regulations 2003 (as amended)**
- The Mayor/Deputy Mayor are reimbursed expenses in accordance with **Sections 3 and 5 of the Local Government Act 1972**. The Mayor receives £7,005.00 and the Deputy Mayor £2,388.00

**This page has intentionally been left blank**

## Part 7 - Definitions

**Access to Information Rules** – those Rules setting out the terms on which members of the public may attend Council Meetings and obtain copies of documents as detailed in Part 2, Article 3 of this Constitution

**Area** – the geographical area which is the administrative responsibility of the Council

**Area Working** – a means of engaging with the community and monitoring the local delivery of services

**Authority** – the local authority known as Borough of Telford and Wrekin

~~**Cabinet** – the Leader and the Cabinet Members together~~

**Cabinet Decisions** – decisions of the Cabinet in accordance with the Cabinet Procedure Rules

**Cabinet Member** – a Councillor who is appointed by the ~~Leader~~Council to be a member of the Cabinet

**Chairman** – any individual appointed to chair any Committee

**Chief Executive** – Chief Executive (Head of Paid Service) for the time being of the authority

**Chief Finance Officer** – the Officer appointed by the Authority to be Chief Finance Officer and have responsibility for those duties designated under Section 151 of the 1972 Act, Section 73 of the 1985 Act and Section 112 of the 1988 Act

**Committee** – any committee, sub-committee, board, sub-board or commission of the Council

**Corporate Directors** – such Directors as are for the time being appointed

**Council** – the collective term for all of the elected members of the Council

**Councillor/Member** – an elected member of the Council

**Deputy Leader** – person appointed by the Leader to deputise for the Leader

~~**Deputy Speaker** – the Councillor elected by the Council to deputise for the Speaker if the Speaker is not able for whatever reason to fulfil his or her duties~~

**Audit Commission's Annual Audit and Inspection Letter** – The Audit Commission's comments on the Council's progress and Comprehensive Area Assessment rating together with the requirements of the statutory annual audit (Code of Audit Practice 2005)

**Ethical Standards Officers** – officer of the Standards Board for England

**Extraordinary Meeting** – a Council Meeting called in accordance with the Council Procedure Rule 3. See Chapter 2, Part 4, Section 1

**Head of Paid Service** – the Officer appointed by the Council to undertake all duties designated under Section 4 of the 1989 Act. The Chief Executive is the Head of Paid Service.

**Leader** – the Councillor elected by the Council to be the Leader of the Council

~~**Leader and Cabinet Executive** – the Leader and the Cabinet Members together~~

**LMS Scheme** – the Local Management of Schools Scheme Monitoring Officer – the Officer appointed by the Authority to undertake all duties designated under Section 5 of the 1989 Act.

| **Monitoring Officer** – the Head of ~~Legal Services~~Governance is the Monitoring Officer.

**Officer** – an employee of the Authority

**Ombudsman** – the Local Government Ombudsman

**Scrutiny Committees**– scrutinise the work of the Council and relevant partner organisations

**Proper Officer** – the Officer with specific statutory responsibilities

**Public Assembly Session** – a meeting called by the Leader at which parties other than Councillors may participate in debate

| ~~**Speaker** – the Councillor elected by the Council to Chair meetings of the Council~~

**Standards Hearing** - a hearing of the Standards Committee

**Statutory Officers** – the Head of Paid Service, Monitoring Officer, Chief Finance Officer

**The 1972 Act** – the Local Government Act 1972

**The 1985 Act** – the Local Government Act 1985

**The 1988 Act** – the Local Government Finance Act 1988

**The 1989 Act** – the Local Government and Housing Act 1989

**The 2000 Act** – the Local Government Act 2000

## Part 8 - Not Allocated

**This page has intentionally been left blank**

## Part 9 - General Guidance

### GENERAL NOTES BLANK

~~This details the following general points which all officers involved in the decision making process need to be familiar with.~~

- ~~1) Principles of Decision-making~~
- ~~2) How to structure a report~~
- ~~3) Whether a report can be treated as Exempt/Confidential~~
- ~~4) Consultation within the organisation and externally~~
- ~~5) Powers which may be exercised by officers under delegation from the Council/Cabinet~~
- ~~6) How decisions which are contrary to approved policy are dealt with~~
- ~~7) The recording and publication of decisions~~
- ~~8) Impact on Partnership decisions~~
- ~~9) Where there is an urgent need for a decision by the Council or by the Cabinet, the procedures to be followed~~
- ~~10) Definition of "Key Decisions"~~

### **IMPORTANT!!!**

~~Officers must also be aware of and take account of the following:-~~

- ~~11) The Council has Rules of Procedure on how it conducts its business which must be followed by officers. These are contained within the Constitution.~~
- ~~12) There are specific Rules of Procedure in relation to Contracts which must be complied with when the Council is awarding or entering into a contract.~~
- ~~13) In addition, all of these processes must comply with the Council's Financial Regulations~~

**This page has intentionally been left blank**

## GUIDANCE NOTE 1

~~These notes are produced to assist officers to understand the working of the Constitution. In particular this guidance note helps in the processes in relation to decision making.~~

### 1. Decision Making

- ~~The principles of decision making are contained within Article 13.02 of the Constitution. This states that all decisions of the Council, its Committees (Boards), the Cabinet and those under delegated powers shall have regard to the following principles of 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.~~
- ~~When in relation to Cabinet matters, officers are required to forward plan reports and decisions carefully, particularly for the forthcoming four months.~~
- ~~Authors of reports need to decide whether a report is legally required to Council (Board/Committees) or the Cabinet. This decision can be made after checking the Constitution and in particular the Committee Procedure Rules. A helpful "shortcut" is to refer to Part 3 "Responsibility for Council Functions" list which contains full details of functions which are the responsibility of the Council.~~
- ~~If the issue is one for the Council as opposed to the Cabinet, then the next step is to ascertain whether responsibility has been delegated to a Board/Committee or to an officer. Again, reference should be made to the "Responsibility for Council Functions" list which identifies the responsible officer for any particular function and also details any onward delegation.~~
- ~~If the issue for determination is not within the Council's Functions list and is not a decision in relation to overall budget or policy matters then the decision making body is the Cabinet.~~
- ~~Where the Cabinet is responsible for making a decision then consideration has to be given as to whether it is a key or non-key decision. (**see Guidance Note on Key Decisions**).~~
- ~~Where it is a Key Decision, then this must be included in the Cabinet's Forward Plan of Key Decisions before any decision can be taken. If it has been omitted from the Forward Plan then the Business Manager/report author must arrange for it to be included therein by contacting the Democratic Services Officer. (**This applies even when a Key Decision is to be taken by an officer under delegated powers**). In cases of urgency an urgency procedure exists—see Part 4, Section 2 and Overview and Scrutiny Procedure Rules~~
- ~~Where a **non-key decision** is to be taken by the Cabinet then a report should be prepared by the Business Manager and forwarded to the appropriate Democratic Services Officer for inclusion on the Cabinet agenda.~~

- ~~• Officers need to identify both key and non-key decisions over the forthcoming four month period.~~

## ~~**2. Structure of Reports**~~

- ~~• Reports to the Council (its Boards/Committees) will continue in the existing format, as varied from time to time to accord with legislation. (see standard type pro forma of the report which must be used).~~
- ~~• It is **imperative** that report authors allow sufficient time to obtain full financial and legal comment at draft stage. Failure to do so will result in items not being included on agendas.~~
- ~~• Cabinet reports will be drafted in the existing format but in addition the areas raised in Article 13.02 (see above) need to be included so that the Democratic Services Officer is able to make a full record of the decision, the reasons for the decision, together with details of alternative options considered to ensure compliance with legal requirements.~~

## ~~**3. Access to Information – Exempt/Confidential Items**~~

- ~~• To avoid identifying an exempt/confidential item the Forward Plan is concerned (in relation to a Key Decision by the Cabinet or a Key Decision to be taken by an officer) a decision in respect of what would be an exempt item can be entered in the Forward Plan by way of a general heading only, e.g. “Acquisition of Land in South Telford”.~~

## ~~**4. Consultation**~~

- ~~• The Constitution refers to the need to consult within the Council and externally at the commencement of the budget process etc. In general external consultation will be with stakeholder/partner organisations as appropriate.~~

~~Guidance on this can be obtained from Policy, Performance & Partnership~~

## ~~**5. Scheme of Delegation**~~

- ~~• The existing scheme of delegation has been ratified by full Council and is available on the website and intranet.~~

## ~~**6. Decisions as to Council functions (Committees/Boards) outside of the policy and budget framework**~~

- ~~• If the service Committee/Board wishes to make a decision which is not in accordance with approved policy or within budget then this item must be referred to full Council for decision.~~
- ~~• The Cabinet can only make decisions which are within the confirmed policy and budget framework approved by the Council.~~

## ~~**7. Recording of Decisions**~~

- ~~• Decisions taken by the Council, its Committees and Boards, and the Scrutiny Committees will be recorded by the means of minutes of each meeting.~~
- ~~• All decisions taken by the Cabinet and all Key Decisions taken by officers exercising delegated authority are legally required to be recorded and published.~~

- ~~An officer wishing to take a Key Decision should, following consultation with the relevant Cabinet Member, provide the Democratic Services Officer with a report containing all the necessary information for the preparation of a Decision Notice.~~
- ~~Within four working days of any decision(s) being taken on a Cabinet function by the Cabinet or by an officer exercising delegated powers, the Democratic Services Officer will prepare and publish a record in the form of Decision Notices/Minutes (Cabinet) or a Decision Notice (officer decision). A copy will be placed on Main Reception at the Civic Offices, unless the matter is exempt/confidential and forwarded electronically to all Members for Call-In purposes.~~

#### **8. Impact on Partnership Decisions**

- ~~This will depend to a large extent on the nature of the partnership and the decision being made. The Council has developed a Partnership Protocol which must be considered before any partnership arrangement is entered into. The Partnership Protocol is available on the Council's intranet.~~

#### **9. Emergency Procedures**

- ~~Where the function in respect of which a decision is required is a Council (Committee/Board) function, there still exists the ability to call an Emergency Committee to make that decision. Please refer to the relevant Democratic Services Officer.~~
- ~~In relation to Key Decisions of the Cabinet, these can only be taken if they appear in the Forward Plan. However, the Constitution contains an urgency procedure where a Key Decision is required to be taken which has not been publicised in the Forward Plan. (See Part 4 Rules of Procedure, Section 2 Access to Information Procedure)~~
- ~~In relation to urgent decisions which would be contrary to the approved budget and policy framework a separate urgency procedure exists. (See Part 4 Rules of Procedure, Section 3 – Budget and Policy Framework Procedure Rules in the Constitution).~~
- ~~For all other non-key urgent decisions needed to be taken by the Cabinet, a special Cabinet meeting could be called.~~

***Further advice may be sought from the Democratic Services Officers.***

**This page has intentionally been left blank**

**GUIDANCE NOTE 2 – REPORT FORMAT**

**The report should be written in ‘Arial 12 point’, please do not use the ‘Header’ for the title box. Page, Sub Heading and Paragraph Numbers should always be used but don’t have to follow that prescribed in this template, the test should always be ‘does it make sense?’**

**TITLE BOX**

**The following information should be contained at the top of the first page of your report and should be in a box (please use single border do not use shading):**

**TELFORD & WREKIN COUNCIL**

**(NAME OF BOARD/COMMITTEE) – (DATE)**

**(TITLE OF REPORT)**

**REPORT OF CORPORATE DIRECTOR/HEAD OF SERVICE**

**1. PURPOSE**

**This should comprise no more than 2 sentences which explain to the reader (who may be a member of the public, Councillor, Officer) the exact nature and purpose of the report.**

**2. RECOMMENDATIONS**

**2.1 Make the recommendations clear and total in respect of all the approvals necessary and be precise do not include what is merely supporting information that should be elsewhere in the report:**

**e.g. is delegated authority needed?**

**Is the concurrence of another body needed?**

**2.2 (N.B. If you are requesting delegated authority to an officer but also involving the Chairman and Vice Chairman of the Board, the legally required wording is, viz:-**

**“That the Corporate Director/Head of Service be granted delegated authority, following consultation with the Chairman and Vice Chairman of the Board, to .....**

**Format for recommendations should be –**

**That ..... be approved/agreed/accepted**

**3. SUMMARY**

**A brief description of the main content of the report needs to be inserted under this heading. This should assist the report recipient to achieve a general understanding of why the report is on the agenda.**

**4. PREVIOUS MINUTES**

**This should indicate the minute number, the name of the Board/Committee and the date of the Board meeting when the same subject matter was last considered. Please do not revisit the text or resolution of any previous minutes and do not include**

Formatted: Heading 4, Left

Formatted: Heading 4, Left, Border: Top: (No border), Bottom: (No border), Left: (No border), Right: (No border)

Formatted: Heading 4, Left

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left

Formatted: Heading 4, Left

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

details of informal (officer) meetings other meetings that are not part of the formal decision making structure of the Council.

This assists the reader, particularly a Councillor, to research the item of business and check previous decisions.

If the item of business is being discussed for the first time, the author should write "Not Applicable" under this heading.

#### 5. INFORMATION

This should contain the main core of the report, and should describe in more detail the nature of the subject matter, together with whatever is being proposed. If there is a lot of detail this should be put in an appendix to the report rather than being in the main core.

To make the report easier to read and to refer to at the meeting:

split the report into fairly short paragraphs;

avoid using technical jargon;

if using acronyms, make sure that it is written in full on first use;

number the pages.

number the paragraphs

To assist the reader further, the Information part of the report should also be divided into the following sub-sections:-

##### 5.1 Background

Any background information which helps the reader to understand the subject matter should be inserted here. It should give a brief history of the issue, giving a reminder of any previous decisions made, and should describe any work that may have already been undertaken.

Further sub headings should be used where appropriate but the following should always be included:

##### 5.2 Equality and Diversity

Please identify any implications in terms of the Council's commitment to equality and diversity. This includes issues in respect of race, disability, gender, age, sexuality, gender identity, religion or cultural belief.

If this report is proposing a change of policy, developing a new strategy or changing procedures significantly, please include information on the outcomes of the Equality Impact Assessment process. All significant developments or changes must undergo an Equality Impact Assessment by law.

For information please contact Hilda Bertie – Equality and Diversity Manager on 01952 382124.

##### 5.3 Environmental Impact

Formatted: Heading 4, Left

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left, No bullets or numbering

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left, No bullets or numbering

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left, No bullets or numbering

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left, No bullets or numbering

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left, No bullets or numbering

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

~~\_\_\_\_\_ The report authors should make their own judgement about the likely environmental impact of their proposal. If authors feel the implications are complex or technical they should contact Katherine Kynaston, Environment & Sustainability Manager on 01952 384201 for advice. If there are no such implications, then this should be stated.~~

#### ~~\_\_\_\_\_ 5.4 Legal Comment~~

~~\_\_\_\_\_ As soon as the author has produced a draft report, a copy should be sent to the Board's/Committee's legal adviser. He/she will advise of any legal implications and insert details of the legal context in which the proposals are made.~~

~~\_\_\_\_\_ If the reply is that there are no legal implications, then this should be stated.~~

#### ~~\_\_\_\_\_ 5.5 Links with Corporate Priorities~~

~~\_\_\_\_\_ Linkages with corporate matters should be identified and included here.~~

#### ~~\_\_\_\_\_ 5.6 Opportunities and Risks~~

~~\_\_\_\_\_ A) FOR REPORTS CONTAINING KEY DECISIONS:~~

~~\_\_\_\_\_ In proposing this action / decision / project, (delete as appropriate) the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks can be managed all of the time and some risks may not have been identified.~~

~~\_\_\_\_\_ The following key risks and opportunities associated with this action/decision/project (delete as appropriate) have been identified and assessed and arrangements will be put in place to manage them.~~

~~\_\_\_\_\_ OR~~

~~\_\_\_\_\_ B) ALL OTHER REPORTS TO DIRECTORS OR CABINET~~

~~\_\_\_\_\_ "The opportunities and risks associated with this decision/option/project (delete as appropriate) have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified".~~

~~\_\_\_\_\_ The Risk Management Methodology is available in the Risk Management Strategy that can be found on the Risk management page of the Intranet. If you require further assistance please contact Sarah Daffern, (Principal Risk Officer) on sarah.daffern@telford.gov.uk or 01952 383112 or Jenny Marriott (Audit & Risk Manager) on jenny.marriott@telford.gov.uk or 01952 383101.~~

#### ~~\_\_\_\_\_ 5.7 Financial Implications~~

~~\_\_\_\_\_ As soon as the author has produced a draft report, a copy should also be sent to the Board's/Committee's Financial Adviser. He/she will indicate the costing and financial implications of the proposal and will also advise as to whether any supplementary financial approvals are necessary.~~

~~\_\_\_\_\_ If there are no financial implications, then this should be stated.~~

~~\_\_\_\_\_ (N.B. All of the above consultations should be carried out before the draft report is submitted to the relevant Democratic Services Officer, for despatch to the Members)~~

Formatted: Heading 4, Left, Indent: Left: 0 cm

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left, Indent: Left: 0 cm

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left, Indent: Left: 0 cm

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

Formatted: Heading 4, Left, Indent: Left: 0 cm

Formatted: Heading 4, Left, Indent: Left: 0 cm, First line: 0 cm

6. WARD IMPLICATIONS

If only one or a few Wards are affected by the proposals, identify the Ward(s). If there are no implications for specific wards the report should state: "District Wide Implications."

7. BACKGROUND PAPERS

There is a legal requirement that all reports published for Council, Cabinet, Committee and Board meetings include in the report, a list of background papers, i.e. papers which have been relied upon in preparing the report.

Examples are: letters, memoranda, other reports, notes of conversations, plans, etc.

These should be listed under the heading "Background Papers", after the Ward Implications section of the report. The above applies to any report considered in open

End of Report

This should state who the report was prepared by (if written by someone other than Head of Service or Corporate Director) and should give their name, designation and telephone number.

Always put word processing/file reference at bottom of last page.

Report prepared by Name, Post Title

Tel: 01952 telephone extension

Formatted: Heading 4, Left

~~TELFORD & WREKIN COUNCIL~~

~~GABINET/BOARD/COMMITTEE—(DATE)~~

~~(TITLE OF REPORT)~~

~~REPORT OF CORPORATE DIRECTOR/HEAD OF SERVICE~~

~~1. PURPOSE~~

~~2. RECOMMENDATIONS~~

~~3. SUMMARY~~

~~4. PREVIOUS MINUTES~~

~~5. INFORMATION~~

~~5.1 Background~~

~~5.2 Equality & Diversity~~

~~5.3 Environmental Impact~~

~~5.4 Legal Comment~~

~~5.5 Links with Corporate Priorities~~

~~5.6 Opportunities and Risks~~

~~5.7 Financial Implications~~

~~6. WARD IMPLICATIONS~~

~~7. BACKGROUND PAPERS~~

~~Report of Named Head or Corporate Director~~

~~or~~

~~Report prepared by ..... (if written by other than Head or Corporate Director)~~

~~Name, designation and telephone number~~

|

**This page has intentionally been left blank**

## **GUIDANCE NOTE 3-1-DEFINITIONS OF KEY DECISION**

Key decisions are:-

(a) Decisions which have a significant financial impact:

- Decisions which have a significant financial impact of more than £500,000 e.g. the letting of a contract
- Involve a virement between service budgets of more than £50,000.
- Involve a virement between service budgets of between £25,000 and £50,000 where the sum is more than 20% of the budget
- 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.

(b) Decisions which are likely to be significant in terms of their effects on communities.

The key tests are:

- Does the decision have:
  - A significant impact on more than one ward?
  - A significant impact on terms of delivery of the Council's agreed policy?

Or:

- Is the decision likely to be of significant public interest?
  - if either apply then the decision is deemed to be a Key Decision.

(c) Any decision made by the Leader and Cabinet Executive in the course of developing proposals to the full Council to alter the policy framework would be a key decision.

When considering the financial limits the following guidance should be followed:-

1. Contracts of employment are to be treated as outside the scope of key decisions.
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.
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.
4. The letting of contacts 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.

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.
6. Please remember that Key Decisions can be taken by [the Leader and Cabinet Executive](#) or by officers under delegated powers.

Should you require any clarification relating to the interpretation of this guidance, please contact Legal Services

## **GUIDANCE NOTE 4.2 – ATTENDANCE AT CABINET MEETINGS (VOLUNTARY PROTOCOL)**

- 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:-
  - that the agenda is made available for public inspection five working days prior to the date of the meeting
  - 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.
  - 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 (see also Part 4 – Section 4 – Cabinet Decision Procedure Rules paragraph 1.7 and Part 9 – Committee Procedure Rules paragraph 16)
- This Protocol gives additional rights over and above those contained in the Constitution.
- 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.
- 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.
- On the Thursday prior to a meeting of the Cabinet, the Opposition Group Leaders (or their deputies) may request a briefing on agenda items.

**This page has intentionally been left blank**

**GUIDANCE NOTE 5-3 – PUBLICATION OF AGENDAS, MINUTES AND DECISION NOTICES.**

There are several elements within the Constitution where documents are required to be “published”. This Guidance Note sets out the minimum requirements in terms of publication.

- The range of documents required to be published are:
  - Forward Plan of Key Decisions
  - Reports of Officers
  - Decision Notices/Minutes of Cabinet and Decision Notices relating to those decisions taken by Officers under delegated powers

The agendas, reports (except those that are confidential/exempt) and Decision Notice/Minutes of Cabinet and minutes of all other meetings.

- These documents will be published on the Council’s web site.
- This Guidance Note is based on the principle that electronic methods will be used to the full and it will be for individual Members to regularly check their own e-mail. In particular there are only 3 working days in which to “Call In” decisions and notifying Members of the decisions quickly is key.

As a minimum requirement, a copy of these documents should be available for inspection at the Council’s main office (Civic Offices).

**This page has intentionally been left blank**

### **FORWARD PLAN OF KEY DECISIONS**

- The Constitution requires publication of a Forward Plan covering a four-month period.
- The Plan is rolled forward and updated on a monthly basis. Each time the Plan is rolled forward a new fourth month will be added, and there will be additions, deletions and amendments to the other three months.
- Each municipal year at the start of the cycle of meetings a public advertisement will be placed in the Shropshire Star indicating the dates on which the Forward Plan will be published, the effective date for each edition and where it can be inspected.

#### **Public Access**

- Minimum requirement: To make a copy available at the main Council Offices (Civic Offices).
- A copy of the Forward Plan is also available on the Council's web site.

#### **Access for Members**

- Minimum requirement: An e-mail will be sent to all Members providing a link to the relevant part of the Council's web site where the Forward Plan is published.
- Minimum requirement: A copy will also be made available in the Members Room.

**This page has intentionally been left blank**

## **DECISION NOTICES**

The Constitution requires all decisions by the ~~Leader and Cabinet Executive Cabinet~~ and all Key Decisions taken by officers exercising delegated powers to be published. In respect of ~~Leader and Cabinet Executive~~ decisions combined Decision Notices/Minutes are produced and for officer Key Decisions Decision Notices (hereinafter both are referred to as 'Decision Notices') are produced by ~~Governance Audit & Democracy~~.

- The regulations require a minimum amount of information to be contained in a Decision Notice i.e. record of decision, reasons for decision, details of options considered, record of any conflict of interest, and record of any dispensation granted by the Standards Committee.
- Publication of a Decision Notice must take place within four working days of the decision being taken.

Following publication of a Decision Notice, Members can invoke the "Call-In" process if they so wish (see Part 4, Section 5 Overview & Scrutiny Procedure Rules). It is, therefore, imperative that all Members and the statutory co-optees (in relation to Education matters), receive Decision Notices within the required timescale.

- Decision Notices in respect of officer Key Decisions on matters that are exempt/confidential will not be available for public inspection.

**All** Decision Notices will be co-ordinated by ~~Audit & Democracy~~**Governance**. Officers making Key Decisions must advise ~~Audit & Democracy~~**Governance** of any Key Decisions they wish to make in order that Decision Notices are published within the requisite timescale

### **Public Access**

- Minimum requirement: A copy will be available at the Council's main offices (Civic Offices).
- Decision Notices will be on the Council's web site.

### **Access for Members**

- Minimum requirement: Decision Notices will be e-mailed to all Members within four working days of the decision(s) being taken.

**This page has intentionally been left blank**

## **CABINET, COMMITTEE & BOARD AGENDAS**

All agendas and reports (except those that are exempt/confidential) are published five working days before the date of the meeting.

Members of Cabinet and each Committee or Board will receive a paper copy of the agenda and all reports. Substitute Members of the Plans Board receive a paper copy. All other Members of the Council are sent a hyperlink to the Council's website.

- Copies will also be available in the Members Room.

### **Public Access**

- Minimum requirement: a copy of the Agenda will be made available at the Council's main Offices (Civic Offices) five working days before the date of the meeting.
- Agendas are also available on the Council's web site.

### **Access for Members**

- Minimum requirement: For full Members of the Cabinet (including Group Leaders of the Opposition), Board or Committee a paper copy will be sent.
- Minimum requirement: Substitute Members of the Plans Board receive a paper copy.
- Minimum requirement: A copy will also be made available Members Room.
- A copy (unless exempt/confidential) is published on the Council's web site and all Members of the Council receive a hyperlink to the website.

**This page has intentionally been left blank**

## Part 10 - Local Functions

### LOCAL FUNCTIONS

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: -

<u>Functions</u>	<u>Decision Making Body</u>
<b>Appeals</b>	
The determination of an appeal against any decision made by or on behalf of the authority	Appeals Committee
<b>Appointments</b>	
The appointment of review boards for the determination of claims and reviews under the Social Security Act 1998. Social Security Act 1998 s.34(4)	Council
<b>Environment</b>	
<b>Environmental Health Refuse Collection</b>	
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

Plans Board

#### Enforcement

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

Plans Board

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

Plans Board

#### Standards in Local Government

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

Standards & Audit Committee

Assistance to members and co-opted members of the authority

Standards & Audit 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

The Leader and Cabinet Executive

Works. Highways Act 1980, s.278.

#### Miscellaneous

The conduct of best value reviews. The Leader and Cabinet Executive Cabinet  
Local Government Act 1999, s.5

#### Police Authority

The making of arrangements under section 20 The Leader and Cabinet Executive Cabinet  
(questions on police matters at Council meetings)  
of the Police Act 1996 for enabling questions to  
be put on the discharge of a police authority.  
Police Act 1996

#### Appointments

The appointment of any individual: The Leader and Cabinet Executive Cabinet

(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

**This page has intentionally been left blank**

# Part 11 – Responsibility for Functions List of Powers Exercisable by Officers – Council and its Committees Functions and Cabinet Functions

## BOROUGH OF TELFORD & WREKIN

LOCAL GOVERNMENT ACT 2000, LOCAL GOVERNMENT ACT 1972, SECTION 100g(2)

Responsibility for Functions List of Powers Exercisable by Officers of the  
Borough of Telford & Wrekin Council

- (a) General Power of Delegation: A delegation granted to a specific post may be delegated onwards to an appropriately qualified officer as required for the operational efficiency of the service
- (b) This issue of the 100g(2) List was approved by Council on 28 June, 2007 on the basis that post titles be amended in respect of organisational changes and consolidated legislation
- (c) As a result of ~~the a~~ significant re-structure ~~taking place~~, the delegations rest with the Chief Executive and the responsible Corporate Director and Head of Service rather than as necessarily identified in the Scheme.
- (d) In circumstances where the decision making body for the function is named as the Cabinet it is confirmed that the Leader has delegated these functions rests with the Leader and Cabinet Executive and may be delegated as identified in Part 3 – Responsibility for Functions -to the Cabinet (in accordance with section of the Local Government Act 2000 as amended??)

Functions	Decision Making body	Delegation of Functions
<b>Adult Social Care</b>		
<b>Community Care</b>		
Community Care Services National Health Service and Community Care Act 1990, S.46	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care, Head of Prevention & Protection Head of Development; Head of Performance & Standards
Assessment of persons who may require community care services and the provision of such a service, if and as appropriate National Health Service & Community Care Act 1990, S.47	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
To administer central government specific grants for community care services.	Cabinet	

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
The making of payments for community care services Community Care (Direct Payments) Act 1996	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
<b>Disabilities</b>		
To assess the needs of people with disabilities for welfare services Disabled Person (Services Consultation and Representation) Act 1986 S5 (5). National Health Service & Community Care Act 1990, S.47	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
Arrangements for the assessment of the need for statutory welfare services for young people with disabilities notified from a LEA as shortly to leave full-time education Disabled Person (Services Consultation and Representation) Act 1986 S.5(5)	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
To arrange welfare services for disabled people who have been assessed as needing them National Assistance Act 1948	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
Compilation of a register of disabled people and arrangements for determining the number of disabled people living in the area and their needs for welfare services National Assistance Act 1948, S.29 & 29A Chronically Sick & Disabled Persons Act 1970, S.1	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Residential Care</b>		
Arrangements for the provision of residential care for adults, who require care and attention otherwise unavailable and to establish charges for residential care in accordance with national regulations National Assistance Act 1948, Part III	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
<b>Miscellaneous and General</b>		
All powers and duties of the Council relating to Social Services Functions under Section 1A and Schedule 1 of the Local Authority Social Services Act 1970 ("the 1970 Act") and such other functions as the Secretary of State may designate as appropriate under Section 1A(b) of the 1970 Act from time to time (together with guidance under Section 7 of the 1970 Act) as the responsibility of the Director of Adult Social Services appointed under Section 6(A1) of the 1970 Act other than those for which the authority's Director of Children's Services is responsible under Section 18 Children Act 2004 (Cabinet 11 <sup>th</sup> May 2009 – Minute No. CB-199)	Cabinet	Corporate Director: Adult & Consumer Care/Head of Housing Needs & Community Care/Head of Prevention & Protection/Head of Service Development/Head of Performance & Standards/Corporate Director: Children & Young People/Head of Safeguarding & Corporate Parenting/Head of BSF, Resources & Social Regeneration Head of Locality Services for Children & Families/Head of Commissioning, Performance & Partnerships/Head of Learning & Achievement
Arrangements for service to promote the welfare of older people Health Services and Public Health Act 1968, S.45	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
To determine requests for requisition of water supplies S.80 Water Industries Act 1991	Cabinet	Head of Prevention & Protection

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
To authorise designated officers to sign contracts for individual social care services Various	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
To make guardianship applications To make emergency applications for admissions for assessment Mental Health Act 1983, S.2,3,4,7,8,11,13	Cabinet	Approved Social Workers
<b>Asset &amp; Property Management</b>		
<b>Property Negotiations</b>		
All matters relating to property negotiations	Cabinet	Head of Asset & Property Management
<b>Disposal and Acquisition of Assets within Property Investment Portfolio</b>		
Authority to dispose of assets held in the Property Investment Portfolio (General Purposes Sub-Committee 16 December 1996 – Minute No. GP53)	Cabinet	Corporate Director: E&R Head of Asset & Property Management
Authority to acquire appropriate reinvestment properties, subject to funds from relevant disposals (Resources & Assets Board 8 July, 1999 – Minute No. RA8)	Cabinet	Head of Asset & Property Management
<b>Interests in Land</b>		
Service of notice requiring particulars of ownership Local government (Miscellaneous Provisions) Act 1976 Section 16	Cabinet	All Heads of Service Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer
<b>Housing Related Projects</b>		

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Authority to make application for planning permission for housing –related projects Local Government Act 1972 S.101	Cabinet	Corporate Director: Adult & Consumer Care; Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards; Head of Asset & Property Management
<b>Land &amp; Valuation</b>		
Applications for development on council land. Town & Country Planning Act 1971 Part III	Plans Board	Head of Asset & Property Management
Disposal of land up to £10000 value	Cabinet	Head of Asset & Property Management
Disposal of and acquisition of property up to a value of £50,000 (Cabinet 03.11.03 Minute No. CB-104)	Cabinet	Head of Asset & Property Management
Approval of Compensation Claims and Certification of Valuations (Policy & Resources Cttee February 1998 Minute No. PR107)	Cabinet	
Management of Industrial and Commercial Premises including Lease Renewals and Rent Reviews Various (Policy & Resources Cttee February 1998 Minute No. PR107)	Cabinet	Head of Asset & Property Management
Contracts for Sale of Land Various (Policy & Resources Cttee February 1998 Minute No. PR107)	Cabinet	Head of Legal Services
<b>Land and Property Transactions</b>		
Any land and property management matters other than housing land. (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Head of Asset & Property Management In consultation with the Head of Legal Services
<b>Building Control</b>		
<b>Health &amp; Safety</b>		
Issuing General Safety Certificates. Safety of Sports Grounds Act 1975	Licensing Committee	Architecture-Landscape & Building Manager/Group Building Control Surveyor/Senior Building Control Surveyor

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Issuing General Safety Certificates Fire Safety and Safety of Places of Sports Act 1987	Licensing Committee	Architecture-Landscape & Building Manager/Group Building Control Surveyor/Senior Building Control Surveyor
To consider and resolve any appropriate matter under Building Regulations.	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Approval and Rejection of plans Building Act 1984 Part I	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Relaxations – Approvals & Rejections Building Act 1984 Part 1	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Notice re: Neighbour Consultation on Relaxation Building Act 1984 Part 1	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Lapse of Deposited Plans Building Act 1984 Part 1	Cabinet	All Building Control Surveyors
Entry on premises Section 95 Building Act 1984 (Cabinet 14 June 2004 Minute Number CB-14)	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor Area Building Control Surveyors Team Leaders Engineering, Design & Advice Structural Engineer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Demolition Notices Building Act 1984 Part III	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Dangerous Buildings or Structures Building Act 1984 Part III (Cabinet 14 June 2004 Minute Number CB-14)	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor Area Building Control Surveyors Team Leaders Engineering, Design & Advice Structural Engineer
Means of Escape in Case of Fire Building Act 1984 Part III	Cabinet	Group Building Control Surveyor Senior Building Control Surveyor Area Building Control Surveyors
Abatement of Nuisance Notice (Mineshafts – Quarries – Wells – Boreholes – etc.) Environmental Protection Act 1990 S.80	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor Team Leaders, Engineering, Design & Advice
Dangerous Excavation Local Government (Miscellaneous Provisions) Act 1976 S.25	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Notice Requiring removal or alteration of work not complying with Building Regulations Building Act 1984 – S.36	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Action to address failure to comply with Building Regulations Building Act 1984 Section 35(3)	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Notice to Open Up Work Regulation 15(6)	Cabinet	Group Building Control Surveyor Senior Building Control Surveyor Area Building Control Surveyors
Giving and Acceptance of Initial Notice, Plans Certificate and Final Certificate Building Act 1984 Part III	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Unauthorised Building Work Building Regulation 21	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
<b>Building Act Prosecutions</b>		
To exercise and commence prosecutions under the provisions of the Building Act 1984 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Plans Board	Head of Mobility & Street Scene Head of Legal Services
<b>Fire Safety</b>		
To exercise the Council's powers in respect of entry and inspection and request for documents – Regulatory Reform (Fire Safety) Order 2005 Sections 27& 28 (Council 23 November 2006 Minute No. 50)	Licensing Committee	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
To exercise the Council's powers in respect of alternation notices – Regulatory Reform (Fire Safety) Order 2005 – Section 29 (Council 23 November 2006 Minute No. 50)	Licensing Committee	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
To exercise the Council's powers in respect of enforcement notices – Regulatory Reform (Fire Safety) Order 2005 – Section 30 (Council 23 November 2006 Minute No. 50)	Licensing Committee	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
To exercise the Council's powers in respect of prohibition notices – Regulatory Reform (Fire Safety) Order 2005 – Section 31 (Council 23 November 2006 Minute No. 50)	Licensing Committee	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Delegated power to prosecute in respect of any breaches in respect of the Order (Council 23 November 2006 Minute No. 50)	Licensing Committee	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor In consultation with the Head of Legal Services
<b>Building Management</b>		
<b>Contracts</b>		
Invite tenders and enter into contracts with suppliers and sub-contractors and issue completion certificates	Cabinet	Architecture-Landscape & Building Manager Group Leader Architects Landscape Architect Group Surveyor Area Surveyor Group Quantity Surveyor Group Environmental Services Engineer Client Agent Manager Client Agent Officers
<b>Children &amp; Young People</b>		
<b>Children's Services</b>		
To maintain a register of children with disabilities Children Act 1989 Schedule 2	Cabinet	Corporate Director: Children & Young People Head of Safeguarding & Corporate Parenting

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
To recruit assess and review foster carers Children Act 1989	Cabinet	Corporate Director: Children & Young People Head of Safeguarding & Corporate Parenting
To visit privately fostered children Children Act 1989	Cabinet	Corporate Director: Children & Young People Head of Safeguarding & Corporate Parenting
To make applications to Court for appropriate Orders Children Act 1989	Cabinet	Corporate Director: Children & Young People Head of Safeguarding & Corporate Parenting Head of Legal Services
To review the cases of children being looked after by the Council Children Act 1989	Cabinet	Corporate Director: Children & Young People Head of Safeguarding & Corporate Parenting
<b>Pupil's Services</b>		
To establish independent panels to which parents appeal if they are dissatisfied with a decision to exclude a pupil Education Act 2002 S.52	Cabinet	Head of Legal Services Head of Audit & Democracy
To establish independent panels to which parents can appeal if they are dissatisfied with an admission appeal	Cabinet	Head of Legal Services Head of Audit & Democracy
The making of arrangements pursuant to Section 95(2) of and Schedule 25 to the School Standards & Framework Act 1989 (children to whom section 87 applies: appeals by governing bodies)	Cabinet	Head of Legal Services Head of Audit & Democracy
To determine whether proposals in relation to County Schools, submitted under Education Act 1996 S.38 should be implemented in circumstances where no valid objections are received or where objections are received and subsequently withdrawn: Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of BSF, Resources & Social Regeneration

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
To authorise the undertaking of a preliminary investigation into primary school numbers subject to the decision being notified to all members of the Cabinet. Education Act, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of BSF, Resources & Social Regeneration
To exercise the functions of the governing body where a governing body resign Education Act, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of BSF, Resources & Social Regeneration
To take such steps as may be necessary to constitute a new governing body: Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of BSF, Resources & Social Regeneration
To allocate pupils to schools Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of BSF, Resources & Social Regeneration
To authorise legal proceedings for non-registration of pupils Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of Locality Services for Children & Families Head of BSF, Resources & Social Regeneration
To authorise legal proceedings of non-attendance at school and issue of Fixed Penalty Notices for non-attendance Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Locality Services for Children & Families

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Within policies approved by the Policy Board to deal with applications for boarding grants Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of BSF, Resources & Social Regeneration
Within approved schemes to determine contributions to be made by parents Education Acts, Regulations & Circulars & Children Act	Cabinet	Corporate Director: Children & Young People Head of Locality Services for Children & Families
To make Further Education Awards within approved schemes: Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Locality Services for Children & Families
To commission the provision of school transport – including the provision of transport on exceptional road hazard grounds in accordance with criteria established by the Board: Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of BSF, Resources & Regeneration
To arrange for the education of children with special educational needs: Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of Locality Services for Children & Families Head of Safeguarding & Corporate Parenting
To establish temporary Governing Bodies and Interim Executive Boards when and where necessary in accordance with statutory requirements: Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of BSF, Resources & Social Regeneration Head of Learning & Achievement
To authorise Education Welfare Officers represent the Council in legal proceedings relating to non-registration of pupils and to non-attendance of pupils at school: Education Acts	Cabinet	Head of Legal Services Head of School & Community Services

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
To commence legal proceedings for nuisance or disturbance on school premises: Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of BSF, Resources & Social Regeneration Head of Learning & Achievement Head of Locality Services for Children & Families Head of Legal Services
<b>Parenting Orders</b>		
Anti-Social Behaviour Act 2993 s20-22 where a pupil is excluded from school on discipline grounds (for a fixed period or permanently) (Cabinet 9 <sup>th</sup> June 2009 – Minute No. CB-9)	Cabinet	Determined by school and/or Local Education Authority
Education and Inspections Act 2006 s24 amending s98-99 where a pupil is causing serious misbehaviour (Cabinet 9 <sup>th</sup> June 2009 – Minute No. CB-9)	Cabinet	Determined by school and/or Local Education Authority
Police and Justice Act 2006 s24 amending s26 of the Anti-Social Behaviour Act 2003 where Anti-Social Behaviour is the trigger (Cabinet 9 <sup>th</sup> June 2009 – Minute No. CB-9)	Cabinet	Senior Parenting Practitioner
<b>Civil Contingencies</b>		
Civil Contingencies Act 2004 – all matters relating thereto (Cabinet 11 <sup>th</sup> May 2009 – Minute No. CB-199)	Cabinet	Chief Executive Corporate Director: Adult & Consumer Care Head of Prevention & Protection Regulation & Resilience Manager Civil Resilience Operations Manager
<b>Electoral Registration Officer/Returning Officer – Appointment</b>		
Appointment of the Council's Chief Executive as Electoral Registration Officer in accordance with Section 8(2)(a) of the Representation of the People Act 1983 (Licensing Committee 24 <sup>th</sup> June 2009 – Minute No LC-4)	Licensing Committee	Chief Executive
Appointment of the Council's Chief Executive as Returning Officer in accordance with Section 35(1) of the Representation of the People Act 1983. (Licensing Committee 24 <sup>th</sup> June 2009 – Minute No LC-4)	Licensing Committee	Chief Executive

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Envirocrime – Environmental Maintenance</b>		
<b>Anti-Social Behaviour</b>		
Anti-Social Behaviour Act 2003 – s.43 Issue of Fixed Penalty Notices for fly-posting and graffiti (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer Senior Environmental Maintenance Officers Environmental Maintenance Officers
Anti-Social Behaviour Act 2003 – s.55 Exercise of powers under Control of Pollution Act 1989 and Controlled Waste (Regulation of Carriers and Seizure of Vehicles) Regulations 1991 Power to stop, search and seize vehicles (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer Environmental Programme Manager
Authority to give the necessary consent required under Section 31(2) of the Anti-Social Behaviour Act 2003 to the Police to authorise the designation of areas of the Borough within which the powers under Sections 30-36 of the Act be exercised (Cabinet 5 April 2004 Minute No. CB-174)	Cabinet	Chief Executive following consultation with the Leader
<b>Parenting Order Functions</b>		
Application of a Parenting Order for the exclusion of a pupil from school on discipline grounds (for a fixed period or permanently) Anti-Social Behaviour Act 2003 – S20-22 (Cabinet 9 June 2009 – Minute Number CB-9)	Cabinet	To be determined by School and/or Local Education Authority
Application of a Parenting Order where a pupil is causing serious misbehaviour Education and Inspections Act 2006 S98-99 (Cabinet 9 June 2009 – Minute Number CB-9)	Cabinet	To be determined by School and/or Local Education Authority

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Application of a Parenting Order where Anti-Social Behaviour is the trigger Police and Justice Act 2006 S24 amending S26 of the Anti-Social Behaviour Act 2003 (Cabinet 9 June 2009 – Minute Number CB-9)	Cabinet	Senior Parenting Practitioner
<b>High Hedges</b>		
To exercise the Council's power in respect of high hedges Part 8 of Anti-Social Behaviour Act 2003 (Council – 1 March, 2006 – Minute Number 74)	Plans Board	Head of Planning & Environment Manager: Development & Design Area Planning Officers
<b>Enforcement Policy</b>		
Review of Corporate Enforcement Policy and revision as necessary (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Corporate Director: Community Services following consultation with the appropriate Cabinet Member.
Amendment of the Environmental Enforcement Policy (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Head of Mobility & Street Scene following consultation with the Cabinet Member: Environmental Enforcement
Environmental Protection Act 1990 – s.33 Offence of depositing rubbish – all functions and powers except authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer Waste Collection Co-ordinator Team Leader Service & Devl (Waste Services & Customer Services) Environmental Maintenance Officers Environmental Programme Manager
Environmental Protection Act 1990 –s.33 Offence of depositing rubbish – authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Environmental Protection Act 1990 – s.34 Duty of care – all functions and powers except authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer Environmental Programme Manager
Environmental Protection Act 1990 Part III All powers of entry, inspection and enforcement except authority to prosecute (Licensing Committee – 08.12.09 – Minute No. LC-88)	Licensing Committee	Enforcement Officer
Environmental Protection Act 1990 – s.34 Duty of care – authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence
Environmental Protection Act 1990 – s.71 Obtaining of information (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Head of Mobility & Development Services Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Environmental Protection Act 1990 – s.87 Offence of littering – all functions and powers except authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Environmental Maintenance Officers Environmental Programme Manager Traveller Management Officer Waste Collection Co-ordinator Environmental Maintenance Officers
Environmental Protection Act 1990- s.87 Offence of littering – authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence
Environmental Protection Act 1990 – s.88 Issue of Fixed Penalty Notice for littering/fly tipping (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer Senior Environmental Maintenance Officers Environmental Maintenance Officers Environmental Programme Manager

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Environmental Protection Act 1990 – s.92 Litter abatement notices – all powers and functions (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer
Environmental Protection Act 1990 –s.92 Litter abatement notices – authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence
Environmental Protection Act 1990 – s.93 Street litter control notices – all functions and powers (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer
Environmental Protection Act – s.93 Street Litter Control Notices – authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager/ Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence
All functions and powers in sections 33, 34, 46, 47, 59, 71, 87, 88, 92 and 93 Environmental Protection Act 1990 (Cabinet 1 November 2004 – Minute Number CB-88) as amended by the Clean Neighbourhoods and Environment Act 2005	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers/Environmental Enforcement Technician/Traveller Management Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Environment Act 1995 – s.108 Power of entry and inspection (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers /Environmental Enforcement Support Officers Traveller Management Officer/ Environmental Enforcement Technician
Local Government (Miscellaneous Provisions) Act 1976 – s.16 Service of notice requiring particulars of ownership (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer
Criminal Damage Act 1972 – s.1 Authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager/Neighbourhood Services team Leader subject to the Head of Legal Services being satisfied as to the evidence
Dogs (Fouling of Land) Act 1996- s.4 Anti-Social Behaviour Act 2003 – s.43 Issue of Fixed Penalty Notice for dog fouling (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Technicians Traveller Management Officer Environmental Maintenance Officers Environmental Programme Manager

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Abandoned Shopping and Luggage Trolleys</b>		
Authority to enforce the powers requiring trolley owners to remove their trolleys, to take the appropriate enforcement actions, if they fail to do so, and to seek the approved charges for doing so Section 99, Schedule 4 Environmental Protection Act 1990 (Cabinet 10 November 2008 Minute No. CB-87)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer Environmental Client Team Leader Environmental Client Officer
<b>Clean Neighbourhoods and Environment Act 2005</b>		
Authority to amend Fixed Penalty Notice levels and discounts for early payment Clean Neighbourhoods & Environment Act 2005 Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006 (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Head of Mobility & Street Scene following consultation with the Cabinet Member; Environment
The following sections of the Environmental Protection Act 1990 as amended by the Clean Neighbourhoods and Environment Act 2005: s.87/s.88 – Litter s.90 replaced by 92A/92B/92C – Litter Clearing Notices s.93/s.94 – Street Litter Control Notices s.97/s.98 – Fixed Penalty Notice: Common Provision s.99 and Schedule 4 EPA 1990 – Abandoned Shopping Trolleys (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer
Environmental Protection Act 1990 – s.34A (2) Failure to furnish documentation (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Environmental Protection Act 1990 – s.34B as amended by the Clean Neighbourhoods & Environment Act 2005 Power to search and seize vehicles (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer
Environmental Protection Act 1990 – s.34A/s.34B as amended by the Clean Neighbourhoods & Environment Act 2005 – Authority to prosecute (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence
Environmental Protection Act 1990 – s.60 interference with waste sites and receptacles for waste (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer
Environmental Protection Act 1990 – s.60 – Authority to prosecute (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence
Environmental Protection Act 1990 – s.92 as amended by the Clean Neighbourhoods & Environment Act 2005: 2.92A/s.92B/s.92C – Authority to prosecute (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
The following sections of the Anti-Social Behaviour Act 2003 as amended by the Clean Neighbourhoods & Environment Act 2005: s.43/s.48/s.49 – Graffiti and other defacement (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Support Officers Environmental Enforcement Technicians Traveller Management Officer
Anti-Social Behaviour Act 2003 – s.43 – Authority to prosecute (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence.
Dogs (Fouling of Land) Act 1996 – s.4 – Authority to prosecute (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence.
Control of Pollution (Amendment) Act 1989 as amended by the Clean Neighbourhoods & Environment Act 2005: s.1/s.2/s.3 – Transport of Waste s.5 – Enforcement Powers (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer
Control of Pollution (Amendment) Act 1989 – s.5B (2) – Failure to produce authority (Waste Transfer Note) (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Control of Pollution (Amendment) Act 1989 – s.1/s.2/s.3 – Transport of Waste, s.5 – Enforcement Powers, s5B (2) Failure to produce authority – Authority to prosecute (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence.
<b>Public Toilets</b>		
To extend practice of closing public toilets overnight with particular regard to toilets in District Centres	Cabinet	Head of Mobility & Street Scene Senior Environmental Maintenance Officers
<b>Control of Stray Dogs</b>		
In respect of failure to comply with the Dogs on Roads Order, authority to consider and authorise prosecutions	Cabinet	Head of Mobility & Street Scene/Neighbourhood Services Team Leader/Senior Environmental Maintenance Officers subject to the Head of Legal Services being satisfied as to the evidence
<b>Abandoned and Nuisance Vehicles</b>		
To authorise the removal and disposal of abandoned and nuisance vehicles Refuse Disposal (Amenity) Act 1978 Removal and Disposal of Vehicles (England) (Amendment) Regulations 2002 Highways Act 1980 (Cabinet 02.12.02 Minute Number CB280)	Cabinet	Head of Mobility & Street Scene/Head of Legal Services/Environmental Programme Manager/Environmental Maintenance Team Leaders/Neighbourhood Services Officers Environmental Maintenance Officers Neighbourhood Services Team Leader /Environmental Enforcement Officers Environmental Enforcement Support Officers/Environmental Enforcement Technicians/Traveller Management Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
To authorise the removal and disposal of abandoned and nuisance vehicles Refuse Disposal (Amenity) Act 1978 Removal and Disposal of Vehicles (England) (Amendment) Regulations 2002 Highways Act 1980 (Cabinet 02.12.02 Minute Number CB280)	Cabinet	Head of Mobility & Street Scene/Head of Legal Services/Environmental Programme Manager/Environmental Maintenance Team Leaders/Neighbourhood Services Officers Environmental Maintenance Officers Neighbourhood Services Team Leader /Environmental Enforcement Officers Environmental Enforcement Support Officers/Environmental Enforcement Technicians/Traveller Management Officer
<b>Drains, W.C.s and Waste Pipes</b>		
Agreements for emptying of cesspools and septic tanks Public Health Act 1936 Part II	Cabinet	Head of Mobility & Street Scene
<b>Rodent Control</b>		
Rodent Control Contracts Prevention of Damage by Pests Act 1949	Cabinet	Head of Mobility & Street Scene
<b>Environmental Health</b>		
<b>Food Safety – Appointment of Authorised Officers</b>		
Authority to appoint Proper Officers under the Act or any regulations or orders Food Safety Act 1990 S.5 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Corporate Director: Adult & Consumer Care Head of Prevention & Protection

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Food Hygiene</b>		
European Communities Act 1972 and Treaties and Legislation given effect thereunder, as it relates to food hygiene matters (Cabinet 19 December 2005 – Minute No. CB-137)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Senior Project Officer Food Safety Officer Pollution Enforcement Officer Senior Administration Officer Administration Officer District Officer
All powers and duties under the Food Hygiene (England) Regulations 2005 except authority to prosecute (Cabinet 19 December 2005 – Minute No. CB-137)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Senior Project Officer Food Safety Officer Pollution Enforcement Officer Senior Administration Officer Administration Officer
Authority to appoint Proper Officers under the Food Safety Act 1990 and Regulations/Orders made thereunder (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Head of Prevention & Protection
Authority to prosecute under the provisions of the European Communities Act 1972 and Treaties and Legislation given effect thereunder, as it relates to food hygiene matters (Cabinet 19 December 2005 – Minute No. CB-137)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being
Inspection and seizure of suspected food Food Safety Act 1990 S.9 (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Senior Project Officer Health Promotion Officer Food Safety Officer District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Service of Improvement Notices Food Safety Act 1990 S.10 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer Health Promotion Officer District Officer
Emergency Prohibition Notices and Orders Food Safety Act 1990 S.12 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer Health Promotion Officer District Officer
Selling food not of the nature or substance or quality demanded Food Safety Act 1990 S.14 (Cabinet 06.02.06 – Minute No, CB-159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Food Safety Officer Health Promotion Officer District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Regulations as to Food Safety and Consumer Protection Food Safety Act 1990 S.16 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 06.02.06 – Minute No, CB-159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer Health Promotion Officer District Officer
<b>Enforcement</b>		
Regulations concerning special provisions for particular foods Food Safety Act 1990 S.18 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No, CB-159)	Cabinet	Head of Prevention & Protection Business Manager Environmental health & Well-Being Environmental Health Manager Environmental Health Officers Senior Project Officer Health Promotion Officer Food Safety Officer District Officer
Regulations concerning registration and licensing of food premises Food Safety Act 1990 S.19 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Senior Project Officer Health Promotion Officer Food Safety Officer District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Provision of food hygiene training Food Safety Act 1990 S.23 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Health Promotion Officer Senior Administration Officer Senior Project Officer Senior Administration Officer District Officer
<b>Public and Agricultural Analysts</b>		
Appointing of Public and Agricultural Analysts for the authority Section 101 Local Government Act 1972, Food Safety Act 1990, Agriculture Act 1970 (Cabinet 26 February 2007 Minute No. CB-142)	Cabinet	Corporate Director: Adult & Consumer Care Head of Prevention & Protection
Designation of officers (not employed by the authority) as inspectors, sampling officers or authorised officers as the case may be for the enforcement of legislation under regional enforcement schemes Section 101 Local Government Act 1972, Food Safety Act 1990, Agriculture Act 1970 (Cabinet 26 February 2007 Minute No. CB-142)	Cabinet	Corporate Director: Adult & Consumer Care Head of Prevention & Protection
Power to Appoint Public Analyst Food Safety Act 1990 S.27 (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Procurement of samples Food Safety Act 1990 S.29 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer Senior Administration Officer Administration Officer Administrative Assistant Clerical Assistant Scientific Officer Pollution Enforcement Officer District Officer
Analysis of samples Food Safety Act 1990 S.30 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer/Senior Project Officer/Health Promotion Officer District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<p>Powers of entry  Food Safety Act 1990 S.32  (Development Control &amp; Licensing Sub-Cttee – Minute No. DCL45/92)  (Cabinet 06.02.06 – Minute No.CB-159)</p>	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer Health Education Officer Senior Administration Officer Administration Officer Administrative Assistant Clerical Assistant Scientific Officer Pollution Enforcement Officer District Officer
<p><b>Authority to Authorise Prosecutions</b></p>		
<p>Authority to authorise prosecution of offences under The Food Safety Act 1990, Regulations made under the Food Safety Act 1990  (Cabinet 09.02.04 Minute Number CB-145)</p>	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager
<p><b>Health &amp; Safety</b></p>		
<p>Any Health and Safety Regulations in respect of which the Council is the enforcing authority by virtue of Regulations made under s.18 of the Health and Safety at Work etc. Act 1974  (Development Control &amp; Licensing Sub-Cttee – Minute No. DCL45/92)  (Cabinet 06.02.06 – Minute No. CB-159)</p>	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Manager Environmental Health Team Manager Environmental Health Officer Senior Project Officer Food Safety Officer/District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
The provisions of the Acts mentioned in Schedule 1 to the Health and Safety at Work etc. Act 1974 which are specified in the third column of that Schedule and the Regulations, Orders or other instruments of a legislative character made, or having effect under, any provisions so specified in respect of which the Council is the enforcing authority by virtue of Regulations made under s.18 of the 1974 Act (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. CB-159)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Senior Project Officer Food Safety Officer District Officer
Registration of outworkers Factories Act 1961 S.133 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer
Powers of Inspectors Health and Safety at Work etc. Act 1974 S.20 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. CB-159)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer District Officer
Improvement Notices Health and Safety at Work etc. Act 1974 S.21 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. CB-159)	Licensing Committee	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer/Senior Project Officer/District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Prohibition Notices Health and Safety at Work etc. Act 1974 S.22 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. CB-159)	Licensing Committee	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer District Officer
Imminent Danger Health and Safety at Work etc. Act 1974 S.25 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. CB-159)	Licensing Committee	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer District Officer
<b>Authority to Authorise Prosecutions</b>		
Authority to authorise the prosecution of offences created under the Health and Safety at Work etc Act 1974 (Cabinet 09.02.04 Minute Number CB-145)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being
<b>Noise Pollution</b>		
Prior consent for work on construction sites Control of Pollution Act 1974 S.61 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Control of noise on construction sites Control of Pollution Act 1974 S.60 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Register of noise levels Control of Pollution Act 1974 S.64 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Reduction of noise levels Control of Pollution Act 1974 S.66 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area Noise and Statutory Nuisance Act 1993 S.8 (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Scientific Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
New buildings etc. Control of Pollution Act 1974 S.67 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Power to serve warning notices, fixed penalty notices and related functions relating to night time noise from domestic and licensed premises (except authority to prosecute) – Noise Act 1996 (Cabinet 08.12.09 – Minute No. CB-120)	Cabinet	Public Protection Business Manager Environmental Health Team Leader Environmental Health Officer Enforcement Officer (with or without prefix) Senior Project Officer
Authority to prosecute Noise Act 1996 (Cabinet 08.12.09 – Minute No. CB-120)	Cabinet	Head of Operations Public Protection Business Manager
Power to serve warning notices, fixed penalty notices and related functions relating to night time noise from domestic and licensed premises (except authority to prosecute) Noise Act 1996 (Cabinet 8 December, 2009 – Minute No. CB-120)	Cabinet	Public Protection Manager Environmental Health Team Leader Environmental Health Officer Enforcement Officer (with or without prefix) Senior Project Officer
Authority to prosecute Noise Act 1006 Cabinet – 8 December, 2009 – Minute No. CB-120	Cabinet	Head of Operations Public Protection Business Manager

Functions	Decision Making body	Delegation of Functions
<b>Public Health</b> Buildings having defective closets capable of repair Public Health Act 1936 S.45 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92(Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer Health Promotion Officer District Officer
Buildings having defective closets capable of repair Public Health Act 1936 S.48 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer District Officer
Rooms over closets or certain types over ashpits etc. Not to be used as living – sleeping or work rooms Public Health Act 1936 S.49 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer Health Promotion Officer District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Overflowing or leaking cesspools Public Health Act 1936 S.50 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer Health Promotion Officer District Officer
Care of sanitary conveniences used in common Public Health Act 1936 S.52 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer/Health Promotion Officer/District Officer
Scavenging of common courts and passages Public Health Act 1936 S.78 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer Health Promotion Officer District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Removal of noxious matter Public Health Act 1936 S.79 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer/Health Promotion Officer/District Officer
Removal of manure from stables Public Health Act 1936 S.80 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer/Health Promotion Officer/District Officer
Cleansing of filthy or verminous premises Public Health Act 1936 S.83 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer Health Promotion Officer District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Cleaning or destruction of filthy or verminous articles Public Health Act 1936 S.84 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer/Health Promotion Officer/District Officer
Cleaning of Verminous persons and their clothing Public Health Act 1936 S.85 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer/Health Promotion Officer/District Officer
Power to close or restrict use of water from polluted source supply Public Health Act 1936 S.140 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers
Power to deal with insanitary systems etc. Public Health Act 1936 S.141 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Nuisance in connection with watercourses – ditches – ponds etc. Public Health Act 1936 S.259 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer
Power of Local Authority to execute certain work on behalf of owners or occupiers Public Health Act 1936 S.275 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer
Power to enter premises Public Health Act 1936 S.287 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer/Health Promotion Officer/District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Authority to Prosecute</b>		
Authority to prosecute for offences created under the Public Health Acts 1936 and 1961 (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being
Power of Local Authority to require action Prevention of Damage by Pests Act 1949 S.4 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92 (Social Care & Health Policy Board – Minute No. SCH52/99) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager/Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer Senior Project Officer/Health Promotion Officer/District Officer
Powers of entry require action Prevention of Damage by Pests Act 1949 S.22 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Office Food Safety Officer Senior Project Officer/Health Promotion Officer/District Officer
Summary power to remedy stopped up drains Public Health Act 1961 S.17 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer/Health Promotion Officer/District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Accumulation of rubbish Public Health Act 1961 S.34 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer Environmental Programme Manager Senior Environmental Maintenance Officers/District Officer
Prohibition of sale of verminous articles Public Health Act 1961 S.37 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
Power of Local Authorities to obtain particulars of persons interested in land Local Government (Miscellaneous Provisions) Act 1976 S.16 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Social Care & Health Policy Board – Minute No. SCH52/99) (Cabinet 17.11.03 Minute No. CB-110)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Food Safety Officer Scientific Officer/Senior Project Officer
Local Government (Miscellaneous Provisions) Act 1976 S.20	Cabinet	Senior Project Officer Scientific Officer Health Promotion Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Local Government (Miscellaneous) Provisions Act 1982 S.17	Licensing Committee	Senior Project Officer Health Promotion Officer District Officer
Provision of sanitary appliances at places of entertainment Local Government (Miscellaneous Provisions) Act 1976 S.20 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH52/99) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer/Senior Project Officer/Pollution Enforcement Officer Senior Project Officer/Scientific Officer/Health Promotion Officer
Power to enter premises places of entertainment Local Government (Miscellaneous Provisions) Act 1982 S.17 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH52/99) (Cabinet 17.11.03 – Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being/Environmental Health Team Manager/Environmental Health Officers/Pollution Enforcement Officers/Food Safety Officer Scientific Officer/Senior Project Officer Health Promotion Officer
Authority to prosecute for offences created under Local Government (Miscellaneous) Provisions Act 1976 (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Bye-laws</b>		
Bye-laws for the prevention of certain nuisances Public Health Act 1936 S.81 (Development Control & Licensing Sub-Cttee – Minute No. DCL 45/92) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Senior Project Officer Scientific Officer/Food Safety Officer
Bye-laws as to the removal through streets of offensive matters or liquids Public Health Act 1936 S.82 (Development Control & Licensing Sub-Cttee – Minute No. DCL 45/92) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Senior Project Officer Scientific Officer/Food Safety Officer
<b>Water Supplies</b>		
Service of Notices Water Industries Act 1991 S.80 (Development Control & Licensing Sub-Cttee – Minute No. DCL 45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Officers Environmental Health Team Manager Scientific Officer Pollution Enforcement Officer Food Safety Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Power of Entry Water Industries Act 1991 S.84 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Scientific Officer Pollution Enforcement Officer Health Promotion Officer Administration Officer Senior Administration Officer Food Safety Officer Senior Project Officer
Power to require information Water Industries Act 1991 S.85 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer Health Education Officer Senior Administrative Assistant Health Promotion Officer
Provision of water supply notice Building Act 1984 S.25 – S.69 (Section 69 – Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
To consider and resolve any appropriate matter under the Pollution Prevention and Control (England and Wales) Regulations 2000 save for revocation as described in regulation 21. (General Purposes Board 6 December 2005 – Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Environmental Health Officer Senior Project Officer Business Manager Environmental Health & Well-Being Environmental Health Team Manager Scientific Officer Pollution Enforcement Officer
Authority to appoint Inspectors under the Act plus any regulations or orders Health and Safety at Work etc. Act 1974 S.19 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Licensing Committee	Head of Prevention & Protection Environmental Health Team Manager Business Manager Environmental Health & Well-Being
Power of entry, examination and seizure Food and Environment Protection Act 1985 S.19 (Pesticides) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Pollution Enforcement Officer Scientific Officer/Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Power of entry, examination and seizure European Communities Act 1972 Imported Food Regulations 1997 Products of Animal Origin (Third Country Imports) (England) Regulations 2002 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Officer Environmental Health Team Manager Food Safety Officer Senior Project Officer/Health Promotion Officer/District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Pollution – General</b>		
To consider and resolve any appropriate matter under the Pollution Prevention and Control (England and Wales) Regulations 2000 save for revocation as described in regulation 21. (General Purposes Board 6 December 2005 – Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Environmental Health Officer Senior Project Officer Business Manager Environmental Health & Well-Being Environmental Health Team Manager Scientific Officer Pollution Enforcement Officer
The discharge of any function relating to the control of pollution or the management of air quality Pollution Prevention & Control Act 1999 Part IV Environment Act 1999 Part 1 Environmental Protection Act 1990 Clean Air Act 1993 (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Senior Project Officer Pollution Enforcement Officer Scientific Officer
To revoke any permit issued under the Pollution Prevention and Control Regulations (General Purposes Board 6 December 2005 – Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Business Manager Environmental Health & Well-Being Environmental Health Team Manager
Powers of enforcing authorities and persons authorised by them – powers of entry, etc. Environment Act 1995 S.108 (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Senior Project Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Pollution Control</b>		
<b>Environmental Protection</b>		
Authorisation Environmental Protection Act 1990 S.6 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer/Pollution Enforcement Officer/Senior Project Officer-
Variation of Authorisation Environmental Protection Act 1990 S.10 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
<b>Functions</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
Variation of Conditions Environmental Protection Act 1990 S.11 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Revocation of Authorisation Environmental Protection Act 1990 S.12 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Scientific Officer Senior Project Officer Pollution Enforcement Officer
<b>Enforcement</b>		
Enforcement Notices Environmental Protection Act 1990 S.13 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Prohibition Notices Environmental Protection Act 1990 S.14 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Appointment of Inspectors Environmental Protection Act 1990 S.16 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Receptacles for waste Environmental Protection Act 1990 S.47 (General Purposes Board 6 December 2005 – Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer (E.H. Technician) Food Safety Officer Health Promotion Officer District Officer
Power to require removal of waste Environmental Protection Act 1990 S.59 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officer Scientific Officer/Senior Project Officer Food Safety Officer/Health Promotion Officer/District Officer
Proceedings for Statutory Nuisances Environmental Protection Act 1990 S.80 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Scientific Officer Senior Project Officer District Officer
Power to require the removal of waste and proceedings for statutory nuisance Environmental Protection Act 1990, Sections 47, 59 & 80 (Development Control & Licensing Sub-Committee 28 August 1991 – Minute No. DCL74)	Licensing Committee	Environmental Technician

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
The service of an abatement notice in respect of a statutory nuisance s.80(1) Environmental Protection Act 1990 (General Purposes & Licensing Board 26.11.03 – Minute No. GP-24) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer
Authorisation of Officers Food and Environment Protection Act 1985 S.19 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers
Power of Entry Refuse Disposal (Amenity) Act 1978 S.8 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer
Powers of enforcing authorities and persons authorised by the Environment Act 1995 Section 108 (General Purposes & Licensing Board 26.11.03 – Minute No. GP-24)	Licensing Committee	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Pollution Enforcement Officer Scientific Officer Senior Project Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
The inspection of the authority's area to detect any statutory nuisance Environmental Protection Act 1990 s.79 (General Purposes & Licensing Board 26.11.03 – Minute No. GP-24) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers/Scientific Officer Senior Project Officer Scientific Officer Environmental Health Officer Pollution Enforcement Officer Food Safety Officer Health Promotion Officer/District Officer
The investigation of any complaint as to the existence of a statutory nuisance s.79 Environmental Protection Act 1990 (General Purposes & Licensing Board 26.11.03 – Minute No. GP-24) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer
Authority to authorise prosecution for offences created under Environmental Protection Act 1990, Environment Act 1995, Clean air Act 1993, Noise and Statutory Nuisance Act 1993, the Pollution Prevention Control Act 1999, Control of Pollution Act 1974; and Regulations made thereunder (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being
<b>Authority to Authorise Prosecutions</b>		
Authority to authorise the prosecution of offences created under the Prevention of Damage by Pests Act 1949 (Cabinet 09.02.04 Minute Number CB-145)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Environmental Health – Contaminated Land</b> Any function relating to contaminated land Part IIA Environmental Protection Act 1990 (General Purposes and Licensing Board 22 June 2004 –Minute No. GP7 –Delegation to Scientific Officer) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Pollution Enforcement Officers Scientific Officer
<b>Control of Pollution or Management of Air Quality</b> The discharge of any function relating to the control of pollution or the management of air quality Pollution Prevention & Control Act 1999; Part IV Environment Act 1995; Clean Air Act 1993 (General Purposes & Licensing Board 26.11.03 – Minute No. GP-24)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officer Scientific Officer Senior Project Officer
<b>Statutory Nuisance</b> 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 (General Purposes & Licensing Board 26.11.03 – Minute No. GP-24) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer Environmental Health Team

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Air Pollution</b>		
Regulations about sulphur content of oil fuel for furnaces or engines: Control of Pollution Act 1974 S.76 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Managers Environmental Health Officers
Notices requiring information about air pollution: Control of Pollution Act 1974 S.80 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Managers Environmental Health Officers Senior Project Officer Scientific Officer Pollution Enforcement Officer
Provision of information relating to any function conferred on this Authority by this Act: Control of Pollution Act 1974 S.93 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Managers Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer
Installation of Furnaces: Clean Air Act 1993 S.4 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Power to approve arrestment plant: Clean Air Act 1993 S.6 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Power to approve other arrestment plant: Clean Air Act 1993 S.8 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Power to require measurement of grit and fumes: Clean Air Act 1993 S.10 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Power to require information: Clean Air Act 1993 S.12 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Approval of chimney heights: Clean Air Act 1993 S.14 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Refusal of application: Clean Air Act 1993 S.14 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Adaptation of fireplaces: Clean Air Act 1993 S.24 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Obtaining information: Clean Air Act 1993 S.35 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board Minute 6 December 2005 No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Service of notices: Clean Air Act 1993 S.36 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Granting of exemption: Clean Air Act 1993 S.45 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Crown premises: Clean Air Act 1993 S.46 (Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Duty to notify occupiers of offences: Clean Air Act 1993 S.51 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Powers of entry: Clean Air Act 1993 S.56 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Obtaining information: Clean Air Act 1993 S.58 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Senior Project Officer
Authority to prosecute under the provisions of the Clean Air Act 1993	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being
Powers of entry and inspection, etc. Control of Pollution Act 1974 S.91 (General Purposes Board 6 December 2005 Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Business Manager Environmental Health & Well-Being Environmental Health Officer Scientific Officer Pollution Enforcement Officer Senior Project Officer
<b>Infectious Disease</b>		
Power to require information: Public Health (Control of Disease) Act 1984 S.18 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Scientific Officer Pollution Enforcement Officer Senior Project Officer Health Promotion Officer Senior Administration Officer Administration Officer Administrative Assistant Clerical Assistant/District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Power to enter canal boats: Public Health (Control of Disease) Act 1984 S.50 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 17.11.03 Minute No. CB-110) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Scientific Officer Pollution Enforcement Officer Senior Project Officer/District Officer
Power to enter premises: Public Health (Control of Disease) Act 1984 S.61 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 17.11.03 Minute No. CB-110) (General Purposes Board – 31.01.06 – Minute No. GP-46) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Technician Environmental Health Team Manager Environmental Health Officers Food Safety Officer Scientific Officer Pollution Enforcement Officer Senior Project Officer Health Promotion Officer Senior Administrative Officer Administration Officer Administrative Assistant Clerical Assistant/District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Supplementary provisions as to entry: Public Health (Control of Disease) Act 1984 S.62 (Cabinet 17.11.03 Minute No. CB-110) (General Purposes Board – 31.01.06 – Minute No. GP-46) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Scientific Officer Pollution Enforcement Officer Senior Project Officer Health Promotion Officer Senior Administration Officer Administration Officer Administrative Assistant Clerical Assistant/District Officer
<b>Notifiable and Infectious Diseases</b>		
Functions relating to letting of houses or rooms in hotels following recent case of notifiable disease: Public Health (Control of Disease) Act 1984 S.29 Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Proper Officer as appointed by the Health Protection Agency
Notice to owner and occupier of house recently occupied by person with notifiable disease: Public Health (Control of Disease) Act 1984 S.30 Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Proper Officer as appointed by the Health Protection Agency
Certificate requisite for removal of persons from infected house etc: Public Health (Control of Disease) Act 1984 S.32 Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Proper Officer as appointed by the Health Protection Agency
Functions relating to removal of dead bodies to mortuary or burial forthwith: Public Health (Control of Disease ) Act 1984 SS.43 and 48 Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Proper Officer as appointed by the Health Protection Agency

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Certificate that disinfection of premises would prevent spread of infectious disease: Public Health (Control of Disease) Act 1984 S.31 Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Proper Officer as appointed by the Health Protection Agency
Receipt of certificate that person suffering from notifiable disease or food poisoning: Public Health (Control of Disease) Act 1984 S.11 Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Proper Officer as appointed by the Health Protection Agency
Requiring information to be furnished by occupier of premises in cases of notifiable disease or food poisoning: Public Health (Control of Disease) Act 1984 S.18	Cabinet	Community Physician and Head of Prevention & Protection
Disposal of bodies of people who have died and where it appears no suitable arrangements have been made for disposal: Public Health (Control of Disease) Act 1984 S.46	Cabinet	Corporate Director: Community Services Head of Leisure & Culture
To appoint Proper Officers for Environmental Health: Public Health (Control of Diseases) Act 1984 National Assistance Act 1948 National Assistance (Amendment) Act 1957 – and Regulations made thereunder Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Head of Prevention & Protection
<b>Private Drainage</b>		
Drainage of building: Building Act 1984 S.59 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92(Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Use and ventilation of soil pipes: Building Act 1984 S.60 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Repair – etc. of drain Building Act 1984 S.61 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Disconnection of drain Building Act 1984 S.62 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Improper construction or repair of water closet or drain Building Act 1984 S.63 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Provision of closet in a building Building Act 1984 S.64 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Provision of sanitary convenience in workplace Building Act 1984 S.65 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Replacement of earth closets etc. Building Act 1984 S.66 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Loan of temporary sanitary conveniences Building Act 1984 S.67 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Defective premises Building Act 1984 S.76 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Paving and drainage of yards and passages Building Act 1984 S.84 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Maintenance of entrances to courtyards and passages Building Act 1984 S.85 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Power to enter premises Building Act 1984 S.95 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Obstructed drains or sewers Local Government (Miscellaneous Provisions) Act 1976 S.35 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being/Environmental Health Team Manager/Environmental Health Officer/Pollution Enforcement Officer/Scientific Officer/Senior Project Officer/Food Safety Officer
Authority to prosecute under the Building Act 1984 Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being
<b>Drains, W.C.s and Waste Pipes</b>		
Agreements for emptying of cesspools and septic tanks Public Health Act 1936 Part II	Cabinet	Head of Mobility & Street Scene
<b>Rodent Control</b>		
Rodent Control Contracts Prevention of Damage by Pests Act 1949	Cabinet	Head of Mobility & Street Scene
<b>Waste Management</b>		
Authority to serve notices and related powers Environmental Protection Act 1990 s.46, s.47, s.59 Refuse Disposal (Amenity) Act 1978 s.6 (Cabinet 17 May 2004 Minute Number CB-196)	Cabinet	Environmental Programme Manager Environment & Sustainability Manager Environmental Enforcement Officers Environmental Maintenance Officers Principal Officer Environment & Waste Technical Officer (Waste) Environmental Maintenance Team Leaders Waste Project Team Leader Environmental Client Officer Waste Collection Co-ordinator Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Authority to prosecute for offences Environmental Protection Act 1990 s.46, s.47, s.59 Refuse Disposal (Amenity) Act 1978 s.2 (Cabinet 17 May 2004 Minute Number CB-196)	Cabinet	Environmental Programme Manager/ Environment & Sustainability Manager /Neighbourhood Services Team Leader(in consultation with Head of Legal Services)
Enter into agreements for removal of trade refuse Public Health Act 1936 Part II	Cabinet	Environmental Contract Manager
To manage the collection of domestic refuse Public Health Act 1936 Part II	Cabinet	Environmental Contract Manager Environmental Programme Manager
To arrange the siting and resiting of bottle banks Public Health Act 1936 Part II	Cabinet	Environmental & Sustainability Manager and/or Principal Officer (Waste)
Landfill Allowance Trading Scheme – To take decisions to trade as advised by the Waste Disposal Board (Cabinet 20 June 2005 – Minute Number CB-27)	Cabinet	Corporate Director: Environment & Regeneration Corporate Director: Resources
<b>Authority to Authorise Prosecutions</b>		
Authority to authorise the prosecution of offences created under The Food Safety Act 1990, Regulations made under the Food Safety Act 1990, the Prevention of Damage by Pests Act 1949 and the Health and Safety at Work etc Act 1974 (Cabinet 09.02.04 Minute Number CB-145)	Cabinet	Head of Prevention & Protection Environmental Health Manager

Functions	Decision Making body	Delegation of Functions
<p><b>Health Act 2006</b>  All powers and duties under the Health Act 2006 Part 1 Chapter 1 and legislation given effect thereunder except authority to prosecute  (Council 28 June 2007 – Minute No. 28)</p>	Cabinet	Business Manager Environmental Health & Well-Being/Environmental Health Team Manager/Environmental Health Officer/Senior Project Officer Food Safety Officer/Pollution Enforcement Officer/Project Officer (Health Act)/Senior Admin Officer Admin Officer/District Officer Housing Enforcement Manager Housing Enforcement Technical Officers/Tenancy Relations Officers Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Technicians/Traveller Management Officer/Environmental Programme Manager/Principal Licensing Officer Licensing Enforcement Officer Licensing Officer/Manager Design & Development/Area Planning Officers Planning Enforcement Officers Business Manager Regulation and Resilience/Trading Standards Operations Manager, staff designated as 'Trading Standards Officer', 'Fair Trading Officer' or 'Enforcement Officer' with or without prefix (as appropriate)
<p>Authority to prosecute under the provisions of the Health Act 2006 Part 1 Chapter 1 and legislation given effect thereunder, as it relates to smoking matters  (Council 28 June 2007 – Minute No. 28)</p>	Cabinet	Head of Prevention and Protection Business Manager Environmental Health and Well-Being

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Environmental Damage</b>		
All powers and functions except authority to prosecute Environmental Damage (Prevention and Remediation) Regulations 2009 (Licensing Committee 08.12.09 – Minute No. LC-88)	Licensing Committee	Business Manager Public Protection Environmental Health Team Leader Environmental Health Officer Pollution Enforcement Officer Scientific Officer Senior Project Officer
Authority to prosecute – Environmental Damage (Prevention and Remediation) Regulations 2009 (Licensing Committee 08.12.09 – Minute No. LC-88)	Licensing Committee	Business Manager Public Protection Head of Operations
<b>Financial</b>		
<b>Emergency Fund/Planning</b>		
Responsibility for administering the fund	Cabinet	Head of Finance
<b>Appeals, Rebates and Allowances</b>		
Dealings with the Valuation Officer and Local Valuation Court in matters relating to Council Tax and N.N.D.R. Local Government Act 1972 S.151	Cabinet	Head of Finance
Award discounts, exemptions and reliefs in respect of Council Tax and Non-Domestic Rates	Cabinet	Head of Finance
Determination of rebates within the statutory provisions of the Social Security and Housing Benefits Act Local Government Act 1972 S.151	Cabinet	Head of Finance
To allocate to the revenue and capital budgets for the forthcoming year in the light of the resources available to the Council and the priorities allocated to the individual programme areas	Council	
The writing off of bad debts for amounts exceeding those laid down in the Financial Regulations	Council	
The functions of the Council as Council Tax levying authority	Council	
All matters relating to Members Remuneration	Council	
Arrangements for the payment of Members Remuneration in accordance with nationally agreed criteria. Local Government Act 1972. S. 151	Council	Payroll & HR Support Manager

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Grant Claims</b>		
Authorised signatory for Grant Claims/Other financial returns (subject to the requirements of the grant awarding body)	Cabinet	Section 151 Officer, Head of Finance, Corporate Finance Manager, Finance Manager (C&YP), Finance Manager (Adult& Consumer Care), Finance Manager (Environment & Regeneration)
<b>Banking</b>		
Approval of all arrangements with Council's bankers and operation of appropriate bank accounts Local Government Act 1972 S.151	Cabinet	Corporate Director: Resources
Ordering Council's cheques. Ensuring safe and efficient arrangements for their control, custody and issue Local Government Act 1972 S.151	Cabinet	Head of Finance
Issue of all cheques appropriately signed for:- cheques below £50,000 bearing facsimile signature cheques in excess of £50,000 bearing an autograph signature  Local Government Act 1972 S.151 Local Government Act 1972 S.151	Cabinet	Head of Finance Head of Finance
<b>Borrowing</b>		
Undertaking all borrowing of monies, financial leasing of vehicles, equipment and other assets and the making of all arrangements concerning the investment or utilising of capital monies and other funds Local Government Act 1972 S.151	Cabinet	Corporate Director: Resources
<b>Contracts</b>		
To enter into any contract or series of contracts for goods or services or a combination of these not exceeding in total value the sum specified in the Contracts Procedures Rules and provision has been made in the Annual Budget and the necessary financial approvals given	Cabinet	All Heads of Service
Signing contracts for the acquisition and disposal of land and interests in land	Cabinet	Head of Legal Services

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Approval to the financial clearance of a contractor undertaking a contract which exceeds £50,000 Local Government Act 1972 S.151	Cabinet	Head of Finance
Approval and certification of final certificate payment Local Government Act 1972 S.151	Cabinet	Head of Finance
<b>Control of Expenditure/Income</b>		
Approval of a virement for any one purpose <b>within</b> a given service budget	Cabinet	Relevant Corporate Director/Head of Service/Finance Manager
Approval of a virement of up to £50,000 total between service budgets	Cabinet	Head of Finance/relevant Corporate Director/Head of Service & Finance Manager
<b>Council Tax</b>		
Publishing of the making of the Council Tax in the manner required Local Government Act 1972 S.151	Cabinet	Head of Finance
Calculation and issue of Council Tax demands in the manner prescribed Local Government Act 1972 S.151	Cabinet	Head of Finance
Supervision, collection, control and recovery procedures relating to local taxation Local Government Act 1972 S.151	Cabinet	Head of Finance
Payment of Accounts Local Government Act 1972 S.151	Cabinet	Corporate Finance Manager
<b>Framework Agreements</b>		
Authority to enter into and bind the Council into any Framework Agreements which can be proved to provide value for money. (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	All Heads of Service
<b>Functions</b>		
<b>Decision Making Body</b>		
<b>Delegation of Functions</b>		
<b>External Resources/Collaborative Working</b>		
Authority to bid for external resources or agree collaborative working where it is in accordance with the Council's policies and priorities (Council 28 September 2005 – Minute No. 40)	Cabinet/Board or Committee as appropriate	All Corporate Directors following consultation with the appropriate Cabinet Member or Chairman

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Income</b>		
Co-ordination, control and supervision of all monies due to the Council Local Government Act 1972 S.151	Cabinet	Head of Finance
Approval to the write-off of income due to the Council which is considered irrecoverable if: amount is £25,000 or less debtor has been declared insolvent or bankrupt debtor being a company which has ceased to trade Local Government Act 1972 S.151	Cabinet	Head of Service and Head of Finance
<b>Insurances</b>		
Effecting and maintenance of adequate insurance cover and dealing with claims in accordance with Financial Regulation 22.1 Local Government Act 1972, S.140 and 151	Cabinet	Head of Finance
Conduct of the annual insurance renewal process (Cabinet 15 November 2004 – CB-100)	Cabinet	Head of Finance following consultation with Cabinet Member: Resources
<b>Recovery Procedures</b>		
Authority to deal with the recovery of Council Tax, N.N.D.R., overpaid Housing & Council Tax Benefit and Miscellaneous Income (Sales Ledger)	Cabinet	Head of Finance
<b>Other</b>		
Approval of all petty cash floats and imprests to officers Local Government Act 1972 S.151	Cabinet	Head of Finance
Agreeing form in which stores and stock records are kept, vetting of stocktakes and agreement to adjustments to accounts if less than £10,000 in any one year Local Government Act 1972 S.151	Cabinet	Head of Finance
Receipt of money due from officers Local Government Act 1972 S.151	Cabinet	Head of Finance
Preparation of annual final accounts and abstract of accounts Local Government Act 1972 S.151	Cabinet	Head of Finance
Administration of Housing & Council Tax Benefits, Free School Meals and Blue Badge Applications	Cabinet	Head of Finance

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Housing Benefit/Council Tax Benefit</b>		
Authorisation of prosecutions subject to the evidential check as outlined within the Benefits Prosecution Policy being satisfied (Resources & Assets Board 14 December 1999 – Minute Number RA.47)	Cabinet	Revenues & Benefits Manager
Authority to exercise the Council's powers to authorise prosecution under the Social Security Administration Act 1992, Theft Act 1998, Welfare Reform Act 2007 and Fraud Act 2006 (Cabinet 26 January 2010 – Minute No. CB-142)	Cabinet	Benefits Manager subject to the Head of Governance being satisfied that there is sufficient evidence to prosecute and the public interest test being satisfied as outlined in the Code of Practice for Crown Prosecutors
Authority to exercise the Council's powers to authorise applications for Confiscation Orders under the Criminal Justice Act 1988 or the Proceeds of Crime Act 2002 and Restraint Orders under the Proceeds of Crime Act 2002 (Cabinet 26 January 2010 – Minute No. CB-142)	Cabinet	Benefits Manager
Authority to authorise officers investigating and detecting Housing and Council Tax Benefit Fraud to use the powers contained within Sections 109 and 110A of the Social Security Administration Act 1992 (as amended) (Cabinet 12 February 2007 – Minute No. CB132)	Cabinet	Chief Executive
<b>Annual Accounts</b>		
Determination of accounting procedures and the form and extent of financial records Accounts & Audit Regulations 2003 (as amended 2006) (Policy & Resources Cttee February 1998 Minute No. PR107)	Cabinet	Head of Finance
Production and distribution of financial management information Accounts & Audit Regulations 2003 (as amended 2006) (Policy & Resources Cttee February 1998 Minute No. PR107)	Cabinet	Head of Finance
Financial negotiations with external bodies Accounts & Audit Regulations 2003 (as amended 2006) (Policy & Resources Cttee February 1998 Minute No. PR107)	Cabinet	Corporate Director: Resources

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>National Non-Domestic Rate Relief – Discretionary Rate Relief</b>		
Authority to determine all applications for non-mandatory rate relief Rating (Former Agricultural Premises and Rural Shops) Act 2001 Local Government Finance Act 1988 Authority to review decisions of Head of Finance (Cabinet 11.02.02 – Minute Number CB96)	Cabinet	Head of Finance  Corporate Director: Resources
<b>Internal Audit</b>		
Arrangements for the continuous audit of the Council's activities Accounts & Audit Regulations 2003 (as amended)	Cabinet	Corporate Director: Resources
<b>Highways</b>		
<b>Development Proposals</b>		
Agreement between a developer and the highway authority for the execution of highway works Highways Act, 1980 S.278, Town and Country Planning Act, 1990 S.106, Planning & Compensation Act 1991, S.1	Plans Board	Manager Network Management & Policy, Team Leader Highways Management following consultation with the Chairman and Vice-Chairman of the Plans Board
To exercise the Council's powers to the modification and continuous review of the Wildlife and Countryside Act, 1981 S.53, to S.58 and associated Schedules and Regulations Definitive Map and Statement	Plans Board	Team Leader Highways Management after consultation with the Head of Legal Services
<b>Footpath Gating Orders</b>		
To make, vary and revoke Gating Orders and to exercise the Council's other powers under the Highways Act 1980 and the Highways Act (Gating Orders)(England) Regulations 2006 in respect of Gating Orders (Cabinet 10 December 2007 – Minute No. CB-85)	Cabinet	Business Manager (Network Policy & Management) following consultation with the Cabinet Members for Environment and for Community Safety
<b>Footpath/Bridleway Creation Agreements</b>		
To enter into Public Path Creation Agreements with relevant landowners and other interested parties Section 25 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Plans Board	Team Leader Highways Management
<b>Obstructions on Footpaths</b>		
Serve enforcement notices on landowners to facilitate the removal of obstructions Highways Act 1980 S.134, S.137, S.149, S.154 and S.164	Plans Board	Rights of Way Officer (Highways Management)

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Obstructions on Public Paths</b>		
To take required enforcement action on unauthorised obstructions and to authorise erection of stiles etc on Public Paths Highways Act 1980 S.131A, S.143, S.147, S.149 and S.154 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Plans Board	Rights of Way Officer (Highways Management)
<b>Public Path Orders</b>		
The making of Public Path Orders and in the event of there being no objections to the Orders, confirmation of those Orders. Highways Act 1980 Section 26, 118, 118A, 119, & 119A, Town & Country Planning Act 1990 Section 257, 258, 259, 261 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Plans Board	Team Leader Highways Management
<b>Protection of Public Rights</b>		
To exercise the Council's powers regarding its duty to assert and protect the rights of the public to use and enjoy any highway for which the Council is the Highway Authority including powers not only to authorise obstructions but also prosecute and serve Notices and take any further required enforcement action regarding unauthorised obstructions. Sections 130 – 133, Sections 136 to 146, 147A to 183 Highways Act 1980. (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Plans Board	Head of Mobility & Street  Team Leader Highways Management, Highways Maintenance Manager, after consultation with the Head of Legal Services
<b>Obstructions on the Highway</b>		
Obliterating/affixing things on the highway – all functions and powers except authority to prosecute. Sections 131-132 Highways Act 1980 (Plans Board 27.10.04 Minute No. PB-47)	Plans Board	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Technicians/Traveller Management Officer/Environmental Maintenance Officers/Environmental Programme Manager
Authority to prosecute Sections 131-132 Highways Act 1980 (Plans Board 27.10.04 Minute No. PB-47)	Plans Board	Environmental Programme Manager subject to the Head of Legal Services being satisfied as to the evidence

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Unlawful obstruction of the highway – all functions and powers except authority to prosecute Sections 137; Section 137ZA Highways Act 1980 (Plans Board 27.10.04 Minute No. PB-47)	Plans Board	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Technicians Traveller Management Officer Environmental Maintenance Officers Environmental Programme Manager
Unlawful obstruction of the highway – authority to prosecute Section 137 Highways Act 1980 (Plans Board 27.10.04 Minute No. PB-47)	Plans Board	Environmental Programme Manager subject to the Head of Legal Services being satisfied as to the evidence
Removal of structures from the highway – all functions and powers Section 143 Highways Act 1980 (Plans Board 27.10.04 Minute No. PB-47)	Plans Board	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Technicians Traveller Management Officers Environmental Maintenance Officers Environmental Programme Manager
Removal of deposit from highway Section 149 Highways Act 1980 (Plans Board 27.10.04 Minute No. PB-47)  (Council 28.06.07 Minute No. 26)	Plans Board	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Technicians Traveller Management Officer Environmental Maintenance Officers Environmental Programme Manager Highways Maintenance Manager and/or Team Leader (Response Maintenance)

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Removal of placards/posters illegally displayed (Plans Board 27.10.04 Minute No. PB-47)	Plans Board	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Technicians Traveller Management Officer Environmental Maintenance Officers Environmental Programme Manager
<b>Stopping Up and Diversion of Highways</b>		
In response to an application or otherwise to apply to the Magistrates Court for the stopping up or diversion of a highway Highways Act 1980 Sections 116 and 117 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Plans Board	Team Leader Highways Management
<b>Skips</b>		
To licence skips and the erection of scaffolding Highways Act 1980 Part IX	Licensing Committee	Highways Maintenance Manager
<b>Dangerous Trees</b>		
The powers of the Council to deal with dangerous trees Local Government (Miscellaneous Provisions) Act 1976 s.23  (Council 28.06.07 Minute No. 26)	Licensing Committee	Head of Mobility & Street Scene Environmental Programme Manager Neighbourhood Services Team Leader Senior Environmental Maintenance Officers/Arboricultural Officer
<b>Functions</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
<b>Highways Adoptions</b>		
New highways adopted as “highways maintainable at public expense” through agreements between developers and highway authority. Authorisation to carry out Section 38 default procedures Highways Act 1980 S.38, S.219, S.228	Cabinet	Team Leader Highways Management
<b>Advance Payments Code Prosecutions</b>		
Serve on developers who do not make deposits or enter into a Section 38 agreement for the cost of making up roadworks on a new estate before building work commences Highways Act, 1980 S.38, S.219	Cabinet	Team Leader Highways Management after consultation with the Head of Legal Services

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Advance Payments Code Procedures</b>		
To exercise the Council's powers under the Advance Payments Code i.e. requirement of money/security before new buildings are erected in private streets to ensure that the street will be properly constructed Highways Act 1980 Sections 219 to 237 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Highways Management Business Unit Manager Network Management & Policy
<b>Provision of Amenity</b>		
To provide services and amenity in the Highway e.g. lawns, trees, shrubs, flower baskets. Also extends to cover Neighbourhood Watch signs Highways Act 1980 Sections 115A to 115I Agreement for works in Highway (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23) (Council 28.06.07 Minute No. 26)	Cabinet	Team Leader Highways Management Team Leader Traffic Management Environmental Programme Manager Senior Environmental Maintenance Officers
<b>Development Proposals</b>		
Agreement between a developer and the highway authority for the execution of highway works. Highways Act 1980, S.278	Cabinet	Team Leader Highways Management
<b>Agreements for Works in the Highway</b>		
Agreements with any person relating to the execution of works in the highway Section 278 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Highways Management
<b>Bridges</b>		
The Power to construct, reconstruct, improve, etc., bridges Including provisions relating to improving grass verges, lighting, metalling, drainage, filling in roadside ditches, protecting highways against hazards of nature, etc.: Highways Act 1980 Sections 91 to 95 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Head of Mobility and Street Scene
<b>Bus Stops</b>		
Provision and Relocation of Bus Stops and Bus Shelters: Local Government (Miscellaneous Provisions) Act 1953	Cabinet	Team Leader Transport Contracts
<b>Closure of roads for public processions, street parties</b>		

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
The making of orders to close streets to traffic: Town Police Clauses Act 1847 S.21 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management following consultation with the Cabinet Member: Environment in the event of objections being received
<b>Crossings</b>		
Arrangements for pedestrian and School crossings: Part III Road Traffic Regulation Act 1984 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management
<b>Facilities for Cyclists</b>		
Provision of cycle facilities, cycle lanes, etc.: Road Traffic Regulation Act, 1984 S.65, Cycle Tracks Act 1984 Highways Act 1980 and associated Regulations	Cabinet	Team Leader Traffic Management
<b>Emergency Erection of Barriers in Streets</b>		
Erection of barriers, etc., to ensure public safety or prevent congestion of traffic in cases of emergency: Section 287 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Highways Maintenance Manager
<b>Powers of Entry</b>		
Powers of entry for duly authorised officers for the purposes of survey, maintenance works, etc.: Sections 289 to 294 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Head of Mobility & Street Scene
<b>Recovery of Expenses</b>		
The mechanism and options for recovery of expenses by Council: Section 305 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Head of Mobility & Street Scene
<b>Fencing</b>		
The Council's power to fence and erect highway boundary posts: Sections 80 & 81 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Footways &amp; Guard-rails</b>		
Provision of footways/guard-rails/other safety measures on public highways: Section 66 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management
<b>List of Streets</b>		
Making and keeping corrected and up to date the list of Highways maintainable at the public expense: Section 36 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Highways Management
<b>Maintenance and Improvement</b>		
To exercise the Council's general powers of maintenance and improvement of public highways: Highways Act 1980 (as amended) (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Head of Mobility and Street Scene
<b>Misleading Notices</b>		
To take appropriate action within legal powers against any person who places or maintains a false or misleading notice next to a public right of way: Section 57, National Parks & Access to the Countryside Act 1949 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23) (Council 28.06.07 Minute No. 26)	Cabinet	Rights of Way Officer Highways Management Environmental Programme Manager Senior Environmental Maintenance Officers Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer
<b>Obstructions of Highways</b>		
Control road opening and reinstatement: New Roads and Street Works Act 1991	Cabinet	Highways Maintenance Manager.
<b>Off-Street Parking Places</b>		
To deal with the short-term letting and control of car parks for special events: Road Traffic Regulation Act 1984 Part IV	Cabinet	Head of Mobility & Street Scene

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Parking Places</b>		
Provision and control of off-street parking and parking on roads without payment and parking on roads for payment: Road Traffic Regulation Act 1984 Part IV (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management
<b>Signposting of Footpaths and Bridleways</b>		
The Council's general powers relating to the signposting of footpaths and bridleways: Countryside Act 1968 S.27 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Rights of Way Officer Highways Management
<b>Local Authority Vehicles</b>		
The right of Local Authorities to use vehicles on footways & bridleways: Section 300 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Head of Mobility & Street Scene
<b>Use of Motor Vehicles on Footpaths/Bridleways</b>		
Control of use of footpaths and bridleways for motor vehicle trials: Section 33 Road Traffic Act 1988 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Highways Management
<b>Ploughing on Public Paths</b>		
To authorise ploughing or other works on agricultural land over which public paths run: Highways Act 1980 Sections 134 and 135 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Rights of Way Officer Highways Management
Enforce provision of footpath carriage crossings: Highways Act 1980 Part IX	Cabinet	Highways Maintenance Manager.

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Power to Require Information</b>		
Power of Highway Authority to require information as to ownership of land – service of Notices and prosecution for failure to respond Section 297 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23) (Council 28.06.07 Minute No. 26)	Cabinet	Head of Mobility & Street Scene Head of Legal Services/Environmental Programme Manager Senior Environmental Maintenance Officers/Neighbourhood Services Team Leader/Environmental Enforcement Officers/Environmental Enforcement Support Officers/Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer
<b>Highway Repairs (Proceedings)</b>		
To respond to Notices served on the Council by persons alleging a highway out of repair: Section 56 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Highways Maintenance Manager.
<b>Road Humps and Traffic Calming</b>		
Powers relating the provision of road humps together with other means of controlling vehicle speeds, reducing accident risks and improving the environment: Sections 90A to 90I Highways Act, 1980 (and amendments) Highways (Road Humps) Regulations 1996, Traffic Signs Regulations General Directions 1994, Road Traffic Regulation Act 1984, The Highways (Traffic Calming) Regulations 1999, The Road Traffic Act, 1991 Traffic Calming Act 1992 The Highways (Traffic Calming) Regulations, 1993	Cabinet	Business Manager – Network Management & Policy
<b>Roadside Levels, Corners, Margins and Widening of Highways</b>		
Provision of roadside margins for horses, livestock and alterations of levels, cutting corners and widening of highways: Sections 71 to 78 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Stopping Up and Diversion of Highways</b>		
Stopping Up and diverting highways and footpaths to enable development to be carried out in accordance with planning permission: Town and Country Planning Act, 1990 S.247, S.248, S.257 Highways Act 1980, S.116	Cabinet	Team Leader Highways Management
<b>Traffic Bollards and Other Obstructions</b>		
Power to erect bollards or other obstructions as the Council considers appropriate for preventing the passage of vehicles prohibited by order/notice: Road Traffic Regulation Act 1984 Part VII (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management
<b>Speed Limits</b>		
To exercise the Council's powers regarding the making of orders and issue notices restricting the speed on highways Road Traffic Regulation Act 1984 Parts I, II and VI (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management
<b>Traffic Regulation Orders and Notices</b>		
Authority to make all Traffic Regulation Orders and issue Notices relating to Traffic Regulation: Road Traffic Regulations Act, 1984 Road Traffic (Temporary Restrictions) Act, 1991	Cabinet	Team Leader Traffic Management
<b>Traffic Signs</b>		
Placing and replacing etc. of traffic signs Road Traffic Regulation Act 1984 Part V and Sections 65, 66, 68, 69, 71, and 92 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management
<b>Vehicular Crossings</b>		
Provision of vehicle crossings over an existing footway or verge that is part of the existing highway Highways Act, 1980 S.184 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Highways Maintenance Manager

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Refuse/Storage Bins in Streets</b>		
Power to provide litter/grit/sand etc. bins in streets S.185 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23) (Council 28.06.07 Minute No. 26)	Cabinet	Engineering Manager Environmental Programme Manager Senior Environmental Maintenance Officers
<b>Bulls</b>		
Power to take proceedings relating to prohibition on keeping bulls on land crossed by public rights of way Section 59 Wildlife & Countryside Act 1981 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Rights of Way Officer Highways Management
<b>Emergencies</b>		
To attend to emergency works out of hours: Various powers	Cabinet	Head of Mobility & Street Scene
<b>Lighting</b>		
Adoption of footway lighting Highways Act 1980 Part V	Cabinet	Team Leader (Street Lighting)
<b>Markets</b>		
To let market stalls: Food Act 1984 Part III	Cabinet	Head of Mobility & Street Scene
<b>Works on Apparatus in the Highway</b>		
To operate all aspects of control regarding opening and reinstatement of highways to enable works e.g. repairs of statutory undertakers apparatus: New Roads and Street Works Act 1991 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Highways Maintenance Manager

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Housing</b>		
<b>Housing Appeals</b>		
To determine Housing Appeals where an appellant has exceptional personal circumstances. Housing Act 1996 Parts VI and VII (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Appeals Committee	Head of Housing Needs & Community Care
<b>Accommodation Agencies</b>		
All powers – except authority to prosecute Accommodation Agencies Act 1953	Cabinet	Housing Enforcement Officer Empty Property/Tenancy Relations Officer
<b>Area Improvement</b>		
All powers except declaration of Housing Action Areas and General Improvement Areas Housing Act 1985 Part VIII	Cabinet	Head of Prevention & Protection
<b>Common Lodging Houses</b>		
Control of Disease Public Health (Control of Disease) Act 1984 S.42	Cabinet	Head of Prevention & Protection
<b>Defective Housing</b>		
Service of Notice as to Management Housing Act 1985 – S.372 The Housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1977	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
<b>Functions</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
<b>Defective Premises</b>		
Service of notice – Intention to Remedy Defect Building Act 1984	Cabinet	Private Sector Housing Manager Housing Enforcement Officer
<b>Defective and Unsanitary Premises</b>		
Cleansing of Filthy or Verminous Premises Notice Public Health Act 1936	Cabinet	Private Sector Housing Manager Housing Enforcement Officer
<b>House in Disrepair</b>		
Repair Notices in respect of a property in a state of disrepair but not unfit for human habitation Housing Act 1985 S.190	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Drainage</b>		
Repairs Notice/Default Notice Building Act 1984	Cabinet	Head of Prevention & Protection
<b>Housing Grants</b>		
Approval of Renovation Grants The Housing Grants, Construction and Regeneration Act 1996 S.13	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Approval of Common Parts Grants The Housing Grants, Construction and Regeneration Act 1996 S.18	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Approval of Disabled Facilities Grants The Housing Grants, Construction and Regeneration Act 1996 S.24	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Approval of HMO Grants The Housing Grants, Construction and Regeneration Act 1996 S.28	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Recalculation – withholding or repayment of Grant The Housing Grants, Construction and Regeneration Act 1996 S.42	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Repayment of grant where the applicant is not entitled to grant The Housing Grants, Construction and Regeneration Act 1996 S.43	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Repayment of grant on disposal of property The Housing Grants, Construction and Regeneration Act 1996 S.45	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Repayment of grant on disposal of property The Housing Grants, Construction and Regeneration Act 1996 S.46	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Repayment of grant on disposal of property The Housing Grants, Construction and Regeneration Act 1996 S.47	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Repayment of grant in other cases The Housing Grants, Construction and Regeneration Act 1996 S.51	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Payments relating to the death of the applicant The Housing Grants, Construction and Regeneration Act 1996 S.56	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Approval of application for Home Repair Assistance The Housing Grants, Construction and Regeneration Act 1996 S.76	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Service of a Deferred Action Notice The Housing Grants, Construction and Regeneration Act 1996 S.81 The Housing (Fitness Enforcement Procedures) Order 1996	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Renewal of a Deferred Action Notice The Housing Grants, Construction and Regeneration Act 1996 S.84	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
Determination of charges for Deferred Action Notices The Housing Grants, Construction and Regeneration Act 1996	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Determination of charges in respect of registered Houses in Multiple Occupation Schemes The Housing Grants, Construction and Regeneration Act 1996 S.87	Cabinet	Head of Prevention & Protection
Approval of introduction of registered schemes for Houses in Multiple Occupation The Housing Grants, Construction and Regeneration Act 1996 S.87	Cabinet	Head of Prevention & Protection
All statutory duties and powers conferred on the Council re: Private Sector Housing (on interim basis) The Housing Grants, Construction and Regeneration Act 1996 S.87	Cabinet	Head of Prevention & Protection
Recovery of Charges for Enforcement Action The Housing Grants, Construction and Regeneration Act 1996 S.88	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
<b>Houses in Multiple Occupation</b>		
All powers except making of Control Order and authorising legal proceedings Housing Act 1985 Part XI	Cabinet	Head of Prevention & Protection
Service of Notice as to Fitness Housing Act 1985 – S.352 The Housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1997	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
Recovery of Expenses for Services of Notices Housing Act 1985 S.352A	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
Authorisation to receive representations in respect of “minded to” notices and to vary the terms of a notice. The Housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1997	Cabinet	Head of Prevention & Protection Private Sector Housing Manager

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Power to declare a property a House in Multiple Occupation Housing Act 2004 Section 255 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to revoke a HMO declaration Housing Act 2004 Section 256 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to grant a Temporary Exemption from Licensing Housing Act 2004 Section 62 & Schedule 5 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to grant HMO licences Housing Act 2004 Section 63 & Schedule 5 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to determine whether licence holder Fit and Proper Person Housing Act 2004 Section 66 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to refuse a HMO Licence Housing Act 2004 Section 64 & Schedule 5 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to vary or Revoke a HMO Licence Housing Act 2004 Sections 69 and 70 & Schedule 5 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to determine HMO Licence contents and conditions Housing Act 2004 Section 67 & Schedule 4 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Power to make and operate an Interim Management Order Housing Act 2004 Sections 102, 127 and 131 & Schedule 6 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to make and operate a Final Management Order Housing Act 2004 Sections 113, 127 and 131 and Schedule 6 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to vary or revoke an Interim Management Order Housing Act 2004 Sections 111 and 112 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to vary or revoke a Final Management Order Housing Act 2004 Sections 121 and 122 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to seek a Rent Repayment Order Housing Act 2004 Sections 73 and 74 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to serve an Overcrowding Notice Housing Act 2004 Section 139 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to revoke or vary an Overcrowding Notice Housing Act 2004 Section 144 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to make and operate an Interim Empty Dwelling Management Order Housing Act 2004 Sections 133, 134 and 135 & Schedule 7 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Power to make and operate a Final Empty Dwelling Order Housing Act 2004 Section 136 and 137 & Schedule 7 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
<b>Selective Licensing</b>		
Power to designate the district or an area within the district to be subject to selective licensing Housing Act 2004 Section 80 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection
Power to revoke designation of area of special licensing	Cabinet	Head of Prevention & Protection
<b>Other Powers</b>		
Power to require documents to be produced Housing Act 2004 Section 235 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality & Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to charge for enforcement action Housing Act 2004 Sections 49 and 50 & Schedule 3 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality & Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power of Entry Housing Act 2004 Section 239 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality & Renewal Manager Housing Enforcement Manager Environmental Health Officer
Authority to authorise prosecutions for non-compliance with the provisions contained within the Housing Act 2004 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection
<b>Interests in Land</b>		
To institute court proceedings for the failure to return a requisition for information under the provisions of Section 16 Local Government (Miscellaneous Provisions) Act 1976 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)		Head of Legal Services

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Homeless Persons</b>		
Housing Act 1996 Part VII	Cabinet	Head of Housing Needs & Community Care
<b>Homelessness</b>		
Authority to negotiate with private landlords to lease empty properties Local Government Act 1972 S.120	Cabinet	Head of Housing Needs & Community Care
<b>Housing Standards</b>		
Power to make and enforce an Improvement Notice Housing Act 2004 Section 11 and 12 & Schedules 1 and 3 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to Suspend an Improvement Notice Housing Act 2004 Section 14 & Schedule 1 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to vary or revoke an Improvement Notice Housing Act 2004 Section 16 and Schedule 1 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to make and enforce a Prohibition Notice Housing Act 2004 Section 20 and 21 and Schedules 1 and 2 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to suspend a Prohibition Notice Housing Act 2004 Section 23 and Schedule 2 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to vary or revoke a Prohibition Notice Housing Act 2004 Section 25 & Schedule 2 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Power to make a Hazard Awareness Notice Housing Act 2004 Section 28 and 29 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to take Emergency Remedial Action Housing Act 2004 Section 40 & Schedule 3 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to take Emergency Prohibition Action Housing Act 2004 Section 43 & Schedule 2 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to make a Demolition Order Housing Act 1985 Section 265 Housing Act 2004 Schedule 9 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to make a Special Interim Management Order Housing Act 2004 Section 103 & Schedule 6 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
<b>Infestation of Rats or Mice</b>		
Service of notice – Works in Default Prevention of Damage by Pests Act 1949	Cabinet	Private Sector Housing Manager Housing Enforcement Officer Technical Support Officer
<b>Legal Proceedings</b>		
Notice to Quit Local Government Act 1972 – S.222	Cabinet	Head of Housing Needs & Community Care
Authorisation of legal proceedings Local Government Act 1972 – S.222	Cabinet	Head of Housing Needs & Community Care
Decision to evict Local Government Act 1972 – S.222	Cabinet	Head of Housing Needs & Community Care

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Removal of Squatters Local Government Act 1972 – S.222	Cabinet	Head of Housing Needs & Community Care
Issue of Formal Caution All powers relating to private sector housing landlords and tenants – except authority to prosecute H/O Circular 18/94 – Various	Cabinet	Housing Enforcement Officer – subject to the prior approval of the Private Sector Housing Manager
Authority to Prosecute All powers relating to private sector housing	Cabinet	Head of Prevention & Protection
<b>Housing Maintenance</b>		
Issue and delete job instructions Raising and cancelling invoices for recharges Issue and delete job tickets Ordering work to be repeated without recharge S.111 Local Government Act 1972 (re: Housing Act 1996 Part VII)	Cabinet	Head of Prevention & Protection
<b>Statutory Nuisance</b>		
Service of Notices under Section 80 and Section 81A of the Environmental Protection Act 1990 Environmental Protection Act 1990	Cabinet	Private Sector Housing Manager Housing Enforcement Officer
Recovery of Expenses Environmental Protection Act 1990	Cabinet	Head of Prevention & Protection
<b>Overcrowding</b>		
All powers except authorising prosecutions Housing Act 1985 Part VIII	Cabinet	Head of Prevention & Protection
<b>Protection of Buildings</b>		
Service of notice – Works in Default Recovers Expenses Local Government (Miscellaneous Provisions) Act 1982 S.29	Cabinet	Head of Prevention & Protection
<b>Reconnection of Utilities</b>		
Power to reconnect gas – electricity and water in case of private tenant disconnection Local Government (Miscellaneous Provisions) Act 1976 S.33	Cabinet	Head of Prevention & Protection

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Housing Register</b>		
Maintenance of the Register Housing Act 1996 SS.161 to 166	Cabinet	Head of Housing Needs & Community Care
Determination of Priority Cases Housing Act 1996 SS.161 to 166	Cabinet	Head of Housing Needs & Community Care
Refusal to register/removal from the Register including High Risk Offenders Housing Act 1996 S.163	Cabinet	Head of Housing Needs & Community Care
<b>Repair Notices</b>		
All powers except authorising prosecutions Housing Act 1985 Part VI	Cabinet	Head of Prevention Protection
<b>Slum Clearance</b>		
Closing Order Housing Act 1985 S.264	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
Demolition Order Housing Act 1985 S.265	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
The making of demolition, closing and clearance orders and the exercise of slum clearance powers generally.	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Tenancy Relations</b>		
Carrying out criminal investigations – unlawful eviction and harassment All powers – except authority to prosecute Protection from Eviction Act 1977	Cabinet	Housing Enforcement Officer Empty Property/Tenancy Relations Officer
<b>Unfit Housing</b>		
All powers except declaration of a Clearance Area – making of a Compulsory Purchase Order and making of Obstructive Building Order Housing Act 1985 Part IX	Cabinet	Head of Prevention & Protection
Repair Notice in respect of a property which is unfit for human habitation Housing Act 1985 S.189	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
<b>Ruinous &amp; Dilapidated Buildings</b>		
Section 79 of the Building Act 1984 – Ruinous and dilapidated buildings and neglected sites (relating to empty domestic dwellings) (Cabinet 11 <sup>th</sup> May 2009 – Minute No. CB-199)	Cabinet	Business Manager: Housing Quality & Renewal Team Manager – Housing Enforcement Environmental Health Officers
<b>Loans and Equity Release Products</b>		
To approve loans and equity release products under the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 and the Housing Grants, Construction and Regeneration Act 1996 (Cabinet 9 <sup>th</sup> June 2009 – Minute No. CB-5	Cabinet	Head of Prevention & Protection
<b>Human Resources</b>		
<b>Contracts of Employment</b>		
To issue Statements of the terms of contracts of employment to employees Trade Union and Employment Rights (Consolidation) Act	Cabinet	Head of Human Resources
<b>Politically Restricted Posts</b>		
Maintenance of a register of politically restricted posts	Cabinet	Head of Human Resources
<b>Protection of Children Pre-Employment Police Checks</b>		
Authority to sign the form of indemnity in respect of any claims which may arise as a result of information given by the Police	Cabinet	Head of Legal Services

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Salaries and Wages</b>		
Payment of all salaries and wages Local Government Act 1972 S.151	Cabinet	Head of Human Resources
Implementation of all salaries and wage awards Local Government Act 1972 S.151	Cabinet	Head of Human Resources
Implementation of necessary statutory and non-statutory deductions, maintenance of appropriate records and procedures and accountability to appropriate recipient Local Government Act 1972 S.151	Cabinet	Head of Human Resources
Commissioning and managing a regular review of the Chief Executive and Directors' salaries (Council 28 June 2007 Minute No.26)	Personnel Board	Head of Human Resources
Approving the results of the review of the Chief Executive and Directors' salaries (Council 28 June 2007 Minute No.26)	Personnel Board	
Managing the reviews of Heads of Service salaries (Council 28 June 2007 Minute No.26)	Personnel Board	Corporate Director: Resources
Approving the results of reviews of Heads of Service salaries (Council 28 June 2007 Minute No.26)	Personnel Board	
<b>Appointment &amp; Dismissal of Heads of Service</b>		
To appoint and dismiss Heads of Service (Council – 26 June 2008 – Minute No. 27)	Council	Head of Paid Service
<b>Relocation Allowances</b>		
Authority to pay relocation allowances in accordance with the Council's scheme	Cabinet	Head of Human Resources
<b>Early Retirement</b>		
To approve applications for early retirement below Head of Service level (Policy & Resources Committee 30.09.99 Minute Number PR30)	Personnel Board	Head of Human Resources following consultation with Cabinet Member for Resources and relevant service area
<b>Legal Services</b>		
<b>Certificates of Authorisation</b>		
Preparation of certificates of authorisation for named officers to enter premises Various	Cabinet	Head of Legal Services
<b>Parishes</b>		
Parish Trustee – power to seal documents. Local Government Act 1972, S.13	Cabinet	Head of Legal Services

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Police Authority</b>		
The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of a police authority. Police Act 1996	Cabinet	
<b>Council Meetings</b>		
Issue, service and signature of Summons in relation to attendance at Council Meetings. Local Government Act 1972, Schedule 12. Part 1	Cabinet	Head of Audit & Democracy
Taking and custody of minutes of Council and committee meetings Local Government Act 1972, Schedule 12. Part VI	Cabinet	Head of Audit & Democracy
<b>Documents</b>		
Authentication of documents Local Government Act 1972, S.234	Cabinet	Head of Legal Services
Certification of photographic copies of documents Local Government Act 1972, S.229	Cabinet	Head of Legal Services
Deposit of documents Local Government Act 1972, S.225	Cabinet	Head of Legal Services
Custody of documents Local Government Act 1972, S.224	Cabinet	Head of Legal Services
Attestation of Common Seal	Cabinet	Head of Legal Services
Certification of copies of resolutions relating to adoptive Acts Local Government Act 1972, Schedule 14	Cabinet	Head of Legal Services
To act as deputy to Electoral Registration Officer Representation of the People Act 1983. S.206. Schedule 9. Part II	Cabinet	Head of Audit & Democracy
<b>Legal Proceedings</b>		
The institution and defence of any proceedings in the High Court, County Court, Magistrates' Court, Crown Court or Lands Tribunal or to pursue by way of appeal any action already commenced with due authority in any of these Courts. (Cabinet 24.06.02 Minute Number CB198)	Cabinet	Head of Legal Services
To institute court proceedings for the failure to return a requisition for information under the provisions of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Cabinet	Head of Legal Services
Signature of all legal proceedings	Cabinet	Head of Legal Services

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
To arrange representation in court for the Council	Cabinet	Head of Legal Services
To settle legal proceedings in the best interests of the Council	Cabinet	Head of Legal Services
To sign any authority required by the Police to prosecute on the Council's behalf in any Magistrates Court	Cabinet	Head of Legal Services
To arrange representation for the Council at any local public inquiry	Cabinet	Head of Legal Services
To institute any necessary proceedings in County Court to recover possession of any council land which is being occupied by trespassers	Cabinet	Head of Legal Services
<b>Court Representation</b>		
To authorise trainee solicitors, legal assistants and education welfare officers to appear in court on behalf of the Council. (Policy & Resources Committee – 14 May 2001 Minute No. PR107)	Cabinet	Head of Legal Services, subject to him/her being satisfied as to their competence
<b>Land Charges</b>		
To act as registrar of Local Land Charge Searches The Local Land Charges Act 1975 The Local Land Charges Rules 1977	Cabinet	Head of Legal Services
To make charges for Land Charge Searches The Local Land Charges Act 1975 The Local Land Charges Rules 1977 (Policy & Resources Cttee February 1998 Minute No. PR107 and Cabinet 24.06.02 Minute No. CB-198)	Cabinet	Head of Legal Services
<b>Commons Registration</b>		
The registration of common land or town and village greens and to register the variation of rights of common as set out in Schedule Commons Registration Act 1 to the Functions Regulations	Licensing Committee	Head of Legal Services
Witness and Receipt of Declarations of Acceptance of Office Local Government Act 1972, S.83	Licensing Committee	Chief Executive All Solicitors
Receipt of Notice of Resignation of Office Local Government Act 1972, S.84	Licensing Committee	Chief Executive or Head of Audit & Democracy
Declaration of vacancy in office of Councillor Local Government Act 1972, S.86	Licensing Committee	Chief Executive or Head of Audit & Democracy

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Constitution</b>		
To make amendments to the Constitution to reflect minor legislative changes (Council 28 September 2005 (Minute No. 40)	Council	Head of Legal Services following consultation with the Speaker of the Council
To agree future administrative amendments to the 100g(2) List (Council 28 June 2007 Minute No.26)	Council	Head of Audit & Democracy
<b>Leisure &amp; Culture</b>		
<b>Buildings, Plant &amp; Equipment</b>		
Routine maintenance and repair, disposal of worn out or obsolete plant or equipment (within approved estimates and financial regulations) Various	Cabinet	Corporate Director: Community Services Head of Leisure & Culture
<b>Charges</b>		
To amend and approve fees, charges and concessions within Leisure & Culture	Cabinet	Corporate Director: Community Services Head of Leisure & Culture
<b>Cemeteries, Burial Grounds</b>		
Management and regulation Local Government Act 1972  (Council 28.06.07 Minute No. 26)	Cabinet	Corporate Director: Community Services/Head of Leisure & Culture Head of Mobility & Street Scene Environmental Programme Manager/Senior Environmental Maintenance Officers
Grants of exclusive rights of burial, approval of headstones, maintenance of graves, maintenance of closed churchyards and burial grounds Local Government Act 1972 Local Authorities Cemeteries Order 1974	Cabinet	Corporate Director: Community Services Head of Leisure & Culture Head of Mobility & Street Scene

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Circuses &amp; Fairs</b>		
To hiring out sites for use by circuses and fairs Public Health Act 1875 Open Spaces Act 1906  (Council 28.06.07 Minute No. 26)	Cabinet	Corporate Director: Community Services/Head of Leisure & Culture Head of Mobility & Street Scene Environmental Programme Manager/Senior Environmental Maintenance Officers
<b>Concessionary Charges</b>		
Authority to take action against any person who may be found to be abusing the scheme, including authorisation of prosecution, if necessary	Cabinet	Corporate Director: Community Services Head of Leisure & Culture
<b>Charges</b>		
To amend and approve any fines, charges and concessions by way of overdue items or for the loan of other items and admission to museums	Cabinet	Corporate Director: Community Services Head of Leisure & Culture
<b>Arts</b>		
To amend and approve fees, charges and concessions within the arts and cultural facilities	Cabinet	Corporate Director: Community Services Head of Leisure & Culture
<b>Private Housing Estates – Open Spaces</b>		
The adoption of play areas and open space on private developments Public Health Act 1875 Open Spaces Act 1906 Town & Country Planning Act 1971	Cabinet	Corporate Director: Community Services Head of Leisure & Culture Head of Mobility & Street Scene Environmental Programme Manager Senior Environmental Maintenance Officers
<b>Parks, Recreation Grounds, Allotments, etc.</b>		
Carrying out works in accordance with approved schemes Public Health Act 1875	Cabinet	Corporate Director: Community Services Head of Leisure & Culture

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Sporting and Recreational Facilities</b>		
Management and regulation of allotments, bowling greens, civic halls, community centres, open spaces, recreation grounds, sports centres, squash courts, swimming pools, tennis courts, golf courses, ice rink, parks, play facilities, letting land and buildings for any term not exceeding three years.	Cabinet	Corporate Director: Community Services Head of Leisure & Culture Head of Community Services and Neighbourhood Management
<b>Licensing</b>		
<b>Various</b>		
Carrying out of police searches for unspent convictions	Cabinet	Principal Licensing Officer
Animal Boarding Establishments Animal Boarding Establishments Act 1963 (General Purposes and Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
Licensing and inspection – all powers Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968, Mobile Homes Act 1983	Licensing Committee	Head of Prevention & Protection
Powers in connection with the provision and management of sites for the accommodation of “gipsies” Caravan Sites and Control of Development Act 1960	Licensing Committee	Head of Mobility & Street Scene Manager – Engineering Management Manager – Transport Policy & Management
Dangerous Wild Animals –Dangerous Wild Animals Act 1976 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
Dog Breeders Breeding of Dogs Act 1973 & 1991/Breeding and Sale of Dogs (Welfare) Act 1999 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
Game Dealers Licence Game Dealers Act 1831 (General Purposes & Licensing Board 21.03.02 Minute Number GP25) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Environmental Health Manager Environmental Health Team Manager
All powers of entry, inspection and enforcement in relation to hackney carriage and private hire vehicles, drivers and operators (except authority to prosecute) Hackney Carriages and Private Hire Vehicles and Drivers Town Police Clauses Act 1847; Local Government (Miscellaneous) Provisions Act 1976 (Policy & Resources Committee 24.02.77– Minute No. 945 and Council 09.03.77 Minute No. 983	Licensing Committee	Principal Licensing Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Power of entry and inspection Local Government (Miscellaneous Provisions) Act 1976, s.68 and Part II, and 1982 s.14 Public Health (Control of Disease) Act 1984,s. 50 and s.51 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
Issue of hackney carriage and private hire licences – Local Government (Miscellaneous Provisions) Act 1976	Licensing Committee	Principal Licensing Officer
Refusal of hackney carriage or private hire licences – Local Government (Miscellaneous Provisions) Act 1976 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer
Authority to revoke private hire drivers' licences and hackney carriage drivers' licences when the holders have been disqualified from driving by the appropriate court – Local Government (Miscellaneous Provisions) Act 1976	Licensing Committee	Head of Prevention & Protection
Revocation of hackney carriage or private hire licences – Local Government (Miscellaneous Provisions) Act 1976 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer following consultation with Chairman of the Licensing Committee
Suspension of hackney carriage and private hire licences – Local Government (Miscellaneous Provisions) Act 1976 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer
To instruct Legal Services to apply for bail conditions in appropriate cases following the suspension of a private hire and hackney carriage licence (General Purposes & Licensing Board 5 October 2004 – Minute No. GP34)	Licensing Committee	Principal Licensing Officer
Authority to prosecute hackney carriage and private hire licence holders (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer in consultation with the Head of Legal Services
To undertake such tests and inspections of vehicles as are necessary and to serve such notices or suspensions of vehicle licences as are necessary Section 68, Local Government (Miscellaneous Provisions) Act 1976	Licensing Committee	Principal Licensing Officer Licensing Officer
Performing Animals (Regulation) Act 1925 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
House to House Collections – House to House Collections Act 1939	Licensing Committee	Head of Prevention and Protection

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Pet Shops Pet Animals Act 1951 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
To licence Private Hire Operators Local Government (Miscellaneous Provisions) Act 1976	Licensing Committee	Principal Licensing Officer Licensing Officer
Riding Establishments Riding Establishments Acts 1964 & 1970 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
Scrap Metal Dealers Licence Scrap Metal Dealers Act 1964 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
Street Collections Police, Factories, etc., (Miscellaneous Provisions) Act 1916 and Local Government Act 1972	Licensing Committee	Head of Prevention and Protection
Street Trading Consents Local Government (Miscellaneous Provisions) Act 1982 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer Licensing Officer
Authority to deal with any ad hoc applications for street collection permits which may be received	Licensing Committee	Head of Prevention and Protection
Street Naming & Numbering Town Improvement Clauses Act 1847 Public Health Act 1925	Licensing Committee	Head of Mobility & Street Scene (following consultation with Chairman & Vice-Chairman of Licensing Committee)
Sex Establishment Licence – Local Government (Miscellaneous Provisions) Act 1982 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer
Canal Boats – Canal Boats Regulations 1878 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer
Pleasure Boats- Public Health Amendment Act 1907 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer
Pool Promoters – Betting, Gaming & Lotteries Act 1963 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer
Zoo Licensing Zoo Licensing Act 1981 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Power to grant licences under the Motor Salvage Operators Registration Scheme Power to issue a Notice of Proposed Refusal of Application Vehicle Crimes Act 2001 Motor Salvage Operators Regulations 2002 (General Purposes & Licensing Board 11.03.03 Minute Number GP56)	Licensing Committee	Principal Licensing Officer
To send copies of byelaws for parish records and to the County Council Local Government Act 1972, S.236	Licensing Committee	Head of Legal Services
Certification of Byelaws Local Government Act 1972, S.238	Licensing Committee	Head of Legal Services
<b>Licensing Act 2003</b>		
Application for Personal Licence where no representations have been made (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Application for Premises Licence/Club Premises Certificate where no representations have been made (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Application for Provisional Statement where no representations have been made (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Application to vary Premises Licence/Club Registration Certificate where no representations have been made (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Application to vary Designated Personal Licence Holder where no representations have been made by the Police (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Request to be removed as Designated Personal Licence Holder (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Application for transfer of Premises Licence where no representations have been made by the Police (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Application for Interim Authorities where no representations have been made by the Police (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Decision on whether a complaint is repetitious, frivolous, vexatious, etc. (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Decision to object when local authority is a consultee and not the lead authority (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
All powers of entry, inspection and enforcement under Licensing Act 2003 except authority to prosecute (Licensing Committee – 4 October 2005 – Minute No. LC8) Licensing Committee – Licensing Committee – 8 December 2010 –Minute No. LC-88	Licensing Committee	Principal Licensing Officer Licensing Officer Enforcement Officer Senior Project Officer
Authority to Prosecute (Licensing Committee – 4 October 2005 – Minute No. LC8)	Licensing Committee	Principal Licensing Officer
Approval and determination of applications for minor variations Licensing Act 2003 (Premises Licences and Club Premises Certificates)(Miscellaneous Amendments) Regulations 2009 (Licensing Committee – 3 August 2009 – Minute No. LC-37)	Licensing Committee	Licensing Operations Manager
<b>Closure Notices</b>		
Section 19 of the Criminal Justice & Police Act 2001 – authority to issue and cancel closure notices relating to the unlicensed sale of intoxicating liquor (Cabinet 11 <sup>th</sup> May 2009 – Minute No. CB-199)	Cabinet	Licensing Officers Licensing Enforcement Officers Environmental Health Officers Environmental Health Enforcement Officers Trading Standards Officers Trading Standards Enforcement Officers
<b>Gambling Act 2005</b>		
Application for premises licence where no representations received/representations have been withdrawn (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Application for a variation to a licence where no representations received/representations have been withdrawn (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Application for a transfer of a licence where no representations received from Gambling Commission (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Application for a provisional statement where no representations received/representations have been withdrawn (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Application for Reinstatement where no representations received/representations have been withdrawn (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Application for club gaming/club machine permits where no objections made representations have been withdrawn (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Applications for other permits (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Cancellation of licensed premises gaming machine permits (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Consideration of temporary use notice (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
<b>Public Protection</b>		
Power to serve unauthorised sales closure notices on any premises being used or have been used within the last twenty-four hours for the sale of alcohol on or in the vicinity of the premises without a licence; or any premises that have not acted in accordance with the conditions of their licence for the sale of alcohol by retail (except authority to prosecute) Criminal Justice & Police Act 2001 Licensing Committee 29 <sup>th</sup> March 2010 – Minute No. LC-135	Licensing Committee	Service Delivery Manager Public Protection Licensing Operations Manager Environmental Health Team Leader Environmental Health Officer Enforcement Officer (with or without prefix) Night Time Economy Officer Trading Standards Officer Trading Standards Operations Manager

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Authority to prosecute and/or seek a closure order from a Magistrates Court Criminal Justice & Police Act 2001	Licensing Committee	Head of Service Delivery Community Protection Service Delivery Manager Public Protection
<b>Members and Local Democracy</b>		
<b>Appointments</b>		
The appointment of any individual- (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	Cabinet	
<b>Notices of Interests</b>		
Receipt of notices of interests Local Government Act 2000, Section 81	Council	Head of Legal Services (Monitoring Officer)
Keeping records of disclosures and notices of interests Local Government Act 2000, Section 81	Council	Head of Legal Services (Monitoring Officer)
<b>Attendance Allowance/Financial Loss Allowance</b>		
Receipt of notice from member to be treated as eligible for attendance allowance rather than financial loss allowance Local Government Act 1972, S.173	Cabinet	Head of Finance
<b>Vacancies</b>		
Date of casual vacancies Local Government Act 1972, S.87	Licensing Committee	Chief Executive or Head of Audit & Democracy
Filling of casual vacancy in the case of Chair, etc. Local Government Act 1972, S.88	Licensing Committee	Chief Executive or Head Audit & Democracy

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Filling of casual vacancies in the case of Councillors Local Government Act 1972, S.89	Licensing Committee	Chief Executive or Head of Audit & Democracy
<b>Miscellaneous Functions</b>		
<b>Appeals</b>		
To hear and determine any appeals by an employee of the Council against dismissal.	Appeals Committee	
To hear and determine any appeals arising out of the Council's function as a housing authority.	Appeals Committee	
To hear and determine matters in relation to employee grievances	Appeals Committee	
To hear and determine appeals against decisions relating to school transport	Appeals Committee	
<b>Appointments</b>		
The appointment of review boards for the determination of claims and reviews under the Social Security Act 1998 Social Security Act 1998 s.34 (4)	Council	
The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996. Police Act 1996 sch.2	Council	
<b>Access to Information</b>		
(a) Appointment of proper officers Local Government (Access to Information) Act 1981	Cabinet	Chief Executive All Corporate Directors All Heads of Service
(b) Authority to do all things necessary to give effect to the provisions of the Act and appointment as proper officers for the purposes of interpreting the Act	Cabinet	Chief Executive Corporate Director: Resources
<b>The Conduct of Best Value Reviews. Local Government Act 1999,s.5</b>	Cabinet	
<b>Public Relations</b>		
Issue of press statements, briefing notices etc.	Cabinet	Corporate Communications Manager
<b>Head of Paid Service and Monitoring Officer</b>		
(a) Role of Head of Paid Service of the Council Local Government and Housing Act 1989	Cabinet	Chief Executive
(b) Role of the Council's Monitoring Officer	Cabinet	Head of Legal Services

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Allocation and Control of Resources</b>		
To be responsible for allocating and controlling the financial, employee, real property, intellectual property and other resources of the Council. (Cabinet 24.06.02 Minute Number 198)	Cabinet	Section 151 Officer, Head of Human Resources, Head of Asset & Property Management and Head of Information & Computer Technology
<b>Organised and Systematic Management Process</b>		
To secure the development and operation of an organised and systematic management process, designed to ensure that the corporate vision adopted by the Council is attained in the most efficient manner. (Cabinet 24.06.02 Minute Number 198)	Cabinet	Chief Executive
<b>Employment Business Grants</b>		
To approve submissions and to approve the awarding of a business grant	Cabinet	Head of Economic Development
<b>Preservation of Local Partnership</b>		
Authority to take all steps necessary or desirable (within the powers of the Council) to prevent an adverse change in control or management of Telford United and/or the Trust and to preserve the current relationships between the Council, Telford United and the Trust.  Approval for the Chief Executive to act as Trustee of any body established to represent the interests of the local partnership. (Cabinet 10 December 2007 – Minute No. CB-91)	Cabinet	Chief Executive
<b>Regeneration</b>		
<b>Renewal Area</b>		
Exercise of those powers granted to the Council as a result of the declaration of a Renewal Area Local Government & Housing Act 1989 s.89 and powers contained in s.93 & 94	Cabinet	Head of Economic Development Head of Prevention & Protection Head of Asset & Property Management
<b>Heritage Economic Regeneration Scheme, Ironbridge Gorge World Heritage Site</b>		
Authority to determine Heritage Economic Regeneration Scheme (HERS) in accordance with the scheme drawn up in conjunction with Cabinet Member: Regeneration and Cabinet Member: Community Services (Cabinet 16.06.03 Minute No. CB-8)	Cabinet	Head of Planning & Environment

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Planning</b>		
<b>Appeals</b>		
Responding to appeals against refusal of planning applications or against conditions Town & Country Planning Act 1990 Part III	Plans Board	Head of Planning & Environment Manager – Development & Design Area Planning Officers, Head of Legal Services
<b>Determination of Applications</b>		
Determination of planning applications, deemed planning applications, Listed Building applications, Advertisement applications, Conservation Area consents Town & Country Planning Act 1990 Part III Planning (Listed Buildings and Conservation Areas) Act 1990 Town & Country Planning (Control of Advertisements) Regulations 1992	Plans Board	Head of Planning & Environment Manager – Development & Design Area Planning Officers
<b>Planning &amp; Conservation</b>		
Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (“the Functions Regulations”) (as amended).	Plans Board	Head of Planning & Environment/ Manager Development & Design/ Head of Legal Services/Area Planning Officers
<b>Determination of Hedgerows</b>		
Determination of Hedgerows The Hedgerows Regulations 1997 Removal and Retention Notices	Plans Board	Manager – Development & Design Area Planning Officers
<b>Powers in respect of High Hedges</b> See under Corporate Enforcement Policy	Plans Board	
<b>Certificate of Alternative Development</b>		
Certificate of Alternative Development Land Compensation Act 1961	Plans Board	Head of Planning & Environment Manager – Development & Design

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Certificate of Lawfulness</b>		
Certificate of Lawfulness of existing use or development and Certificate of Lawfulness of proposed use or development Approval for issue and refusal to issue Town & Country Planning Act 1990	Plans Board	Head of Legal Services
<b>Enforcement</b>		
The obtaining of information as to interests in land Town and Country Planning Act 1990 s.330	Plans Board	Manager Design & Development, Area Planning Officers, Planning Enforcement Officers
The obtaining of particulars of persons interested in land Local Government (Miscellaneous Provisions) Act 1976 s.16	Plans Board	Manager Design & Development, Area Planning Officer, Planning Enforcement Officers
The issuing and serving of a Stop Notice in respect of unauthorised development Town & Country Planning Act 1990	Plans Board	Head of Planning & Environment
The issue and serving of a Hazardous Substance Contravention Notice Section 24 Planning (Hazardous Substances) Act 1990 (Policy & Resources Cttee – 02.11.95 Minute No. 248)	Plans Board	Head of Planning & Environment Head of Legal Services
To issue and serve a Discontinuance Notice Regulation 8 Town & Country Planning (Control of Advertisements) Regulations 1989 (Policy & Resources Cttee – 02.11.95 Minute No. 248)	Plans Board	Head of Planning & Environment Head of Legal Services
To authorise the undertaking of Works In Default (Policy & Resources Cttee – 02.11.95 Minute No. 248)	Plans Board	Head of Planning & Environment Head of Legal Services

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
To authorise prosecution proceedings in respect of; Unauthorised works to Listed Buildings and Conservation Areas; Flyposting Unauthorised Works to TPO trees and trees in Conservation Areas Unauthorised advertisements Failure to supply information Breach of Enforcement Notice Breach of Stop Notice Breach of Breach of Condition Notice Breach of Section 215 (Untidy Land) Notice Breach of Hazardous Substance Contravention Notice Breach of Listed Building Enforcement Notice Breach of Conservation Area Enforcement Notice (Policy & Resources Cttee – 02.11.95 Minute No. 248)	Plans Board	Head of Planning & Environment Head of Legal Services
<b>Historic Buildings</b>		
Historic building grants	Plans Board	Manager Development & Design Conservation Officers
Town scheme grants	Plans Board	Manager Development & Design Conservation Officers
Receipt on deposit of lists of buildings of special historic or architectural interest Planning (Listed Buildings and Conservation Areas) Act 1990	Plans Board	Head of Planning & Environment
Repairs Notice Planning (Listed Buildings and Conservation Areas) Act 1990	Plans Board	Head of Planning & Environment Manager-Development & Design Head of Legal Services
<b>Trees – Protection</b>		
The making of Provisional (Emergency) Tree Preservation Orders and, in the event of there being no objections to the Orders, confirmation of those Orders Town & Country Planning Act 1990	Plans Board	Head of Planning & Environment Manager-Development & Design Head of Legal Services
Notice of intent to undertake tree work in conservation area Town & Country Planning Act 1990	Plans Board	Head of Planning & Environment Manager-Development & Design Area Planning Officers

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
Application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of a Tree Preservation Order	Plans Board	Head of Planning & Environment Manager - Development & Design Area Planning Officers
Tree Replacement Notice Town & Country Planning Act 1990	Plans Board	Head of Planning & Environment Principal Planning Officer Manager - Development & Design Area Planning Officers/ Head of Legal Services
Confirmation of Revocations and Variations in respect of Tree Preservation Orders subject to no objections having been received. (Plans Board 16 November 2005 – Minute No.52)	Plans Board	Head of Audit & Democracy
<b>Ordnance Survey</b>		
Licensee for the reproduction of Ordnance Survey Maps	Cabinet	Corporate Director: Environment & Regeneration
Receipt of applications for verification of reputed boundaries Ordnance Survey Act 1841 S.1 (as amended)	Cabinet	Head of Legal Services
<b>Pastoral Measure</b>		
Authority to deal with proposals - which have no planning implications Pastoral Measures Act 1983	Cabinet	Head of Legal Services
<b>Highways use and regulation</b>		
The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Functions regulations	Plans Board	Head of Mobility & Street Scene/ Engineering Manager/Manager Network Management & Policy/Team Leader Highways Management
<b>Various</b>		
To exercise the powers and duties of the Council in relation to the preparation, approval, review and monitoring of Local Plans, the Minerals Local Plan and the Waste Local Plan.	Plans Board	Head of Planning & Environment
To authorise agreements and arrangements under Section 106 of the Town and Country Planning Act 1990 and Section 1 of the Planning and Compensation Act 1991 and/or Section 126 of the Housing Act 1974	Plans Board	Head of Planning & Environment Manager Development & Design Area Planning Officers

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
The granting of planning permission under Regulations 3 and 4 of the Town and Country Planning Regulations 1992 for developments by the Council.	Plans Board	Head of Planning & Environment Manager - Development & Design Area Planning Officers
To consider and resolve any appropriate matter under Building Regulations	Plans Board	Architecture, Landscape and Building Manager, Group Building Control Officer/Senior Building Control Officer
To deal with all matters relating to tree Preservation Orders, Building Preservation Notices and Listed Building Consents	Plans Board	Head of Planning & Environment/ Manager Development & Design/Area planning Officers Head of Legal Services
To create and monitor the Council's corporate environmental policy and support its Agenda 21 Programme of action in the wider community. This would involve devising a comprehensive strategy for implementation:- (a) To raise public awareness of the various environmental issues, proposals and developments affecting the area and its citizens; (b) To encourage a positive caring attitude towards the environment generally and to ensure that the Council fulfils its obligations in the global environmental context. (c) To support and encourage the principles and practice of environmental education, in close liaison with the Cabinet	Plans Board	Head of Planning & Environment Manager Development & Design Area planning Officers/ Head of Legal Services
To deal with all planning and building control matters pertaining to wasteland and derelict land and residual action to dangerous buildings.	Plans Board	Head of Planning & Environment Manager Development & design/Architecture, Landscape & Building Manager/Group Building Control Officer
The functions of the council in relation to safety in mines and reservoirs.	Plans Board	Head of Mobility & Street Scene
The functions of the Council in relation to public conveniences.	Plans Board	Head of Mobility & Street Scene
The operation of gully, cesspit and septic tank emptying services.	Plans Board	Head of Mobility & Street Scene
The management and control of all markets and market sites operated by the Council.	Plans Board	Head of Mobility & Street Scene

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Registration Services</b>		
<b>Marriage and Civil Partnership Premises</b>		
To determine applications from new premises to be approved as a venue for marriage and Civil Partnerships Marriage Act 1949 (as amended by the Marriage Act 1994) and Civil Partnerships Act 2004	Licensing Committee	Proper Officer for Registration Services
<b>Standards in Local Government</b>		
<b>The promotion and maintenance of high standards of conduct within the Council</b>		
To advise the council on the adoption or revision of its Code of Conduct	Standards Committee	
To monitor and advise the council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance from the Standards Board for England and recommendations of case tribunals under section 80 of the Local Government Act 2000	Standards Committee	
<b>Assistance to members and co-opted members of the authority</b>		
To ensure that all members of the Council and co-optees have access to training in all aspects of the member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code	Standards Committee	
<b>Other functions</b>		
Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Local Government Act 2000	Standards Committee	
[List] other functions delegated to the Committee by the Council in accordance with section 54(3) of the Local Government Act 2000, in accordance with any regulations made under that Act	Standards Committee	
<b>Trading Standards</b>		
<b>Petroleum Licensing</b>		
To grant, refuse, suspend and transfer licenses pursuant to the provisions of the Explosives Acts 1875 – 1976 and the Poisons Act 1972 and the Petroleum Consolidation Act 1928 (Cabinet 11 <sup>th</sup> May 2009 – Minute No. CB-199)	Cabinet	Head of Protection & Prevention Regulation & Resilience Manager Business Manager: Environmental Health & Well-Being

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
To act as Inspectors/Authorised Officers under the Petroleum (Regulations) Act 1928 and 1936 (including any re-enactments and secondary legislation). Petroleum (Regulation) Act 1928/Petroleum (Consolidation) Act 1928 Petroleum (Regulation) Act 1936 Dangerous Substance & Explosives Atmospheres Regulations 2002 Health & Safety At Work ACT 1974 (Cabinet 11 <sup>th</sup> May 2009 – Minute No. CB-199)	Cabinet	Officers appointed under S.19 Health & Safety at Work. Etc. Act 1974
<b>Animal Welfare</b>		
All matters relating thereto except authorisation to prosecute Animal Welfare Act 2006 (Cabinet 11 <sup>th</sup> May 2009 – Minute No. CB-199)	Cabinet	Trading Standards Operations Manager Principal Licensing Officer Licensing Officer
Authorisation to prosecute Animal Welfare Act 2006 (Cabinet 11 <sup>th</sup> May 2009 – Minute No. CB-199)	Cabinet	Head of Prevention & Protection
To grant, refuse, suspend and transfer licences pursuant to the provisions of the Animal Health Act (1981), Agriculture (Miscellaneous Provisions) Act (1976), Agriculture Act (1970), European Communities Act (1972)	Licensing Committee	Head of Prevention & Protection Regulation & Resilience Manager
To act as inspectors, authorised officer, sampling officer, Licensing Officer, authorised officer as the case may be for carrying out the duties of the Council under the legislation set out in the attached <b>Schedule</b>	Cabinet	Regulation & Resilience Manager Trading Standards Operations Manager, staff designated as 'Trading Standards Officer', 'Fair Trading Officer' or 'Enforcement Officer' with or without prefix (as appropriate))
To authorise the institution and defence of proceedings brought under the legislation set out in the attached <b>Schedule</b>	Cabinet	Head of Regulation & Resilience
To designate officers in the programme area as inspectors, sampling officers or authorised officers as the case may be for the purposes of the legislation set out in the attached <b>Schedule</b>	Cabinet	Head of Prevention & Protection
Chief Inspector of Weights and Measures s.72 Weights and Measures Act 1985 (Cabinet 19 November 2009 Minute No. 100)	Licensing Committee	Trading Standards Operations Manager

<b>Functions</b>	<b>Decision Making body</b>	<b>Delegation of Functions</b>
<b>Use of Directed Surveillance and Covert Human Intelligence Sources</b>		
Regulation of Investigatory Powers Act 2000 (to authorise the undertaking of directed surveillance and to make use of covert human intelligence sources subject to certain controls.) (Cabinet 10.02.03 Minute No. CB-318)	Cabinet	Chief Executive/Corporate Director: Environment & Regeneration/Head of Planning & Environment//Head of Mobility Street Scene/Environmental Programme Manager/Highways & Transport Maintenance Manager/ Corporate Director: Community Services/Head of Leisure & Culture/Head of Community & Neighbourhood Services/Community Safety Manager/ Corporate Director: Children & Young People/Head of Safeguarding & Corporate Parenting/Head of School & Community Services/Head of Learning & School Improvement

Functions	Decision Making body	Delegation of Functions
		Head of Asset & Property Management/Environmental Health Team Managers/Corporate Director: Resources/Head of Finance/Head of Audit & Democracy/Audit & Risk Manager/Revenues & Benefits Services Manager/ Head of Human Resources/Human Resources Manager/Head of Legal Services/Corporate Director: Adult & Consumer Care/Head of Prevention & Protection/Business Manager Environmental Health & Well-Being/ Head of Resources & Business Development/Head of Adult Social Care/Private Sector Housing Managers/ Trading Standards Manager/Regulation & Resilience Manager See over

Functions	Decision Making body	Delegation of Functions
	Cabinet	<p><b><u>N.B.</u></b>            (i) An officer should not authorise themselves and, if the surveillance is to be undertaken by one of the named officers, the authorisation must be signed by an officer of a higher rank than themselves;            (ii) If the operation is likely to result in the obtaining of confidential information (as defined in the Codes of Practice) or the source used is a vulnerable individual or a juvenile, then the authorisation must be from the Head of Paid Service (Chief Executive) or, in their absence, a Corporate Director..</p>
<p>Enforcement of Part III of the Consumer Credit Act 1974 by virtue of Section 101 of the Local Government Act 1972 and Section 13(7) of the Local Government Act 2000            (Cabinet 28 February 2005 – CB-163</p>	Cabinet	<p>Trading Standards Service of Birmingham City Council subject to the terms and conditions contained in the agreement to be entered into with Birmingham City Council relating to said delegated function</p>

### **Trading Standards – The Schedule**

Accommodation Agencies Act 1953  
Administration of Justice Acts 1970 and 1985  
Agricultural Produce (Grading and Marking) Acts 1928 and 1931  
Agriculture (Miscellaneous Provisions) Acts 1954, 1968 and 1978  
Agriculture Act 1970  
Animal Health Acts 1981 and 2002  
Animal Health and Welfare Acts 1984  
Animal Welfare Act 2006  
Anti-Social Behaviour Act 2003

Business Names Act 1985  
Cancer Act 1939  
Children and Young Persons (Protection from Tobacco) Act 1991  
Children and Young Persons Act 1933

Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Companies Act 1985  
Companies Act 2006

Construction Products Regulations 1991  
Consumer Credit Act 1974  
Consumer Credit Act 2006  
Consumer, Estate Agents and Redress Act 2007  
Consumer Protection Acts 1961 - 1987  
Consumer Safety (Amendment) Act 1986  
Control of Pollution Act 1974  
Copyright etc. and Trade marks (Offences and Enforcement) Act 2002  
Copyright, Designs and Patents Act 1988  
Courts and Legal Services Act 1990  
Criminal Attempts Act 1981  
Criminal Justice Act 1988  
Criminal Justice and Public Order Act 1994

Malicious Communications Act 1988  
Markets and Fairs (Weighing of Cattle) Acts 1887 to 1926  
Medicines Act 1961, 1968 and 1971

Motorcycle Noise Act 1987  
Motor Vehicles (Safety Equipment for Children ) Act 1991

National Lottery Act 1993  
Offensive Weapons Act 1996  
Olympic Symbol etc. (Protection ) Act 1995  
Performing Animals (Regulations) Act 1925  
Petroleum (Consolidation) Act 1928

Petroleum (Transfer of Licenses ) Act 1936  
Plant Health Act 1967  
Poisons Act 1972

Prices Act 1974  
Property Misdescriptions Act 1991

Protection against Cruel Tethering Act 1988  
Protection of Animals (Amendment) Act 1954  
Protection of Animals Act 1911  
Protection of Children (Tobacco) Act 1986  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Act 1988  
Road Traffic Act 1991

Road Traffic (Offenders) Act 1988

Criminal Justice and Police Act 2001  
Criminal Law Act 1977  
Crossbows Act 1987

Development of Tourism Act 1969  
Dogs Act 1906

Education Reform Act 1988  
Energy Act 1976  
Enterprise Act 2002  
Environmental Protection Act 1990  
Estate Agents Act 1979  
Explosives Acts 1875, 1923 and 1976  
Explosives (Age of Purchase) Act 1976  
European Communities Act 1972 and Treaties and Legislation given effect thereunder.

Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Firearms Act 1968  
Fireworks Act 2003  
Food Act 1984 - Part III

Food and Environment Protection Act 1985

Food Safety Act 1990  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Hallmarking Act 1973

Health and Safety at Work etc. Act 1974  
Health Act 2006  
Housing Act 2004  
Insurance Brokers (Registration) Act 1977

Road Traffic Regulation Act 1984  
Road Vehicles (Construction and Use) Regulations 1986  
Solicitors Act 1974  
Telecommunications Act 1984  
Theft Acts 1968  
Timeshare Act 1992  
Tourism (Sleeping Accommodation Price Display) Orders 1977  
Trade Descriptions Act 1968  
Trade Marks Acts 1938 and 1994  
Trading Representations (Disabled Persons) Acts 1958 - 72  
Tobacco Advertising and Promotion Act 2002

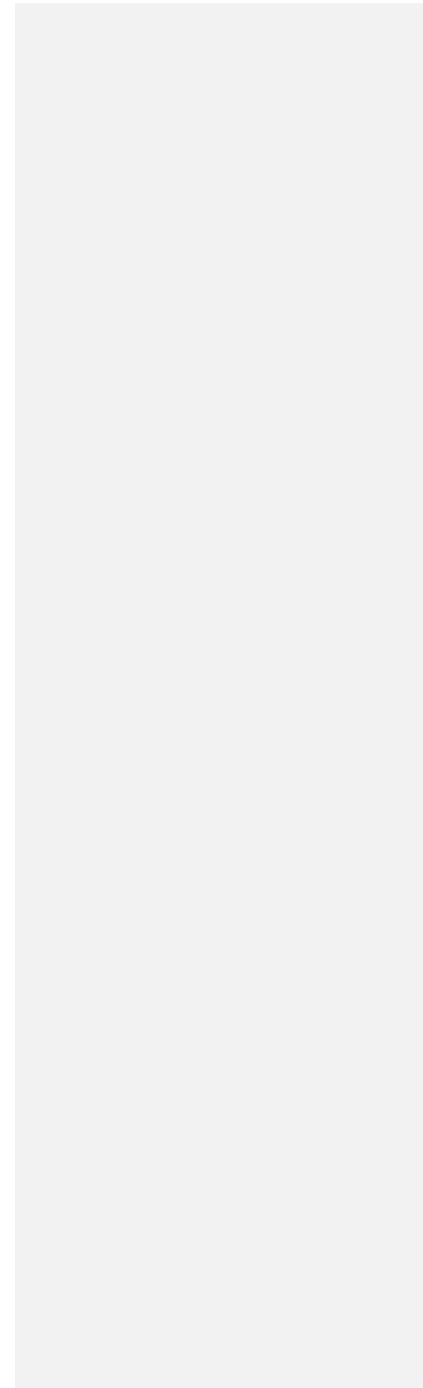
Transport Act 1978

Unsolicited Goods and Services Acts 1971 – 75  
Unsolicited Goods and Services (Amendment) Act 1975  
Video Recordings Acts 1984 and 1993

Weights and Measures Act 1985  
Vehicle Crime Act 2001  
Violent Crime Reduction Act 2006

Insurance Companies Act 1982  
Intoxicating Substances (Supply) Act 1985  
Knives Act 1997

Law of Property (Miscellaneous Provisions) Act 1989



## FUNCTIONS POWERS AND DUTIES OF

### PERSONNEL BOARD

Non-Delegated Matters (i.e. matters to be referred to Council for decision)

1. To make recommendations on the organisational structure for employees, insofar as they are not delegated to the Head of Human Resources
2. To consider and make recommendations on the Human Resources implications of service matters.

#### **Delegated Matters (i.e. matters which can be decided)**

1. To advise upon **all** policies dealing with all aspects of the employment of people by the Council and proposals relating to nationally and locally negotiated conditions of service.
2. To consider and approve strategic employment reviews, for example the review under the National Agreement on Pay and Conditions of Service 1997 (Single Status).
3. Power to **deal with all matters relating to the employment of Chief Executive including recruitment, grievance and disciplinary action and dismissals and all related matters, in so far as they are not reserved by law or resolution of Council to Council and are not inconsistent with the Officer Procedure Rules contained in Part 4, Section 8 of the Constitution).**
4. To agree at a strategic level all matters relating to the Council's employees, including:

Terms and conditions

Training and development

Employee relations

Equality of opportunity in employment

5. All functions relating to the local government pension scheme

6. **As and when required to establish a complaints sub committees to consider allegations against Chief Officers and, if not Chief Officers, those officers designated by Council as the Head of Paid Service, Chief Finance Officer or Monitoring Officer and decide whether there is a case to answer, to consider whether suspension of a Chief Officer is appropriate, whether an allegation can be dismissed or whether it requires more detailed investigation and decide, in appropriate circumstances whether or not a Designated Independent Person should be appointed.**

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

**NOTE: The appointment of all staff below the level of Head of Service and day to day interpretation and implementation of all staffing matters and individual terms and conditions are delegated to the Head of Human Resources**

# Part 4 – Rules of Procedure

## Section 6 – Financial Regulations

<u>Index Point</u>	<u>Description</u>
1	Status of Financial Regulations
2	Responsibilities
3	Financial Planning
4	Accounting Systems, Financial Records and Returns
5	Financial Management and Control – Revenue
6	Financial Management – Capital
7	Taxation and Leasing
8	Controlled Stationery and Authorised Signatories
9	Internal Audit
10	Public Accountability – Responsibilities
11	Purchasing Arrangements
12	<del>Works/Goods/Services - Requisitions, Authorisation, Goods Received and Payments Schemes Financed Partly or Wholly by External Funding</del>
13	<del>Orders for Work, Goods and Services</del>
134	Corporate Credit Cards and the Government Procurement Card (GPC)
15	<del>Payment of Accounts</del>
146	Cash Income and Debtors
157	Banking Arrangements
168	Payments to Employees
179	Travel and Subsistence
1820	Imprests
1921	Risk Management
202	Insurance
213	Security and Control of Assets
224	Treasury Management
235	Unofficial and Voluntary Funds

### 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. ~~In addition they assist sound administration, reduce the risk of irregularities and support delivery of effective, efficient and economical services.~~
- 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 that the Council is a member of and for which the Council is the accountable body<sup>1</sup>. ~~(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 Heads of Service to ensure that all staff in their delivery units are aware of their responsibilities according to the Financial Regulations ~~and other internal regulatory documents (e.g. the Anti Fraud and Corruption Policy)~~ 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, ~~if the named officers~~ s can wishes for reasons of practicality to delegate their

<sup>1</sup> ~~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.~~

authority to another appropriate officer ~~in their area this is permissible~~ as long as this delegation has been recorded, it has been documented.

- 1.5 Where the Cabinet has been named in Regulations it will be their responsibility to ensure compliance. The Cabinet can delegate such responsibility to one of its Cabinet members as set out in the Constitution ~~procedures.~~
- 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 ~~To help assist members and officers, the~~ 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 and links to these are provided in the document which are included on the Intranet. These procedures, though printed under separate cover, must be treated as an integral part of the Regulations.
- 1.8 Any financial values are summarised in **Appendix A** to allow ease of update.
- 1.9 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.
- 1.10 Failure to comply with Financial Regulations, or procedures issued under them, may lead to disciplinary action for employees and an investigation by the section 151/Monitoring Officer for Members, ~~and if necessary referral to the Standards Committee.~~

## 2 Responsibilities

- 2.1 ~~Any major organisation requires a set of clearly understood rules and regulations for the management of its financial affairs.~~ 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 Finance Officer to report to the Council if the authority, one of its committees, the Cabinet 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 Finance Officer to nominate a properly qualified member of staff to deputise, should the Chief Finance 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 those for strategy and the budget.
- \* **The Cabinet** – means the Leader of the Council and the Cabinet members, who propose to Council policy and budget strategies.

\* **Chief Finance Officer Responsibilities (s151/s114)** – these have been allocated to an appropriately qualified Corporate Director, and include:

- provision of financial advice for service delivery, strategic planning and policy making across the authority;

**Formatted:** Indent: Left: 0.95 cm, Hanging: 0.63 cm

**Formatted:** Font: Not Bold

**Formatted:** Indent: Left: 1.59 cm, Hanging: 0.32 cm, Bulleted + Level: 1 + Aligned at: 1.59 cm + Tab after: 1.95 cm + Indent at: 2.22 cm

**Formatted:** Bullets and Numbering

- 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.

**Formatted:** Bulleted + Level: 1 + Aligned at: 1.59 cm + Tab after: 1.95 cm + Indent at: 2.22 cm

**Formatted:** Indent: Left: 1.59 cm, Hanging: 0.32 cm, Bulleted + Level: 1 + Aligned at: 1.59 cm + Tab after: 1.95 cm + Indent at: 2.22 cm

**Formatted:** Bulleted + Level: 1 + Aligned at: 1.59 cm + Tab after: 1.95 cm + Indent at: 2.22 cm

- \* **The Head of Governance** has delegated responsibility under the Accounts and Audit Regulations 2003<sup>2</sup> to maintain an adequate and effective Internal Audit service and has direct responsibility for the operation and support of the Council's Scrutiny function. The Head of Governance has the ability to report directly, without fear or favour, to any level within the organisation or to the External Auditor.
- \* **Corporate Management Team (Chief Executive, Directors and Assistant Chief Executive)** are responsible for ensuring that Heads of Service provide services that meet the Council's overall policy objectives. This includes ensuring compliance by Heads of Service with the Council's governance arrangements including Financial Regulations and Contract Procedure Rules.
- \* **The Chief Executive** is responsible for leading on corporate governance issues throughout the Council.
- \* **The Head of Finance** will act as deputy Section 151 Officer
- \* **Heads of Service** 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**<sup>3</sup> 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.

**Note:** ~~'Delivery Managers' also includes managers and/or team leaders with budget and staff responsibilities.~~

### 2.3 Financial Training

The Chief Financial Officer should ~~ensure assess the financial skills required by~~ members of the Cabinet; and Corporate Management Team ~~have the financial capabilities or facilitate the should commit to development of the~~ specific skills to enable their roles to be carried out effectively.

The Head of Finance should through senior finance staff identify financial competencies for managers and members and provide adequate financial training to enable them to undertake their roles effectively and understand the financial requirements of the Constitution and associated financial policies and procedures.

<sup>2</sup> As updated by the Accounts and Audit (Amendment)(England) Regulations 2006 (SI2006/564)

<sup>3</sup> ~~'Delivery Managers' also includes managers and/or team leaders with budget and staff responsibilities.~~

**Formatted:** Indent: Hanging: 1 cm

**Formatted:** Font: 10 pt

### 3. Financial Planning

#### 3.1 Introduction

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

#### 3.2 Financial Forecasting

The Chief Finance Officer shall, within the general direction of the Cabinet, produce forecasts of financial resources and advise upon the financial and economic implications of medium and long term service development plans and programmes and budget strategies. In exercising this duty he/she shall be mindful of the Accounts and Audit Regulations 2003 (as amended 2006), the Code of Practice on a Prudential Approach to Local Government Commitments and current accepted local government accounting codes and will review levels of reserves and balances and ensure that a robust budget process has been undertaken. The Chief Finance Officer is responsible for the Council's arrangements for under and overspendings to be carried forward to the following year.

3.3 The forecasts will indicate the likely changes to the Council's budget for the specified period both in terms of commitments arising out of statutory variations and Council policy and also the likely variations to funding from central or local sources.

3.4 The Cabinet, having considered the forecasts and options for the specified period shall, propose the overall budget strategy to the Council for approval after the consultation process as outlined in the Budget and Policy Framework Procedures Rules within the Constitution.

3.5 All matters relating to the financial administration of the authority shall be kept under review by the member of the Cabinet responsible for Resources.

3.6 The full Council is also responsible for approving procedures and for agreeing variations to approved budgets, plans and strategies forming the policy framework.

**CONTACT: Head of Finance**

### 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 its annual accounts to present fairly its operations during the year. These are subject to internal and external audit. This provides assurance that the accounts are properly prepared and proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resource.

4.2 The Chief Finance Officer should ensure that there is a proper retention policy for financial documents. The periods for which documents are to be retained is specified ~~separately~~ in the retention of records procedure note (including the Destruction and Retention Schedule).

Formatted: Underline, Font color:

Formatted: Underline, Font color:

4.3 The Head of Finance 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 Head of Finance. In particular Heads of Service should confer with the Head of Finance 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 Heads of Service must maintain through their officers full and accurate records as agreed with the Head of Finance to ensure the availability of all financial, costing and statistical and other information as may be required to fully and accurately maintain the accounts of the Council, and

report on its finances .This includes the correct coding of expenditure in line with the CIPFA standard classifications. All accounting records will be maintained in accordance with current CIPFA Codes of Practice,

- 4.5 Heads of Service are responsible for ensuring the completion and submission of Grant applications and financial returns. The Chief Finance Officer/~~Chief Executive/Audit & Assurance Manager are~~is entitled to such explanations or information as may be required prior to signing and forwarding to the relevant government department or agency, ~~under his signature~~. No bid for external funding shall be submitted without approval from the relevant CMT Priority lead ~~Director~~ and relevant Finance Manager.
- 4.6 Heads of Service 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

**CONTACT: Corporate Finance Manager**

## 5. Financial Management and Control – Revenue

### 5.1 Background

~~5.1.1~~ The Council is responsible for ~~adopting the authority's Constitution and Code of Conduct and for determining the budget and policy framework within which the Cabinet operates. It is also responsible for~~ setting and monitoring compliance with the authority's overall framework of accountability and control via the scrutiny and audit committee processes. ~~The framework is set out in the constitution.~~

~~5.1.2~~ This section of the regulations deals with the preparation and approval of budgets, budgetary control and variations from budget provision. It applies to all areas of the Council's activities except schools.

~~5.1.3~~ No expenditure is to be incurred or reduction in income authorised unless covered by these regulations.

### 5.2 Preparation and Approval of Budget

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

5.2.2 The form of revenue estimates shall be determined by the Head of Finance in consultation with Heads of Service within the general guidelines of the Cabinet and relevant professional requirements. Estimates shall be prepared annually before the start of the financial year and revised during the course of the year.

5.2.3 Prior to the commencement of each financial year each Service Delivery Unit should prepare a Service Delivery Plan setting out the Service Delivery Unit's aims and objectives and expenditure and income projections within corporately agreed allocations of resources. These should be agreed with Corporate Management Team (CMT).

5.2.4 Once the council's budget for the year has been approved the Heads of Service and Delivery Managers can authorise expenditure within the limits agreed subject to the separate rules on virement.

5.2.5 The Delivery Managers ~~in conjunction with the relevant Finance Manager~~ must exercise appropriate financial control including monitoring income and expenditure on a regular basis ensure that a satisfactory monitoring system is in existence during the financial year with regular reports to the Head of Finance.

### 5.3 Budgetary Control (see also para 4.4 above)

- 5.3.1 The corporate finance information system determined by the Head of Finance is the Council's prime accounting record. It provides the mechanism for Heads of Service and Delivery Managers to monitor and control budgets.
- 5.3.2 Heads of Service 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.
- 5.3.3 Regular financial updates will be taken to Cabinet.
- 5.3.4 Generally all Council budgets are prepared on a cash limited (outturn) price base. This means that no supplementary estimates will be provided for inflation increases once budgets have been approved, except in exceptional circumstances.
- 5.3.5 Unavoidable cost increase, e.g. public utilities, increments etc, for which insufficient allowance has been made at budget time will need to be met by equivalent reductions elsewhere.
- 5.3.6 All reports to CMT or Members must be cleared by finance staff for financial implications and should be made available to those staff in reasonable time before due for submission.
- 5.3.7 No Head of Service or Delivery Manager should plan to overspend his/her budget. All expenditure plans should be consistent with Service Delivery Plans. Potential overspends on particular budget heads will have been addressed during the year and, in some cases, virement will have been exercised.

### 5.4 Supplementary Estimates

- 5.4.1 The Council sets budgets for gross expenditure and income in the context of a cash limit. Therefore it is important that any additional commitments not covered in Service Delivery Business Unit budgets, (including where the net budget requirement of the Council is not increased), are funded by savings elsewhere or additional grant funding and do not increase the net budget requirement of the Council (see Virement section). In exceptional circumstances this may not be possible and if this is the case, approval should be sought from the Council for additional funding.

### 5.5 Grants

- 5.5.1 All grant bids must be approved by the relevant CMT Priority lead ~~Director~~ and a Finance Manager prior to submission.
- 5.5.2 Acceptance of grant terms must also be approved by the relevant Head of Service and a Finance Manager.
- 5.5.3 All grant claims must be certified by a Finance Manager ~~—(s~~ Subject to the conditions of the grant awarding body ~~.)~~

### 5.6 Virement

- 5.6.1 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. The ability to exercise virement applies to all controllable budgets.
- 5.6.2 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 at budget time for a particular client or to meet a particular situation, or
- \* utilising efficiency or other savings.

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

5.6.4 Heads of Service, in consultation with the relevant Finance Manager, shall have the authority to make virements **within** each approved service delivery unit budget provided:

- It is within the overall policy framework;
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

5.6.5 The Head of Finance, in consultation with the relevant Finance Manager and relevant Heads of Service, shall have the authority to make virements **between** service delivery units provided:

- The amount does not exceed £50,000 (**LIMIT G**)
- It is within the overall policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

For amounts over £50,000 Heads of Service and the Chief Finance Officer, shall have the authority to make virements **between** service delivery units with Cabinet approval provided that

- It is within the policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.
- The amount does not exceed £250,000

For amounts above £250,000s approval by full Council is required.

5.6.6 All virement decisions must be notified to the relevant Finance Manager (and the financial information system updated) before expenditure is incurred.

## ~~5.7 Year End Arrangements~~

~~5.7.1 Year end arrangements (carry forwards of over or underspending), have been designed to be as flexible as possible, consistent with the Council's overall financial situation and with regard to the controls exercised by the Government.~~

### ~~— Overspending and Underspending~~

~~5.7.2 No Head of Service or Delivery Manager should plan to overspend his/her budget. All expenditure plans should be consistent with Service Delivery Plans. Potential overspends on particular budget heads will have been addressed during the year and, in some cases, virement will have been exercised.~~

~~5.7.3 All underspends and deficits on controllable budgets will be carried forward to the next financial year as a first call on the budget for the year.~~

**CONTACT: Corporate Finance Manager**

## 5.78 Reserves & Balances and the Robustness of Estimates

- 5.78.1 The budget report will contain a comment by the CFO (Chief Finance 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.
- 5.78.2 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.
- 5.78.3 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.
- 5.78.4 The level and purpose of reserves and balances held must be clearly defined and justified by Heads of Service. Further regular reviews should be undertaken to ensure continuing relevance and adequacy.
- 5.78.5 There is no statutory minimum level of reserves required. This will be a matter of local judgement determined by the CFO but following relevant national current Audit Commission guidance.

**CONTACT: Corporate Finance Manager**

## 6. Financial Management – 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.
- 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 in line with overall Corporate Priorities, the Council's Asset Management Plan, Capital Strategy and availability of funding.
- 6.4 The capital programme shall focus on the medium term service & financial planning period but reflect the total cost and phasing of each approved scheme along with the proposed source(s) of funding.
- 6.5 The capital programme will demonstrate:
- the original and revised total estimated cost of each scheme
  - actual expenditure to the end of the previous financial year
  - forecast phased expenditure for the current and subsequent years
  - the revenue budget implications of the proposed programme
- 6.6 The Head of Finance shall determine the method of funding for each capital scheme, having consulted with the relevant Head of Service and working within the context of the various capital resources available. All proposed investments should be subject to an appropriate level of analysis/appraisal by the relevant service area before commitment.
- 6.7 The Head of Finance shall ensure that an effective monitoring system is in place during the year to control capital expenditure. Heads of Service will be responsible for notifying the Head of Finance if it seems likely that there will be a significant variation in spending on a scheme. Variations may be permitted only if they can be accommodated by virement within the total capital resources available.

6.8 Variations, subject to the following limits, can be approved by those designated below 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**) – Head of Finance in consultation with the relevant Head of Service
- (b) Over £50,000 up to £250,000 (**LIMIT K**) – Cabinet approval required
- (c) Over £250,000 (**LIMIT R**) – the Council.

6.9 Any capital expenditure over £50,000 even if entirely covered by additional external funding but outside the approved capital programme, must be approved by 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 Heads of Services 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, Heads of Services should consult with the Head of Finance. Delivery Units will be liable for any costs, including any penalties and interest charged for incorrect tax treatment.

7.3 Detailed [guidance on taxation issues is incorporated within specific procedure notes](#) ~~which are included on the Intranet.~~

Formatted: Font color: Blue

### 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 Head of Finance or his designated officer.

~~7.5 The Normal contract procedures should be followed in relation to leasing arrangements. [See Part 4, Section 7, Contracts Procedure Rules]~~

~~7.56~~ Detailed guidance on leasing issues are incorporated within specific procedure notes on the Intranet.

**CONTACT: Corporate Finance Manager**

## 8. Controlled Stationery and Authorised Signatories

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

8.2 Heads of Service are responsible for maintaining a listing of authorised signatories in the form prescribed by the Head of Finance. ~~All officers on the signatories listing must be authorised by a Head of Service (or Corporate Director if a HOS).~~

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

Formatted: Font color: Blue

- Authorising Orders
- ~~• Certifying invoices~~
- Certifying expenses claims
- Authorising petty cash purchase
- Certifying timesheets and overtime claims
- Signing and awarding contracts (see also Section 7, Contract Procedure Rules appendices 1 to 4)

More than one officer should be involved in the authorising process, ~~e.g. it should not be the same officer who authorises the order and invoice that certifies receipt of the goods or service.~~

8.4 A financial limit shall be prescribed for all officers. The Head of Finance in consultation with the Head of Governance shall be responsible for establishing a consistent framework for financial limits across the Council based on the roles and the responsibilities of officers.

8.5 Heads of Service are responsible for ~~ensuring that the authorised signatories list is kept up to date at all times, by~~ informing the Head of Finance of any changes to authorised signatories and the responsibilities of ~~the officers~~.

~~8.6 Guidance on authorised signatories is available from Audit Services.~~

**CONTACT:**

**For authorised signatories: Finance Officers Employment Services or Procurement**

**For controlled stationery: Property & ICT Design Administration**

**9. Internal Audit**

9.1 The Chief Financial Officer under section 114 of the LGFA 1988 and the Accounts and Audit Regulations 2003 (as amended 2006) has a statutory responsibility for the overall financial administration of the Council's affairs. Section 6 of the Accounts and Audit Regulations 2003 (as amended 2006), says that the authority "shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control,..." 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 "Proper internal control practices" are defined in the guidance on the Accounts and Audit Regulations 2003 (as amended 2006)<sup>4</sup> as the CIPFA publication – "Code of Practice for Internal Audit in Local Government in the United Kingdom". Internal Audit will operate to this Code and any other relevant guidance. The definition of Internal Audit within the Code is:

*Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on the control environment<sup>5</sup> by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.*

9.3 As the definition outlines Internal Audit has a key role to play in independently reviewing the Council's<sup>6</sup> arrangements for corporate governance, risk management and internal control. It contributes an objective opinion to the Council's Annual Governance Statement (including the Statement on Internal Control).

9.4 The existence of a continuous internal audit service does not in any way diminish the responsibility of Corporate Directors for the delivery of priorities and Heads of Service for the management of the

<sup>4</sup> Department for Communities and Local Government Circular 03/2006 dated 18/08/06

<sup>5</sup> The control environment comprises the systems of governance, risk management and internal control.

<sup>6</sup> Internal Audit's remit extends to the entire control environment of the Council

Delivery Units under their control and their responsibilities in respect to risk management and the systems of internal control.

9.5 The ~~Audit & Risk Manager~~Audit & Assurance Manager should ensure that Internal Audit remains independent in its planning and operation. The ~~Audit & Risk Manager~~Audit & Assurance Manager should be responsible for maintaining periodic audit plans which have due regard for the key strategic risks of the authority, the risks involved 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 & Risk Manager~~Audit & Assurance 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 ~~Internal-Audit~~ & Assurance to review, evaluate and report upon

- the soundness and adequacy of accounting records and the system of internal controls 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 extravagance 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
- The corporate governance arrangements of the Council
- The risk management processes of the Council both at Strategic and Service Delivery level

9.7 The Chief Finance Officer's authorised ~~Internal-Audit~~ & Assurance representatives shall be empowered to:

- enter at all reasonable times any Council premises or land
- have access to all Council and partner records<sup>7</sup>, 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, Head of Governance or ~~Audit & Risk Manager~~Audit & Assurance Manager.
- have access to records belonging to third parties such as contractors or partners when required<sup>8</sup>
- 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.

<sup>7</sup> Records include business e-mail and internet records

<sup>8</sup> As defined in the articles of association/memorandum, SLA, grant conditions or contract

- 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 Corporate Directors, Heads of Service and Delivery Managers are responsible for responding to ~~Internal~~ Audit & Assurance reports and the implementation of agreed recommendations within an appropriate timescale. Delivery Managers should indicate the actions they propose within one month of agreeing the draft report.
- 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 Head of Service.
- 9.11 Internal Audit has specific fraud related responsibilities which are set out in the corporate Anti-Fraud & Corruption Policy. Within the scope of their work Internal Audit also provide advice and consultancy in respect to issues around controls and governance, based on their professional knowledge and expertise.
- 9.12 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 Head of Service or report the matter directly to the ~~Audit & Risk Manager~~ Audit & Assurance Manager or Section 151 Officer. Confidentiality, wherever possible, will be respected in any dealings on such matters.
- 9.13 The Section 151 Officer shall report to the Chief Executive, the relevant Head of Service, Corporate Director and Cabinet<sup>9</sup>, if appropriate, any matter of a significant nature.
- ~~9.14 Where Audit Services inform the Section 151 Officer of any such matter outlined in paragraph 9.12, the Section 151 Officer will inform the appropriate Head of Service, Corporate Director and the Chief Executive and Cabinet, if appropriate.~~
- 9.14<sup>5</sup> Any decision to refer a matter as outlined in paragraph 9.12 to the Police is to be taken by the ~~Audit & Risk Manager~~ Audit & Assurance Manager after informing the Head of Governance or the Council's Section 151 Officer or their representative. Where a Member is involved the Chief Executive, Monitoring Officer 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 & Risk Manager~~ Audit & Assurance Manager shall ensure that the anonymity of the individual(s) concerned shall be maintained at all times.
- 9.16<sup>5</sup> Internal Audit should report to a body of members the following information:
- a) the Internal Audit plan and strategy;
  - 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.
- 9.16<sup>7</sup> The ~~Audit & Risk Manager~~ Audit & Assurance Manager and Head of Governance 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 Chief Executive, the Leader, the lead Cabinet Member for Governance ~~Efficient Community Focussed Council~~, Chairman of the Audit Committee, s151 Officer, CMT, the Monitoring Officer or the Council's External Auditors.

**CONTACT:** ~~Audit & Risk Manager~~ Audit & Assurance Manager

## 10. Public Accountability – Responsibilities

<sup>9</sup> This should be the Cabinet or a specific Cabinet member and the Leader.

## 10.1 General

- 10.1.1 Members should ensure that they follow the Members Local Code of Conduct and have read the Members Handbook, taking any guidance into account including the declaration of any interest.
- 10.1.2 Employees should ensure that they follow the Employee Code of Conduct.
- 10.1.3 The corporate Anti-Fraud and Corruption Policy applies to all Members and Officers of the Council and they should be aware of its contents whilst representing and working for the Council, ~~including the registration of Members and Officers interests.~~
- 10.1.4 An officer of the Council must not, under cover of his/her position or office of employment, accept any fee or reward, other than his/her proper remuneration without the express permission of the ~~Assistant Chief Executive/~~Human Resources Manager/~~Corporate Director.~~
- 10.1.5 A member or officer must not accept any bribe or personal inducement in connection with the Council's business.
- 10.1.6 A member or officer must not use Council property, assets, materials or information for other than the purposes of the Council.
- 10.1.7 A member or officer must not subordinate his/her duty to the Council to his/her private interest or put himself/herself in a position where his/her duty and private interests conflict.
- 10.1.8 Employees must ensure that they declare any private interest they may have in any of the Council's activities. Such a declaration should be made where the employee could benefit in the form of a financial or other pecuniary gain. The interest should be recorded in the Register of Interests held in Democratic Services.

## 10.2 The Cashing of Cheques

- 10.2.1 The cashing of cheques (whether Council or otherwise) by a member or officer is prohibited except in line with the ~~Imprest Procedures, Council's Code of Practice on cheque encashment.~~

## 10.3 Gifts

- 10.3.1 Officers and Members should follow the advice given in the guidance note on gifts and hospitality (see the Guidance Note on the Intranet). The receipt of personal gifts should be discouraged. If an officer, during the course of, or as a result of, official duties, receives or is offered any personal gift, other than one of only token value, the matter must be reported to the Head of Service. The Head of Service will decide if the item is to be returned, or forwarded to some charitable cause. The Head of Service should inform the donor of what has happened to the gift, and explain the reason why gifts should not be sent in the future. A record should be made of all gifts accepted, refused and / or returned.
- 10.3.2 The CMT ~~PA'ssupport~~ team and Heads of Service ~~PA'support~~ team must maintain a record for employees of all gifts offered, received, refused and any actions taken as outlined in the guidance.
- 10.3.3 Members should take equal care in receiving gifts whilst in office. Members Services will hold the records ~~provided by for~~ members ~~for~~ all gifts offered, received, refused and any actions taken.

## 10.4 Hospitality and Services

- 10.4.1 Members and officers should follow the advice given in the guidance note on Gifts and Hospitality available on the Intranet. Hospitality must only be given or accepted when it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant and justifiable as in the public interest. It must be apparent that no cause could reasonably arise for

Formatted: Font color: Blue

adverse criticism or suggestions of improper influence by the acceptance of the hospitality. The circumstances and the type of hospitality should be agreed by the appropriate Head of Service ~~and who shall ensure that~~ a record ~~should be~~ kept of all hospitality offered, accepted or refused ~~as in 10.3.2.~~

10.4.2 Members and Officers should not accept services. Any approach should be politely but firmly refused and if required an explanation made. The offer and rejection should also be recorded.

Draft

## 10.5 Private Work / Relations with Clients and Contractors

- 10.5.1 Officers who are, in accordance with the conditions of service and the procedure note on Business Activities and Private Work, permitted to carry out private or other paid work must not do so during Council time. Officers must declare to their Head of Service in writing the nature and duration of such private work.
- 10.5.2 Members or Officers must not use any Council premises, resources or facilities for the execution of private work. No stationery or publicity material is to indicate that the person is a Member or Council employee nor should the address or any telephone number of the Council be stated. Members and Officers should pay due notice to the relevant section of the Local Government Act 1972.
- 10.5.3 Officers must not work for any current or prospective supplier or contractor to the Council where they have influence over the selection process or could provide information about the contract to the supplier.-
- 10.5.4 Officers and Members must respect the confidentiality of information and must not use information received for personal gain.
- 10.5.5 Officers and Members should avoid any arrangements which might prevent fair competition.
- ~~10.5.6 Detailed guidance on Business Activities and Private Work. All associated Procedures and Guidance referred to in this Section are available on the Intranet.~~

**CONTACT:** ~~Audit & Risk Manager~~Audit & Assurance Manager

## 11. Purchasing Arrangements

### General:

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

### Financial Thresholds & Limits

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

### Works/Goods/Services

## 12. Requisitions, Authorisation, Goods Received, Payments

- 12.1 Every officer and member of the authority 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 declare any such interest to their Head of Service or relevant Corporate 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.
- 12.2 Official Orders are to be issued only by officers authorised by Heads of Service. Authorised officers are responsible for authorising ~~issuing~~ orders within their control and in particular for ensuring ~~that that the expenditure is necessary, legal and within the approved estimates or costs are covered by approved estimates or~~ by a special financial provision.

12.3 The Head of Finance should be notified of all officers authorised by Heads of Service to authorise official orders.

12.4 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~~ Procurement card is used (see section 134 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 ~~throughby imprest accounts~~ petty cash.

12.5 Telephone orders may be used in exceptional circumstances but when this happens they must be confirmed using an electronic emergency order. ~~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 FMS system. This check should be carried out by a different officer from the person who signed the order.~~

12.6 All orders must be governed by the Authority's standard terms and ~~conditions~~ conditions; these must not be varied without the prior approval of the Head of Governance.

~~12.7 Apart from petty cash and 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 Head of Finance. The use of direct debit and credit shall require the prior agreement of the Head of Finance.~~

~~12.7~~ Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.

~~12.8~~ Heads of Service and Service Delivery Managers shall separate the responsibilities for raising requisitions, authorisation of requisitions and receipt of goods, but at least 2 different officers should be involved.

~~12.9~~ 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 FMS system. Discrepancies should be dealt with as agreed procedures.

Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm

~~12.10~~ 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 Head of Finance. 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 Head of Finance. The use of direct debit and credit shall require the prior agreement of the Head of Finance.

~~12.11~~ 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.

Formatted: Indent: Left: 1.27 cm

~~12.12~~ Payments to construction contractors on account of contracts shall be made only on a certificate issued by the Head of Service 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.

12.13 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.

12.14 The Audit & Assurance 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.

12.15 Detailed guidance on Requisitions, authorisation, orders, good received notes and payments can be found within specific procedure notes on the Intranet.

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

**CONTACT: Corporate Finance Manager**

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

13.14.1 Usage is restricted to the following

- Corporate Credit Cards: The Leader and Corporate Directors have corporate credit cards. The CFO/Head of Finance 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 Purchase Ledger and the Corporate Procurement Unit

13.14.2 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 Head of Finance will approve any additional cardholders.

13.14.3 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 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 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. The cardholder is responsible for all expenditure on their card, which is set out in an acceptable use policy. The account will be settled by Direct Debit on a monthly basis.

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

Corporate Procurement for further advice on the Government Procurement Cards

### **15. Payment of Accounts**

~~15.1 All payments, apart from the authorised use of imprest accounts (see Financial Regulation 19), due from Service Delivery Units and chargeable against their budgets shall be made in such manner as outlined by the Head of Finance.~~

~~15.2 All invoices certified for payment should be signed by the Head of Service concerned or by an officer authorised by him to do so.~~

~~The invoices will be checked to:~~

- ~~• Ensure discounts or credits due have been deducted~~

Formatted: Bullets and Numbering

- VAT or other tax treatment is correctly stated.
- The account is arithmetically correct.
- The amount has not been previously paid or certified for payment, either in whole or part.

15.3 The GRN process shall ensure that:

- The goods, services and work have been received or carried out, examined and approved as to quality and quantity and conform with a duly authorised order or Council resolution where appropriate.
- The expenditure is necessary, legal and within the estimates provision.
- The prices are in accordance with any quotation, tender or contract and/or are reasonable.

Formatted: Bullets and Numbering

15.4 Payments to construction contractors on account of contracts shall be made only on a certificate issued by the Head of Service 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.

15.5 Where an invoice is found to be incorrect e.g. because of an addition error, the VAT is incorrectly calculated or the invoice is not addressed to the Council, it should be returned to the supplier with an explanatory note. Hand written amendments should not be made to an invoice as this may invalidate the recovery of VAT.

15.6 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.

15.7 The Audit & Assurance 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.

15.8 Detailed guidance on Payment of Invoices is incorporated within specific procedure notes which are included on the Intranet and is also subject to para 13 above.

**CONTACT: Employment Services Manager**

## 146. Cash Income and Debtors

- 146.1 Income can be a vulnerable asset and the Head of Finance shall ensure that effective income collection systems are in place to ensure that all of the income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services.
- 146.2 Heads of Service and Delivery Managers in conjunction with the Finance team are responsible for ensuring that all income due to the Council is received at the right time using the correct and most cost effective procedures and the appropriate stationery. Effective action shall be taken to pursue non-payment within defined timescales.
- 146.3 Effective monitoring of outstanding debts and regular reporting of outstanding debt provision will be provided to the Head of Finance.
- 146.4 Heads of Service and Delivery Managers shall, wherever possible, separate the responsibility for identifying amount due and responsibility for collection as far as is practicable. They should also ensure that any un-banked income is retained securely to safeguard against loss or theft and that receipts, tickets and other records of income are held securely for an appropriate period.

- 146.5 No debit in respect of an amount due to the Council once established shall be discharged otherwise than by payment in full except where write-off has been properly authorised as below:
- 146.6 Where the amount involved is £25,000 or less (**LIMIT C**) or the debtor has been declared insolvent or bankrupt and all monies due in dividends have been received, or the debtor being a company that has ceased to trade or is insolvent the writing off of the debt can be undertaken with the agreement of the Head of Service concerned and the Head of Finance. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary. Write-offs above £25,000 must be approved by the Cabinet. ~~Detailed guidance on write-offs is incorporated within specific procedure notes which are included in the Managers Handbook.~~
- 146.7 The cost of all write-offs will be borne by the Delivery Unit, which originally benefited from the credit.
- 146.8 Heads of Service and Delivery Unit Managers shall promptly notify the Head of Finance of any monies of £100,000 or more (**LIMIT J**) due to the council and of contracts, leases and other arrangements entered into which involve the receipt of money of this value by the Council. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary.
- 146.9 All receipts, tickets and other acknowledgements for payments received shall be vetted by the Head of Finance, and Internal Audit shall be satisfied as to the arrangements.
- 146.10 Each officer who receives money on behalf of the Council, or for which they are accountable to the Council, shall keep such records as from time to time be required by the Head of Finance.
- 146.11 All money received by an officer on behalf of the Council shall be paid promptly and completely to the Head of Finance, or as he/she may direct, to the Council's bankers. This should be preferably on the same day or if this is not possible at the earliest opportunity. In the interim the money should be kept securely. No deductions may be made from such money other than as may be approved by the Head of Finance. When money is banked information as to the reason for its receipt, or its origin, shall be supplied.
- 146.12 Money held on behalf of the Council shall not be used to cash cheques for members, staff or third parties.
- 146.13 Heads of Service shall review charges made for services under their control at least annually, in line with the Council's Income and Charging Policy.

**CONTACT:** Head of Finance

## 157. Banking Arrangements

- 157.1 All arrangements with the Council's bankers must be made or approved by the Chief Finance Officer and the Head of Finance, who shall be authorised to operate such bank accounts, including giro bank accounts as required.
- 157.2 Cheques drawn on the Council's banking account shall bear the facsimile signature of the Chief Finance Officer or be signed by him/her or such other identified senior officers as he/she may from time to time designate in writing.
- 157.3 The Head of Finance, or such other identified senior officers must countersign cheques for amounts of £50,000 or more (**LIMIT F**) as he/she may from time to time designate in writing.
- 157.4 Standing order and direct debit payments may only be established by the Head of Finance or such other identified senior officers as he/she may from time to time designate in writing.

Formatted: Font color: Blue

157.5 The Head of Finance shall maintain a list of identified senior officers who may on his/her behalf give instructions to the Council's banker and countersign cheques.

**CONTACT:** Corporate Finance Manager

## 168. Payments to Employees

~~18.1 Staff costs are the largest item of expenditure for most Council services. It is therefore important that there should be controls in place to ensure that payments are made only where they are due for services to the Council and that payments accord with the individual's conditions of employment.~~

168.12 The payment of all amounts to employees shall be the responsibility of the Head of Finance. Such payments will include wages, salaries, travel and subsistence and other allowances due under a contract of employment.

168.23 Heads of Service shall, promptly notify the Head of Finance in a form agreed of all matters affecting the payment to employees and in particular of:

- appointments, resignations, dismissals, suspensions, secondments and transfers;
- absences from duty, apart from normal annual leave;
- changes in remuneration, other than normal increments and pay awards and agreements of general application.
- information necessary to maintain records of service for superannuation, income tax, national insurance etc.

168.34 Appointments shall be made only in accordance with approved ~~structures~~ establishments, grades and ~~evaluated~~ rates of pay, unless agreed otherwise with the Assistant Chief Executive or an officer nominated by him and a Finance Manager.

168.45 Any pay records, shall be in a form agreed by the Head of Finance and shall be certified by or on behalf of the Head of Service. A list of officers authorised to sign such records shall be sent to the Head of Finance together with specimen signatures and any amendments to the list shall be notified in advance to the Head of Finance in writing.

168.56 No payment shall be made to a person deemed to be an employee other than through the normal payroll procedure, ~~except for reimbursement of minor expenditure through petty cash.~~ Heads of Service and Delivery Managers should give careful consideration to the employment status of individuals employed on a 'self-employed consultant or sub-contract' basis as these may well be employees and should be paid through the payroll.

Formatted: Strikethrough

168.67 There shall be frequent reconciliation of payroll expenditure against approved budgets by the Finance team. Arrangements shall be made to ensure that appropriate payroll documents are retained and stored for the defined period.

**CONTACT:** Employment Services Manager or Human Resources Manager

## 179. Travel and Subsistence

179.1 Heads of Service ~~(or their nominated officers)~~ are responsible for the verification of their officers' travel ~~and subsistence~~ claims. ~~This includes:~~

Formatted: Strikethrough

- ~~• that the costs have been incurred whilst officers were engaged on official Council business~~
- ~~• the accuracy of the mileage;~~
- ~~• the subsistence claimed particularly where not supported by receipts (applies to certain employees terms and conditions only); and~~
- ~~• the validity of the journeys taken.~~

Heads of Service must ensure compliance with the Council's Car Allowance Regulations, Car Leasing Scheme, Car Loan Scheme and other decisions of the Council that may be deemed appropriate. Standard mileages must be used where given and subsistence only reimbursed when supported by a receipt (within the limits stated in the guidance).

- Claims from Heads of Service must be authorised by a Corporate Director/Assistant Chief Executive,
- Claims from Corporate Directors and Assistant Chief Executive must be authorised by The Chief Executive,
- Claims from the Chief Executive must be authorised by ~~another Corporate Director~~the Monitoring Officer or his/her representative.

179.2The Head of Finance will reimburse members' claims on receipt of the completed claim form certified by the Member concerned. The Head of Governance will ensure that claims comply with the relevant section of the Members' Allowance Scheme.

179.3All claims should be completed in full, appropriately authorised and must be submitted within three months of undertaking the journey or incurring the expenses, to qualify for reimbursement.

179.4All foreign travel must be approved in advance in line with the Council's Overseas Visits procedure note.

Formatted: Font color: Blue

179.5Detailed guidance on Business Mileage and Expenses Reimbursement. Add intranet link? and Overseas Visits is incorporated within specific procedure notes which are included on the Intranet.

Formatted: Font color: Blue

**CONTACT:** Employment Services Manager

## 1820. Imprests

1820.1 The Head of Finance in consultation with appropriate Heads of Service 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.

1820.2 The Head of Finance 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.

1820.3 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 Head of Finance.

1820.4 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.

1820.5 The imprest account should be continually kept in balance and records submitted as required by the Head of Finance at regular intervals for examination and the reimbursement of expenditure.

1820.6 The officer responsible for an imprest account shall, if requested, give the Head of Finance a certificate confirming the amount held. Upon leaving the Council or at the request of the Head of Finance the responsible officer shall repay to the Council the balance of the imprest held.

1820.7 In no circumstances shall cheque imprest accounts 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.

1820.8 Detailed guidance on Imprest and Petty Cash Accounts is incorporated within specific procedure notes which are included on the Intranet.

**CONTACT:** Corporate Finance Manager

## **21.19. Risk Management**

**19.21.1** The lead Cabinet Member for ~~Governance Efficient Community Focussed Council~~ is the lead member on risk management for the Council.

**19.21.2** The Chief Executive is the lead officer in respect to risk management and is responsible for the corporate risk management processes of the Council. The Chief Executive is responsible for the development, co-ordination and maintenance of the Council's Corporate Risk management strategy. However it is the responsibility of all employees and members to ensure that the Council's risks are properly managed.

**19.21.3** CMT will:

- (a) regularly review the Council's strategic risks
- (b) report at least annually to Cabinet and by exception when significant changes occur
- (c) keep the lead Cabinet member for Governance updated on their reviews of the strategic risks
- ~~(b)~~(d) annually review the risk management strategy
- ~~(e)~~(e) approve an annual report on the Council's risk management activities

Formatted: Bullets and Numbering

**19.21.4** The Cabinet will:

- a. receive at least annually a report on regularly review the Council's key strategic risks and by exception when there are significant changes
- b. annually review and approve the risk management strategy ~~process~~
- c. approve an annual report on the Council's risk management activities

Formatted: Indent: Left: 1.63 cm

**19.21.5** The ~~Audit & Risk Manager~~Audit & Assurance Manager will keep the Audit Committee informed of the reviews of the Council's ~~key~~ strategic risks, the annual review of the risk management strategy and the annual report on the Council's risk management activities. This will enable the Audit Committee to independently review the Cabinet's and Council's risk management processes as set out in their terms of reference.

~~21.5~~ The Chief Executive is responsible for the development, co-ordination and maintenance of the Council's Corporate Risk management strategy.

Formatted: Indent: Left: 0 cm, Hanging: 0.95 cm, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 6 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.77 cm + Indent at: 0.77 cm, Tab stops: 0.95 cm, List tab + Not at 0.77 cm

~~19.6~~

~~21.6~~**19.6** Corporate Directors are responsible for the implementation of the Corporate Risk Management strategy within the priorities that they lead.

Formatted: Bullets and Numbering

**19.7** ~~21.7~~ Heads of Service are responsible for implementation of the Corporate Risk Management strategy within their service delivery units. Heads of Service 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.

Formatted: Bullets and Numbering

**21.19.8** Each Head of Service submitting a report to Cabinet, 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~~outlined~~ in the report, ~~in line with the Corporate Risk Management Strategy.~~

**CONTACT:** ~~Audit & Risk Manager~~Audit & Assurance Manager

## **20.2. Insurance**

**20.2.1** The Head of Finance will be responsible for the Council's insurance. Only the officer identified by the Head of Finance may obtain insurance cover on behalf of the Council.

- | 202.2 Heads of Service 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.
- | 202.3 Each year Heads of Service must check that the risk-financing strategies in place are sufficient for their risk exposures and notify any changes required to the Insurance Manager.
- | 202.4 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.
- | 202.5 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.
- | 202.6 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 Head of Finance.
- | 202.7 It is the responsibility of the Delivery Manager to ensure that all third parties using the Council's buildings are appropriately insured.

**CONTACT:** Insurance Manager

## | 213. Security and Control of Assets

### | 213.1 Stocks and Stores

- | 213.1.1 Heads of Service are responsible for determining an efficient stock holding policy to ensure stock levels are not in excess of normal requirements.
- | 213.1.2 The Head of Service shall supply the Head of Finance with such information relating to stores as may be required for the accounting, costing and financial records of the Council.
- | 213.1.3 Heads of Service 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.
- | 213.1.4 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 & Assurance Services. If the adjustments account exceeds £10,000 (LIMIT B) in any year, the Head of Finance shall report the circumstances to the lead member on the Cabinet responsible for Governance Efficient Community Focussed Council, together with explanations for the surplus/deficit.
- | 213.1.5 Heads of Service 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.
- | 213.2 **Inventories**
- | 213.2.1 Inventories shall be maintained by all Delivery Units of all Council assets, including ICT (see 23.2.2). The Head of Finance shall define the extent to which the assets of the Council shall be recorded and the form in which inventories shall be kept.

Formatted: Font color: Blue

213.2.2 A corporate inventory for all ICT assets shall be maintained by the Head of ~~Property & ICT Information Communications and Technology~~ and as such all items will be clearly identified and labelled. Delivery Managers should not arrange relocation or disposal without appropriate notification to the Head of ~~Property & ICT~~.

213.2.3 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).

213.2.4 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 Head of Service. Council property shall only be used for the Council's purposes unless specific instructions are issued by the appropriate Head of Service. The Head of Service 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.

213.2.5 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).

Formatted: Font color: Blue

213.2.6 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 the Head of Finance.

213.2.7 Detailed guidance on Inventories and Disposal of Assets is incorporated within specific procedure notes which are included on the Intranet.

### 213.3 Land and Buildings

213.3.1 The Head of Property & ~~ICT Design~~ 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.

213.3.2 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

### 213.4 Information

213.4.1 Heads of Service are responsible for the security of all information within their service area. Information can be stored on computers, transmitted across networks including the Internet, printed out or written down on paper and spoken in conversation.

213.4.2 Heads of Service must ensure compliance with the Council's Corporate Information Security Policy to ensure:

- Confidentiality of information
- Integrity of information
- Availability of information
- All software installed and used is properly licensed and appropriate for business use.

- 213.4.3 Heads of Service must ensure that appropriate registrations under the Data Protection Act are in place to cover the use of information within their service areas. The Data Protection Act 1998 makes provision for the regulation of information relating to individuals, including obtaining, holding, use or disclosure of such information.

#### **CONTACTS**

Stocks and Stores, Head of Finance  
Inventories, ~~Audit & Risk Manager~~Audit & Assurance Manager  
Land and Buildings, Head of Property & ~~ICT~~Design  
Information, Head of Governance

#### **224. Treasury Management**

- 224.1 The Chief Finance Officer shall arrange all borrowing of monies, and make all arrangements concerning the investment or utilisation of capital monies or other funds.
- 224.2 In exercising the function, the Chief Finance Officer should comply with the contents of CIPFA's 'Code for Treasury Management in Local Authorities'.
- 224.3 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 Cabinet.
- 224.4 The Chief Finance Officer shall report (at least half yearly) to the Cabinet on the activities of the Treasury Management function and on the use of delegated Treasury Management powers.
- 224.5 The Audit Committee through their terms of reference will scrutinise the Councils Treasury management arrangements as set out in ~~the Audit Commissions~~ best practice guidance. The Chief Finance officer will provide appropriate information to enable them to fulfil this role.

**CONTACT:** Corporate Finance Manager

#### **235. Unofficial and Voluntary Funds**

- 235.1 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.
- 235.2 Staff should seek approval from the appropriate Head of Service before establishing an unofficial fund.
- 235.3 The Head of Service 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.
- 253.4 Heads of Service 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.
- 235.5 The Head of Finance 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

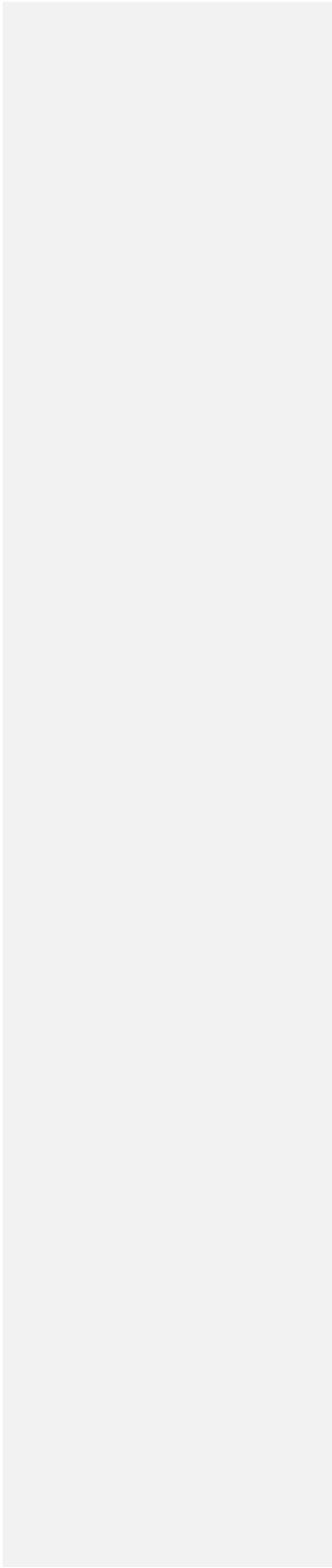
### Financial Limits

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 (currently 156,442)
T	EU Threshold (currently 3,927,260)

|

Draft



# Part 4 – Rules of Procedure

## Section 6 – Financial Regulations

### Index

<u>Point</u>	<u>Description</u>
1	Status of Financial Regulations
2	Responsibilities
3	Financial Planning
4	Accounting Systems, Financial Records and Returns
5	Financial Management and Control – Revenue
6	Financial Management – Capital
7	Taxation and Leasing
8	Controlled Stationery and Authorised Signatories
9	Internal Audit
10	Public Accountability – Responsibilities
11	Purchasing Arrangements
12	Works/Goods/Services - Requisitions, Authorisation, Goods Received and Payments
13	Corporate Credit Cards and the Government Procurement Card (GPC)
14	Cash Income and Debtors
15	Banking Arrangements
16	Payments to Employees
17	Travel and Subsistence
18	Imprests
19	Risk Management
20	Insurance
21	Security and Control of Assets
22	Treasury Management
23	Unofficial and Voluntary Funds

### **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 that the Council is a member of and for which the Council is the accountable body<sup>1</sup>.
- 1.3 It is the responsibility of Heads of Service to ensure that all staff in their delivery units 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 Cabinet has been named in Regulations it will be their responsibility to ensure compliance. The Cabinet 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.

---

<sup>1</sup> 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.

- 1.7 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 and links to these are provided in the document.
- 1.8 Any financial values are summarised in **Appendix A** to allow ease of update.
- 1.9 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.
- 1.10 Failure to comply with Financial Regulations, or procedures issued under them, may lead to disciplinary action for employees and an investigation by the section 151/Monitoring Officer for Members.

## 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 Finance Officer to report to the Council if the authority, one of its committees, the Cabinet 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 Finance Officer to nominate a properly qualified member of staff to deputise, should the Chief Finance 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 those for strategy and the budget.
- \* **The Cabinet** – means the Leader of the Council and the Cabinet members, who propose to Council policy and budget strategies.
- \* **Chief Finance Officer Responsibilities (s151/s114)** – these have been allocated to an appropriately qualified Corporate Director. 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 Head of Governance** has delegated responsibility under the Accounts and Audit Regulations 2003<sup>2</sup> to maintain an adequate and effective Internal Audit service and has direct responsibility for the operation and support of the Council's Scrutiny function. The Head of

---

<sup>2</sup> As updated by the Accounts and Audit (Amendment)(England) Regulations 2006 (SI2006/564)

Governance has the ability to report directly, without fear or favour, to any level within the organisation or to the External Auditor.

- \* **Corporate Management Team (Chief Executive, Directors and Assistant Chief Executive)** are responsible for ensuring that Heads of Service provide services that meet the Council's overall policy objectives. This includes ensuring compliance by Heads of Service with the Council's governance arrangements including Financial Regulations and Contract Procedure Rules.
- \* **The Chief Executive** is responsible for leading on corporate governance issues throughout the Council.
- \* **The Head of Finance** will act as deputy Section 151 Officer
- \* **Heads of Service** 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**<sup>3</sup> 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

The Chief Financial Officer should ensure members of the Cabinet and Corporate Management Team have the financial capabilities or facilitate the development of specific skills to enable their roles to be carried out effectively.

The Head of Finance should through senior finance staff identify financial competencies for managers and members and provide adequate financial training to enable them to undertake their roles effectively and understand the financial requirements of the Constitution and associated financial policies and procedures.

## 3. Financial Planning

### 3.1 Introduction

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

### 3.2 Financial Forecasting

The Chief Finance Officer shall, within the general direction of the Cabinet, produce forecasts of financial resources and advise upon the financial and economic implications of medium and long term service development plans and programmes and budget strategies. In exercising this duty he/she shall be mindful of the Accounts and Audit Regulations 2003 (as amended 2006), the Code of Practice on a Prudential Approach to Local Government Commitments and current accepted local government accounting codes and will review levels of reserves and balances and ensure that a robust budget process has been undertaken. The Chief Finance Officer is responsible for the Council's arrangements for under and overspendings to be carried forward to the following year.

- 3.3 The forecasts will indicate the likely changes to the Council's budget for the specified period both in terms of commitments arising out of statutory variations and Council policy and also the likely variations to funding from central or local sources.

---

<sup>3</sup> 'Delivery Managers' also includes managers and/or team leaders with budget and staff responsibilities.

- 3.4 The Cabinet, having considered the forecasts and options for the specified period shall, propose the overall budget strategy to the Council for approval after the consultation process as outlined in the Budget and Policy Framework Procedures Rules within the Constitution.
- 3.5 All matters relating to the financial administration of the authority shall be kept under review by the member of the Cabinet responsible for resources.
- 3.6 The full Council is also responsible for approving procedures and for agreeing variations to approved budgets, plans and strategies forming the policy framework.

**CONTACT: Head of Finance**

#### **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 its annual accounts to present fairly its operations during the year. These are subject to internal and external audit. This provides assurance that the accounts are properly prepared and proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resource.
- 4.2 The Chief Finance Officer should ensure that there is a proper retention policy for financial documents. The periods for which documents are to be retained is specified in the [retention of records procedure note \(including the Destruction and Retention Schedule\)](#).
- 4.3 The Head of Finance 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 Head of Finance. In particular Heads of Service should confer with the Head of Finance 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 Heads of Service must maintain through their officers full and accurate records as agreed with the Head of Finance to ensure the availability of all financial, costing and statistical and other information as may be required to fully and accurately maintain the accounts of the Council, and report on its finances. This includes the correct coding of expenditure in line with the CIPFA standard classifications. All accounting records will be maintained in accordance with current CIPFA Codes of Practice,
- 4.5 Heads of Service are responsible for ensuring the completion and submission of Grant applications and financial returns. The Chief Finance Officer/Chief Executive/Audit & Assurance Manager are entitled to such explanations or information as may be required prior to signing and forwarding to the relevant government department or agency. No bid for external funding shall be submitted without approval from the relevant CMT Priority lead and relevant Finance Manager.
- 4.6 Heads of Service 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

**CONTACT: Corporate Finance Manager**

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

- 5.1 The Council is responsible for setting and monitoring compliance with the authority's overall framework of accountability and control via the scrutiny and audit committee processes set out in the constitution. This section of the regulations deals with the preparation and approval of budgets,

budgetary control and variations from budget provision. It applies to all areas of the Council's activities except schools. No expenditure is to be incurred or reduction in income authorised unless covered by these regulations.

## **5.2 Preparation and Approval of Budget**

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

5.2.2 The form of revenue estimates shall be determined by the Head of Finance in consultation with Heads of Service within the general guidelines of the Cabinet and relevant professional requirements. Estimates shall be prepared annually before the start of the financial year and revised during the course of the year.

5.2.3 Prior to the commencement of each financial year each Service Delivery Unit should prepare a Service Delivery Plan setting out the Service Delivery Unit's aims and objectives and expenditure and income projections within corporately agreed allocations of resources. These should be agreed with Corporate Management Team (CMT).

5.2.4 Once the council's budget for the year has been approved the Heads of Service and Delivery Managers can authorise expenditure within the limits agreed subject to the separate rules on virement.

5.2.5 The Delivery Managers must exercise appropriate financial control including monitoring income and expenditure on a regular basis.

## **5.3 Budgetary Control (see also para 4.4 above)**

5.3.1 The corporate finance information system determined by the Head of Finance is the Council's prime accounting record. It provides the mechanism for Heads of Service and Delivery Managers to monitor and control budgets.

5.3.2 Heads of Service 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.

5.3.3 Regular financial updates will be taken to Cabinet.

5.3.4 Generally all Council budgets are prepared on a cash limited (outturn) price base. This means that no supplementary estimates will be provided for inflation increases once budgets have been approved, except in exceptional circumstances.

5.3.5 Unavoidable cost increase, e.g. public utilities, increments etc, for which insufficient allowance has been made at budget time will need to be met by equivalent reductions elsewhere.

5.3.6 All reports to CMT or Members must be cleared by finance staff for financial implications and should be made available to those staff in reasonable time before due for submission.

5.3.7 No Head of Service or Delivery Manager should plan to overspend his/her budget. All expenditure plans should be consistent with Service Delivery Plans. Potential overspends on particular budget heads will have been addressed during the year and, in some cases, virement will have been exercised.

## **5.4 Supplementary Estimates**

5.4.1 The Council sets budgets for gross expenditure and income in the context of a cash limit. Therefore it is important that any additional commitments not covered in Service Delivery Unit budgets, (including where the net budget requirement of the Council is not increased), are funded

by savings elsewhere or additional grant funding and do not increase the net budget requirement of the Council (see Virement section). In exceptional circumstances this may not be possible and if this is the case, approval should be sought from the Council for additional funding.

## 5.5 Grants

5.5.1 All grant bids must be approved by the relevant CMT Priority lead and a Finance Manager prior to submission.

5.5.2 Acceptance of grant terms must also be approved by the relevant Head of Service and a Finance Manager.

5.5.3 All grant claims must be certified by a Finance Manager subject to the conditions of the grant awarding body.

## 5.6 Virement

5.6.1 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. The ability to exercise virement applies to all controllable budgets.

5.6.2 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 at budget time for a particular client or to meet a particular situation, or
- \* utilising efficiency or other savings.

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

5.6.4 Heads of Service, in consultation with the relevant Finance Manager, shall have the authority to make virements **within** each approved service delivery unit budget provided:

- It is within the overall policy framework;
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

5.6.5 The Head of Finance, in consultation with the relevant Finance Manager and relevant Heads of Service, shall have the authority to make virements **between** service delivery units provided:

- The amount does not exceed £50,000 (**LIMIT G**)
- It is within the overall policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

For amounts over £50,000 Heads of Service and the Chief Finance Officer, shall have the authority to make virements **between** service delivery units with Cabinet approval provided that

- It is within the policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.
- The amount does not exceed £250,000

For amounts above £250,000s approval by full Council is required.

5.6.6 All virement decisions must be notified to the relevant Finance Manager (and the financial information system updated) before expenditure is incurred.

**CONTACT: Corporate Finance Manager**

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

5.7.1 The budget report will contain a comment by the CFO (Chief Finance 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.

5.7.2 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.

5.7.3 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.

5.7.4 The level and purpose of reserves and balances held must be clearly defined and justified by Heads of Service. Further regular reviews should be undertaken to ensure continuing relevance and adequacy.

5.7.5 There is no statutory minimum level of reserves required. This will be a matter of local judgement determined by the CFO but following relevant national guidance.

**CONTACT: Corporate Finance Manager**

**6. Financial Management – 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.

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 in line with overall Corporate Priorities, the Council's Asset Management Plan, Capital Strategy and availability of funding.

6.4 The capital programme shall focus on the medium term service & financial planning period but reflect the total cost and phasing of each approved scheme along with the proposed source(s) of funding.

6.5 The capital programme will demonstrate:

- the original and revised total estimated cost of each scheme
- actual expenditure to the end of the previous financial year
- forecast phased expenditure for the current and subsequent years
- the revenue budget implications of the proposed programme

6.6 The Head of Finance shall determine the method of funding for each capital scheme, having consulted with the relevant Head of Service and working within the context of the various capital

resources available. All proposed investments should be subject to an appropriate level of analysis/appraisal by the relevant service area before commitment.

- 6.7 The Head of Finance shall ensure that an effective monitoring system is in place during the year to control capital expenditure. Heads of Service will be responsible for notifying the Head of Finance if it seems likely that there will be a significant variation in spending on a scheme. Variations may be permitted only if they can be accommodated by virement within the total capital resources available.
- 6.8 Variations, subject to the following limits, can be approved by those designated below 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**) – Head of Finance in consultation with the relevant Head of Service
  - (b) Over £50,000 up to £250,000 (**LIMIT K**) – Cabinet approval required
  - (c) Over £250,000 (**LIMIT R**) – the Council.

- 6.9 Any capital expenditure over £50,000 even if entirely covered by additional external funding but outside the approved capital programme, must be approved by 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 Heads of Services 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, Heads of Services should consult with the Head of Finance. Delivery Units will be liable for any costs, including any penalties and interest charged for incorrect tax treatment.
- 7.3 Detailed [guidance on taxation issues is incorporated within specific procedure notes](#).

### **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 Head of Finance or his designated officer. Normal contract procedures should be followed in relation to leasing arrangements. [See Part 4, Section 7, Contracts Procedure Rules]
- 7.5 Detailed guidance on leasing issues are incorporated within specific procedure notes on the Intranet.

**CONTACT: Corporate Finance Manager**

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

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

- 8.2 Heads of Service are responsible for maintaining a listing of authorised signatories in the form prescribed by the Head of Finance.
- 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)

More than one officer should be involved in the authorising process.

- 8.4 A financial limit shall be prescribed for all officers. The Head of Finance in consultation with the Head of Governance shall be responsible for establishing a consistent framework for financial limits across the Council based on the roles and the responsibilities of officers.
- 8.5 Heads of Service are responsible for informing the Head of Finance of any changes to authorised signatories and the responsibilities of officers.

**CONTACT:**

**For authorised signatories: Finance Officers**

**For controlled stationery: Property & ICT Administration**

**9. Internal Audit**

- 9.1 The Chief Financial Officer under section 114 of the LGFA 1988 and the Accounts and Audit Regulations 2003 (as amended 2006) has a statutory responsibility for the overall financial administration of the Council's affairs. Section 6 of the Accounts and Audit Regulations 2003 (as amended 2006), says that the authority "shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control,..". 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 "Proper internal control practices" are defined in the guidance on the Accounts and Audit Regulations 2003 (as amended 2006)<sup>4</sup> as the CIPFA publication – "Code of Practice for Internal Audit in Local Government in the United Kingdom". Internal Audit will operate to this Code and any other relevant guidance. The definition of Internal Audit within the Code is:
- Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on the control environment<sup>5</sup> by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.*
- 9.3 As the definition outlines Internal Audit has a key role to play in independently reviewing the Council's<sup>6</sup> arrangements for corporate governance, risk management and internal control. It contributes an objective opinion to the Council's Annual Governance Statement (including the Statement on Internal Control).
- 9.4 The existence of a continuous internal audit service does not in any way diminish the responsibility of Corporate Directors for the delivery of priorities and Heads of Service for the management of the

---

<sup>4</sup> Department for Communities and Local Government Circular 03/2006 dated 18/08/06

<sup>5</sup> The control environment comprises the systems of governance, risk management and internal control.

<sup>6</sup> Internal Audit's remit extends to the entire control environment of the Council

Delivery Units under their control and their responsibilities in respect to risk management and the systems of internal control.

- 9.5 The Audit & Assurance Manager should ensure that Internal Audit remains independent in its planning and operation. The Audit & Assurance Manager should be responsible for maintaining periodic audit plans which have due regard for the key strategic risks of the authority, the risks involved 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 & Assurance 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 & Assurance to review, evaluate and report upon
- the soundness and adequacy of accounting records and the system of internal controls 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 extravagance 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
  - The corporate governance arrangements of the Council
  - The risk management processes of the Council both at Strategic and Service Delivery level
- 9.7 The Chief Finance Officer's authorised Audit & Assurance representatives shall be empowered to:
- enter at all reasonable times any Council premises or land
  - have access to all Council and partner records<sup>7</sup>, 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, Head of Governance or Audit & Assurance Manager.
  - have access to records belonging to third parties such as contractors or partners when required<sup>8</sup>
  - 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.

---

<sup>7</sup> Records include business e-mail and internet records

<sup>8</sup> As defined in the articles of association/memorandum, SLA, grant conditions or contract

- 9.9 Corporate Directors, Heads of Service and Delivery Managers are responsible for responding to Audit & Assurance reports and the implementation of agreed recommendations within an appropriate timescale. Delivery Managers should indicate the actions they propose within one month of agreeing the draft report.
- 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 Head of Service.
- 9.11 Internal Audit has specific fraud related responsibilities which are set out in the corporate Anti-Fraud & Corruption Policy. Within the scope of their work Internal Audit also provide advice and consultancy in respect to issues around controls and governance, based on their professional knowledge and expertise.
- 9.12 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 Head of Service or report the matter directly to the Audit & Assurance Manager or Section 151 Officer. Confidentiality, wherever possible, will be respected in any dealings on such matters.
- 9.13 The Section 151 Officer shall report to the Chief Executive, the relevant Head of Service, Corporate Director and Cabinet<sup>9</sup>, if appropriate, any matter of a significant nature.
- 9.14 Any decision to refer a matter as outlined in paragraph 9.12 to the Police is to be taken by the Audit & Assurance Manager after informing the Head of Governance or the Council's Section 151 Officer or their representative. Where a Member is involved the Chief Executive, Monitoring Officer 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 & Assurance Manager shall ensure that the anonymity of the individual(s) concerned shall be maintained at all times.
- 9.15 Internal Audit should report to a body of members the following information:
- a) the Internal Audit plan and strategy;
  - 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.
- 9.16 The Audit & Assurance Manager and Head of Governance 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 Chief Executive, the Leader, the lead Cabinet Member for Governance, Chairman of the Audit Committee, s151 Officer, CMT, the Monitoring Officer or the Council's External Auditors.

**CONTACT:** Audit & Assurance Manager

## **10. Public Accountability – Responsibilities**

### **10.1 General**

- 10.1.1 Members should ensure that they follow the Members Local Code of Conduct and have read the Members Handbook, taking any guidance into account including the declaration of any interest.
- 10.1.2 Employees should ensure that they follow the Employee Code of Conduct.
- 10.1.3 The corporate Anti-Fraud and Corruption Policy applies to all Members and Officers of the Council and they should be aware of its contents whilst representing and working for the Council.

---

<sup>9</sup> This should be the Cabinet or a specific Cabinet member and the Leader.

- 10.1.4 An officer of the Council must not, under cover of his/her position or office of employment, accept any fee or reward, other than his/her proper remuneration without the express permission of the Human Resources Manager/Corporate Director.
- 10.1.5 A member or officer must not accept any bribe or personal inducement in connection with the Council's business.
- 10.1.6 A member or officer must not use Council property, assets, materials or information for other than the purposes of the Council.
- 10.1.7 A member or officer must not subordinate his/her duty to the Council to his/her private interest or put himself/herself in a position where his/her duty and private interests conflict.
- 10.1.8 Employees must ensure that they declare any private interest they may have in any of the Council's activities. Such a declaration should be made where the employee could benefit in the form of a financial or other pecuniary gain. The interest should be recorded in the Register of Interests held in Democratic Services.
- 10.2 The Cashing of Cheques**
- 10.2.1 The cashing of cheques (whether Council or otherwise) by a member or officer is prohibited except in line with the Imprest [Procedures](#).
- 10.3 Gifts**
- 10.3.1 Officers and Members should follow the advice given in the guidance note on gifts and hospitality (see the Guidance Note on the Intranet). The receipt of personal gifts should be discouraged. If an officer, during the course of, or as a result of, official duties, receives or is offered any personal gift, other than one of only token value, the matter must be reported to the Head of Service. The Head of Service will decide if the item is to be returned, or forwarded to some charitable cause. The Head of Service should inform the donor of what has happened to the gift, and explain the reason why gifts should not be sent in the future. A record should be made of all gifts accepted, refused and / or returned.
- 10.3.2 The CMT PA's team and Heads of Service PA team must maintain a record for employees of all gifts offered, received, refused and any actions taken as outlined in the guidance.
- 10.3.3 Members should take equal care in receiving gifts whilst in office. Members Services will hold the records provided by members for all gifts offered, received, refused and any actions taken.
- 10.4 Hospitality and Services**
- 10.4.1 Members and officers should follow the advice given in the guidance note on Gifts and Hospitality available on the Intranet. Hospitality must only be given or accepted when it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant and justifiable as in the public interest. It must be apparent that no cause could reasonably arise for adverse criticism or suggestions of improper influence by the acceptance of the hospitality. The circumstances and the type of hospitality should be agreed by the appropriate Head of Service and a record should be kept of all hospitality offered, accepted or refused as in 10.3.2.
- 10.4.2 Members and Officers should not accept services. Any approach should be politely but firmly refused and if required an explanation made. The offer and rejection should also be recorded.
- 10.5 Private Work / Relations with Clients and Contractors**
- 10.5.1 Officers who are, in accordance with the conditions of service and the procedure note on Business Activities and Private Work, permitted to carry out private or other paid work must not

do so during Council time. Officers must declare to their Head of Service in writing the nature and duration of such private work.

10.5.2 Members or Officers must not use any Council premises, resources or facilities for the execution of private work. No stationery or publicity material is to indicate that the person is a Member or Council employee nor should the address or any telephone number of the Council be stated. Members and Officers should pay due notice to the relevant section of the Local Government Act 1972.

10.5.3 Officers must not work for any current or prospective supplier or contractor to the Council where they have influence over the selection process or could provide information about the contract to the supplier.

10.5.4 Officers and Members must respect the confidentiality of information and must not use information received for personal gain.

10.5.5 Officers and Members should avoid any arrangements which might prevent fair competition.

**CONTACT:** Audit & Assurance Manager

## **11. Purchasing Arrangements**

### **General:**

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

### **Financial Thresholds & Limits**

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

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

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

12.1 Every officer and member of the authority 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 declare any such interest to their Head of Service or relevant Corporate 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.

12.2 Official Orders are to be issued only by officers authorised by Heads of Service. 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.

12.3 The Head of Finance should be notified of all officers authorised by Heads of Service to authorise official orders.

12.4 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 13 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.

- 12.5 Telephone orders may be used in exceptional circumstances but when this happens they must be confirmed using an electronic emergency order.
- 12.6 All orders must be governed by the Authority's standard terms and conditions; these must not be varied without the prior approval of the Head of Governance.
- 12.7 Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.
- 12.8 Heads of Service and Service Delivery Managers shall separate the responsibilities for raising requisitions, authorisation of requisitions and receipt of goods, but at least 2 different officers should be involved.
- 12.9 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 FMS system. Discrepancies should be dealt with as agreed procedures.
- 12.10 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 Head of Finance. 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 Head of Finance. The use of direct debit and credit shall require the prior agreement of the Head of Finance.
- 12.11 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.
- 12.12 Payments to construction contractors on account of contracts shall be made only on a certificate issued by the Head of Service 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.
- 12.13 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.
- 12.14 The Audit & Assurance 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.
- 12.15 Detailed guidance on Requisitions, authorisation, orders, good received notes and payments can be found within specific procedure notes on the Intranet.

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

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

- 13.1 Usage is restricted to the following
- Corporate Credit Cards: The Leader and Corporate Directors 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 Purchase Ledger and the Corporate Procurement Unit
- 13.2 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 Head of Finance will approve any additional cardholders.

- 13.3 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 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 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. The cardholder is responsible for all expenditure on their card, which is set out in an acceptable use policy. The account will be settled by Direct Debit on a monthly basis.

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

#### 14. Cash Income and Debtors

- 14.1 Income can be a vulnerable asset and the Head of Finance shall ensure that effective income collection systems are in place to ensure that all of the income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services.
- 14.2 Heads of Service and Delivery Managers in conjunction with the Finance team are responsible for ensuring that all income due to the Council is received at the right time using the correct and most cost effective procedures and the appropriate stationery. Effective action shall be taken to pursue non-payment within defined timescales.
- 14.3 Effective monitoring of outstanding debts and regular reporting of outstanding debt provision will be provided to the Head of Finance.
- 14.4 Heads of Service and Delivery Managers shall, wherever possible, separate the responsibility for identifying amount due and responsibility for collection as far as is practicable. They should also ensure that any un-banked income is retained securely to safeguard against loss or theft and that receipts, tickets and other records of income are held securely for an appropriate period.
- 14.5 No debit in respect of an amount due to the Council once established shall be discharged otherwise than by payment in full except where write-off has been properly authorised as below:
- 14.6 Where the amount involved is £25,000 or less (**LIMIT C**) or the debtor has been declared insolvent or bankrupt and all monies due in dividends have been received, or the debtor being a company that has ceased to trade or is insolvent the writing off of the debt can be undertaken with the agreement of the Head of Service concerned and the Head of Finance. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary. Write-offs above £25,000 must be approved by the Cabinet. [Detailed guidance on write-offs](#)
- 14.7 The cost of all write-offs will be borne by the Delivery Unit, which originally benefited from the credit.
- 14.8 Heads of Service and Delivery Unit Managers shall promptly notify the Head of Finance of any monies of £100,000 or more (**LIMIT J**) due to the council and of contracts, leases and other arrangements entered into which involve the receipt of money of this value by the Council. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary.
- 14.9 All receipts, tickets and other acknowledgements for payments received shall be vetted by the Head of Finance, and Internal Audit shall be satisfied as to the arrangements.

14.10 Each officer who receives money on behalf of the Council, or for which they are accountable to the Council, shall keep such records as from time to time be required by the Head of Finance.

14.11 All money received by an officer on behalf of the Council shall be paid promptly and completely to the Head of Finance, or as he/she may direct, to the Council's bankers. This should be preferably on the same day or if this is not possible at the earliest opportunity. In the interim the money should be kept securely. No deductions may be made from such money other than as may be approved by the Head of Finance. When money is banked information as to the reason for its receipt, or its origin, shall be supplied.

14.12 Money held on behalf of the Council shall not be used to cash cheques for members, staff or third parties.

14.13 Heads of Service shall review charges made for services under their control at least annually, in line with the Council's Income and Charging Policy.

**CONTACT:** Head of Finance

## **15. Banking Arrangements**

15.1 All arrangements with the Council's bankers must be made or approved by the Chief Finance Officer and the Head of Finance, who shall be authorised to operate such bank accounts, including giro bank accounts as required.

15.2 Cheques drawn on the Council's banking account shall bear the facsimile signature of the Chief Finance Officer or be signed by him/her or such other identified senior officers as he/she may from time to time designate in writing.

15.3 The Head of Finance, or such other identified senior officers must countersign cheques for amounts of £50,000 or more (LIMIT F) as he/she may from time to time designate in writing.

15.4 Standing order and direct debit payments may only be established by the Head of Finance or such other identified senior officers as he/she may from time to time designate in writing.

15.5 The Head of Finance shall maintain a list of identified senior officers who may on his/her behalf give instructions to the Council's banker and countersign cheques.

**CONTACT:** Corporate Finance Manager

## **16. Payments to Employees**

16.1 The payment of all amounts to employees shall be the responsibility of the Head of Finance. Such payments will include wages, salaries, travel and subsistence and other allowances due under a contract of employment.

16.2 Heads of Service shall, promptly notify the Head of Finance in a form agreed of all matters affecting the payment to employees and in particular of:

- appointments, resignations, dismissals, suspensions, secondments and transfers;
- absences from duty, apart from normal annual leave;
- changes in remuneration, other than normal increments and pay awards and agreements of general application.
- information necessary to maintain records of service for superannuation, income tax, national insurance etc.

16.3 Appointments shall be made only in accordance with approved structures, grades and evaluated rates of pay, unless agreed otherwise with the Assistant Chief Executive or an officer nominated by him and a Finance Manager.

- 16.4 Any pay records, shall be in a form agreed by the Head of Finance and shall be certified by or on behalf of the Head of Service. A list of officers authorised to sign such records shall be sent to the Head of Finance together with specimen signatures and any amendments to the list shall be notified in advance to the Head of Finance in writing.
- 16.5 No payment shall be made to a person deemed to be an employee other than through the normal payroll procedure. Heads of Service and Delivery Managers should give careful consideration to the employment status of individuals employed on a 'self-employed consultant or sub-contract' basis as these may well be employees and should be paid through the payroll.
- 16.6 There shall be frequent reconciliation of payroll expenditure against approved budgets by the Finance team. Arrangements shall be made to ensure that appropriate payroll documents are retained and stored for the defined period.

**CONTACT:** Employment Services Manager or Human Resources Manager

## 17. Travel and Subsistence

- 17.1 Heads of Service (or their nominated officers) are responsible for the verification of their officers' travel and subsistence claims.

Heads of Service must ensure compliance with the Council's Car Allowance Regulations, Car Leasing Scheme, Car Loan Scheme and other decisions of the Council that may be deemed appropriate. Standard mileages must be used where given and subsistence only reimbursed when supported by a receipt (within the limits stated in the guidance).

- Claims from Heads of Service must be authorised by a Corporate Director/Assistant Chief Executive,
  - Claims from Corporate Directors and Assistant Chief Executive must be authorised by The Chief Executive,
  - Claims from the Chief Executive must be authorised by the Monitoring Officer or his/her representative.
- 17.2 The Head of Finance will reimburse members' claims on receipt of the completed claim form certified by the Member concerned. The Head of Governance will ensure that claims comply with the relevant section of the Members' Allowance Scheme.
- 17.3 All claims should be completed in full, appropriately authorised and must be submitted within three months of undertaking the journey or incurring the expenses, to qualify for reimbursement.
- 17.4 All foreign travel must be approved in advance in line with the [Council's Overseas Visits procedure note](#).
- 17.5 [Detailed guidance on Business Mileage and Expenses Reimbursement.](#)

**CONTACT:** Employment Services Manager

## 18. Imprests

- 18.1 The Head of Finance in consultation with appropriate Heads of Service 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 Head of Finance 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 Head of Finance.
- 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 Head of Finance at regular intervals for examination and the reimbursement of expenditure.
- 18.6 The officer responsible for an imprest account shall, if requested, give the Head of Finance a certificate confirming the amount held. Upon leaving the Council or at the request of the Head of Finance the responsible officer shall repay to the Council the balance of the imprest held.
- 18.7 In no circumstances shall cheque imprest accounts 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 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. Risk Management**

- 19.1 The lead Cabinet Member for Governance is the lead member on risk management for the Council.
- 19.2 The Chief Executive is the lead officer in respect to risk management and is responsible for the corporate risk management processes of the Council. The Chief Executive is responsible for the development, co-ordination and maintenance of the Council's Corporate Risk management strategy. However it is the responsibility of all employees and members to ensure that the Council's risks are properly managed.
- 19.3 CMT will:
- (a) regularly review the Council's strategic risks
  - (b) report at least annually to Cabinet and by exception when significant changes occur
  - (c) keep the lead Cabinet member for Governance updated on their reviews of the strategic risks
  - (d) annually review the risk management strategy
  - (e) approve an annual report on the Council's risk management activities
- 19.4 The Cabinet will:
- a. receive at least annually a report on the Council's key strategic risks and by exception when there are significant changes
  - b. annually review and approve the risk management strategy
  - c. approve an annual report on the Council's risk management activities
- 19.5 The Audit & Assurance Manager will keep the Audit Committee informed of the reviews of the Council's strategic risks, the annual review of the risk management strategy and the annual report on the Council's risk management activities. This will enable the Audit Committee to independently review the Cabinet's and Council's risk management processes as set out in their terms of reference.
- 19.6 Corporate Directors are responsible for the implementation of the Corporate Risk Management strategy within the priorities that they lead.

19.7 Heads of Service are responsible for implementation of the Corporate Risk Management strategy within their service delivery units. Heads of Service 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.

19.8 Each Head of Service submitting a report to Cabinet, 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.

**CONTACT:** Audit & Assurance Manager

## **20. Insurance**

20.1 The Head of Finance will be responsible for the Council's insurance. Only the officer identified by the Head of Finance may obtain insurance cover on behalf of the Council.

20.2 Heads of Service 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.

20.3 Each year Heads of Service must check that the risk-financing strategies in place are sufficient for their risk exposures and notify any changes required to the Insurance Manager.

20.4 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.

20.5 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.

20.6 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 Head of Finance.

20.7 It is the responsibility of the Delivery Manager to ensure that all third parties using the Council's buildings are appropriately insured.

**CONTACT:** Insurance Manager

## **21. Security and Control of Assets**

### **21.1 Stocks and Stores**

21.1.1 Heads of Service are responsible for determining an efficient stock holding policy to ensure stock levels are not in excess of normal requirements.

21.1.2 The Head of Service shall supply the Head of Finance with such information relating to stores as may be required for the accounting, costing and financial records of the Council.

21.1.3 Heads of Service 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.

21.1.4 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 & Assurance Services. If the adjustments account exceeds £10,000 (LIMIT B) in any year, the Head of Finance shall report the circumstances to the lead member on the Cabinet responsible for Governance, together with explanations for the surplus/deficit.

21.1.5 Heads of Service 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.

## 21.2 Inventories

21.2.1 Inventories shall be maintained by all Delivery Units of all Council assets, including ICT (see 23.2.2). The Head of Finance shall define the extent to which the assets of the Council shall be recorded and the form in which inventories shall be kept.

21.2.2 A corporate inventory for all ICT assets shall be maintained by the Head of Property & ICT and as such all items will be clearly identified and labelled. Delivery Managers should not arrange relocation or disposal without appropriate notification to the Head of Property & ICT.

21.2.3 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).

21.2.4 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 Head of Service. Council property shall only be used for the Council's purposes unless specific instructions are issued by the appropriate Head of Service. The Head of Service 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.

21.2.5 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).

21.2.6 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 the Head of Finance.

21.2.7 Detailed guidance on Inventories and Disposal of Assets is incorporated within specific procedure notes which are included on the Intranet.

## 21.3 Land and Buildings

21.3.1 The Head of Property & ICT 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.

21.3.2 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

## 21.4 Information

- 21.4.1 Heads of Service are responsible for the security of all information within their service area. Information can be stored on computers, transmitted across networks including the Internet, printed out or written down on paper and spoken in conversation.
- 21.4.2 Heads of Service must ensure compliance with the Council's Corporate Information Security Policy to ensure:
- Confidentiality of information
  - Integrity of information
  - Availability of information
  - All software installed and used is properly licensed and appropriate for business use.
- 21.4.3 Heads of Service must ensure that appropriate registrations under the Data Protection Act are in place to cover the use of information within their service areas. The Data Protection Act 1998 makes provision for the regulation of information relating to individuals, including obtaining, holding, use or disclosure of such information.

### CONTACTS

Stocks and Stores, Head of Finance  
Inventories, Audit & Assurance Manager  
Land and Buildings, Head of Property & ICT  
Information, Head of Governance

## 22. Treasury Management

- 22.1 The Chief Finance Officer shall arrange all borrowing of monies, and make all arrangements concerning the investment or utilisation of capital monies or other funds.
- 22.2 In exercising the function, the Chief Finance Officer should comply with the contents of CIPFA's 'Code for Treasury Management in Local Authorities'.
- 22.3 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 Cabinet.
- 22.4 The Chief Finance Officer shall report (at least half yearly) to the Cabinet on the activities of the Treasury Management function and on the use of delegated Treasury Management powers.
- 22.5 The Audit Committee through their terms of reference will scrutinise the Council's Treasury management arrangements as set out in best practice guidance. The Chief Finance officer will provide appropriate information to enable them to fulfil this role.

**CONTACT:** Corporate Finance Manager

## 23. Unofficial and Voluntary Funds

- 23.1 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.
- 23.2 Staff should seek approval from the appropriate Head of Service before establishing an unofficial fund.
- 23.3 The Head of Service 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.

23.4 Heads of Service 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.

23.5 The Head of Finance 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

Draft

## 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 (currently 156,442)
T	EU Threshold (currently 3,927,260)