

**SOUTH RIBBLE BOROUGH COUNCIL**

# **CONSTITUTION**

**PURSUANT TO SECTION 37 OF THE LOCAL  
GOVERNMENT ACT 2000**

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# INTRODUCTION

## Modern Governance

Major changes have taken place in the governance of local authorities in England. The committee model of member decision making has been replaced by new constitutions as a result of the Local Government Act 2000. These changes are part of a wider policy to strengthen local authorities' ability to deliver effective community leadership, democratic renewal and continuous improvement in services. Their purpose is to create efficient, accountable and transparent governance which will support this wider agenda.

South Ribble Borough Council consulted widely on the proposals contained within the Act and decided as a result to opt for a Leader and Cabinet model for its new decision making structure.

This Leader and Cabinet system established the following main roles and relationships within the local authority:

- the Council meeting sets the overall budget and policy framework and should be a focus for debate about the performance of the Cabinet;
- the Cabinet must make decisions within the budget and policy framework. Decisions may be delegated to officers, My Neighbourhood chairmen, joint arrangements or other authorities, or contracted out;
- Scrutiny and Governance committees advise on policy formulation and hold the Cabinet to account in relation to specific matters. They may also review areas of Council activity which are not the responsibility of the Cabinet or matters of wider local concern;
- most regulatory decisions are made by the Licensing and Planning Committees; and
- A Standards Committee whose purpose is to promote and maintain high standards of conduct and in doing so considers members' observance of the Council's Code of Conduct.

These governance arrangements do not apply to town and parish councils, other than in accordance with the requirements concerning Standards following the enactment of the Localism Act 2011.

The above is within the context of the Council's values, which are as follows:

Positive Attitude  
Integrity  
Learning Organisation  
Teamwork  
Excellence

## The Form of the Constitution

This constitution is required by the above Act and must be kept up to date. It provides an important means of enabling citizens and stakeholders to understand how the Council makes decisions and who is responsible for those decisions. The constitution is at the heart of the Council's business. It allocates power and responsibility within the Council, and between it and others. For example, it delegates authority to act to individual officers and enables members of the public to ask questions at Cabinet meetings etc.

It also regulates the behaviour of individuals and groups through codes of conduct, protocols and standing orders. The constitution is publicised widely and is accessible to anyone interested in finding out how the Council makes decisions and where responsibility lies.

This constitution contains all the elements of the decision making process and is intended to provide a coherent single document which can be used as a comprehensive point of reference by individuals and organisations both inside and outside the Council.

The constitution contains articles, rules of procedure and associated material. Articles are intended to set the overall framework and in general are unlikely to need to be changed. The articles focus on what is to be done and by whom. Procedure rules, codes of conduct and the other material is to outline how the articles will be put into effect. These are likely to be subject to more frequent change, especially as the Council learns from experience.

### **Using the Constitution**

Members of the public, residents and stakeholders are encouraged to read this constitution. Accordingly copies are available at the libraries and Council offices within the borough and also on the Council's web site. Copies can be made available to any person on payment of the nominal fee, which relates purely to the cost of production of a copy.

Advice on the constitution may be sought from the officers indicated below who will be pleased to receive any comments on the constitution, in particular how it can be improved.

For further advice on the constitution or any of the activities of the Borough Council please contact:

Martin O'Loughlin  
Democratic Services Manager  
South Ribble Borough Council  
Civic Centre  
West Paddock  
Leyland  
Lancashire PR25 1DH  
Tel: 01772 625307  
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Ian Parker  
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Business Transformation (Monitoring Officer)  
South Ribble Borough Council  
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# Part One

## Summary of the Constitution

### What is the Constitution?

The constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure the Council is efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The constitution is divided into 17 articles which set out the basic rules governing the Council's business. More detailed procedures, codes of conduct and other supporting documents are also provided.

### What's in the constitution?

[Article 1](#) of the constitution outlines the Council's community leadership role, its commitment to involving citizens, whilst at the same time maintaining and improving quality and equality in the services the Council provides. The Council is committed to providing services that meet the needs of the citizens in a clear, efficient, transparent and understandable manner. [Articles 2 – 17](#) explain the rights of citizens and how the Council operates. These are:

- [Members of the Council – Article 2](#)
- [Citizens and the Council – Article 3](#)
- [Council meeting – Article 4](#)
- [The Mayor – Article 5](#)
- [Scrutiny Committee – Article 6](#)
- [Governance Committee – Article 7](#)
- [Cabinet \(Executive\) – Article 8](#)
- [Regulatory and Other committees – Article 9](#)
- [Standards Committee – Article 10](#)
- [My Neighbourhood Area – Article 11](#)
- [Joint arrangements – Article 12](#)
- [Officers – Article 13](#)
- [Decision making – Article 14](#)
- [Finance, contracts and legal matters – Article 15](#)
- [Review and Revision of the constitution – Article 16](#)
- [Suspension, Interpretation and Publication of the constitution – Article 17](#)

### How the Council operates

The Council is composed of 55 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 a statutory duty to abide by a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee ([see Article 10](#)) is responsible for promoting and maintaining high standards of conduct by councillors.

All councillors meet together as the Council. Meetings of the Council are almost always open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council elects at the First Business Meeting of the Municipal Year an executive leader for a period of four years in accordance with [Article 8.03](#). The Leader appoints a Deputy Leader and Cabinet.

The Council appoints, each year, all other committees. The Council also ensures that the Leader and the Cabinet are accountable to the rest of the Council and, in turn, via the individual councillor's community representative role, the citizens of the borough as a whole.

Members of the public may address the full Council, if they so wish, on any matters of concern within the borough.

In addition the Council can discuss matters of concern which may affect the citizens of the borough, but for which the Council may have no specific responsibility.

More information on the operation of the Council meeting and citizens' rights can be found in [Articles 3 and 4](#) and also in [part 4A – Council Procedure Rules \(Standing Orders\)](#).

### **How Decisions Are Made**

The Cabinet is the part of the Council which is responsible for most of the decisions that are made by councillors. The Cabinet is made up of the Leader elected at the First Business Meeting of the Municipal Year for a period of four years and other councillors appointed by the Leader. When major decisions are to be discussed or made, these must be published in the Cabinet's Forward Plan in so far as they can be anticipated. Most major decisions are made at meetings of the Cabinet. These meetings are in public 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 agreed budget or policy framework ([see Part 4D](#)), this must be referred to the Council as a whole to decide.

### **Scrutiny Committee**

The Scrutiny Committee supports the work of the Cabinet and the Council as a whole. It allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. The Scrutiny Committee also produces reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committee also monitors the decisions of the Cabinet and the performance of the Cabinet and officers. It can 'call-in' certain decisions which have been made by the Cabinet or officers but not yet implemented and recommend that the decision is reconsidered. More information on the operation of the Scrutiny Committee can be found in [Article 6](#) and also in [Part 4F](#) – Scrutiny Procedure Roles.

### **Governance Committee**

The Governance Committee provides independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and oversees the financial reporting process. More information on the operation of the Governance Committee can be found in [Article 7](#).

### **My Neighbourhood Areas**

In order to strengthen communications with members of the local community and to increase their involvement in council decisions about services which affect them, the Council has established My Neighbourhood areas across the borough. They consist of councillors for each ward in the area and meet informally in public up to four times each year. Members of the local community are actively encouraged to attend these meetings and to participate in the discussions about community issues. Council partners will attend at least one of these meetings. More information on the operation of My Neighbourhood areas and their meetings can be found in [Article 11](#)

## Regulatory and Other Committees

The council has a number of other committees, including the Planning Committee and two Licensing Committees. Details of these committees' responsibilities can be found in [Part Three](#) of the constitution.

## Standards Committee

The high standards of conduct by councillors, co-opted members and town and parish councillors that residents and employees expect are promoted and maintained by the Standards Committee. Details of the committee's responsibilities can be found in [Part Three](#) of the constitution.

## The Council's Officers

The Council has people working for it (called 'officers') to give advice, implement decisions and undertake the day-to-day delivery of services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. Further information is available in [Article 13](#) and the officer structure in [Part 7](#).

## Citizens' Rights

Citizens have a significant number of rights in their dealings with the Council ([See Article 3](#)). Some of these are legal rights, whilst others reflect our openness. The local Citizens' Advice Bureau can also advise on individuals' legal rights.

Citizens have a right to:

- vote at local elections if they are registered;
- contact any local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council, Cabinet and committees, except those parts where personal or confidential matters are being discussed;
- attend and speak at meetings of the Council, Cabinet, Scrutiny, Planning and other committees on specific items on the agenda;
- attend My Neighbourhood meetings and participate in discussions about community issues;
- address the Council for a maximum of five minutes on a matter previously notified;
- petition to request a referendum for an elected Mayor;
- 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 key decisions are being considered;
- see reports and background papers, and records of decisions made by the Council, Cabinet or officers;
- complain to the Council if we have failed to do something we promised to do, if we have done something badly or wrong or if we have treated someone unfairly or impolitely;
- complain to the Local Government Ombudsman if they are not satisfied with us. However, this should only be done after exhausting our complaints procedure;
- complain to the Council's Standards Committee, via the Monitoring Officer, if it appears that a councillor has breached our Code of Conduct; and
- inspect the Council's accounts and make views known to the External Auditor.

Further information on citizens' rights can be obtained by contacting Martin O'Loughlin, the Democratic Services Manager at the Civic Centre, West Paddock, Leyland, or telephone 01772 625307 or by e-mail on [democraticservices@southribble.gov.uk](mailto:democraticservices@southribble.gov.uk)

The Council has a published statement on the rights of citizens to inspect agendas, reports and to attend meetings. This statement appears at [Article 3](#). The [Access to Information Rules in Part 4C](#) provide detailed information.



# Part Two – Articles of the Constitution

## Article 1 – The Constitution

### 1.01 Powers of the Council

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

### 1.02 Purpose of the Constitution

The Council has certain functions that the law says it must provide, such as refuse collection. There are some other functions that are at the discretion of the Council, such as the provision of leisure centres. The Council strives to provide the services and facilities that it believes the citizens of the borough wish the Council to provide, whilst at the same time providing services of a high quality and continuing to look for improvements in those services. Furthermore the Council seeks equality in service delivery and access to services.

The Council is also committed to a community leadership role and will take the lead, in partnership with the community and other public service providers, to sustain and improve the quality of life of the citizens of the borough. Our aim is to make South Ribble a great place to live, work, visit and play.

This constitution aims to provide, in one document, all the information citizens need to understand who, what, when and where decisions of, or by, the Council will be made. It also clearly indicates what functions the Council is responsible for and who undertakes those functions on behalf of the Council.

The constitution also explains how citizens can get involved in the democratic and decision making processes.

The purpose of the constitution is:

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

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

Where the constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the constitution as set out in [Article 16](#).

## Article 2 – Members of the Council

### 2.01 The Council

- (a) **Composition.** The Council comprises 55 councillors (members). Members are 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. Council elections are held every four years and councillors serve for that four year period. In May 2003, and in line with proposals from the Local Government Commission, the size of the Council increased to 55 members, with 26 two member wards and 1 three member ward.
- (b) **Eligibility.** Only registered voters of the district or those living or working in the borough will be eligible to hold the office of councillor.

### 2.02 Election and terms of councillors

**Election and terms.** The regular election of councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### 2.03 Roles and functions of all councillors

#### (a) Key roles

All councillors shall:

- (i) collectively be the ultimate policy-makers for the Council;
- (ii) contribute to the good governance of the area and actively encourage community participation and action and involvement in decision making;
- (iii) lead and champion the interests of the local community and effectively represent the interests of their ward and of individual constituents;
- (iv) develop and maintain a good knowledge of their ward and Council;
- (v) develop and maintain strong positive relationships with local people by meeting; communicating and liaising with them regularly and involving and consulting them on local issues, decisions that affect them and opportunities in the community;
- (vi) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (vii) respond to constituents' enquiries and representations fairly and impartially;
- (viii) be available to represent the Council on other bodies and submit reports on the activities of bodies upon which they represent the Council as required;
- (ix) represent the Council to the community and the community to the Council and support fellow councillors; and
- (x) maintain the highest standards of conduct and ethics.

#### (b) Rights and duties

- (i) Councillors have 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 should not make public any 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; and
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in [Part 4C](#) of this constitution.

## 2.04 Conduct

Councillors and town and parish councillors have a statutory duty to observe the Code of Conduct for Elected Members ([see Part 5A](#)). Councillors are also expected to work within the Council's protocols ([see Part 5C](#)).

## 2.05 Allowances

Councillors are entitled to receive allowances in accordance with the Scheme of Members' Allowances, as set out in [Part 6](#).

## Article 3 – Citizens and the Council

### 3.01 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in Access to Information Rules in [Part 4C](#) of this constitution:

#### (a) Voting and petitions

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected Mayor.

#### (b) Information

Citizens have the right to:

- (i) attend meetings of the Council, Cabinet and committees, except those parts where personal or confidential matters are being discussed;
- (ii) attend meetings of the Cabinet when key decisions are being considered;
- (iii) 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;
- (iv) see reports and background papers, and records of decisions made by the Council, Cabinet and officers;
- (v) inspect the Council's accounts and make views known to the External Auditor; and
- (vi) obtain a copy of the constitution.

#### (c) Participation

Citizens have the right to:

- (i) attend and speak at meetings of the Cabinet, Scrutiny, Planning, and other committees on specific items on the agenda;
- (ii) attend My Neighbourhood meetings and participate in discussions about community issues, and
- (iii) address the Council for five minutes on a matter previously notified.

#### (d) Complaints

Citizens have the right to:

- (i) contact the Council in accordance with the Complaints Procedure;
- (ii) contact any local councillor about any matters of concern to them;
- (iii) complain to the Local Government Ombudsman if they are not satisfied with us. However, this should only be done after exhausting our complaints procedure; and
- (iv) complain to the Council's Standards Committee, initially via the Monitoring Officer, if it appears that a councillor has breached our Code of Conduct.

### 3.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully damage property owned by the Council, councillors or officers.

## Article 4 – Council Meeting

### 4.01 Meanings

(a) **Policy Framework.** The policy framework means the following plans and strategies:-

- Asset Management Plan;
- Community Safety Strategy;
- Sustainable Community Strategy;
- Corporate Plan;
- Equality, Diversity and Community Cohesion Strategy;
- Financial Strategy;
- Treasury Management Strategy;
- Housing Investment Programme - (including the Plan and Strategy);
- Local Area Agreement;
- Local Development Framework, excluding those elements which make up the Local Development Scheme; and
- Sustainability and Climate Change Strategy.

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, contingency funds, reserve funds, setting the Council tax, decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

### 4.02 Functions of the Council

Only the Council will exercise the following functions:

- (a) adopting and changing the constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Rules in [Part 4C](#) of this constitution, making decisions about any matter in the discharge of a 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) electing the Executive Leader at the first business meeting of the municipal year for a period of four years;
- (e) agreeing and/or amending the terms of reference for committees, the Members' Remuneration Panel and the Forward Editorial Panel and deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies;
- (g) adopting a scheme of members' allowances under [Article 2.05](#);

- (h) changing the name of the area;
- (i) conferring the title of honorary alderman or freedom of the borough;
- (j) agreeing the appointments panel to appoint the head of paid service;
- (k) making, amending, revoking, re-enacting or adopting bylaws 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;
- (m) agreeing the Code of Conduct for Elected members and the Protocols as set out in [Part 5](#); and
- (n) all other matters which, by law, must be reserved to Council.

#### **4.03 Council Meetings**

There are three types of Council meeting:

- (a) the annual meeting (mayoral installation);
- (b) ordinary meeting; and
- (c) extraordinary meeting.

Council meetings must be conducted in accordance with the Council Procedure Rules (Standing Orders) as set out in [Part 4A](#), of this constitution.

## **Article 5 – The Mayor**

### **5.01 Role and function of the Mayor**

In accordance with Section 11(7) of the Local Government Act 2000, the Mayor and Deputy Mayor shall not be members of the Cabinet.

The Mayor and in his/her absence, the Deputy Mayor, has the following roles and functions:

### **5.02 Ceremonial Role**

The Mayor presides at such civic and ceremonial occasions as the Council deems appropriate. The Mayor also acts as first citizen of the borough and should always represent the Borough of South Ribble in a fit and proper manner.

The Mayor also attends functions within the borough, and on occasions outside the borough, at the request of the organisers of the particular function and represents the Council on each and every occasion.

### **5.03 Chairing the Council Meeting**

The Mayor will be elected by the Council annually. The Mayor has the following responsibilities at Council meetings:

- i) to uphold and promote the purposes of the constitution, and to interpret the constitution when necessary;
- ii) 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;
- iii) 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 to account the Cabinet members and any other member of the Council who hold positions of responsibility e.g. chairman of a committee, or is a Council representative on an outside body;
- iv) in partnership with the Leader of the Council, to promote public involvement in the Council's activities; and
- v) to be the conscience of the Council.

### **5.04 Chairing other Committee Meetings**

The Mayor shall be able to sit on but not chair other committees.



## Article 6 – Scrutiny Committee

### 6.01 Form and Composition

The Council must appoint at least one Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000 and regulations under section 32 of that Act.

Subject to that, the Council shall decide the number, size and functions of Scrutiny Committees. However, no member of the Cabinet can sit on a Scrutiny Committee.

The functions of the Scrutiny Committee are shown in [Part 3D](#).

The chairman of the Scrutiny Committee should liaise with the chairman of the Governance Committee to ensure effective co-ordination of Scrutiny and Governance and avoid duplication. An outline of how areas of joint responsibilities between these committees are to be met, including avoiding duplication and gaps, is shown in [Protocol 9](#).

### 6.02 General role

Within its terms of reference (functions), the Scrutiny Committee should:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) make reports and/or recommendations to the full Council and/or the Cabinet and/or any joint committee in connection with the discharge of any functions;
- iii) consider any matter affecting the area or its inhabitants; and
- iv) exercise the right to call-in, for reconsideration of certain decisions made but not yet implemented by the Cabinet or officers.

### 6.03 Specific functions

(a) **Policy development and review.** The Scrutiny Committee may:

- i) assist the Council and the Cabinet in the development of its budget and policy framework e.g. through in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues etc;
- iii) question members of the Cabinet and/or committees and officers about their views on issues and proposals affecting the area; and
- iv) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny.** The Scrutiny Committee should:

- i) review and scrutinise the decisions made by, and performance of, the Cabinet and/or committees and Council officers both in relation to individual decisions and over time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii) question members of the Cabinet and/or committees and officers about their decisions and performance, whether generally in comparison with plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- v) review and scrutinise the performance of other organisations operating in the area; and
- vi) question and gather evidence from any person (with their consent).

- (c) **Proceedings of the Scrutiny Committee** shall take place in accordance with the Procedure Rules, as set out in [Part 4F](#) of this constitution.
- (d) **Finance.** The Scrutiny Committee should exercise overall responsibility for the finances made available to it.
- (e) **Annual report.** The Scrutiny Committee must report annually to full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.
- (f) **Officers.** The Scrutiny Committee should exercise overall responsibility for the work programme of the officers employed to support its work.

## Article 7 – Governance Committee

### 7.01 Governance Committee

A Governance Committee shall be appointed by Council each year at the first business meeting of the municipal year.

### 7.02 Form and Composition

(a) **Membership.** The Council shall decide the number, size and functions of the Governance Committee. However, no member of the Cabinet should sit on the Governance Committee.

(b) **Functions.** The functions of the Governance Committee are shown in [Part 3D](#).

(c) **Liaison.** The chairman of the Governance Committee should liaise with the chairman of the Scrutiny Committee to ensure effective co-ordination of Scrutiny and Governance and avoid duplication. An outline of how areas of joint responsibilities between these committees are to be met, including avoiding duplication and gaps, is shown in [Protocol 9](#).

### 7.03 General Role

To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

### 7.04 Specific Functions

See [Part 3D](#) Committee Functions.

## Article 8 – Cabinet (Executive)

### 8.01 Role

The Cabinet undertakes 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.

The functions of the Cabinet are shown in [Part 3C](#) of this constitution.

### 8.02 Form and composition

The Executive (Cabinet) shall consist of an Executive Leader elected at the first business meeting of the municipal year, a Deputy Leader and no less than three and no more than eight other councillors appointed by the Executive Leader, and notified to the proper officer of the Council..

### 8.03 Executive Leader

The leader will be a councillor elected to that position at the first business meeting of the municipal year. The leader shall hold office until:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of any period of suspension); or
- (c) he/she is removed from office by resolution of the Council in accordance with [Standing Order no. 9](#); or
- (d) the day of the first post election business meeting of the municipal year which follows his/her election as leader.

### 8.04 Deputy Leader and other Cabinet members

The Deputy Leader and other Cabinet members shall hold office until:-

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of any period of suspension); or
- (c) they are no longer councillors; or
- (d) they are removed from office, either individually or collectively, by the Leader.

### 8.05 Proceedings

Proceedings of the Cabinet shall take place in accordance with the Procedure Rules set out in [Part 4E](#) of this constitution.

### 8.06 Responsibility for functions

The Cabinet should maintain a list in [Part 3B](#) of this constitution setting out who is responsible for the exercise of particular Cabinet functions.

Subject to the exception shown in [Part 3C](#), powers have not been delegated to individual members of the Cabinet. The Cabinet is collectively responsible for the decisions it takes with regard to the Cabinet portfolios (see [Part 3B](#)). The protocols for the Cabinet members are included in [Part 5C](#).

# Article 9 – Regulatory and Other Committees

## 9.01 Regulatory Committees

In accordance with the Local Government Act 2000, the Council must appoint Planning and Licensing Committees. The functions of those committees are shown in [Part 3E](#) of this constitution.

## 8.02 Other Committees

The Council may appoint other committees to discharge functions. The current arrangements are as shown in the tables in [Part 3D](#) of this constitution.

# Article 10 – Standards Committee

## 10.01 Standards Committee

A Standards Committee may be appointed by Council each year at the first business meeting of the municipal year.

## 10.02 Form and Composition

- (a) **Political Balance.** The committee is required to have proportional political balance.
- (b) **Parish Councils.** Representatives from the town and parish councils within the borough will be asked to assist the Standards Committee where the Monitoring Officer deems it appropriate. The Standards Committee will appoint the relevant town or parish council representative(s) on a case by case basis as (a) non-voting member(s) of the committee.
- (c) **Membership.** The Standards Committee shall comprise of no more than twelve members in total. The composition of each Committee will be decided on a case by case basis.
- (d) **Parish members.** Where representatives from town and parish councils within the borough are asked to assist the Standards Committee in accordance with (b) above, those representatives will be expected to be present when matters relating to any town or parish council or their members are being considered but are not entitled to vote. (See also 10.03 below).
- (e) **Chairing the Committee.**

The chairman shall be appointed by the Council at the first business meeting of the new municipal year or such other meeting called for that purpose.

## 10.03 Sub-committees of the Standards Committee

The Monitoring Officer has the power to appoint a sub-committee known as a “Hearing Panel” to consider complaints about members. The chair of the sub-committee will be appointed on an ad-hoc basis at the commencement of each meeting.

Composition of the Hearing Panel will be considered on a case by case basis and may include town and/or parish council representatives in a non-voting capacity. (See also 10.05 below).

## 10.04 Role and Function

The Standards Committee has the following role and functions:

- (a) promoting and maintaining high standards of conduct by councillors, co-opted members, town and parish councillors and officers;
- (b) assisting councillors, co-opted members and town and parish councillors to observe the [Codes of Conduct for Elected Members](#);
- (c) advising the Council on the adoption or revision of the Code of Conduct for Elected Members and town and parish councillors;
- (d) monitoring the operation of the Codes of Conduct;
- (e) advising, training or arranging to train councillors, co-opted members and town and parish councillors on matters relating to the Codes of Conduct for Elected Members;
- (f) granting dispensations to councillors, co-opted members and town and parish councillors from requirements relating to interests set out in the Codes of Conduct for Elected Members;
- (g) the exercise of (a) to (f) above in relation to the town/parish councils wholly or mainly in its area and the members of those councils;

- (h) determination of allegations received in accordance with the Localism Act 2011 and supporting regulations; and
- (i) the granting and supervision of exemptions from politically restricted post under the Local Government and Housing Act 1989.

### **10.05 Independent Person**

In accordance with the provisions of the Localism Act 2011 full Council shall appoint an Independent Person to assist the Monitoring Officer, Standards Committee and members with the determination of complaints about members, co-opted members and town and parish councillors.

This appointment shall follow a process of public advertisement, application and selection.

The Independent Person is not a member of the Standards Committee, or of any of its sub-committees (Hearing Panels), but may attend meetings of the Standards Committee and is invited to attend all meetings of the Hearings Panel. The views of the Independent Person must be sought and taken into consideration before the Standards Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

More detailed information on the role of the Independent Person and his/her involvement in the investigation of complaints is contained in the [Protocol relating to the Independent Person](#).

# Article 11 – My Neighbourhood Areas

## 11.01 My Neighbourhood Areas

After consulting with councillors, Council partners and members of the public, the Council decided to establish My Neighbourhood areas in order to strengthen communications with members of the local community and to increase their involvement in Council decisions about services which affect them.

## 11.02 Form, Composition and Functions

- (a) **Membership.** My Neighbourhood areas consist of all councillors from the wards in each area identified in 11.02 (b) below.
- (b) **Boundaries/Names.** The current boundaries and names of the My Neighbourhood areas are as follows:

### 1) Western Parishes

New Longton and Hutton East, Little Hoole and Much Hoole, Longton and Hutton West.

### 2) Penwortham

Broad oak, Charnock, Howick and Priory, Kingsfold, Middleforth, Whitefield.

### 3) Central

Farington East, Farington West, Tardy Gate, Lostock Hall.

### 4) Leyland

Earnshaw Bridge, Lowerhouse, Moss Side, Seven Stars, Leyland St Mary's, Leyland St Ambrose, Leyland Central, Golden Hill.

### 5) Eastern

Coupe Green and Gregson Lane, Bamber Bridge East, Bamber Bridge North, Bamber Bridge West, Samlesbury and Walton and Walton-le-Dale.

## 11.03 Functions.

Each My Neighbourhood area is responsible for drawing up a Community Improvement Plan to identify neighbourhood priorities. These plans shall be drawn up by elected members working alongside the public and the council's partners in the manner outlined in [4B](#).

## 11.04 Proceedings

My Neighbourhood meetings shall be informal and would not normally be expected to have agendas and minutes.



## Article 12 – Joint Arrangements

### 12.01 Arrangements to promote well being

In order to promote the economic, social or environmental well-being of its area, the Council or the Cabinet, as applicable, 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.

### 12.02 Joint arrangements

(a) The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not functions of the Cabinet in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

(b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

(c) Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.

(d) The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:

- the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;
- the joint committee is between a county council and a single district council and relates to functions of the Cabinet of the county council. In such cases, the Cabinet of the county council may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area.

In both of these cases the political balance requirements need not apply to such appointments.

### 12.03 Access to information

(a) The Access to Information Procedure Rules in [Part 4C](#) of this constitution should apply to joint arrangements.

(b) If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.

(c) If the joint committee contains members who are 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.

### 12.04 Delegation to and from other local authorities

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

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

(c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

#### **12.05 Contracting out**

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

## Article 13 – Officers

### 13.01 Management structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council shall engage persons for the following posts who will be designated chief officers.

The current structure is as follows:-

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers).</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Together with the Monitoring Officer responsibility to ensure records of all the Council's decisions are kept.</p> <p>Representing the Council on partnerships and external bodies (as required by statute or the Council).</p> <p>To act as the Council's Chief Financial Officer.</p>
Director of Governance and Business Transformation	To act as the Council's Monitoring Officer.

- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service and Chief Financial Officer
Director of Governance and Business Transformation	Monitoring Officer

Such posts shall have the functions described in Articles 13.02–13.04 below.

- (d) **Structure.** The Head of Paid Service shall determine and publicise a description of the overall officer structure of the Council showing the management structure and deployment of officers. This is set out at [Part 7](#) of this constitution.

### 13.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service shall report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grades 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. The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

### 13.03 Functions of the Monitoring Officer

- (a) **Maintaining the constitution.** The Monitoring Officer shall ensure that an up-to-date version of the constitution is maintained and that it is widely available to members, employees and the public.
- (b) **Register of Members' Interests.** The Monitoring Officer shall establish and maintain a register of members' interests.
- (c) **Register of Gifts and Hospitality.** The Monitoring Officer shall establish and maintain a register of gifts and hospitality.
- (d) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service/Chief Finance Officer, the Monitoring Officer shall report to the Council or to the Cabinet in relation to a Cabinet function if he or she considers that any proposal, decision or omission could give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (e) **Supporting the Standards Committee.** The Monitoring Officer shall contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee and establishing good working relations with the Independent Person.
- (f) **Conducting investigations.** The Monitoring Officer shall conduct investigations into any claims that there has been a breach of our Code of Conduct and if necessary make reports/recommendations in respect of those to the Standards Committee, in accordance with the approved Investigation and Hearing Procedure.
- (g) **Proper officer for access to information.** The Monitoring Officer shall 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.
- (h) **Advising whether Cabinet decisions are within the budget and policy framework.** The Monitoring Officer shall advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (i) **Providing advice.** The Monitoring Officer shall provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and shall support and advise all councillors and officers in their respective roles.

### 13.04 Functions of the Chief Financial Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Monitoring Officer, the Chief Financial Officer shall report to the Council or to the Cabinet 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 could 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 shall have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Financial Officer shall contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

- (d) **Providing advice.** The Chief Financial Officer shall provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and shall support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Financial Officer shall provide financial information to the media, members of the public and the community.

#### **13.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Financial Officer**

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

#### **13.06 Deputies**

The Monitoring Officer and Chief Financial Officer may nominate deputies for the time being where he/she is unable to act due to absence and/or illness and for the other purposes permitted by legislation.

#### **13.07 Conduct**

Officers shall comply with the statutory Employees' Code of Conduct, once this has effect. In the meantime, a voluntary code exists (see [Part 5B](#) of this constitution).

#### **13.08 Employment**

The recruitment, selection and dismissal of officers shall comply with the Officer Employment Procedure Rules set out in [Part 4](#) of this constitution.

#### **13.09 Protocols**

Officers are expected to work in accordance with the protocols included as [Part 5C](#) of this constitution.

# Article 14 – Decision Making

## 14.01 Responsibility for decision making

In order to ensure efficiency and effectiveness, the Council delegates responsibility for various actions and functions. Details of such delegations are set out in [Part 3](#) of this constitution.

## 14.02 Principles of decision making

All decisions of the Council, including those delegated, shall be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) reasons for the decision.

## 14.03 Types of decision –

- (a) **Decisions reserved to the Council.** Decisions relating to the functions listed in [Article 4.02](#) shall be made by the full Council and cannot be delegated without a specific resolution.
- (b) **Key decisions.**
  - (i) A key decision is defined as any decision in relation to a Cabinet function which is likely:
    - (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant. The financial threshold above which expenditure/savings become significant is set at £75,000. This financial threshold is applicable to both the revenue and capital budgets.
    - (b) to be significant in terms of its effect on the communities living in an area comprising two or more Council wards.
  - (ii) A decision taker should make a key decision in accordance with the requirements of the Procedure Rules set out in [Part 4](#) of this constitution.

## 14.04 Decision-making by the Council

Subject to [Article 14.10](#), the Council meeting shall follow the Council Procedure Rules (Standing Orders) set out in [Part 4A](#) of this constitution when considering any matter.

14.05 In addition to any requirements specified in [Articles 14.06 to 14.09](#), the Cabinet, Scrutiny, Standards and other committees, My Neighbourhoods and officers shall follow all Council Procedure Rules (Standing Orders) as set out in [Part 4A](#) of this constitution, so far as they relate to them, when taking delegated decisions.

## 14.06 Decision making by the Cabinet

Subject to [Article 14.10](#), the Cabinet shall follow the Cabinet Procedure Rules, set out in [Part 4E](#) of this constitution when considering any matter.

#### **14.07 Decision making by the Scrutiny and Standards Committees**

Subject to Article [14.10](#), the Scrutiny Committee shall follow the Scrutiny Procedure Rules, set out in [Part 4F](#) of this constitution when considering any matter. Similarly, the Standards Committee shall follow the Standards Committee Procedure Rules set out in [Part 4J](#).

#### **14.08 Decision making by My Neighbourhood areas**

My Neighbourhood area decision-making shall be by delegation to the My Neighbourhood chairman in consultation with the Director of Regeneration and Healthy Communities. The chairman shall make every effort to gain the consensus of the members of his/her My Neighbourhood area before making any decision. Any decision must be made with the interests of the whole Council in mind rather than the interests of any specific area.

All My Neighbourhood area decisions shall be in accordance with the agreed Community Improvement Plan and the budgets allocated. Expenditure shall be of a one-off nature and shall not generate further on-going revenue expense to the Council.

All decisions shall be recorded on the appropriate delegated decision form and details of the decisions taken, and any associated expenditure, shall be published on the Council's website.

#### **14.09 Decision Making by Officers**

Subject to Article 14.10, officers taking any delegated decisions shall do so in accordance with the Scheme of Delegation set out in [Part 3E](#) of this constitution.

#### **14.10 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, shall 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 and all other provisions of the Human Rights Act.

# Article 15 – Finance, Contracts and Legal Matters

## 15.01 Financial management

The management of the Council's financial affairs shall be conducted in accordance with the Financial Regulations set out in [Part 4G](#) of this constitution.

## 15.02 Contracts

Every contract made by the Council shall comply with the Contract Procedure Rules set out in [Part 4H](#) of this constitution.

## 15.03 Legal proceedings

The Council's most senior legally qualified officer available is authorised to participate in any legal proceedings to give effect to decisions of the Council and where considered action is necessary to protect the Council's interests.

## 15.04 Authentication of documents

Subject to the provisions for substitutes in the Scheme of Delegation to Officers, where any document is necessary in relation to any legal procedure or proceedings on behalf of the Council, it shall be signed by the Chief Executive or, in her/his absence, the Council's most senior legally qualified officer available, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £20,000 (calculated in accordance with the Contract Procedure Rules) entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two appropriate officers of the authority or made under the common seal of the Council attested by at least one officer.

## 15.05 Common Seal of the Council

The Common Seal of the Council shall be kept in a safe place in the custody of the Council's most senior legally qualified officer. A decision of the Council, or of any part of it, shall be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal shall be affixed to those documents which, in the opinion of the Council's most senior legally qualified officer available, should be sealed. The affixing of the Common Seal shall be attested by the Council's most senior legally qualified officer available.



# Article 16 – Review and Revision of the Constitution

## 16.01 Duty to monitor and review the constitution

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

## 16.02 Protocol for monitoring and review of the constitution by the 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 for ways in which it could be amended in order better to achieve the purposes set out in [Article 1](#). In undertaking this task the **Monitoring Officer**, amongst other things, may:

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit 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.

## 16.03 Changes to the constitution

(a) **Approval.** The Governance Committee has a responsibility to maintain an overview of the constitution but only full Council can approve changes to it. Changes should only be made further to a report from the Monitoring Officer. Unless, in the opinion of the Chief Executive or Monitoring Officer, it is not appropriate, all such reports from the Monitoring Officer shall be considered by the Cabinet prior to approval being sought from full Council.

(b) **Change within a Mayoral form of executive.** Unless the change relates only to the operation of the Scrutiny Committee, any resolution of the full Council to approve a change will have no effect without the written consent of the Mayor.

(c) **Change from a Mayoral form of executive to another form of executive or to alternative arrangements, or from alternative arrangements to a Mayoral form of executive.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum. Any change shall not take effect until the end of the Mayor's term of office.

(d) **Change from a Leader and Cabinet form of executive to alternative arrangements, or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

# Article 17 – Suspension, Interpretation and Publication of the Constitution

## 17.01 Suspension of the Constitution

(a) **Limit to suspension.** The Articles of this constitution may not be suspended. Any of the procedure rules in this constitution may be suspended by full Council to the extent permitted within those rules and the law.

(b) **Procedure to suspend.** A motion to suspend any rules shall not be moved without notice unless at least one half of the whole number of councillors is present. The extent and duration of suspension shall be proportionate to the result to be achieved; taking account of the purposes of the constitution set out in [Article 1](#).

## 17.02 Interpretation

The ruling of the Mayor as to the construction or application of this constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation shall have regard to the purposes of this constitution contained in [Article 1](#).

## 17.03 Publication

(a) The Chief Executive (or other designated officer) shall ensure that a copy of this constitution is given 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 (or other designated officer) shall ensure that copies of the constitution are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

(c) The Chief Executive (or other designated officer) shall ensure that the constitution is available on the council's website.

# Schedule 1: Description of Leader and Cabinet Arrangements

The following parts of this constitution constitute the Leader and Cabinet arrangements:

1. [Article 6 \(Scrutiny Committee\)](#) and the Scrutiny Procedure Rules;
2. [Article 7 \(Governance Committee\)](#)
3. [Article 8 \(The Cabinet\)](#) and the Cabinet Procedure Rules;
3. [Article 11 \(My Neighbourhood Areas\)](#)
4. [Article 12 \(Joint arrangements\)](#);
5. [Article 14 \(Decision making\)](#) and the Access to Information Procedure Rules;
6. [Part 3 \(Responsibility for Functions\)](#); and
7. [Part 4D](#) Budget and Policy Framework Procedure Rules.

# Part Three – Responsibility for Functions

## 3A. Full Council

### 1. Functions reserved for full Council

Only the Council can exercise the functions outlined in [Article 4.02](#).

### 2. Functions delegated by full Council

As outlined in [Article 8](#), the Cabinet undertakes all of the authority's other functions which are not the responsibility of any other part of the local authority, including those shown in [Part 3C](#) below.

The Cabinet has delegated certain functions to committees and officers, as outlined in [Parts 3D](#) and [3E](#).

The Council has delegated the other functions identified in [Parts 3D](#) and [3E](#) to committees/officers.

## 3B. Cabinet Roles

The areas of responsibility of each Cabinet member are as follows:

### **Leader of the Council**

- Corporate Policy, Strategy and Performance.
- Strategic Partnerships.
- Strategic Personnel and Organisational Development including Member Induction and Development
- Equality, Diversity and Community Cohesion Monitoring and Performance
- National, Regional and sub-regional Borough Promotion.
- Effective Communications and Public Relations
- Corporate Governance and Democratic Arrangements

### **Finance and Resources**

- Financial Accounting
- Management Accounting
- Financial Systems and Payments
- Insurance
- Internal Audit
- Asset management

### **Regeneration, Leisure and Healthy Communities**

- Community Engagement
- Economic Regeneration Planning and Implementation
- Environmental and Public Health and Health Promotion
- Local Environmental Sustainability
- Health and Safety
- Leisure and Cultural Services (excluding Parks and Playgrounds)

**Neighbourhoods and Street Scene**

- Waste Management
- Vehicle Fleet Management and Maintenance
- Clean Environment
- Parks, Open Spaces and Playgrounds
- Community Safety
- Grounds Maintenance
- Car Parks

**Strategic Planning and Housing**

- Development Framework Proposals and Plans
- Planning Policies and Strategies
- Cuerden Development Options
- Site Allocations
- Transportation and Cross Boundary Issues

**Shared Services and Corporate Support**

- Shared Services Policies, Strategies and Processes
- Shared Services Monitoring and Performance
- Business Transformation and C-Smart Projects
- Gateway and Customer Services
- Emergency Planning
- Risk Management and Business Continuity
- Procurement

### 3C. Cabinet Functions (see also [Article 8](#))

Membership	Functions	Delegation of Functions
Members of the local authority	<ol style="list-style-type: none"> <li>1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.</li> <li>2. Any function relating to contaminated land.</li> <li>3. The discharge of any function relating to the control of pollution or the management of air quality.</li> <li>4. The service of an abatement notice in respect of a statutory nuisance.</li> <li>5. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.</li> <li>6. The inspection of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.</li> <li>7. The inspection of the authority's area to detect any statutory nuisance.</li> <li>8. The investigation of any complaint as to the existence of a statutory nuisance.</li> <li>9. The obtaining of information under section 330 of the town and Country Planning Act 1990 as to interests in land.</li> <li>10. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</li> </ol>	<p>The relevant functions delegated below to individual Cabinet member, committees and under the Scheme of Delegation to Officers.</p> <p>Individual Cabinet members are authorised to respond to the recommendations of the Scrutiny Committee, unless significant changes to policies and budgets are proposed.</p>

### 3D. Committee Functions

Committee	Membership	Functions	Delegation of Functions
Planning Committee	Members of the authority	<p><b>Planning and conservation</b></p> <p>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)</p> <p>Planning Applications where:</p> <ol style="list-style-type: none"> <li>1. Major development:   Housing 10 or more dwellings                                   Site area &gt; 0.5 Hectares       All other development: Floorspace &gt; 1000m<sup>2</sup>                                   Site area &gt; 1 Hectare</li> <li>2. Classes A4 and A5 Food &amp; Drink (Hot food takeaways/Pubs).</li> <li>3. Applicant or a close relative of the applicant is a member or employee of South Ribble Borough Council. (Close relative is defined as a spouse, partner, parent, parent-in-law, son, or daughter).</li> <li>4. Officer who would normally make the decision knows that a member or employee of South Ribble Borough Council has a declarable interest in the application.</li> <li>5. Where within four weeks of receipt of an application the Director of Planning and Housing, or his/her deputy, and chairman of the committee consider either in their own capacity or following compelling representations from a member(s) that there are exceptional circumstances which warrant consideration of the proposal by a committee.</li> </ol> <p>Where none of the above applies the decision will be made under the existing power of delegation. This will include cases where the decision may be contrary to views which have been received</p>	Functions delegated to officers as set out in the Scheme of Delegation to Officers.



Committee	Membership	Functions	Delegation of Functions
		<p>from interested parties.</p> <p><b>Commons registration</b></p> <p>The registration of common land or town and village greens and to register the variation of rights of common as set out in Schedule 1 to the Functions Regulations.</p> <p><b>Highways use and regulation</b></p> <p>The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Functions Regulations.</p>	
General Licensing Committee	Members of the local authority	<p><b>Taxi and miscellaneous licensing</b></p> <p>Functions relating to licensing and registration as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 but excluding those functions relating to licensing under the provisions of the Licensing Act 2003 and the Gambling Act 2005.</p> <p><b>Health and safety</b></p> <p>Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer.</p>	Functions delegated to officers as set out in the Scheme of Delegation to Officers.
Licensing Act Committee	Members of the local authority	<p>Functions relating to licensing under the Licensing Act 2003.</p> <p>Functions relating to gambling under the Gambling Act 2005.</p> <p>Functions relating to licensing under the Scrap Metal Dealers Act 2013.</p>	Functions delegated to officers as set out in the Scheme of Delegation to Officers.
Standards	Members of the	To promote and maintain high standards of conduct from	

Committee	Membership	Functions	Delegation of Functions
Committee	authority and town/parish council members, as outlined in Article 10.	<p>councillors, co-opted members, town and parish councillors and employees</p> <p>To ensure that councillors, co-opted members and town and parish councillors have access to training in all aspects of the Code of Conduct for Elected Members, that this training is actively promoted and that members are aware of the standards expected from local councillors under the code.</p> <p>To monitor and advise the Council about the operation of its Codes of Conduct in the light of best practice, changes in the law and guidance from central government.</p> <p>To grant dispensations to councillors, co-opted members and town and parish councillors from requirements relating to interests set out in the Codes of Conduct for Elected Members;</p> <p>To consider and determine allegations of breaches of the code of conduct by individual councillors, co-opted members or town and parish councillors in accordance with rules and procedures laid down in Regulations for the determination of such matters.</p> <p>To consider and determine appropriate sanction against any member where misconduct is established to the satisfaction of the committee and following discussion with the Independent Person.</p> <p>To undertake any other functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Localism Act 2011 or subsequent legislation.</p> <p>To exercise the above functions in respect of town and parish councils and their councillors and co-opted members in the Council's area.</p> <p>To grant and supervise exemptions from politically restricted post under the Local Government and Housing Act 1989.</p>	

Committee	Membership	Functions	Delegation of Functions
Appeals Committee	Members of the Local Authority	<p><b>Purpose</b></p> <p>To hear grievance and disciplinary procedure appeals.</p>	
Governance Committee	Members of the Local Authority	<p><b>Overall Purpose</b></p> <p>To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.</p> <p><b>Audit Activity</b></p> <p>To consider internal audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.</p> <p>To consider summaries of internal audit reports.</p> <p>To consider reports dealing with the management and performance of the providers of internal audit services.</p> <p>To consider a report from internal audit on agreed recommendations not implemented within a reasonable time scale.</p> <p>To consider the external auditor's annual audit letter, relevant reports, and the report to those charged with governance, within the scope of the Committee's role.</p> <p>To consider specific reports of the external auditor, within the</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>scope of the Committee's role.</p> <p>To comment on the scope and depth of external audit work and to ensure it gives value for money.</p> <p>To liaise with the Audit Commission over the appointment of the council's external auditor.</p> <p>To commission work from internal and external audit, as appropriate.</p> <p><b>Regulatory Framework</b></p> <p>To maintain an overview of the council's constitution, including the Contract Procedure Rules and financial regulations and to make recommendations for change to Cabinet.</p> <p>To monitor the effective development and operation of risk management in the council.</p> <p>To monitor the council's governance policies, including "whistle-blowing" and anti-fraud and corruption arrangements.</p> <p>To consider/approve the authority's Annual Governance Statement.</p> <p>To consider and monitor the council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.</p> <p>To consider the council's compliance with its own and other published standards and controls.</p> <p><b>Financial Arrangements</b></p> <p>To regularly review the financial management arrangements to</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>ensure that they remain 'fit for purpose', and keep the effectiveness of the financial services function under review.</p> <p>To regularly review the financial performance of the Council.</p> <p>To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.</p> <p>To consider the external auditor's reports to those charged with governance on issues arising from the audit of the accounts and related matters.</p> <p><b>Co-ordination Of Work Programmes etc.</b></p> <p>To ensure effective co-ordination of the Committee's work programme etc. with that of other committees, in particular the Scrutiny and Standards Committees.</p>	
<b>Scrutiny Committee</b>	Elected members who are not members of the Cabinet	<p>Scrutiny of decisions taken or proposed by the Cabinet, other Committees (where applicable) and officers under delegated powers, including "call-in".</p> <p>Contribution to the development of relevant policies, plans and strategies.</p> <p>Performance monitoring of the Corporate Plan, other strategies/plans, budgets and performance indicators etc.</p> <p>Taking an overview of the outcomes of the council's relevant policies and service delivery, including customer satisfaction and value for money.</p> <p>In depth reviews of relevant policies, plans, strategies and</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>services.</p> <p>Consideration of the Annual Audit Letter and other reports from external agencies, within the scope of the committee's role.</p> <p>Scrutiny of South Ribble Partnership and other partnerships, including, in accordance with relevant regulations, consideration at least twice per annum of the Crime and Disorder Reduction Partnership.</p> <p>Scrutiny of the Health Service.</p> <p>Scrutiny of other external organisations.</p> <p>Consideration of issues of local concern.</p> <p>Responding to consultations on behalf of the Council, within the scope of the committee's role.</p> <p>Dealing with issues referred to scrutiny under 'Councillor Call for action'.</p> <p>To ensure effective co-ordination of the committee's work programme etc. with that of other committees, in particular the Governance Committee.</p>	
Joint Planning Advisory Committee	Elected members of the Local Authority, Chorley and Preston Councils and also Lancashire County Council	<p>a. To keep under review plans and policies prepared by Chorley, Preston and South Ribble Councils (the Local Planning Authorities) and Lancashire County Council relating to the strategic planning of Central Lancashire as a whole with particular emphasis on such matters in which the area is self-contained and to make recommendations to each Local Planning Authority and the County Council on necessary amendments or alterations thereto.</p> <p>b. To keep under review the evidence base relating to</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>strategic planning matters (including relevant housing, economic, transport and environmental research) affecting Central Lancashire and make recommendations to each Local Planning Authority and the County Council on the commissioning of appropriate research to ensure that any such evidence base is kept up to date.</p> <p>c. To monitor and report to each Local Planning Authority and the County Council on the effective delivery of strategic development as defined in S33(A)(4) of the Planning and Compulsory Purchase Act 2004 (as amended) to ensure compliance with the duty to co-operate and specifically concerning the provision of new housing, new employment opportunities, the economic health of city and town centres, sustainable transport and the provision of infrastructure.</p> <p>d. To keep under review and make recommendations to each Local Planning Authority on the Community Infrastructure Levy Charging Schedule and Infrastructure List.</p> <p>e. To make recommendations on the delivery of the Preston, South Ribble and Lancashire City Deal II.</p>	
Shared Services Joint Committee	Elected members of the Local Authority and Chorley Council	<p>The role of the Shared Services Joint Committee (under S101(5) and S102 of the Local Government Act 1972 and S19 and S20 of the Local Government Act 2000 and all other enabling powers) is to discharge the Chorley and South Ribble Borough Councils' functions of providing the services detailed in the Shared Services Agreement.</p> <p>1. To monitor, review and make recommendations to both councils on the administrative arrangements and performance of those councils' services, the subject of the Financial and Assurance Shared Services Agreement (FASSA).</p> <p>2. To determine a Resource Plan not less than 60 'business' days</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>before the start of the next financial year subject to (3) below.</p> <p>3. (i) To receive from the councils their proposed contributions to the Continuing Costs and to approve or not these within 15 'business' days of receipt;</p> <p>(ii) To provide no later than 30 'business' days before the start of the next financial year written notice of the recommended contribution to each council to be paid by both councils, should this not have been approved in (3(i)) above.</p> <p>4. To perform (as requested or felt necessary) a Reconciliation of the Continuing Costs.</p> <p>5. To receive as appropriate an Additional Funding Requirement required from the councils during the then current financial year and if felt justified/reasonable the committee shall give such notice to the councils.</p> <p>6. To receive an Annual Account as soon as reasonably possible in each year in respect of the previous financial year.</p> <p>7. (i) To receive any request from either council to vary the Shared Services Agreement;</p> <p>(ii) To circulate such request to both councils if felt reasonably practical and, if approved, arrange for a Deed of Variation to the Shared Services Agreement.</p> <p>8. To receive such other reports in order to undertake (1) above.</p> <p>9. To explore the development of the FASSA.</p> <p>10. To ensure the FASSA operates within all relevant regulations.</p> <p>11. To consider issues raised through the operation of the FASSA.</p> <p>12. To maintain on behalf of the councils the Asset Register at all times for the duration of the Shared Services Agreement.</p> <p>13. (i) To receive and approve (with or without modification) the Exit Management Plan within 1 year of the expiry or termination of the Shared Services Agreement;</p> <p>(ii) To review the Exit Management Plan at least every two years for as long as the Shared Services Agreement continues.</p> <p>14. To act as arbiter (in the first instance) in the event the councils' Chief Financial Officers are unable to resolve a matter.</p> <p>15. To meet as necessary provided that there shall be no less</p>	



<b>Committee</b>	<b>Membership</b>	<b>Functions</b>	<b>Delegation of Functions</b>
		than four meetings each year. 16. To hold an Annual General Meeting (in the same or succeeding calendar month as the annual meeting of the last of the councils to hold such an annual meeting each year).	

## 3E. Scheme of Delegation to Officers

### 1. Purpose of the Scheme

- 1.1 The primary purpose of the council's democratic structure is to make decision-making efficient, effective, accountable and transparent.
- 1.2 The Council has three main levels of decision making:
- Council/Cabinet/committee (members) – strategic, policy and related matters
  - Officers in consultation with the relevant member(s)
  - Officers – day to day/operational decisions

The purpose of this scheme is to delegate a general competence to officers to discharge those functions within their specific areas of responsibility to ensure that the workload of the Cabinet and committees is manageable and enables members to focus on strategic, policy and related matters.

### 2. Delegation to Officers in Consultation with a Member

The Chief Executive, Directors, Heads of Service, or any person designated by them in accordance with paragraph 4.2 below, are authorised to discharge, in consultation with the appropriate member of the Cabinet or Committee chairman, as appropriate, any function of the council within their area of responsibility, with the exception of those matters reserved exclusively for the Council, Cabinet or a Committee. These functions do not relate to the every-day business of the Council and operational decisions, which is dealt with in paragraph 3 below. Nor do they relate to strategic, policy and significant budgetary issues, which shall be a matter for the appropriate member decision-making body. This delegation also includes responding to consultation papers where timescales do not allow a prior report to the appropriate members' meeting.

### 3. Delegation of Every-Day Council Business/Statutory Powers

- 3.1 The Chief Executive, Directors and Heads of Service, or persons designated by them in accordance with paragraph 4.2 below, are authorised to carry out the every-day business of the council relevant to their areas of responsibility and to take all operational decisions necessary to ensure the smooth running of the Council's business.
- 3.2 The Chief Executive, Directors, Heads of Service, or persons designated by them in accordance with paragraph 4.2 below, are also authorised to act under all statutory powers (existing and future) in relation to their areas of responsibility.

### 4. Limitations on Delegated Powers

- 4.1 The powers delegated to officers within this Scheme shall be exercised in accordance with and subject to the relevant [Procedure Rules](#) in Part 4 of this constitution, including the Council's Standing Orders and Financial Regulations, Codes of Conduct; policies, plans, procedures and other related documents.
- 4.2 To the extent allowed by the law, the Chief Executive, Directors and Heads of Service may arrange for any decision delegated under this Scheme to be exercised, when necessary, by an officer of suitable seniority and experience.
- 4.3 The Chief Executive, Directors and Heads of Service may determine that, in a particular case, the delegated authority should not be exercised and that it should be referred to the appropriate decision-making body for consideration.

## 5. **Records of Delegations/Delegated Decisions**

- 5.1 The person taking a delegated decision under paragraph 2 above shall ensure that the decision is recorded on the official form on each occasion and that a copy is forwarded to the Democratic Services Manager, all in accordance with the agreed procedure.
- 5.2 The Chief Executive, Directors and Heads of Service shall maintain an up-to-date register of all authorisations of other officers made under paragraph 4.2 above, including all statutory functions (current and future).

## 6. **Inability to Act**

- 6.1 Other than where the law does not allow, any Director or Head of Service is authorised to act in the absence of the Chief Executive on any matter which is within their areas of responsibility.
- 6.2 The most relevant Director or Head of Service available, or the Chief Executive, is authorised to act on any matter in the absence of another Director or Head of Service, unless prevented in law.

## 7. **Scheme of Delegation for Consideration of Planning Applications**

Applications to be dealt with by a committee of the Council in order to attain the 90% delegation target, are set out in the table Responsibility for Council Functions in [Part 3D](#) of this constitution. Other decisions will be made under the power of delegation set out below.

### Categories of Application Included in the Delegation Scheme

- (i) The formation or alteration of a means of access to a highway.
- (ii) Extensions, enlargements or other alterations to existing residential property and ancillary residential development within a domestic curtilage.
- (iii) Alterations to approved housing layouts not involving any increase (up to 10%) in the number of dwellings or an increased number of access points.
- (iv) All garages for the garaging of private motor vehicles.
- (v) The erection or construction of gates, fences, walls or other means of enclosure.
- (vi) Extensions, ancillary buildings and plant or machinery within an existing commercial, industrial or non-domestic curtilage where the decision is in accord with the provisions of the Development Plan.
- (vii) The change of use of any building(s), or part of a building, but excluding proposals for Classes A4 (Drinking establishments), A5 (Hot Food Takeaway) and C2 (residential institutions) of the Use Classes Order, where the decision is in accord with the provisions of the Development Plan.
- (viii) Provision of shop fronts and alterations to existing shop fronts.
- (ix) Applications for consent to display advertisements.
- (x) Renewal of permission or approvals where there is no material change in circumstances (including permissions which are time expired).

- (xi) Discharge of planning conditions imposed on the granting of planning permission which are not "reserved matters".
- (xii) Changes of use of land where the decision is in accord with the provisions of the Development Plan.
- (xiii) The erection, extension or alteration of agricultural buildings on agricultural land, reasonably necessary for the purposes of agriculture within that unit.
- (xiv) The erection or alteration of buildings for the stabling of horses on non-residential land.
- (xv) The construction or adaptation of floodlighting columns.
- (xvi) The construction of car parks, service roads, or other access serving an existing use.
- (xvii) Lawful Development Certificate applications.
- (xviii) Expressing the views of the Council on "County Matter" applications or on consultations as neighbouring Local Planning Authority where the development involved, if submitted to this Council as a planning application, would have been a delegated matter under this scheme.
- (xvix) Non material amendments to approved applications.
- (xx) Telecommunications applications located in employment or industrial areas where no amenity issues are raised.
- (xxi) Requests for Screening or Scoping opinions under the Town and Country Planning (Environmental Impact Regulations).
- (xxii) The initial drafting and consultation in relation to a Local Development Order prepared in line with the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- (xxiii) The taking of all forms of Enforcement and related action (including the institution of prosecutions) under the provisions of Town and Country Planning Act 1990.

## **3F. Working Groups and Panels**

### a) Working Groups

From time to time the Council, Cabinet or committees may appoint working groups to consider specific aspects of council business and, where appropriate, to make recommendations to the parent body.

The parent body should, when establishing the working group / panel, set the Terms of Reference and any protocols required, and in doing so shall have regard to:

#### *Aims and objectives of the working group*

Anticipated lifespan, frequency of meetings, duration of meetings, mechanisms for and frequency of reporting back to the parent body.

#### *Composition*

Chair / vice chair, balanced composition, political proportionality, co-option, deputies/substitutes

#### *Formality*

Anticipated officer/expert resource required, agendas / minutes, quorum, public attendance, public notification

#### *Rules about political independence*

Confidentiality, collective responsibility, rules surrounding declaration of party whip

### b) Forward Editorial Group

The Forward Editorial Group consisting of the leaders of the political groups, with appropriate officer advice, has been established to consider and determine the content of editions of the council's Forward Newspaper.

### c) Members' Allowances Remuneration Panel

The Local Authority (Members Allowances) (England) Regulations 2001 requires councils to establish and maintain an independent remuneration panel which would broadly have the function of providing the local authority with advice on its Scheme of Payment of Members' Allowances.

Under the above regulations the panel is required to make recommendations:

- (a) as to the amount of basic allowance which should be paid to members of the council;
- (b) as to the duties in respect of which members should receive a special responsibility allowance and the amount of such allowance;
- (c) as to the amount of travelling and subsistence allowance and whether the scheme should include allowances for arranging the care of members' children or dependants, and the amount;
- (d) as to whether the scheme should include an allowance for co-optees, and for independent and parish council members of the Standards Committee;
- (e) as to any other relevant elements of the scheme; and

(f) as to the arrangements for reviewing the allowances.

The Local Authority (Members Allowances) (England) regulations 2003 also empower the panel to make recommendations as to whether members of an authority are entitled to pensions, and whether co-opted members of committees should receive allowances.

### **3G. Members on Outside Bodies**

The council regularly appoints/nominates individuals to represent its interests on external organisations and bodies as indicated below. Such representatives are expected to regularly attend appropriate meetings and report any relevant issues back to the council. Also see [Article 2](#).

The current list of outside bodies to which this council appoints and/or nominates representatives is accessible via [3G Members on Outside Bodies](#).

# Part Four – Procedure Rules

## 4A. COUNCIL PROCEDURE RULES (STANDING ORDERS)

### Number

- 1 [Meetings of the Council](#)
- 2 [Mayor and Deputy Mayor](#)
- 3 [Chairman of Meeting](#)
- 4 [Quorum](#)
- 5 [Matters to be considered at the Annual Meeting \(Mayoral Installation\) / First Business Meeting of the Municipal Year \(Appointment of Cabinet/Committees etc\)](#)
- 6 [Order of Business at Ordinary Council Meetings](#)
- 7 [Removal of Leader](#)
- 8 [Reports of the Cabinet, Scrutiny and Governance Committee to the Council](#)
- 9 [Notices of Motion](#)
- 10 [Motions and Amendments which may be moved without notice](#)
- 11 [Questions](#)
- 12 [Minutes](#)
- 13 [Rules of Debate for Council Meetings](#)
- 14 [Questions or Address by Members of the Public](#)
- 15 [Future of the Borough Debate](#)
- 16 [Participation by the Public and Members of the Council, Cabinet, Scrutiny, Governance, and Planning](#)
- 17 [Motions affecting persons employed by the Council](#)
- 18 [Disorderly Conduct](#)
- 19 [Disturbance by Members of the Public](#)
- 20 [Recording Equipment](#)
- 21 [Rescission of preceding resolution](#)
- 22 [Voting and Decisions](#)
- 23 [Right to Require Individual Vote to be Recorded](#)
- 24 [Voting on Appointments](#)
- 25 [Record of Attendance](#)
- 26 [Interest of Officers in Contracts](#)
- 27 [Suspension of Standing Orders](#)
- 28 [Standing Orders to be given to Members](#)
- 29 [Interpretation of Standing Orders](#)
- 30 [Appointment of the Cabinet and Committees](#)
- 31 [Constitution of the Cabinet and Committees](#)
- 32 [Resolution of Conflicting Decisions](#)
- 33 [Appointment of Newly-Elected Councillors to My Neighbourhood area – By Elections](#)
- 34 [Proceedings of meetings – Confidential and Exempt Matters](#)
- 35 [Appointment of Chairman and Vice-Chairman of Cabinet and Committees](#)
- 36 [Political Groups](#)
- 37 [Political Balance on Committees and Sub-committees](#)
- 38 [Delegation of Urgent Decisions between Meetings of the Cabinet or a Committee](#)
- 39 [Special Meetings of the Cabinet or Committees](#)
- 40 [Sub-committees](#)
- 41 [Quorum of the Cabinet, Committees and Sub-committees](#)
- 42 [Declaration of Interests – Participation in Debate and Voting](#)
- 43 [Voting in the Cabinet, Committees and Sub-committees](#)
- 44 [Standing Orders to apply to Cabinet, Committees and Sub-committees \(Excluding My Neighbourhood areas\)](#)



45	<a href="#"><u>Councillors entitled to attend all Cabinet, Committee and Sub-committee Meetings</u></a>
46	<a href="#"><u>Canvassing of and Recommendations by Members</u></a>
47	<a href="#"><u>Relatives of Members or Officers</u></a>
48	<a href="#"><u>Staff Establishment and Appointments</u></a>
49	<a href="#"><u>Political Assistants</u></a>
50	<a href="#"><u>Disciplinary Action - Head of Paid Service / Monitoring Officer / Chief Financial Officer</u></a>
51	<a href="#"><u>Custody of Seal</u></a>
52	<a href="#"><u>Sealing of Documents</u></a>
53	<a href="#"><u>Authentication of Documents for Legal Proceedings</u></a>
54	<a href="#"><u>Inspection of Documents</u></a>
55	<a href="#"><u>Inspection of Lands, Premises, etc</u></a>
56	<a href="#"><u>Variation and Revocation of Standing Orders</u></a>

**STANDING ORDER NO. 1****Meetings of the Council**

- (1) The annual meeting of the Council (Mayoral Installation) shall be held in May, subject to the limitation contained in Schedule 12 to the Local Government Act 1972.
- (2) The annual meeting of the Council shall be held on an appropriate day and at an appropriate time as determined by the Chief Executive (or other designated officer) in consultation with the prospective Mayor. The annual meeting of the Council shall be held at the Civic Centre, Leyland, or at such other venue as the Council may determine. Other meetings of the Council for transaction of general business and extraordinary meetings of the Council shall be held at the Civic Centre at 6.00 pm or at such other time and place as the Council may determine.
- (3) Five or more members of the Council, or the Monitoring Officer, may call an extraordinary meeting of the Council if a requisition for such a meeting is signed by them and handed to the Mayor and the Chief Executive (or other designated officer).
- (4) The Chief Executive (or other designated officer) shall publish a notice at the Civic Centre, and at other appropriate places in the borough, of the time and place of any meeting of the Council and shall issue a signed summons, to every member of the Council specifying the business to be transacted. The summons shall be issued at least five clear days (this excludes date of posting and delivery (and a Sunday)) before the meeting to which it relates. (Schedule 12 Paragraph 4 of the Local Government Act 1972). The summons shall be delivered in writing, electronically or sent by post, to each member at his/her usual place of residence unless that member has specified otherwise in writing to the Chief Executive (or other designated officer).

**STANDING ORDER NO. 2****Mayor and Deputy Mayor**

Election of the Mayor shall be the first item of business at the annual meeting of the Council, and shall be followed by the election of the deputy Mayor.

**STANDING ORDER NO. 3****Chairman of the Meeting**

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

In the absence of both the Mayor and the deputy Mayor, those members present will choose one of their number to preside at the meeting, and that person shall have the powers of the Mayor in relation to the conduct of the meeting.

**STANDING ORDER NO. 4****Quorum**

No business shall be transacted at a meeting of the Council unless at least sixteen members are present thereat. If during any meeting of the Council the Mayor, after counting the number of members present, declares that there is not a quorum

present the meeting shall stand adjourned for fifteen minutes.

If, after fifteen minutes, the person presiding, again after counting the number of members present, declares that there is still no quorum, the meeting shall stand adjourned.

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

### **STANDING ORDER NO 5**

#### **Matters to be Considered at the Annual Meeting (Mayoral Installation) / First Business Meeting of the Municipal Year (Appointment of Committees etc.)**

The annual meeting (Mayoral Installation) of the Council shall:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the deputy Mayor;
- (iv) receive any announcements from the Mayor and/or Chief Executive;

At the First Business Meeting of the Municipal Year (Appointment of Committees etc.) after the annual meeting, the Council shall:

- (v) approve the minutes of the last meeting;
- (vi) elect the executive leader of the Council until the day of the first post election business meeting of the municipal year which follows his/her election as leader.

If the Council fails to elect the executive leader at the first post election business meeting of the municipal year, an executive leader is to be elected at a subsequent meeting of the Council.

- (vii) receive the names of the Deputy Leader and members of the Cabinet appointed by the executive leader.
- (viii) appoint at least one Scrutiny Committee, a Standards Committee and such other committees as the Council considers appropriate
- (ix) agree the scheme of delegation or such part of it as the constitution determines it is for the Council to agree;
- (x) approve a programme of ordinary meetings of the Council for the municipal year;
- (xi) decide which other committees to establish for the municipal year;
- (xii) decide the size and terms of reference for those committees;
- (xiii) decide the allocation of seats to political groups in accordance with the political balance rules;

- (xiv) receive nominations of councillors to serve on each committee and outside body; and
- (xv) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet;
- (xvi) receive nominations and ratify the appointment of the chairs and vice-chairs of the My Neighbourhood areas if appropriate;
- (xvi) consider any other business set out in the notice convening the meeting.

## **STANDING ORDER NO. 6**

### **Order of Business at Ordinary Council Meetings**

- (1) Except as otherwise provided by paragraph (2) of this standing order, the order of business at every meeting of the Council shall be:-
  - (a) To choose a person to preside if the Mayor and deputy Mayor are absent.
  - (b) At the annual meeting, and at any other meeting which is the first after the office of Mayor shall have become vacant, to elect a Mayor, and at any other meeting which is the first after the office of deputy Mayor shall have become vacant, to elect a deputy Mayor.
  - (c) To approve as a correct record and sign the minutes of the last meeting of the Council.
  - (d) Mayor's announcements.
  - (e) To dispose of business (if any) remaining from the last meeting.
  - (f) Where the meeting has been called by members under [Standing Order No. 1 \(3\)](#), to consider the business specified in the summons.
  - (g) Receive the names of any changes to the Deputy Leader and members of the Cabinet appointed by the executive leader since the last ordinary Council meeting.
  - (h) In the event of the position of chairman or vice-chairman of a My Neighbourhood area having become vacant, receive nominations and ratify the appointment of the chair or vice-chair of the My Neighbourhood area.
  - (i) To receive the report of the Cabinet.
  - (j) To fix the Council tax (as applicable).
  - (k) To receive the reports of the Scrutiny and Governance Committees.
  - (l) Address by members of the public and questions and discussion arising therefrom.
  - (m) Debate on a current issue.

- (n) Questions to the Leader of the Council and discussion arising therefrom.
- (o) Questions to Cabinet members on their respective areas of responsibility and discussion arising therefrom.
- (p) Questions to committee and My Neighbourhood Area chairmen and discussion arising therefrom.
- (q) Questions to member champions and Council representatives on outside bodies and discussion arising therefrom.
- (r) To consider motions under [Standing Order No. 9](#) in the order in which they have been received.
- (s) Other business, if any, specified in the summons.

**Variation of Order of Business**

- (2) Business falling under items (a), (b) or (c) of paragraph 1 of this standing order shall not be displaced, but subject thereto the foregoing order of business may be varied:-
  - (a) By the Mayor at his/her discretion.
  - (b) By a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.
  - (c) In preparation of the agenda, in order to facilitate the efficient conduct of business.

**STANDING ORDER NO. 7**

**Removal of Leader**

The Council may remove the executive leader of the Council from that office if a motion, submitted in accordance with [Standing Order 9](#), is passed by a simple majority of those members present at the meeting.

**STANDING ORDER NO. 8**

**Reports of the Cabinet, Scrutiny and Governance Committees to the Council**

- (1) Reports shall be presented to the Council meeting summarising the main issues recently considered by the Cabinet, Scrutiny and Governance Committees.
- (2) In relation to those reports, a member may, in the case of the Cabinet, put to the Leader of the Council or the Mayor and, in the case of the Scrutiny and Governance Committees, to the relevant chairman, any question concerning the content of the report. A member asking such a question shall address the Council for not more than three minutes, except that this time limit may be extended with the consent of the Council.
- (3) Having received a response, the concerned member may address to the relevant person a supplementary question, which must be directly related to the original question. A member asking a supplementary question shall address the Council for not more than two minutes, except that this time limit may be extended with the consent of the Council.

## **STANDING ORDER NO. 9**

### **Notices of Motion**

- (1) Notice of every motion, other than a motion which under [Standing Order No. 10](#) may be moved without notice, shall be seconded by at least one other member.
- (2) The notice shall be given in writing, signed by the members of the Council submitting and seconding the notice, and delivered to the office of the Chief Executive, at least seven clear working days before the next meeting of the Council, (not including the day of receipt and the day of the meeting).
- (3) The Notice shall be dated and numbered in the order in which it is received, and entered in a book which shall be open to inspection by every member of the Council.

Under the existing practice of holding Council meetings on a Wednesday at 6.00 pm, notice of every motion must be received by the Chief Executive (or other designated officer) no later than 4.45 pm on the Friday, seven clear working days before the Council meeting.

- |   |  |
|---|--|
| <b>Motions to be set out in summons</b> | (4) The Chief Executive (or other designated officer) shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the member giving such a notice intimated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it in writing.   |
| <b>Motions to Be dealt with</b>         | (5) (a) If the Mayor shall have indicated that he/she considers it convenient and conducive, he/she shall allow the motion to be dealt with at that meeting.   |
| <b>Reference to Future Meeting</b>      | (b) If the Mayor shall have indicated that he/she does not consider it convenient and conducive to the dispatch of business to allow the motion to be dealt with at that meeting <ol style="list-style-type: none"> <li>(i) then the members moving and seconding the motion shall do so without any explanatory comment or elaboration; and</li> <li>(ii) if moved and seconded, the motion shall stand referred without discussion to a future Council meeting.</li> </ol> |
| <b>Motion not moved</b>                 | (6) If a motion thus set out in the summons be not moved, either by a member who gave notice thereof or by some other member on his/her behalf and authorised in writing by him/her, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice. Any such written authority shall be lodged with the Chief Executive (or other designated officer) before the commencement of the meeting of the Council.     |
| <b>Motions for Special Meetings</b>     | (7) Where, in accordance with Section 99 and the 12th Schedule to the Local Government Act 1972, an extraordinary meeting of the Council is requested, the requisition for the meeting shall set out, in the form of a motion for debate, the purpose for which the meeting has been called, and paragraph (3) of this standing order shall not apply to such extraordinary meeting.   |

- Scope of motions**
- (8) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the district.
  - (9) The Mayor, with the advice of the Chief Executive (or other designated officer), may exclude from the agenda any notice of motion which he/she may deem to be out of order, or he/she may make such clerical alteration as will bring it into due form.

### **STANDING ORDER NO. 10**

#### **Motions and Amendments which may be moved without Notice**

The following motions and amendments may be moved without notice:-

- (1) Appointment of a chairman of the meeting (or the remainder of the meeting as the case may be) at which the motion is made.
- (2) Motions relating to the accuracy of the minutes.
- (3) Motions to vary the order of business on the agenda.
- (4) Motions to refer a matter to an appropriate body or individual.
- (5) A motion arising out of consideration of an item on the agenda, but the motion must be relevant to that item and must not introduce any new subject.
- (6) That a committee or other body be appointed, or a person be appointed to a committee or other body, subject to the matter being referred to on the agenda for the meeting.
- (7) Adoption of reports and recommendations of the Cabinet, a committee or officers and any consequent resolutions.
- (8) That leave be given to withdraw a motion.
- (9) Extending the time limit for speeches (currently 5 minutes in accordance with [Standing Order No. 13\(5\)](#)).
- (10) Amendments to motions.
- (11) That the Council proceed to the next item of business.
- (12) That the question be now put.
- (13) That the debate be now adjourned.
- (14) That the Council do now adjourn.
- (15) To suspend one or more standing orders, having regard to [Standing Order No. 27](#), with the exception of [Standing Order No. 29](#) relating to the interpretation of standing orders, which cannot be suspended).
- (16) Motion under section 100A of the Local Government Act, 1972 to exclude the press and other members of the public from a meeting during an item of business, duly proposed and seconded, being carried, whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, there

would be a disclosure to them of exempt information as defined in Section 100 of the Local Government Act 1972.

- (17) That a member named under [Standing Order No. 18](#) be not further heard or should leave the meeting.
- (18) Giving consent of the Council where the consent of the Council is required by these standing orders.

## **STANDING ORDER NO. 11**

### **Questions**

- (1) Subject to paragraph (2) below, if a member of the Council wishes to ask a question at a meeting of the Council of
  - (a) the Mayor;
  - (b) the Executive Leader or deputy leader of the Council;
  - (c) a member of the Cabinet;
  - (d) the chairman of any committee;
  - (e) the chairman of any My Neighbourhood area;
  - (f) a member of the Council appointed by the authority to any joint authority or joint board of which the authority is a constituent authority;
  - (g) a member of the Council who is, as a result of action taken by or on behalf of the authority, a member or director of any company;

he or she shall give notice in writing to the Chief Executive of the question at least one clear day before the meeting at which the question is to be asked (i.e. if the meeting is on a Wednesday, by 5.00 pm on the Monday preceding the meeting).

- (2) A list of the questions of which notice has been given shall be circulated to those members present at the meeting.
- (3) A member of the Council may, however, ask without notice a question of those persons specified in (1) above, but in those circumstances there will be no requirement for an answer to be given immediately.
- (4) The Mayor or other member specified in (1) above shall not be required to answer the question if the information requested is confidential.

A member of the Council may put to the Mayor, the Leader of the Council, a Cabinet member or the chairman of any committee any question relating to urgent business, of which such notice has not been given, but a copy of any such question shall, if possible, be delivered to the Chief Executive not later than 10.00 am of the day of the meeting.

- (5) If a member of the Council wishes to ask a question of an officer or other person who is, as a result of action taken by or on behalf of the authority, a member or director of a company, he or she shall give notice of the question in the same way as for a question to a person mentioned in (1) above. Unless



the member giving notice withdraws it or the person to whom it is addressed refuses to answer, the question shall be given a written answer in the same way as under paragraph 9.

- (6) Every question shall be relevant to some matter in relation to which the authority has functions, or which affects the area of the authority, or part of it, or the inhabitants of that area, or some of them and shall be so relevant and within the terms of reference and delegation of the Cabinet or a committee.
- (7) A member asking a question may, in doing so, address the Council for not more than three minutes for each question.
- (8) A member of the Council may address to the concerned person supplementary questions, or make supplementary comments, which must be directly relevant to the original question. The time limit on any such supplementary question or discussion shall be at the discretion of the Mayor.
- (9) An answer may take the form of:-
  - (a) a direct oral answer, or
  - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
  - (c) where the reply to the question cannot conveniently be given orally, a written answer to the member asking the question, and circulated to all members of the Council.

### **STANDING ORDER NO. 12**

#### **Minutes**

- (1) The Mayor shall put the question that the minutes of the meeting of the Council held on the                      day of                      be approved as a correct record.
- (2) No discussion shall take place upon the minutes of the Council, except upon their accuracy, and any question of their accuracy 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 Mayor shall sign the minutes.
- (3) The minutes of an ordinary meeting of the Council may be signed at the next ordinary meeting of the Council rather than the next following meeting, if that next following meeting is an extraordinary meeting called under paragraph 3 of schedule 12 of the Local Government Act 1972.

### **STANDING ORDER NO. 13**

#### **Rules of Debate for Council meetings**

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|-------------------------------|---|
| <b>Motions and Amendments</b> | (1) A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with <a href="#">Standing Order No. 9</a> , it shall, if required by the Mayor, be put in writing and handed to the Mayor before it is further discussed or put to the meeting. |
| <b>Seconder's speech</b>      | (2) A member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later   |

period of the debate and shall have the right to speak at the point he/she indicates, taking precedence over others who have indicated their intention to speak.

**Only one member to stand at a time** (3) A member when speaking shall stand and address the Mayor (unless the Mayor lets him/her sit because of some infirmity) and shall speak in the order determined by the Mayor, unless raising a point of order or personal explanation.

(4) While a member is speaking, the others shall remain seated unless raising a point of order or personal explanation. A personal explanation shall only be made to clear a misunderstanding of something said by the member in the same discussion, or publicised in relation to the issue.

**Content and length of speeches** (5) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes, except by consent of the Council.

**When a member may speak again** (6) A member who has spoken on any motion shall not without the consent of the Mayor speak again whilst it is subject to debate, except:-

- (a) to speak once on an amendment moved by another member;
- (b) if the motion has been amended since he/she last spoke, to move a further amendment;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried;
- (d) in exercise of a right of reply given by paragraph 14 or 15 of this standing order;
- (e) on a point of order;
- (f) by way of personal explanation.

**Amendments to motions** (7) An amendment shall be relevant to the motion and shall be either:-

- (a) to refer a subject of debate to a committee for consideration or re-consideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others;
- (d) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council nor of introducing a new proposal.

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

Provided that the Mayor may permit two or more associated amendments to be discussed (but not voted on) together if circumstances suggest that this

course would facilitate the proper conduct of the Council's business.

- (9) No member may move or second more than one amendment on any motion.
- (10) The mover of an amendment shall read the same out before speaking to it, and shall give the Mayor a copy in writing.
- (11) If any amendment be lost, other, different amendments may be moved on the original motion.
- (12) If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved, except one which would have the effect of reviving the original motion.

**Alteration of motion**

- (13) A member may with the consent of the Council signified without discussion
  - (a) alter a motion of which he/she has given notice but which at that point he/she has not moved; or
  - (b) with the further consent of his/her seconder alter a motion which he/she has moved;

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

**Withdrawal of motion**

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

**Right of Reply**

- (15) The Cabinet member with the concerned portfolio has the right to reply on the motion. The proposer of a motion also has the right to reply at the close of the debate, immediately before it is put to the vote. No speech shall exceed five minutes, except with the consent of the Council.
- (16) At the close of a debate on an amendment:
  - a) the proposer of the original motion has the right to reply;
  - b) the proposer of the amendment has the right to reply, such right to be exercised immediately before the proposer of the original motion replies.

**Motions which may be moved during debate**

- (17) When a motion or amendment is under debate no other motion shall be moved, except the following:-
  - (a) to withdraw a motion;
  - (b) to amend the motion where the motion is not itself an amendment;
  - (c) to adjourn the meeting;
  - (d) to adjourn the debate;
  - (e) to proceed to the next item of business where the motion is not an

- amendment;
- (f) that the question be now put;
- (g) that a member be not further heard;
- (h) by the Mayor under [Standing Order No.18\(2\)](#) that a member do leave the meeting;
- (i) a motion under section 100A of the Local Government Act 1972 to exclude the press and other members of the public from a meeting during an item of business, duly proposed and seconded, being carried, whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, there would be a disclosure to them of exempt information as defined in Section 100 of the Local Government Act 1972;
- (j) to refer the subject of debate to the Cabinet, a committee or other body;
- (k) to suspend one or more standing orders;
- (l) to extend the time limit for speakers.

**Closure Motions**

- (18) At the conclusion of a speech of another member, a member may move without comment that:
- (a) the debate be adjourned;
  - (b) the meeting be adjourned;
  - (c) the Council proceed to the next item of business; or
  - (d) the question be put.

If the motion is seconded, the Mayor shall proceed as follows if in his/her opinion the question before the meeting has been sufficiently discussed:

- (i) in the case of a motion under a), b) or c) above, invite the mover of the original motion to reply and then put the closure motion to the vote; or
  - (ii) in the case of a motion under d) above, put the closure motion to the vote.
- (19) The mover of an original motion or of an amendment which has become the substantive motion shall not introduce new matter in his/her reply.
- (20) No member having moved the adjournment of the debate shall be entitled to move any similar motion during the same debate but a member moving the adjournment formally and without comment shall not thereby be precluded from speaking subsequently to the motion or amendment under debate.

**Personal Explanation and Points of Order**

- (21) A member may at any time rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a standing order or statutory provision and the member shall specify the standing order or statutory provision and the way in which he/she considers it has been broken. A

personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.

- (22) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

**Debate on a Current Issue**

- (23) With reference to [Standing Order No. 6 \(m\)](#) above, the subject of any debate will be decided by either:
- (a) the Mayor or person presiding at the meeting if he or she considers that a matter should be debated as a matter of urgency;
  - (b) the Cabinet;
  - (c) five members of the Council who make a written request to the Chief Executive seven clear working days before the meeting.

Under the existing practice of holding Council meetings on a Wednesday at 6.00 pm, notice of every motion must be received by the Chief Executive no later than 4.45 pm on the Friday, seven clear working days before the Council meeting.

- (24) The Chief Executive (or other designated officer) will include with the agenda papers background information on the proposed subject of debate, if appropriate.
- (25) After the matter has been discussed, the Mayor or any member of the Council may propose a motion, and this may be debated and resolved.

**Respect for Chair**

- (26) Whenever the Mayor rises during a debate any member then standing shall resume his/her seat and the Council shall be silent.

**STANDING ORDER NO. 14**

**Questions or Address by Members of the Public**

- (1) Members of the public may put a question to, or address the Council on any matter of Council business or anything which affects the borough or its residents provided it is relevant to the Council's functions and duties.
- (2) Notice of the subject matter of an address must be given in writing to the Chief Executive at least six clear working days before the meeting at which it is to be raised (i.e. if the meeting is on a Wednesday, by 5.00 pm on the Monday of the week preceding the meeting).
- (3) The subject matter shall be indicated on the agenda for the meeting of the Council.
- (4) Notice of a question must be given in writing to the Chief Executive at least one clear day before the meeting at which the question is to be asked (i.e. if the meeting is on a Wednesday, by 5.00 pm on the Monday preceding the meeting).
- (5) A list of the questions of which notice has been given shall be circulated to those members present at the meeting.

- (6) Members of the public may address the Council without notice on any matter of Council business, but if the subject matter has not been included on the agenda, it may not be discussed unless the Mayor determines that it is a matter of urgency.
- (7) A member of the public may ask a question without notice but in those circumstances there will be no requirement for a full answer to be given immediately.
- (8) Members of the public will be invited to ask question(s) after all members have been invited to ask questions on any particular agenda items.
- (9) Members of the public will be restricted to a total of five minutes during the whole meeting.
- (10) The Mayor shall determine whether a discussion on the matter shall take place and any response to the address or question may take the form of:-
  - (a) A direct oral answer, or;
  - (b) Where the desired information is contained in a publication of the Council, a reference, or;
  - (c) Where any reply cannot conveniently be given orally, a written answer shall be sent to the member(s) of the public addressing the Council or asking a question, and circulated to all members of the Council.
- (11) Following an address or question from a member of the public:-
 

A member may rise on a point of personal response, explanation or on a matter of fact only.

## **STANDING ORDER NO. 15**

### **Future of the Borough Debate**

#### **Calling of debate**

The Leader or five Members may call a future of the borough debate on a date and in a form to be agreed with the Mayor but there shall not be more than one future of the borough debate per year.

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

#### **Chairing of debate**

The debate will be chaired by the Mayor.

#### **Results of debate**

The results of the debate will be:

- (1) disseminated as widely as possible within the community and to agencies and

organisations in the area; and

- (2) considered by the Cabinet in proposing the Corporate Plan and Budget.

### **STANDING ORDER NO. 16**

#### **Participation by the Public and Members of the Council at Cabinet, Scrutiny, Governance, Planning.**

- (1) Questions, statements or comments from members of the public and all members of the Council will be allowed during meetings of the Cabinet, and of the Scrutiny, Governance, Planning and other committees but not at a Hearing Panel of the Standards Committee. These shall relate only to items on the agenda. Members of the Council will normally be allowed to speak only after members of the Cabinet or concerned committee have first been given the opportunity to do so. This shall be at the discretion of the chairman.
- (2) Each individual member of the public shall be restricted to speaking for a total of five minutes during the meeting.
- (3) Questions shall be directed to the chairman, who may request the appropriate member or officer to reply.
- (4) The chairman will disallow any question, statement or comment which in his or her opinion is inappropriate, scurrilous, improper, irrelevant, repetitive or objectionable.

### **STANDING ORDER NO. 17**

#### **Motions affecting Persons employed by the Council**

If any question arises at a meeting of the Council (or of the Cabinet or a committee) to which the Local Government Act 1972, Section 100A and Schedule 12A applies as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, Cabinet or committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 100A of the Local Government Act 1972 shall be exercised.

### **STANDING ORDER NO. 18**

#### **Disorderly Conduct**

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

#### **Continuing misconduct by a named member**

- (2) If the member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Mayor shall:-

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

OR Adjourn the meeting of the Council for such period as he/she thinks fit.

- General disturbance** (3) In the event of general disturbance which in the opinion of the Mayor renders the due and orderly dispatch of business impossible, the Mayor in addition to any other power vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she thinks fit.

### **STANDING ORDER NO. 19**

#### **Disturbance by Members of the Public**

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

### **STANDING ORDER NO. 20**

#### **Recording Equipment**

With the knowledge of the Mayor, tape recorders, transmitters, microphones, cameras and similar equipment shall be permitted at meetings of the Council, unless the Mayor decides otherwise.

### **STANDING ORDER NO. 21**

#### **Rescission of preceding resolution**

- (1) No motion to rescind any resolution of the Council passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of [Standing Order No. 9](#) is signed by at least five members of the Council, including the member who proposes the same. When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months.
- (2) No matter which within any municipal year has been twice decided by the Council in the same way shall again be submitted to the Council for consideration until after the next succeeding annual meeting of the Council; and when any question shall be so prohibited from being considered the effect of this paragraph of this standing order shall not be evaded by the substitution of a motion differently worded but the same in principle; and if any such attempt be made the Mayor shall take notice thereof and stop the discussion.

### **STANDING ORDER NO. 22**

#### **Voting and Decisions**

- (1) Any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put. If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There is no restriction on how the chairman chooses to exercise a casting vote.
- (2) Voting at meetings of the Council shall be by show of hands, or by such electronic or other means provided for the purpose, or if there is no dissent, by the affirmation of the meeting and all numbers, for, against and abstentions on



all votes taken are to be published in the minutes of the meeting. However, on the requisition of any member of the Council made before the vote on any question is taken, supported by five other members who signify their support by rising in their places, the voting shall be recorded so as to show whether each member present gave their vote for or against that question or abstained from voting. There shall be recorded in the minutes of the proceedings of that meeting each member's vote for or against that question or abstention from voting.

- (3) There shall be recorded in the minutes of the proceedings of meetings of the Council of each member's vote for or against or abstention from voting on any decisions relating to the budget or council tax at any Budget and Council Tax setting meeting.

### **STANDING ORDER NO.23**

#### **Right To Require Individual Vote To Be Recorded**

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

### **STANDING ORDER NO. 24**

#### **Voting on Appointments**

- (1) Where there are more than two persons nominated for any position to be filled by the Council, whether on the staff or on an outside body, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.
- (2) Where, however, there is more than one vacancy to be filled by the Council and there are more nominations than vacancies then the voting shall not be in accordance with the previous paragraph but each member shall have as many votes as there are vacancies, only one vote being cast for any one nominee, the persons appointed being the appropriate number of nominees gaining the greatest number of votes. In the event of equality of votes rendering impossible the identification of the successful nominees then a further vote shall be taken between those for whom the same number of votes were cast and in the event of equality of votes still preventing the selection from being made the Mayor may resolve the matter by the use of his/her casting vote.

### **STANDING ORDER NO. 25**

#### **Record of Attendance**

The names of the members present at a meeting of the Council shall be recorded in the minutes of the meeting.

### **STANDING ORDER NO. 26**

#### **Interest of Officers in Contracts**

The Chief Executive (or other designated officer) shall record in a book to be kept

for the purpose particulars of any notice given by an officer of the Council under Section 117 of the Local Government Act 1972 of an interest in a contract, and the book shall be open during office hours to the inspection of any member of the Council.

### **STANDING ORDER NO. 27**

#### **Suspension of Standing Orders**

Any of the preceding standing orders may be suspended at any meeting of the Council once a motion to that effect has been moved, seconded and carried.

### **STANDING ORDER NO. 28**

#### **Standing Orders to be given to Members**

An electronic copy of these standing orders, and of such statutory provisions as regulate the proceedings and business of the Council, shall be given to each member of the Council by the Chief Executive (or other designated officer) upon delivery to him/her of the member's declaration of acceptance of office on the member being first elected to the Council. Copies of any subsequent amendments to standing orders should be forwarded to members once adopted. A printed copy will be made available on request.

### **STANDING ORDER NO. 29**

#### **Interpretation of standing orders**

The ruling of the Mayor as to the construction or application of any of these standing orders, or as to any proceedings of the Council once made, shall not be challenged at any meeting of the Council but such a ruling shall not necessarily create a precedent for subsequent meetings.

### **STANDING ORDER NO. 30**

#### **Appointment of Committees**

The Council shall appoint such committees as it is required to appoint by or under any statute and may 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 first meeting of the council following its next annual meeting;
- (ii) may at any time dissolve a committee or alter its membership.

### **STANDING ORDER NO. 31**

#### **Constitution of the Cabinet and Committees**

- (1) The functions of the Cabinet and each committee shall be allocated by the Council, to the extent that there is local choice.
- (2) The Cabinet and committees of the Council shall act at all times in accordance with the constitution of the authority and the respective terms of reference, and subject to the regulations governing financial control.

- (3) Meetings of the Cabinet shall not last longer than two hours. However, this provision may be suspended at any meeting once a motion to that effect has been moved, seconded and carried. Any remaining business shall be deferred to a future meeting.

### **STANDING ORDER NO. 32**

#### **Resolution of Conflicting Decisions**

If a decision made by the Cabinet is in direct conflict with one passed by any other committee, the matter shall be resolved by the Council.

### **STANDING ORDER NO. 33**

#### **Appointment of Newly-elected Councillors to My Neighbourhood Areas – By-Elections**

Any member elected at a by-election shall be a member of the appropriate My Neighbourhood area with immediate effect.

### **STANDING ORDER NO. 34**

#### **Proceedings of meetings - confidential and exempt matters**

- (1) the Council, the Cabinet or any committee or sub-committee may, by resolution, exclude the press and public from a meeting during an item of business, duly proposed and seconded, being carried, whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of the item, there would be a disclosure to them of exempt information as defined in Section 100 of the Local Government Act 1972. However in each case the public interest in maintaining the exemption must outweigh the public interest in disclosing it and the reason for its exemption will be included on the agenda for the meeting.

The access to information procedure rules are set out in [Section 4C](#). –

- (2) the Council, the Cabinet or any committee or sub-committee may, by resolution, exclude the press and public from a meeting during an item of business, whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of the item, exempt or confidential information as defined in Section 100A(3) of the Local Government Act 1972 would be disclosed to them in breach of the obligation of confidentiality. However in each case the public interest in maintaining the exemption must outweigh the public interest in disclosing it and the reason for its exemption will be included on the agenda for the meeting.
- (3) The business the subject of a resolution under paragraph (1) or paragraph (2) of this standing order shall stand adjourned until all other business of the meeting has been transacted whereupon the press and other members of the public shall leave the meeting and the adjourned business shall be considered.

### **STANDING ORDER NO. 35**

#### **Appointment of Chairman and Vice-chairman of Committees**

- (1) The Council shall appoint annually a chairman and vice-chairman for the year in respect of each committee (excluding the Appeals Committee). In the absence from a meeting of the chairman or vice-chairman, a chairman for that meeting may be appointed by the Cabinet or committee as appropriate.
- (2) In the event of the position of chairman or vice-chairman of a committee (excluding the Appeals Committee) becoming vacant during a municipal year, or in the event of the Council deeming it appropriate for these positions to be changed during the year, the Council may make such appointments, notice of the subject matter having been included in the items of business set out in the summons for the meeting.
- (3) The Leader of the Council and the Deputy Leader of the Council will act as Chairman and Vice Chairman respectively, of Cabinet
- (4) The appointment of My Neighbourhood area chairmen and vice-chairmen shall be in accordance with [Part 4B](#).

### **STANDING ORDER NO. 36**

#### **Political Groups**

Political groups may nominate spokespersons and deputy spokespersons for committees.

### **STANDING ORDER NO. 37**

#### **Political Balance on Committees and Sub-committees**

Membership of each committee and sub-committee (with the exception of the Cabinet and My Neighbourhood areas) shall be determined in accordance with the principles of political balance as set out in the Local Government and Housing Act 1989, which reflects the overall political composition of the authority.

### **STANDING ORDER NO. 38**

#### **Delegation of Urgent Decisions between Meetings of the Cabinet or a Committee**

Where a need for urgent action arises between meetings of the Cabinet or committees, but it is not considered to be sufficient justification for calling a special meeting, such decisions may be taken by the Chief Executive (or other designated officer). The Chief Executive (or other designated officer) shall first consult such of the following members as are available -

- (a) the concerned Cabinet member; or
- (b) the chairman or vice-chairman of the concerned committee and, if the concerned committee could not itself decide the matter under delegated powers, the Leader and Deputy Leader of the Council.

In circumstances where the offices of the concerned Cabinet member, the chairman and vice-chairman of the concerned committee, or the Leader and Deputy Leader of the Council are unfilled, the Chief Executive (or other designated officer) shall first consult the Mayor before taking an urgent decision.

Such consultation shall be in written form and the decision shall be reported to the next scheduled meeting of the Cabinet or committee as appropriate.

### **STANDING ORDER NO. 39**

#### **Special Meetings of the Cabinet or Committees**

- (1) The Leader of the Council may call a special meeting of the Cabinet, the Mayor a special meeting of the Council and any chairman a special meeting of his or her committee at any time.
- (2) A special meeting of the Cabinet may be called on the requisition of at least one-third of the Cabinet members, and a special meeting of a committee on the requisition of at least one-third of the members of that committee, delivered in writing to the Chief Executive. The subject matter to be discussed must be within the terms of reference of the Cabinet or particular committee. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at the meeting.
- (3) Five clear days' notice of every special Cabinet and committee meeting shall be given by the Chief Executive (or other designated officer) by a summons delivered in writing, electronically or by post, to each member at his/her usual place of residence, or at such address as the member may specify in written notice to the Chief Executive.

### **STANDING ORDER NO. 40**

#### **Sub-committees**

- (1) Every committee appointed by the Council may appoint sub-committees for the purpose to be specified by the committee.
- (2) The chairman and vice-chairman of every sub-committee shall be appointed by the body which appointed the sub-committee.
- (3)
  - (i) Members of sub-committees shall not be appointed to hold office later than the first meeting of the appointing body following the next first business meeting of the Council.
  - (ii) A member of a sub-committee shall not continue to be a member after ceasing to be a member of the Council (unless re-elected a member of the Council not later than the date of retirement at the end of the member's term of office).

### **STANDING ORDER NO. 41**

#### **Quorum of the Cabinet, Committees and Sub-committees**

- (1) Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of the Cabinet or any committee unless at least one-third of the whole membership is present, or three members, whichever is the greater. If at least one-third of the whole membership is not present, or three members, whichever is the greater, the meeting shall stand adjourned for fifteen minutes.

If, after fifteen minutes, the person presiding, after counting the number of

members present, declares that there is still no quorum, the meeting shall stand adjourned.

- (2) Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any sub-committee unless at least one-quarter of the whole membership is present, or three members, whichever is the greater. If at least one-quarter of the whole membership is not present, or three members, whichever is the greater, the meeting shall stand adjourned for fifteen minutes.

If, after fifteen minutes, the person presiding, after counting the number of members present, declares that there is still no quorum, the meeting shall stand adjourned.

- (3) If the Cabinet, committee or sub-committee meeting lacks a quorum its business shall be adjourned to a fixed date and time or to the next ordinary meeting.

## **STANDING ORDER NO 42**

### **Declaration of Interests – Participation in Debate and Voting**

This Standing Order applies where a member has an interest in any item of business to be discussed at a meeting of the Council, Cabinet or any committee or sub-committee. If that interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) then a member shall leave the room when the item is being discussed. If the interest (whilst not being a Disclosable Pecuniary Interest) is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice a member's judgment of the public interest (as explained in the Code of Conduct) then a member may make representations on the item but then shall leave the meeting whilst the item is discussed.

## **STANDING ORDER NO. 43**

### **Voting in the Cabinet, Committees and Sub-committees**

Voting at meetings of the Cabinet, committees and sub-committees shall be by show of hands or by such electronic or other means provided for the purpose, or if there is no dissent, by the affirmation of the meeting and all numbers, for, against and abstentions on all votes taken are to be published in the minutes of the meeting. However, on the requisition of any member made before the vote on any question is taken, supported by three other members (or the total number of members present if fewer than three) who signify their support by rising in their places, the voting shall be recorded so as to show whether each member present gave their vote for or against that question or abstained from voting.

There shall be recorded in the minutes of the proceedings of that meeting each member's vote for or against that question or abstention from voting.

Any member with a Disclosable Pecuniary Interest in a matter to be voted on shall not be entitled to vote on that matter and shall have withdrawn from the meeting before any discussion and voting takes place.

## **STANDING ORDER NO. 44**

## **Standing Orders to apply to Cabinet, Committees and Sub-committees (Excluding My Neighbourhood Areas)**

These standing orders, shall, with any necessary modifications, apply to Cabinet, committee and sub-committee meetings unless there is a specific indication to the contrary.

### **STANDING ORDER NO. 45**

#### **Councillors entitled to attend all Cabinet, Committee and Sub-Committee Meetings**

Councillors are entitled to attend meetings of the Cabinet, committees and sub-committees of which they are not members and may speak but not vote.

### **STANDING ORDER NO. 46**

#### **Canvassing of and Recommendations by Members**

- (1) As outlined in [Section 4I](#) the canvassing of members of the Council or of the Cabinet or any committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment. This provision shall be included on all application forms. Any member who is approached by a candidate or by a person on his/her behalf shall as soon as possible report the matter to the Chief Executive.
- (2) A member of the Council shall not solicit for any person any appointment under the Council, but this shall not preclude a member from giving a written reference or testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

### **STANDING ORDER NO. 47**

#### **Relatives of Members or Officers (See also [Section 4I](#))**

- (1) A candidate for any position of employment within the Council who knows that he is related to any member or officer of the Council shall when making an application disclose that relationship to the Chief Executive (or other designated officer). A candidate who fails to disclose such a relationship shall be disqualified for the position of employment and if appointed shall be liable to dismissal without notice. Every member and officer of the Council shall disclose to the Chief Executive (or other designated officer) any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for a position of employment within the Council.
- (2) For the purposes of this standing order a candidate is related to a member or officer of the Council if he/she is the spouse or partner, or if the candidate or the candidate's spouse or partner is the son, daughter, brother, sister, grandson, granddaughter, nephew, niece, parent or godparent, of the member or officer.
- (3) This provision shall be included on all application forms.

### **STANDING ORDER NO. 48**

#### **Staff Establishment and Appointments (See also [Section 4I](#))**

- (1) The Cabinet or any committee appointed by the Council for that purpose shall

from time to time determine the establishment of every Service Group of the Council. Any creation of new office(s) or employment of person(s) in addition to a Service Group's establishment, where this would result in an overall budgetary increase, shall only be undertaken with the agreement of the Cabinet. Changes not resulting in an overall budgetary increase may be dealt with in consultation with the relevant Cabinet member(s).

- (2) When a vacancy occurs in any existing office of Director or Head of Service, the Cabinet shall decide, in the case of an office which the Council is not required by statute to fill, whether the office is necessary; and in any case what shall be the terms and conditions of the office; and no steps shall be taken to fill the post until these decisions have been taken.
- (3) Where the authority proposes to appoint a senior officer, i.e. one whose salary is to be equal to or exceed spinal column point 29 in the National Joint Council for Local Government Scheme of Conditions of Service, and it is not proposed that the appointment be made exclusively from among existing authority officers, the authority shall:-
  - (a) draw up a statement specifying:-
    - (i) the duties of the officer concerned, and
    - (ii) any qualifications, competencies and qualities to be sought in the person to be appointed;
  - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- (4) (a) Where a post has been advertised as provided in (3) (b) of the Standing Order, the authority shall:-
  - (i) interview all suitable applicants for the post, or
  - (ii) select a short list of suitable qualified applicants and interview those included on the short list.

(b) Where no suitable person has applied, the authority shall make further arrangements for advertisement in accordance with provision (3)(b) of this Standing Order.
- (5) (a) The steps to be taken under provisions (3) and (4) of this Standing Order may be taken by the Cabinet or a Director or Head of Service, in consultation with the concerned member of the Cabinet.
- (b) Any chief officer, within the meaning of the Local Authorities (Standing Orders) Regulations 1993, may be appointed by the Cabinet.
- (c) Except in the case of a chief officer, as defined by the Local Authorities (Standing Orders) Regulations 1993, if a vacancy in a similar post occurs within six months of advertisement, then an appointment may be made from the pool of candidates who applied for the original vacancy.



**STANDING ORDER NO. 49****Political Assistants**

- (1) No appointments of political assistant to a political group shall be made until such posts have been allocated to all groups qualifying for one under the Officer Employment Rules.
- (2) No allocation of a post of political assistant shall be made to a political group which does not qualify for one under the Officer Employment Rules.
- (3) No more than one post of political assistant shall be allocated to any qualifying political group, in accordance with the Officer Employment Rules.

**STANDING ORDER NO. 50****Disciplinary Action - Head of Paid Service/Chief Financial Officer or Monitoring Officer**

- (1) No disciplinary action, within the meaning of The Local Authorities (Standing Orders) (England) Regulations 2001, in respect of the authority's Head of Paid Service/Chief Financial Officer or the Monitoring Officer, except action described in paragraph (2) of this Standing Order, may be taken by an authority, or by the Cabinet or a committee, relevant joint committee or any other person acting on their behalf, other than in accordance with a recommendation in a report made by a Designated Independent Person under Regulation 7 of those Regulations.
- (2) Any officers identified in paragraph (1) of this Standing Order may be suspended for the purpose of investigating any alleged misconduct occasioning the action. Any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

**STANDING ORDER NO. 51****Custody of Seal**

The common seal of the Council shall be kept in a safe place in the custody of the most senior legally qualified officer or in his/her absence any authorised deputy who shall keep the key in his/her possession unless he/she entrusts it temporarily to such other person as may be appointed by the Council.

**STANDING ORDER NO. 52****Sealing of Documents**

- (1) The common seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of the Cabinet or a committee to which the Council has delegated its powers in this matter. Although a resolution of the Council, the Cabinet (or of a committee where that committee has the power) authorising the acceptance of any tender, purchase, sale, letting, or taking of any property, issue of any stock, the presentation of any petition, memorial, or address, the making of any rate or tax or contract or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.
- (2) The seal shall be attested by the most senior legally qualified officer available

and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by the person who has attested the seal.

### **STANDING ORDER NO. 53**

#### **Authentication of documents for legal proceedings**

Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the most senior legally qualified officer available unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings.

### **STANDING ORDER NO. 54**

#### **Inspection of documents**

A member of the Council may, for the purposes of his/her duty as such member but not otherwise, on application to the Chief Executive or the most senior legally qualified officer available, inspect any document which has been considered by the Council, the Cabinet or a committee. If copies are available a member shall on request be supplied for the like purposes with a copy of such a document.

A member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she has an interest as defined by the Code of Conduct for Elected Members. This Standing Order shall not prevent the Chief Executive or the most senior legally qualified officer available from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

### **STANDING ORDER NO. 55**

#### **Inspection of lands, premises, etc**

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

### **STANDING ORDER NO. 56**

#### **Variation and revocation of Standing Orders**

Any motion to add to, vary or revoke these Standing Orders, except on the recommendation of the Cabinet, shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Cabinet for consideration and report to the Council.

## **4B. MY NEIGHBOURHOOD AREA PROCEDURE RULES (STANDING ORDERS)**

### **1. Appointment of Chairman and Vice-chairman**

- 1.1 Appointment of My Neighbourhood area chairmen and vice-chairmen shall be ratified by full Council following one nomination for each from the political group with the majority of seats from amongst the ward members representing each My Neighbourhood area for a period of one year following which it shall be reviewed.
- 1.2 In the event of an equality of seats within the My Neighbourhood area, appointment of My Neighbourhood area chairmen and vice-chairmen shall be ratified by full Council following one nomination from each political party from amongst the ward members representing each My Neighbourhood area to serve for a period of one year following which it shall be reviewed.
- 1.3 In the event of the position of chairman or vice-chairman of a My Neighbourhood area becoming vacant during a municipal year, the appointment of a new chairman or vice-chairman shall be made in accordance with (1.1 and 1.2) above.

### **2. Removal of Chairman or Vice-chairman**

- 2.1 A My Neighbourhood area may remove the chairman or vice-chairman of the My Neighbourhood area during the municipal year if a motion submitted to full Council in accordance with [Standing Order 9 \(Part 4\)](#), is passed by a simple majority of those members present at the Council meeting at which it is considered.

### **3. My Neighbourhood Meetings**

- 3.1 My Neighbourhood meetings shall be held up to four times annually. The date, time, location and number of meetings shall be decided by each My Neighbourhood area chairman in consultation with other local neighbourhood members.

### **4. Community Improvement Plans**

- 4.1 My Neighbourhood area members shall work in conjunction with partners and the public to identify neighbourhood priorities and establish Community Improvement Plans.
- 4.2 Community Improvement Plans shall align with the Corporate Plan and the Local Development Framework and shall take into account existing plans such as those of Parish and Town Councils and other partners.
- 4.3 Community Improvement Plans shall identify actions and funding for small scale community improvements and shall be reviewed annually as part of the corporate budget process. Any expenditure shall be of a one-off nature and shall not generate further on-going revenue expense to the Council.

### **5. Decision-making**

- 5.1 My Neighbourhood area decision-making shall be by delegation to the My Neighbourhood chairman in consultation with the Director of Regeneration and Healthy Communities in accordance with Article [14.08](#).

#### **4C. ACCESS TO INFORMATION PROCEDURE RULES**

##### **1. Scope**

These rules apply to all meetings of the Council, the Scrutiny Committee, the Governance committee, the Standards Committee, regulatory committees, quasi-judicial committees and meetings of the Cabinet (together called “meetings”).

These rules do not apply to My Neighbourhood meetings.

##### **2. Additional Rights to Information**

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

##### **3. Rights to Attend Meetings**

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

##### **4. Notices of Meeting**

The Council shall give at least five clear working days’ notice of any meeting by posting details of the meeting at the Civic Centre. (This excludes date of posting and delivery (and a Sunday) before the meeting to which it relates. (Schedule 12 Paragraph 4 of the Local Government Act 1972).

##### **5. Access to Agenda and Reports Before the Meeting**

The Council shall make copies of the agenda and reports open to the public available for inspection at the Civic Centre at least five clear working days before the meeting. (This excludes date of posting and delivery (and a Sunday) before the meeting to which it relates. (Schedule 12 Paragraph 4 of the Local Government Act 1972). If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the Chief Executive [or other designated officer] shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection for the time the item was added to the agenda.

##### **6. Supply of Copies**

The Council shall supply to Councillors copies of:

- (a) any agenda and reports which are open to public inspection, and
- (b) if the Chief Executive (or other designated officer) thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

##### **7. Access to Minutes etc After the Meeting**

The Council shall make the following available for six years after a meeting:

- (a) the minutes of the meeting, or records of decisions taken, together with reasons, for all meetings of the Cabinet, excluding any part of the minutes of proceedings which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **8. Background Papers**

### **8.1 List of Background Papers**

The Chief Executive (or other designated officer) shall set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but do not include published works or those which disclose exempt or confidential information (as defined in 10 of these Procedural Rules) and in respect of Cabinet reports, the advice of a political advisor.

### **8.2 Public Inspection of Background Papers**

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

## **9. Summary of The Public's Rights**

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

## **10. Exclusion Of Access By The Public To Meetings**

### **10.1 Confidential information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, confidential information would be disclosed. However the public interest in maintaining the exemption must outweigh the public interest in disclosing it and the reason for its exemption will be included on the agenda for the meeting.

### **10.2 Meaning of confidential information**

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

### **10.3 Exempt information – discretion to exclude public**

The public may be excluded from meetings whenever it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, exempt information would be disclosed. However the public interest in maintaining the exemption must outweigh the public interest in disclosing it and the reason for its exemption will be included on the agenda for the meeting.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in [10.4.6](#) below.

### **10.4 Meaning of exempt information**

Exempt information means information falling within the following categories (subject to any condition):

**EXEMPT INFORMATION AS DEFINED IN SCHEDULE 12A OF PART I OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED WEF 1 MARCH 2006)**

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Additional descriptions relating to standards committees:-

- Information which is subject to any obligation of confidentiality;
- Information which relates in any way to matters concerning national security;
- The deliberations of a standards committee or a sub-committee of a standards committee (hearing panel) considering a complaint under the provisions of the Localism Act 2011.

Qualifications:-

- Information relating to the financial or business affairs of any particular person is not exempt if it is required to be registered under: the Companies Act 1985; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986; or the Charities Act 1993.
- Information relating to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992 is not exempt.
- Information in one of the seven categories of exempt information which is not prevented from being exempt by either of the two points described above is exempt if the public interest in maintaining the exemption outweighs the public interest in disclosing it.

#### **11. Exclusion of Access by the Public to Reports**

If the Chief Executive (or other designated officer) thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10 of these Procedure Rules, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

Reports containing exempt information will not remain exempt longer than is necessary and will be made public six months after the date of meeting or sooner unless the Chief Executive (or other designated officer) is of the opinion that there are overriding reasons for the information to remain exempt.

## **12. Application of Rules to the Cabinet**

Rules 13 – 28 of these Procedure Rules apply to the Cabinet.

## **13. Cabinet and its Committee Meetings and Decisions**

A meeting of the Cabinet must be held in public.

## **14. Key Decisions.**

- A key decision is defined as any decision in relation to a Cabinet function which is likely
  - To result in the Council incurring expenditure which is, or the making of savings which are, significant. (The financial threshold above which expenditure/savings become significant is set at £75,000. This financial threshold is applicable to both the revenue and capital budgets.) or
  - To be significant in terms of its effect on the communities living in an area comprising two or more Council wards.

## **15. The Forward Plan - Notice of Key Decisions and other Decisions of the Cabinet**

Where it is intended to make a decision, that decision must not be made until a document, "The Forward Plan", has been published at the Council's offices and on the Council's website for a period of 28 clear days. This document includes:

- The nature of the decision;
- Who is making the decision;
- The date on which, or the period within which, the decision is to be made;
- A list of any documents available or which become available relating to the decision and from where they can be obtained.

## **16. Procedures prior to meetings of the Cabinet and access to agenda and connected reports for public meetings**

(1) The Cabinet must give notice of the time and place of a meeting at the Council's offices and publish it on the Council's website. Any item of business may only be considered where a copy of the agenda or part of the agenda including the item and every report has been available for inspection by the public and on the Council's website for at least five clear working days before the meeting; or where the meeting is convened at shorter notice, a copy of the agenda, including the item, has been available for inspection by the public from the time that the meeting was convened.

(2) However nothing in paragraph (1) requires a copy of the agenda, item or report to be available for inspection by the public until a copy is available to members of the Cabinet.

(3) Following a request made by a member of the public, or on behalf of a newspaper and on payment being made of postage, copying or other necessary charge for transmission, the Council

must supply to that person or newspaper a copy of the agenda for a public meeting and a copy of each of the reports for consideration at the meeting and, if the proper officer thinks fit in the case of any item, a copy of any other document supplied to Cabinet in connection with the item.

(4) Any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking a report.

#### **17. Meetings of Cabinet and its committees from which the Public is excluded**

(1) The public may be excluded from a meeting of the Cabinet during an item of business whenever it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidentiality or the Cabinet passes a resolution to exclude the public during that item where it is likely that, in view of the nature of the item of business, if members of the public were present during that item, exempt information would be disclosed to them; or a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

(2) A resolution to exclude the public must identify the proceedings, or the part of the proceedings to which it applies, and state, by reference to the descriptions in Schedule 12A to the 1972 Act (access to information: exempt information), the description of exempt information giving rise to the exclusion of the public.

(3) The public may only be excluded for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.

#### **18. Procedures prior to private meetings**

(1) At least 28 clear calendar days before a private meeting, the Cabinet must include in its "Forward Plan" its intention to hold the meeting in private and the reasons for the meeting to be held in private.

(2) At least five clear working days before a private meeting, the Cabinet must make available at the offices of the Council a further notice of its intention to hold the meeting in private and publish that notice on the Council's website.

(3) The notice must include the reasons for the meeting to be held in private, details of any representations received by the Cabinet about why the meeting should be open to the public and its response to any such representations.

(4) Where the date by which a meeting must be held makes compliance with this Rule impracticable, the meeting may only be held in private where the Cabinet has obtained agreement that the meeting is urgent and cannot reasonably be deferred from the chairman of the Scrutiny Committee or, if the chairman of the Scrutiny Committee is unable to act, from the Mayor or, in the absence of both the chairman of the Scrutiny Committee and the Mayor, from the Deputy Mayor of the Council.

(5) As soon as reasonably practicable after the Cabinet has obtained agreement to hold a private meeting, it must make available at the offices of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred, and publish that notice on the Council's website.

#### **19. General exception and Cases of special urgency**

(1) Where the inclusion of the intention to make a key decision in the Forward Plan is impracticable, that decision may only be made five clear working days after the chairman of the Scrutiny Committee has been informed by notice in writing, setting out the nature of the decision and the reasons why compliance is impracticable.



(2) The notice must also be made available at the Council's offices for inspection by the public and published on the Council's website.

(3) Where the date by which a key decision must be made is less than 5 clear working days, the decision may only be made where agreement has been obtained from the chairman of the Scrutiny Committee; or if the chairman of the Scrutiny Committee is unable to act, from the Mayor; or in the absence of both the chairman of the Scrutiny Committee and the Mayor, from the Deputy Mayor of the Council that the making of the decision is urgent and cannot reasonably be deferred.

(4) As soon as reasonably practicable after agreement that the making of the decision is urgent and cannot reasonably be deferred, a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred, must be made available at the offices of the Council and published on the Council's website.

## **20. Recording of executive decisions made at meetings**

(1) As soon as reasonably practicable after any meeting of the Cabinet at which an executive decision was made, the proper officer must ensure that a written statement is produced for every executive decision made which includes:

- A record of the decision, including the date it was made;
- A record of the reasons for the decision;
- Details of any alternative options considered and rejected by the Cabinet at the meeting at which the decision was made;
- A record of any conflict of interest relating to the decision which is declared by any member of the Cabinet which made the decision; and
- In respect of any declared conflict of interest, a note of dispensation granted by the Council's Standards Committee.

## **21. Inspection of documents following executive decisions**

(1) After a meeting of the Cabinet at which an executive decision has been made, or after an individual member or an officer has made an executive decision, the proper officer must ensure that a copy of any records prepared and any report considered must be available for inspection by members of the public, as soon as is reasonably practicable, at the Council offices and on the Council's website.

(2) Where a request on behalf of a newspaper is made for a copy of any of the documents available for public inspection under paragraph (1), those documents must be supplied to the newspaper on payment by the newspaper of postage, copying or other necessary charge for transmission.

## **22. Inspection of background papers**

When a copy of the report for a meeting is made available for inspection by members of the public, a list of the background papers to the report must be included at the same time, and at least one copy of each of the documents included in that list must be available for inspection by the public at the offices of the Council and on the authority's website.

## **23. Additional rights of access to documents for members of local authorities**

(1) Any document which is in the possession or under the control of the Cabinet, and contains material relating to any business to be transacted at a public meeting, must be available for inspection by any member of the Council for at least five clear working days before the meeting. Where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; where an item is added to the agenda at shorter notice, it must be available for inspection when the item is added to the agenda.

(2) (i) Any document which is in the possession or under the control of the Cabinet and contains material relating to any business transacted at a private meeting;

(ii) any decision made by an individual member in accordance with executive arrangements; or

(iii) any decision made by an officer in accordance with executive arrangements, must be available for inspection by any member of the Council when the meeting concludes or where an executive decision is made by an individual member or an officer immediately after the decision has been made.

(3) Any document which is required to be available for inspection by any member of the Council must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

(4) Nothing requires a document to be available for inspection if it appears to the proper officer that it discloses exempt information of a description within paragraph 3 of Schedule 12A to the 1972 Act (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract); or paragraph 6 of Schedule 12A to the 1972 Act.

(5) The rights conferred by paragraphs (1) and (3) are in addition to any other rights that a member of a local authority may have.

#### **24. Additional rights of access to documents for members of scrutiny committees**

(1) A member of a scrutiny committee of the Council is entitled to:

(i) a copy of any document which is in the possession or under the control of the Cabinet and contains material relating to any business that has been transacted at a meeting of the Cabinet of that authority;

(ii) any decision that has been made by an individual member of that Cabinet in accordance with executive arrangements; or

(iii) any decision that has been made by an officer of the authority in accordance with executive arrangements.

(2) Where a member of a scrutiny committee requests a document which falls within paragraph (1), the executive must provide that document as soon as reasonably practicable and in any case no later than 10 clear working days after the executive receives the request.

(3) No member of a scrutiny committee is entitled to a copy of any such document or part of a document as contains exempt or confidential information unless that information is relevant to:

(i) an action or decision that that member is reviewing or scrutinising; or

(ii) any review contained in any programme of work of such a committee or sub-committee of such a committee.

(4) Where the Cabinet determines that a member of a scrutiny committee is not entitled to a copy of a document or part of any such document for a reason set out in paragraph (1) or (3), it must provide the scrutiny committee with a written statement setting out its reasons for that decision.

#### **25. Reports to the local authority where the key decision procedure is not followed**

(1) Where an executive decision has been made and was not treated as being a key decision and a scrutiny committee is of the opinion that the decision should have been treated as a key decision, that scrutiny committee may require the executive which is responsible for the decision to submit a report to the Council within such reasonable period as the committee may specify.

(2) A report under paragraph (1) must include details of the decision and the reasons for the decision; and if the executive of the Council is of the opinion that the decision was not a key decision, the reasons for that opinion.

## **26. Executive reports to Council**

(1) The Leader must submit to the Council, at such intervals as may be determined by the Council, a report containing details of each executive decision taken during the period since the last report was submitted where the making of the decision was taken without the full 28 day notice period.

(2) A report submitted for this purpose must include particulars of each decision made.

(3) The Leader must submit at least one report annually to the Council.

## **27. Confidential information, exempt information.**

(1) Nothing in these Rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidentiality.

(2) Nothing in these Rules authorises or requires a local authority to disclose to the public or make available for public inspection any document or part of any document if, in the opinion of the proper officer, that document contains confidential or exempt information.

(3) Nothing in these Rules requires the Cabinet to permit the taking of any photographs of any proceedings or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.

## **28. Inspection and supply of documents**

(1) Any document required by any provision of these Rules to be open to inspection by members of the public must be available for inspection at all reasonable hours at the Council's offices and on the Council's website.

(2) Subject to paragraph (4), where a document is to be available for inspection by a person under any provision in these Rules, the person may make a copy of the whole or part of the document; or be supplied with a copy of the whole or part of the document, on payment to the Council of postage, copying or other necessary charges.

(3) Subject to paragraph (4), any member of the public may, in any publicly available medium, reproduce, or provide commentary in relation to any document supplied to that person or made available for inspection by members of the public under these Rules.

(4) Where any document required by these Rules to be open to inspection by the public is supplied to or available for inspection by members of the public, or is supplied for the benefit of any newspaper, the publication thereby of any defamatory matter contained in the document is privileged unless the publication is proved to be with malice.

(5) Any written record and report of an executive decision or any report must be retained by the Council and, where appropriate, made available for inspection by the public for a period of at least six years from the date on which the decision was made.

(6) Any background papers must be retained by the Council and, where appropriate, be available for inspection by the public for a period of at least four years from the date on which the decision was made.

(7) The rights conferred on any person by these Rules to inspect, copy or be supplied with documents are in addition to any such rights that person may have apart from those under these Rules.

#### **4D. BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

##### **1. The framework for Cabinet decisions**

The Council is responsible for the adoption of its budget and policy framework as set out in [Article 4](#). Once a budget and policy framework is in place, it will be the responsibility of the Cabinet to work within it.

##### **2. Process for developing the framework**

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

- (a) The Cabinet shall publicise via the publication of its forward plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The chairman of the Scrutiny Committee shall also be notified. The consultation period shall in each instance be not less than 6 weeks.
- (b) At the end of that period, the Cabinet shall then draw up firm proposals having regard to the responses to that consultation. If the Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. As the Scrutiny Committee has responsibility for fixing its own work programme, it is open to the Scrutiny Committee to investigate, research, or report in detail with policy recommendations before the end of the consultation period. The Cabinet shall take any response from a Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council shall reflect the comments made by consultees and the Cabinet's response.
- (c) Once the Cabinet has approved the firm proposals, the Chief Executive (or other designated officer) shall refer them at the earliest opportunity to the Council for decision.
- (d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.
- (e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision shall be made on the basis of a simple majority of votes cast at the meeting.
- (f) The decision shall be publicised in accordance with [Article 4](#) and a copy shall be given to the leader.
- (g) An in-principle decision shall automatically become effective five days from the date of the Council's decision, unless the leader informs the Chief Executive (or other designated officer) in writing within five days that he/she objects to the decision becoming effective and provides reasons why.
- (h) In that case, the Chief Executive (or other designated officer) shall call a Council meeting within a further five days. The Council shall be required to re-consider its decision and the leader's written submission within ten days. The Council may:
  - i) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
  - ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.
- (i) The decision shall then be made public in accordance with [Article 4](#), and shall be implemented immediately;

- (j) In approving the budget and policy framework, the Council shall also specify the extent of virement within the budget and degree of in-year changes to the framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Procedure Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

### **3. Decisions Outside the Budget or Policy Framework**

- (a) Subject to the provisions of paragraph 5 (virement) the Cabinet, committees of the Cabinet, individual members of the Cabinet, officers, chairmen of My Neighbourhoods 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 Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, chairmen of My Neighbourhoods or joint arrangements discharging Cabinet functions want to make a decision contrary to the framework, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as appropriate as to whether the decision they want to make would be contrary to the 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 framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

### **4. Urgent Decisions Outside the Budget or Policy Framework**

- (a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, a My Neighbourhood chairman or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
- i) if it is not practical to convene a quorate meeting of the full Council; and
  - ii) if the chairman of the Scrutiny Committee agrees that the decision is a matter of urgency.

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

- (b) Following the decision, the decision taker shall 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**

All virement of expenditure shall be in accordance with the Financial Regulations in [Part 4G](#) of this constitution.

### **6. In-year Changes to Policy Framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet, an individual member of the executive or officers, a My Neighbourhood Chairman or joint arrangements discharging Cabinet functions must

be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes that are:-

- (a) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (b) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

## **7. Call-in of Decisions Outside the Budget or Policy Framework**

- (a) Where the Scrutiny Committee is of the opinion that a Cabinet 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, as appropriate.
- (b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Financial Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's and/or Chief Financial Officer's report and to prepare a report to Council in the event that the Monitoring Officer and/or the Chief Financial Officer conclude that the decision was a departure, and to the Scrutiny Committee if the Monitoring Officer and/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 shall be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within ten days of the request by the Scrutiny Committee. At the meeting it shall 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 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 to reconsider the matter in accordance with the advice of the Monitoring Officer and/or Chief Financial Officer.

## **4E. CABINET PROCEDURE RULES**

### **1. How Does the Cabinet Operate?**

#### **1.1 Who may make Cabinet decisions?**

The arrangements for the discharge of Cabinet functions are set out in the Cabinet arrangements adopted by the Council. The arrangements provide for Cabinet functions to be discharged by:

- i) the Cabinet as a whole;
- ii) a committee of the Cabinet;
- iii) an officer;
- iv) My Neighbourhood chairmen
- v) joint arrangements; or
- vi) another local authority.

#### **1.2 Sub-delegation of Cabinet Functions**

- (a) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for Cabinet function, it may delegate further to joint arrangements or an officer.
- (b) The Cabinet may delegate further to a committee of the Cabinet or to an officer.
- (c) A committee of the Cabinet to whom functions have been delegated may delegate further to an officer.
- (d) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

#### **1.3 The Council's Scheme of Delegation and Cabinet Functions**

- (a) The Council's scheme of delegation shall be subject to adoption by the Council and may only be amended by the Council. It shall contain the information set out in [Part 3](#) of this constitution.

#### **1.4 Conflicts of Interest**

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

#### **1.5 Cabinet meetings – When and Where?**

The Cabinet shall meet approximately seven times per year at times to be agreed by the Council. The Cabinet shall meet at the Council's main offices or another location agreed by the Cabinet. The length of Cabinet meetings is governed by Council Procedure Rule ([Standing Order](#) 31).



## 1.6 Public or Private Meetings of the Executive?

Meetings of the Cabinet shall be held in public and may only exclude the press and public in accordance with the provisions of the Access to Information Procedure Rules set out in [Part 4C](#) of this constitution.

## 1.7 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be one third of the total number of members of the Cabinet, or three, whichever is the greater.

## 1.8 How are Decisions to be Taken by the Cabinet?

- (a) Cabinet decisions which have been delegated to the Cabinet as a whole shall be taken at a meeting convened in accordance with the Access to Information Procedure Rules in [Part 4C](#) of this constitution.
- (b) Where Cabinet decisions are delegated to a committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

## 2. How are the Cabinet Meetings Conducted?

### 2.1 Who presides?

If the Leader is present he/she shall preside. In his/her absence, then the Deputy Leader of the Council or a person appointed to do so by those present shall preside.

### 2.2 Who may attend?

Any member of the Council not on the Cabinet may attend its meetings, as may any member of the public, subject to the exclusion of the press and public for matters of a confidential nature in accordance with the Access to Information Procedure Rules as set out in [part 4C](#) of this constitution.

### 2.3 What business?

At each meeting of the Cabinet the following business shall be conducted:

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) matters referred to the Cabinet (whether by the Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in [Part 4](#) of this constitution;
- iv) consideration of reports from the Scrutiny Committee;
- v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in [Part 4C](#) of this Constitution; and
- vi) the Forward Plan.

### 2.4 Consultation

All reports to the Cabinet from an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the Scrutiny Committee, and the outcome of that consultation. Reports about other matters shall set out the

details and outcome of consultation as appropriate. The level of consultation required shall be appropriate to the nature of the matter under consideration.

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

- i) The Council shall decide upon the schedule for the meetings of the Cabinet.
- ii) Any member of the Cabinet may request that an item be put on the agenda of any meeting of the Cabinet. The Chief Executive (or other designated officer), if he/she considers the matter appropriate for consideration shall comply with the request. If the Chief Executive (or other designated officer) considers that the matter is inappropriate for consideration by the Cabinet at that time he/she shall advise the Leader and Deputy Leader of the action he/she has taken. If the Leader and Deputy Leader decide that the matter should be placed on the agenda then the item shall be put on the agenda of the next available meeting.
- iii) The Chief Executive (or other designated officer) shall make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Scrutiny Committee or the full Council has resolved that an item shall be considered by the Cabinet.
- iv) Any member of the Council may ask the Chief Executive (or other designated officer) to put an item on the agenda of a Cabinet meeting for consideration. If the Chief Executive (or other designated officer) considers that the matter is inappropriate for consideration by the Cabinet at that time he/she shall advise the Leader and Deputy Leader of the action he/she has taken. If the Leader and Deputy Leader decide that the matter should be placed on the agenda then the item shall be put on the agenda of the next available meeting. The notice of the meeting shall give the name of the councillor who asked for the item to be considered. However, there may only be up to 2 such items per Cabinet meeting.
- v) The 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 Chief Executive (or other designated officer) to call such a meeting in pursuance of their statutory duties. In other circumstances, where the Head of Paid Service/Chief Financial Officer and 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 jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

#### **4F. SCRUTINY PROCEDURE RULES**

##### **1. What are the number and arrangements for the Scrutiny Committee?**

- (a) The number, size and function of the Scrutiny Committee shall be determined by the Council as set out in [Article 6](#).
- (b) The Scrutiny Committee shall have the powers of a Scrutiny Committee in relation to Cabinet decisions made but not implemented as set out in section 21(3) of the Local Government Act 2000. The specific functions of each committee are, however, outlined in [Part 3D](#) of this constitution.

##### **2. Who may sit on the Scrutiny Committee?**

All councillors except members of the Cabinet may be members of a Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

##### **3. Co-optees**

Each Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

##### **4. Meetings of the Scrutiny Committee**

There shall normally be seven ordinary meetings of the Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the chairman, by one third of the members of the committee or by the Chief Executive (or other designated officer) if he/she considers it necessary or appropriate.

##### **5. Quorum**

The quorum for a Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in [Part 4A](#) of this constitution.

##### **6. Who chairs Scrutiny Committee meetings?**

The chairman and the vice-chairman of the Scrutiny Committee shall be appointed by the Council. In the absence from a meeting of both the chairman and the vice-chairman, a chairman for that meeting may be appointed by the Scrutiny Committee.

##### **7. Work Programme**

The Scrutiny Committee shall be responsible for setting its own work programme and in doing so shall take into account wishes of members on that committee and should consult with the Cabinet and stakeholders on the programme.

##### **8. Agenda Items**

- (a) Any member of a Scrutiny Committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the committee to be included on the agenda for the next appropriate meeting of the committee. On receipt of such a request the Chief Executive (or other designated officer) shall ensure that an item is included on the next appropriate agenda.
- (b) Any five members of the Council who are not members of the Scrutiny Committee may give written notice to the Chief Executive (or other designated officer) that they wish an item to be

included on the agenda of the relevant Scrutiny Committee. If the Chief Executive (or other designated officer) receives such a notification, then he/she shall include an item on the first appropriate agenda of the Scrutiny Committee for consideration by the committee.

- (c) The Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and the Cabinet to review particular areas of Council activity or other issues. Where it does so, the Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and/or the Council. The Council and/or the Cabinet should consider the report of the Scrutiny Committee at the next appropriate meeting.

#### **9. Policy review and development and research**

- (a) The role of the Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules in [Part 4D](#) of this Constitution.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within its terms of reference.
- (c) The Scrutiny Committee may hold enquiries and carry out policy development work and may appoint advisers and assessors to assist it in this process. It may also undertake site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations. It may ask witnesses to attend to address it on any matter under consideration and may pay, within its budgetary provision, any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

#### **10. Reports from Scrutiny Committee**

- (a) Once it has formed recommendations on proposals for development, a Scrutiny Committee may prepare a formal report and submit it to the Chief Executive (or other designated officer) for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If a Scrutiny Committee cannot agree on one single final report to the Council or Cabinet, as appropriate, then one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- (c) The Council or Cabinet, as appropriate, shall consider the report of the Scrutiny Committee at the next appropriate meeting.

#### **11. Making sure that Scrutiny Reports are Considered by the Cabinet**

- (a) Once a scrutiny report on any matter which is the responsibility of the Cabinet has been completed, it shall be included on the agenda of the next available meeting of the Cabinet, unless the matter which is the subject of the report is scheduled to be considered by the Cabinet within a period of eight weeks from the date the report was adopted by the Scrutiny Committee. In the latter cases, the report of the Scrutiny Committee shall be considered by the Cabinet when it considers that matter. If for any reason the Cabinet does not consider the scrutiny report within eight weeks then the matter shall be referred to Council for review, and the Chief Executive (or other designated officer) shall call a Council meeting to consider the report and make a recommendation to the Cabinet.
- (b) Scrutiny Committee shall in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a Scrutiny Committee following a consideration of possible policy/service

developments, the committee shall at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

## 12. Rights of Scrutiny Committee members to documents

- (a) In addition to their rights as councillors, members of the Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in [Part 4C](#) of this constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committee, as appropriate, depending on the particular matter under consideration.

## 13. Members and officers giving account

- (a) The Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, the Scrutiny Committee may require any member of the Cabinet, the Chief Executive and/or any other senior officer to attend before it to explain in relation to matters within their remit:
  - i) any particular decision or series of decisions;
  - ii) the extent to which the actions taken implement Council policy; and/or
  - iii) their performance.

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

- (b) Where any member or officer is required to attend the Scrutiny Committee, the chairman shall inform the Chief Executive (or other designated officer). The Chief Executive (or other designated officer) shall inform the member or officer of the meeting at which he/she is required to attend and be advised as to the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned shall be given reasonable notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

## 14. Attendance by others

The Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Unless covered by a specific legal requirement, attendance of such persons is optional.

## 15. Call-in

Call-in should only be used to establish whether a decision was taken in accordance with the principles of decision making set out in [Article 14](#). Call-in is where a minimum of five members of the Council have information which suggests that the Cabinet did not take the decision in accordance with the principles set out in [Article 14](#) (Decision Making).

- (a) When a decision is made by the Cabinet, or a key decision is made by an officer with delegated authority 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

normally within five days of being made. The chairman of the Scrutiny Committee shall be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision. That notice shall bear the date on which it is published and specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision. A summary of all such decisions made shall be sent to all other members of the Council, normally within five working days.

- (b) During that period, the Chief Executive (or other designated officer) shall call-in a decision for scrutiny by the committee if so requested by the Scrutiny Committee chairman or in his/her absence, the vice-chairman or any five members of the Council in writing or electronically with a clear reason for the call-in, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the chairman or, in their absence, vice-chairman of the committee, and in any case within ten working days of the decision to call-in. The relevant Cabinet Member and officer making the decision are to be summoned to attend the meeting to explain the decision and process followed in taking the decision. The members who made the call-in will also be summoned to attend the meeting to explain their reasons for making the call-in request.
- (c) If, having considered the decision, the Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 14 working days, amending the decision or not, before adopting a final decision.
- (d) If following an objection to the decision, the Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the scrutiny meeting, or the expiry of that further 10 working day period, whichever is the earlier.
- (e) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision shall be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council shall refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet, a meeting shall be convened to reconsider within ten working days of the Council's request. Where an officer made the decision, the officer shall reconsider within five working days of the Council's request.
- (f) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision shall become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

### **Exceptions**

- (g) In order to ensure that call-in is not abused, nor causes unreasonable delay, the following limitations are placed on its use. These are:
  - i) that the Scrutiny Committee Chairman may only call-in six decisions per year;
  - ii) that a member may only sign a request for a call-in of three decisions per year .

### **Call-in and urgency**

- (h) The call-in procedure set out above shall not apply where the decision being taken by the decision-maker is urgent. A decision shall be considered urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interests. 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 Mayor of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the consent of the Head of Paid Service or his/her nominee shall be required. All decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. The next available meeting of the Scrutiny Committee shall review the process for agreeing the urgent decision and make appropriate recommendations.
- (i) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

### **16. Councillor Call for Action**

Any member of the council will be able to refer a Council matter relating to his/her ward to the Scrutiny Committee. A referral made in this way will ensure that the matter is included in the agenda and discussed at the committee. The member will be able to make representations to the committee to explain why he/she thinks the Committee should scrutinise the matter. If the committee decides not to scrutinise the issue it must provide its reasons for not doing so. If the committee decides to scrutinise the matter, the member initiating the call for action must be provided with the committee's recommendations or report.

### **17. The Party Whip**

It is generally accepted that "the party whip" should be suspended in relation to the deliberations of the Scrutiny Committee.

The definition of the party whip is "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."

When considering any matter in respect of which a member of the Scrutiny Committee 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 committee's deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

### **18. Procedure at Scrutiny Committee Meetings**

- (a) The Scrutiny Committee shall consider the following business:
- i) minutes of the last meeting;
  - ii) declarations of interest (including whipping declarations);
  - iii) consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
  - iv) responses of the Cabinet to reports of the Scrutiny Committee; and
  - v) the business otherwise set out on the agenda for the meeting.

- (b) Where the Scrutiny Committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
- i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - ii) that those assisting the committee by giving evidence be treated with respect and courtesy;
  - iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis; and
  - iv) that the individual members of the committee approach the investigation in a corporate and collective manner and do not pursue individual views. Those views may be expressed but if they receive no support from the other members of the committee they should not be continued to be expressed.
- (c) Following any investigation or review, the committee may prepare a report, for submission to the Cabinet and/or Council, as appropriate, and shall make its report and findings public.

#### **19. Matters within the remit of more than one Scrutiny Committee**

- (a) Where a Scrutiny Committee conducts a review or scrutinises a matter which is also substantially within the remit of another Scrutiny Committee, the committee conducting the review shall invite the chairman of the other committee (or his/her nominee) to attend its meetings when the matter is being reviewed.
- (b) Where a Scrutiny Committee conducts a review or scrutinises a matter which is also substantially within the remit of another Scrutiny Committee, before submitting its findings to the Cabinet and/or Council for consideration, the report of the reviewing Scrutiny Committee shall be considered by the other Scrutiny Committee for comment. Those comments shall be incorporated into the report which is then sent to that body for consideration.



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## **FINANCIAL REGULATION NO. 1**

### **General**

#### **Part 1 - Statutory Framework**

- 1.1. The Chief Financial Officer is the officer charged with responsibility for the proper administration of the financial affairs of the council in accordance with Section 151 of the Local Government Act 1972.
- 1.2. In accordance with Section 114 of the Local Government Finance Act 1988, the Chief Financial Officer/Head of Paid Service has the duty, after first consulting with the council's Monitoring Officer, to report to all members of the Council and the external auditor if it appears that:-
  - a) the authority, a committee or officer of the authority, or a Joint Committee on which the authority is represented:-
    - i) has made or is about to make a decision which involves or would involve the authority incurring expenditure which is unlawful
    - ii) has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the authority, or
    - iii) is about to enter an item of account, the entry of which would be unlawful
  - b) the expenditure of the authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.
- 1.3. The Chief Financial Officer is the responsible financial officer in accordance with the Accounts and Audit Regulations.

#### **Part 2 - Financial Administration**

- 1.4. The Head of Shared Financial Services administers the shared financial services on behalf of both South Ribble and Chorley Councils, as set out in the Administration Collaboration Agreement. The Head of Shared Financial Services is also the deputy Section 151 officer for the Council.
- 1.5. The Financial Regulations exist to regulate the council's financial affairs, to provide a framework for proper financial management and to maintain an acceptable standard of financial administration for the council. Whilst specific in terms, these Regulations are intended to operate with proper consultations with relevant officers, especially where other professions and skills are required to give effect to them in relation to procedures and professional practice to be observed.
- 1.6. The Financial Regulations should be read in conjunction with the council's Standing Orders and Contract Procedure Rules, particularly in relation to ordering of goods and services and letting of contracts.
- 1.7. All accounts and prime financial records are to be kept in a form acceptable to, and shall be compiled by, or under the direction of, the Chief Financial Officer. They shall be retained in accordance with legislative and other requirements for audit and inspection purposes. All new accounting procedures and systems and amendments to existing procedures and systems shall only be implemented with the explicit approval of the Chief Financial Officer.

- 1.8. All employees must provide the Chief Financial Officer with any information requested concerning the financial operations of the council and allow access at any time to the documents and records under their control.
- 1.9. The Chief Financial Officer is responsible for ensuring the provision of advice to the Council, Executive, committees/sub-committees and council employees on all aspects of Local Government Finance and the financial implications of the council's policies and objectives.
- 1.10. The Chief Financial Officer shall be informed by the responsible officer of any matters which have significant financial implications for the council before a report is submitted to the Council, Executive, committees/sub-committees. The Chief Financial Officer must be given adequate time to consider the matter before despatch of the agenda item.
- 1.11. Responsibility for maintaining financial control and ensuring that expenditure is incurred and income is raised in accordance with the council's policies rests with individual officers.
- 1.12. Any expenditure incurred as a result of the My Neighbourhood Area plans is subject to the requirements of these financial regulations.
- 1.13. The council's senior management must ensure that these Financial Regulations are observed throughout the authority.
- 1.14. Any breach of these Financial Regulations must be brought to the attention of the Chief Financial Officer and the Monitoring Officer, who may decide that disciplinary action should be brought against the individual(s) breaching the regulations.
- 1.15. The Chief Financial Officer may issue any instruction intended to secure proper financial administration, and this is to be effected by the responsible officer.

## **FINANCIAL REGULATION NO. 2**

### **Revenue Expenditure**

- 2.1. The Chief Financial Officer shall be responsible for co-ordinating the preparation of the council's revenue estimates. Estimates of income and expenditure shall be prepared jointly by the Chief Financial Officer and Chief Officers for submission to the Executive, for such periods and at such times as it may determine ensuring that any proposed expenditure is appropriate to the aims, policies and objectives of the council.
- 2.2. Revenue expenditure is defined as day-to-day operational expenditure that will generally be spent in the next twelve months; e.g., purchases of equipment, salaries, materials, maintenance and repairs.
- 2.3. In association with the preparation of the annual revenue budget, Chief Officers should review the fees and charges levied for council services and make appropriate recommendations to the appropriate Executive member for approval by delegated decision. All fees and charges must be reviewed at least annually in line with the budget strategy.
- 2.4. Estimates of income and expenditure as approved by the Executive shall be consolidated into a comprehensive report by the Chief Financial Officer for submission to the council.
- 2.5. Chief Officers shall be responsible for ensuring that the amount provided in any estimate approved by the Council shall not in whole or in part be used for any purpose other than that for which it is authorised.

- 2.6 Chief Officers shall have the power to incur revenue expenditure to the limit of their budget allocation, subject to the Council's Financial and Contract Procedure Rules and Scheme of Delegation without further approval, except for:-
- (a) any revenue expenditure which involves a variation from the Council's approved Policy Framework which must be approved by Council.
  - (b) any expenditure which would leave the Council with future commitments for which funding has not been identified. This would require Executive approval; and
  - (c) any expenditure which would trigger a key decision as defined by the Constitution (unless previously delegated to the Chief Officer).

### **Virements**

- 2.7 Virements between revenue budget heads shall be authorised as follows:
- (a) up to £10,000 by Directors or Service Heads following the completion of a virement request form, checked by the Chief Financial Officer or his/her authorised representative;
  - (b) between £10,001 and £75,000 by the Chief Financial Officer in consultation with the Executive Member for Finance and Resources through the council's scheme of delegation;
  - (c) £75,001 and over by Executive.
  - (d) Virements from employee budgets towards recurring non-pay expenditure will only be permitted in exceptional circumstances and can only proceed with the prior approval of the Chief Finance Officer.

Requests for approval should be supported by adequate background information; e.g. impact on future years.

### **Funded Budget Increase**

- 2.8 Revenue budget increases supported by new or increased external funding shall be authorised as follows:
- (a) up to £10,000 by Directors or Service Heads;
  - (b) between £10,001 and £75,000 by the Chief Financial Officer in consultation with the Executive Member for Finance and Resources through the council's scheme of delegation;
  - (c) £75,001 and over by Executive.
- 2.9 At the end of the financial year, the Chief Financial Officer has discretion to reflect the rephasing of an approved revenue budget in future revenue budgets.
- 2.10 Chief Officers shall be responsible for ensuring that any proposed item of expenditure not included in the approved estimates or any likely overspending or reduction of estimated income which cannot be funded shall not be incurred without the prior consent of the council after considering the advice of the Executive. This shall form the subject of a request for a supplementary estimate.
- 2.11 No expenditure, capital or revenue, shall be incurred in connection with the adoption of any new policy or extension of existing policy without the prior approval of the council following a report from the Executive.

### **FINANCIAL REGULATION NO. 3**

#### **Capital Expenditure**

- 3.1 The Chief Financial Officer shall be responsible for co-ordinating the preparation of the council's five year capital programme. This shall comprise individual schemes and forms part of the Council's Budget and Policy Framework. The Chief Financial Officer shall submit the programme to the Executive annually for approval and at appropriate intervals as necessary in the year.
- 3.2 Programmes of capital expenditure as approved by the Executive shall be consolidated into a comprehensive report by the Chief Financial Officer for submission to Council.
- 3.3 The Capital Programme will generally contain expenditure on the acquisition of fixed assets or expenditure which adds to rather than maintains the value of fixed assets. In cases of doubt the Chief Financial Officer will determine whether a scheme will be treated as capital or revenue expenditure.
- 3.4 The programme of capital expenditure shall not automatically constitute the authority for incurring expenditure. Upon the approval by the Council of the Programme(s) of Capital Expenditure the relevant Chief Officer shall prepare a detailed financial appraisal of each scheme over £75,000 in the Programme(s) for approval by the Executive. Schemes up to £75,000 in value can be dealt with through the delegated powers procedure which includes the preparation of a detailed financial appraisal by the relevant Chief Officer.

The detailed financial appraisal shall include as a minimum:

- (a) a cost breakdown of the scheme;
  - (b) an appraisal of the funding options/costs of financing the scheme;
  - (c) the future revenue costs and revenue budget implications;
  - (d) a risk assessment;
  - (e) viable alternatives;
  - (f) details of procurement path and delegations required (if any);
  - (g) detailed objectives, outputs and outcomes;
  - (h) relevant drawings and plans;
  - (i) spending profile, and
  - (j) future replacement plans.
- 3.5 Procedures for the creation of contracts are set out in the council's Standing Orders and contract procedure rules.
  - 3.6 Guidance and procedures for the management of projects, including capital projects, are set out in the council's Project Management Framework.
  - 3.7 The relevant Chief Officer shall be responsible for ensuring that an amount provided in any capital estimate approved by the council shall not be used in whole or in part for any purpose other than that for which it is authorised.

#### **Capital Monitoring and Reporting Requirements**

- 3.8 Chief Officers are required to ensure that throughout the implementation period of a capital scheme, the specification remains consistent with the original overall objectives of the scheme and that expenditure continues to deliver best value for money for the Council.
- 3.9 Chief Officers must monitor and report capital expenditure and income for all schemes within the approved capital programme and identify any variations against the approved

level of expenditure. Monitoring and reporting will be undertaken at intervals specified by the Chief Financial Officer.

- 3.10 Chief Officers must ensure that external funding has been secured for each scheme (if applicable). Reimbursements from third parties should be claimed promptly as expenditure is incurred and wherever possible in advance of expenditure being incurred so that cash flow costs are minimised.
- 3.11 Chief Officers are required to use the Council's financial information systems to maintain records of actual and committed expenditure, income for each capital scheme and records of the approved budget allocations.
- 3.12 Chief Officers must ensure that all information on the Council's financial system is accurate and up to date and is fully reconciled to any supporting records.

### **Capital Programme – Rephasing**

- 3.13 If it becomes necessary to rephase approved expenditure within a current or future year's Capital Programme, then the Chief Financial Officer may undertake such rephasing and report it to the Executive Member for Finance and Resources. The impact of any rephasing will be included in quarterly budget monitoring reports.

### **Capital Programme - Scheme Overspends**

- 3.14 The Chief Financial Officer will monitor any predicted under or overspends on capital schemes during each financial year and include their impact in any monitoring reports on the basis of information provided by Chief Officers.
- 3.15 The Chief Financial Officer, in consultation with the Executive Member for Finance and Resources, may approve increased costs on an individual scheme to a maximum of £75,000 provided that it is funded by a virement of resources from another scheme in the five year Capital Programme or new external funding, through the council's scheme of delegation;
- 3.16 The Executive may approve increased costs above £75,000 on an individual scheme provided that it is funded by a virement of resources from one scheme to another within the five-year Capital Programme or new external funding.
- 3.17 In all other cases a Chief Officer must seek Council approval of a budget increase.
- 3.18 If it is unclear during the progress of a scheme as to its final outturn cost or the impact on the five-year Capital Programme, the Chief Financial Officer will advise the Chief Officer as to the need and timing for a budget increase. In exercising this judgment, the Chief Financial Officer is authorised to consider the probability, size, and nature of the potential overspend and its impact on the capital programme.

### **New Capital Schemes**

- 3.19 The Chief Financial Officer, in consultation with the Executive Member for Finance and Resources, may approve expenditure on a new scheme to a maximum of £75,000, provided that it is funded by a virement of resources from another scheme in the five year Capital Programme or new external funding, through the council's scheme of delegation.
- 3.20 The Executive may approve expenditure above £75,000 on a new scheme, provided it is funded by a virement of resources from another scheme in the five-year Capital Programme or new external funding.

- 3.21 In all other cases a Chief Officer must seek Council approval for expenditure on a new capital scheme.
- 3.22 Requests for approval to either Executive or Council must be supported by a report including as a minimum the information requested in Paragraph 3.4.

#### **FINANCIAL REGULATION No. 4**

##### **Grants to External Organisations**

- 4.1 It is the responsibility of all Chief Officers to ensure that organisations in receipt of grant aid (either from the Council's own funds or through external funding) have (as a minimum):-
- (a) satisfactorily demonstrated that they are a competent and suitable organisation to receive public money; and
  - (b) ensure appropriate management and accountability procedures are in place to achieve their aims and objectives; and
  - (c) ensure that financial propriety is observed.
- 4.2 Where a grant is approved, there must be written confirmation of the grant offer and where appropriate a formal grant agreement before any payment is made. The offer letter/agreement should include:-
- details of the amount of grant approved;
  - the purpose and duration of the grant;
  - the arrangements for payment; and also, where appropriate;
  - the monitoring and evaluation arrangements; and
  - the circumstances when grant funding may be terminated.
- 4.3 Any grant offers (as a minimum) must require the recipient to keep appropriate records and ensure these are available for Council inspection and further the clause must require the organisation to demonstrate that the grant has been used for the agreed purpose.
- 4.4 All Chief Officers must ensure that the terms and conditions for any grants awarded are monitored for compliance.

#### **FINANCIAL REGULATION No. 5**

##### **External Funding**

- 5.1 All Chief Officers are required to ensure that the Chief Financial Officer is informed of all funding bids and subsequent grant offers.
- 5.2 Chief Officers are required to ensure that the acceptance of grant offers (i.e. terms and conditions) is approved by Legal and by the Chief Financial Officer.
- 5.3 Chief Officers are required to ensure that for any project where external grant funding has been accepted, the project(s) progresses in accordance with the bid and there is compliance with the Council's standing orders and contract procedure rules and financial regulations. Chief Officers are also responsible for ensuring compliance with the terms and conditions of the grant.
- 5.4 Chief Officers are responsible for ensuring the timely submission of any grant claims to recover money due to the Council.

## **FINANCIAL REGULATION NO. 6**

### **Treasury Management - Investments, borrowings and trust funds**

- 6.1 Treasury Management is defined as the management of the council's investments and cash flows, its banking, money market and capital market transactions, the effective control of the associated risks and pursuit of the optimum performance consistent with those risks.
- 6.2 The council adopts the key recommendations of the Chartered Institute of Public Finance and Accountancy (CIPFA) publication *Treasury Management in the Public Services: Code of Practice (the Code)*, as described in Section 5 of that Code. Accordingly the council will create and maintain, as the cornerstones for effective treasury management:
- A treasury management policy statement, which sets out the policies objectives and approach to risk management of its treasury management activities;
  - Suitable treasury management practices (TMPs), setting out the manner in which the council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this council. Such amendments will not result in the council materially deviating from the Code's key principles.
- 6.3 The Council will receive reports on its treasury management policies, practices and activities including, as a minimum, an annual strategy and plan in advance of the financial year, a mid-year review and an annual report after its close, in the form prescribed in the TMPs.
- 6.4 This council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Executive, and for the execution and administration of treasury management decisions to the Chief Financial Officer who will act in accordance with the Council's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's *Standard of Professional Practice on Treasury Management*.
- 6.5 This Council nominates the Governance Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.
- 6.6 All investments of money under its control shall be made in the name of the council or in the name of nominees approved by the Executive.
- 6.7 All property title deeds and any associated documentation shall be held in the custody of the council's Monitoring Officer.
- 6.8 All borrowings shall be affected in the name of the council.
- 6.9 The Chief Financial Officer shall be the council's registrar of stocks, bonds and mortgages and shall maintain records of all borrowing of money by the council.
- 6.10 All trust funds shall wherever possible be in the name of the council.
- 6.11 All officers acting as trustees by virtue of their official position shall deposit all securities, etc., relating to the trust with the Chief Financial Officer unless the deed otherwise provides.



**FINANCIAL REGULATION NO. 7****Banking Arrangements**

- 7.1 All banking arrangements shall be made by, or be approved by, the Chief Financial Officer, who shall be authorised to operate such bank accounts as he may consider necessary for the making of payments on behalf of the council and for the deposit of monies receivable by the council.
- 7.2 All cheques and other orders for payment shall be ordered only on the authority of the Chief Financial Officer, who shall make proper arrangements for their safe custody.
- 7.3 Cheques drawn on the council's main bank accounts, shall bear the facsimile signature of the Chief Financial Officer, or be signed by him or other authorised officer in accordance with the council's bank mandate.
- 7.4 Authorisations for the direct debiting of the council's bank accounts shall be given only under the personal signature of the Chief Financial Officer or other authorised officer, and only under arrangements authorised by, the Chief Financial Officer or his authorised representative, who shall also satisfy himself as to the arrangements for their control and recording in the Council's accounts.

**FINANCIAL REGULATION NO. 8****Income**

- 8.1 Arrangements for the safe and efficient collection/receipt of, and accounting for, all monies due to the council shall be under the supervision of or in accordance with arrangements approved by the Chief Financial Officer. All receipts shall be paid into the council's bank account by or under the direction of the Chief Financial Officer.
- 8.2 Each Chief Officer shall provide the Chief Financial Officer with all necessary information concerning work done, goods supplied or services rendered and of all other amounts due to enable the correct recording of all sums due to the council and to ensure the prompt raising of accounts for the recovery of income due.
- 8.3 The Chief Financial Officer shall be notified promptly of all money due to the council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the council and the Chief Financial Officer shall have the right to inspect any documents or other evidence in this connection as deemed necessary.
- 8.4 All receipt books, paying-in books and other such controlled stationery shall be ordered and supplied to Services by, or under arrangements authorised by, the Chief Financial Officer or his/her authorised representative, who shall also satisfy himself as to the arrangements for their control.
- 8.5 All money received by an officer of the council shall without delay be paid into the council's bank account in the form in which they are received and in accordance with instructions issued by and at intervals agreed with the Chief Financial Officer. No deduction may be made from such money save to the extent that the Chief Financial Officer may specifically authorise. In any interim period between receipt and banking, the responsible officer must ensure that the money received is at all times kept secure in a safe or locked cabinet.
- 8.6 Personal cheques shall not be cashed out of money held on behalf of the Council.

- 8.7 In respect of credit income due to the Council, accounts shall be rendered promptly by the relevant Chief Officer, and appropriate and accurate information supplied for subsequent recovery action, as directed by the Chief Financial Officer.

### **FINANCIAL REGULATION NO. 9**

#### **Income - Write-offs**

- 9.1 The Chief Financial Officer shall be authorised to write-off such amounts which are irrecoverable by the council up to a maximum of £25,000 in value. The write-off of individual amounts above £25,000 shall be actioned in consultation with the Finance and Resources Portfolio Holder.

### **FINANCIAL REGULATION NO. 10**

#### **Petty Cash Imprests**

- 10.1 The Chief Financial Officer shall provide such imprest and advance accounts as he considers appropriate for such officers of the council as may need them for defraying petty cash and other expenses. The Chief Financial Officer, or his authorised representatives, shall issue the necessary instructions to imprest/advance account holders for the setting up and operation of these accounts.
- 10.2 Chief Officers shall be responsible for imprests provided to their Service Group including all petty cash purchases and arrangements for the management of the imprest. Chief Officers shall be responsible for specifying which officers are authorised to certify petty cash vouchers on their behalf.
- 10.3 No income received on behalf of the council may be paid into an imprest/advance account, nor must it be supplemented from any other source. Income received must be banked or paid to the authority as provided elsewhere in these regulations.
- 10.4 Payments shall be limited to minor items of expenditure and to such other items as the Chief Financial Officer may approve. Payment requests shall be supported by a completed petty cash voucher and appropriate receipts. Details must be maintained in a petty cash book, and promptly written up.
- 10.5 An officer responsible for a petty cash imprest/advance account must produce it for inspection to the Chief Financial Officer, or his authorised representatives, immediately upon request.
- 10.6 On leaving council employment or otherwise ceasing to be entitled to hold an imprest/advance account, an officer shall account to the Chief Financial Officer for any amount advanced.

### **FINANCIAL REGULATION NO. 11**

#### **Salaries**

- 11.1 The assessment and payment of all salaries, superannuation payments, compensation and other emoluments or allowances to all employees or former employees of the council shall be made by the Chief Financial Officer or in a manner approved and controlled by him after consultation with the relevant Chief Officer.
- 11.2 Each Chief Officer shall notify the Chief Financial Officer and the Head of Human Resources as soon as possible and in a form or following procedures approved by him, of all matters affecting the payment of such emoluments, and in particular:

- appointments, resignations, dismissals, suspensions, secondments and transfers
- absences from duty for sickness or other reason that may affect emoluments
- changes in remuneration, other than normal incremental progression and pay awards and agreements of general application
- information necessary to maintain records of service for the purposes of superannuation, income tax, national insurance and other statutory and voluntary deductions from pay.

- 11.3 All time sheets and other documents in support of payments to employees shall be in a form prescribed or approved by the Chief Financial Officer or an officer designated by him/her and submitted to him/her before the dates specified. All such time sheets and documents shall be certified by the relevant Director, Head of Service or a responsible designated officer. The names of officers authorised to certify such records shall be provided to the Chief Financial Officer by each Chief Officer together with specimen signatures and shall be amended immediately on the occasion of any change therein.
- 11.4 The Chief Financial Officer is authorised to direct the implementation of all nationally agreed pay awards, except for matters where the council is required to exercise its discretion, and to implement incremental salary progression in accordance with national and local schemes.

## **FINANCIAL REGULATION NO. 12**

### **Travelling, Subsistence and Members' Expenses**

- 12.1 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted duly certified in a form approved by the Chief Financial Officer or an officer designated by him/her. These shall be made up to a specified day of each month and submitted within the agreed timescales.
- 12.2 Where appropriate, payments to members, including co-opted members of the council or its committees who are entitled to claim travelling or other allowances will be made by the Chief Financial Officer upon receipt of the prescribed form, duly completed and authorised, by the 10th day of each calendar month.
- 12.3 The certification by or on behalf of the relevant Chief Officer shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the council in respect of officers' claims. In all cases claims must be supported by receipts and supporting documentation.
- 12.4 Members' and Officers' claims submitted more than three months after the expenses were incurred will be paid only with the express approval of the Head of Human Resources acting on behalf of the Chief Financial Officer.

## **FINANCIAL REGULATION NO. 13**

### **Inventories and Stores Records**

- 13.1 Each Chief Officer shall be responsible for the care, safe custody and physical control of those items held within his/her Service.
- 13.2 Each Chief Officer shall be responsible for the maintenance of records in the form approved by the Chief Financial Officer. The records shall include such items as the Chief Financial Officer, in consultation with the relevant Chief Officer, consider necessary.

- 13.3 Each Chief Officer shall arrange periodic physical checks of stocks, stores and equipment against relevant records by officers other than those responsible for their custody and control and shall ensure that all stocks are checked at least once in every year.
- 13.4 Each Chief Officer shall be responsible for ensuring that stocks of equipment and materials are not excessive in relation to requirements.
- 13.5 The Chief Financial Officer shall be entitled to receive from each Chief Officer such information as he requires in relation to stocks, stores and equipment for the accounting, costing and financial records.
- 13.6 Surplus materials, stores or equipment, deemed to be in a safe and useable condition shall normally be disposed of in accordance with procedures as agreed with the Chief Financial Officer.
- 13.7 No employee of the council shall use council vehicles and plant, whether for private purposes or in connection with his employment, unless authorised by the Chief Officer. Each Chief Officer shall maintain such records as are in the opinion of the Chief Financial Officer necessary to determine the use of the council's vehicles and plant.

#### **FINANCIAL REGULATION NO.14**

##### **Insurance**

- 14.1 Subject to any direction from the Council, the Chief Financial Officer shall arrange all insurance cover and liaise with the Council's insurers to agree all claims by or against the Council in consultation with other officers where necessary.
- 14.2 The relevant Chief Officer shall give prompt notification to the Chief Financial Officer, or an officer designated by him/her, of all risks, liabilities, properties, vehicles or other assets which require to be insured and of any proposed alteration that may affect the risk or the level and amount of insurance cover in place.
- 14.3 The relevant Chief Officer shall immediately notify the Chief Financial Officer of any loss, liability or damage or any event likely to lead to a claim, and inform the police unless otherwise agreed with the Head of Shared Assurance Services.
- 14.4 All appropriate employees of the council shall be included in a suitable fidelity guarantee insurance.
- 14.5 The Chief Financial Officer shall annually, or at such other period as is considered necessary, review all insurances in consultation with other officers as appropriate.
- 14.6 The relevant Chief Officer should consult the Chief Financial Officer and the Head of Shared Assurance Services or the Monitoring Officer concerning the terms of any indemnity which the council is requested to provide.
- 14.7 The relevant Chief Officer should ensure that insurance policies or certificates are inspected annually in all cases where responsibility for providing insurance cover is written into a contract of agreement with a third party.

#### **FINANCIAL REGULATION NO.15**

##### **Security**

- 15.1 Each Chief Officer is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, vehicles, cash etc. under his/her control. He/she shall consult the

Chief Financial Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

- 15.2 Where an officer's employment with the council is terminated or a member's term of office ends, each Chief Officer is responsible for the safe and prompt return of all security badges, keys and equipment, as a matter of urgency to Human Resources. In addition the Director of Business Transformation shall ensure that all ICT equipment has been accounted for and returned to the Council and that access to all systems has been cancelled.
- 15.3 Maximum limits for cash holdings shall be agreed with the Chief Financial Officer and shall not be exceeded without his express permission. These must not exceed any limits set for insurance purposes and shall be held securely in a safe, or locked cabinet, with access limited to authorised officers.
- 15.4 Chief Officers shall ensure that adequate security of keys to safes and similar receptacles is maintained at all times. The loss of any such keys must be reported to the Chief Financial Officer forthwith.

## **FINANCIAL REGULATION NO.16**

### **Irregularities**

- 16.1 Any Chief Officer shall notify the Chief Financial Officer immediately of all financial or accounting irregularities or suspected irregularities or of any circumstances which may suggest the possibility of irregularities including those affecting assets, cash, stores, property, remuneration or allowances.
- 16.2 Any potential irregularities shall be dealt with in accordance with the Council's Anti-fraud and Corruption, Whistle-blowing and relevant Human Resources policies.

## **FINANCIAL REGULATION NO. 17**

### **Internal Audit**

- 17.1 Internal Audit is an assurance function that primarily provides an independent and objective opinion to the organisation on the control environment comprising risk management, control and governance by evaluating its effectiveness in achieving the organisations objectives. It objectively examines, evaluates and reports on the adequacy of the internal control environment as a contribution to the proper, economic, efficient and effective use of resources.
- 17.2 The council's statutory duty to maintain an adequate and effective system of internal audit in accordance with the Accounts & Audit Regulations is delegated to the Chief Financial Officer as part of his responsibilities for proper financial administration.
- 17.3 Internal Audit operates in accordance with the Institute of Internal Auditing - Standards & Guidelines for the Professional Practice of Internal Auditing.
- 17.4 Internal Audit is responsible for examining and evaluating the adequacy and effectiveness of the council's system of internal control and the quality of performance in carrying out assigned responsibilities. Internal Audit should:
- Review the reliability and integrity of financial and operating information and the means used to identify, measure, classify, and report such information.

- Review the systems established to ensure compliance with those policies, plans, procedures, laws, regulations and contracts which could have a significant impact on operations and reports, and should determine whether the council is in compliance.
- Review the means of safeguarding assets and, as appropriate, verify the existence of such assets.
- Appraise the economy, efficiency and effectiveness with which resources are employed.
- Review operations or programmes to ascertain whether results are consistent with established objectives and goals and whether the operations or programmes are being carried out as planned.

17.5 The Chief Financial Officer shall, to the extent he considers necessary or desirable, conduct or arrange for the examination and audit of the accounts of the council and of its officers, members and agents.

17.6 Internal Audit and any authorised representative of the Chief Financial Officer shall have access for any necessary examination and audit, at all times, to all cash, property, documents, books of accounts and vouchers appertaining in any way to the finances of the council, and shall be entitled to require such explanations as may be reasonably considered necessary to establish the correctness of any matter under examination.

## **FINANCIAL REGULATION NO.18**

### **Contracts and Purchasing**

- 18.1 Chief Officers are responsible for ensuring that any written contracts, agreements, awards and other instruments involving payment or receipt of money by the council adhere to the Council's standing orders and contract procedure rules.
- 18.2 A contract must only be awarded and signed by a person authorised to do so, as set out in the Council's contract procedure rules. The authoriser must ensure that the appropriate budget holder has the funds in place to sustain the contract prior to award.
- 18.3 Each Chief Officer shall maintain his/her own record of all contracts entered into by his/her department. Chief Officers should also notify Procurement of all contracts awarded for inclusion in the Council's Contracts Register.
- 18.4 Any Chief Officer is obliged to report to the Chief Financial Officer all significant variations in a contract during its course or any other factor, circumstances, event, etc. which may have an effect on the cost of a contract. Any contract extension must be approved in accordance with [financial regulation 3.15](#).
- 18.5 Purchase of equipment, goods and materials shall be effected through the most economical and practical means, making use of co-ordinated purchasing and contracting agreements, where these are available. To this end the Chief Financial Officer shall issue such general instructions as they deem necessary and shall be entitled to make such enquiries and to receive such information and explanations as they may reasonably require.
- 18.6 All requests for payments on account in respect of a contract are to be made by means of a certificate in a form agreed with the Chief Financial Officer and certified by an authorised Officer.

- 18.7 Invoices and claims for payment including final accounts of contracts shall be examined and verified by or on behalf of the Chief Officer before payment.

### **FINANCIAL REGULATION NO.19**

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

- 19.1 All official orders must be placed on the Authority's financial system and are to be electronically approved only by officers authorised by the relevant Chief Officer who shall be responsible for official orders issued from the relevant Service.
- 19.2 Official orders shall be issued for all work, goods or services to be supplied to the council prior to delivery of goods or services or completion of work to be done, except for supplies of public utility services, periodical payments, petty cash purchases or such other exemptions as the Chief Financial Officer may approve.
- 19.3 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of authority contracts.
- 19.4 The Chief Officer of each Service Group must notify the Chief Financial Officer of the names of all officers approved to electronically authorise official orders for goods and services identifying in each case the limits of their authority, and must also notify the Chief Financial Officer of any amendments to the authorised officers immediately any change takes place.
- 19.5 The Council's Standing Orders contain specific instructions relating to the letting of contracts, the issue of variation orders on contracts, and the purchase of goods and services, and these must be followed at all times.

### **FINANCIAL REGULATION NO. 20**

#### **Payment of accounts**

- 20.1 Apart from petty cash and other payments from imprest accounts the preferred method of payment of money due from the council shall be by BACS, any exception to this shall be by agreement with the Chief Financial Officer.
- 20.2 The Chief Financial Officer shall issue such procedures and instructions as are necessary for the verification and passing for payment of invoices and claims.
- 20.3 Any Chief Officer issuing petty cash and other payments from imprest accounts is responsible for examining, verifying and certifying the related vouchers arising from sources in his/her Service. Such certification shall be by or on behalf of the Chief Officer. The names of officers authorised to certify such records shall be provided to the Chief Financial Officer by each Chief Officer together with specimen signatures and shall be amended immediately on the occasion of any change therein.
- 20.4 Before certifying an account, the certifying officer shall satisfy him/herself that:
- \* the work, goods or services to which the account relates have been received, carried out, examined and approved and a Goods Received Note entered into the financial system. This check should, where possible, be carried out by a different officer from the person who authorised the order;
  - \* the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;

- \* the relevant expenditure has been properly incurred, is within the relevant estimate provision;
- \* appropriate entries have been made in the inventories, stores records or stock books as required; and
- \* the account has not been previously passed for payment and is a proper liability of the council; and is in accordance with council Policy and Standing Orders.

20.5 Duly certified accounts will be reviewed by the Chief Financial Officer or an officer designated by him/her who shall examine them to the extent that he/she considers necessary, for which purpose he/she shall be entitled to make enquiries and to receive whatever information and explanations he/she may reasonably require to be satisfied as to the validity of accounts and claims presented for payment. The primary responsibility for ensuring the correctness of the account or claim for payment shall, however, remain with the certifying officer.

20.6 Each Chief Officer shall, as soon as possible after the 31 March and not later than the deadline specified in the annual closure of accounts timetable, notify the Chief Financial Officer of all outstanding expenditure relating to the previous financial year.

## GLOSSARY OF TERMS

<b>CIPFA Code</b>	<b>South Ribble equivalent</b>
Executive	Cabinet
Head of Paid Service	Chief Executive
Monitoring Officer	Director of Governance and Business Transformation (or an authorised representative)
Chief Financial Officer	Chief Executive (or an authorised representative)
Chief Officers	Senior Management Team (or an authorised representative)



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## Contract Procedure Rules

### 1. Introduction

- 1.1 These Rules form part of the Council's Constitution and are the Council's Contract Procedure Rules for purchasing goods, works and services for the Council. They do not apply to internal purchases or internal service provision, only where you need to buy something from outside the council.
- 1.2 The Rules apply to any contract that results in a payment being made by the Council as well as to some types of contracts where a service is being provided for the Council which results in some income being generated for the Council.
- 1.3 The Rules also apply to the disposal of surplus goods (see [paragraph 42](#)) and to Concession Contracts ([Paragraph 43](#)).
- 1.4 The Rules also apply when an external body, authority, company, consultant or other person has been engaged to carry out procurement or disposal on behalf of the Council.
- 1.5 Quotations for grant funded contracts for goods, services or works, where they are procured by the Council, should be invited, in accordance with these rules, except to the extent that any specific requirements for the receipt of the grant specify different requirements, in which case the specific grant procedures must be followed, and the procurement completed in accordance with the relevant grant procedural requirements.
- 1.6 The Rules have four main purposes:
  - to comply with the obligations that govern the spending of public money derived from the European Union (EU) procurement regime and applied in the UK through the Public Contracts Regulations (2006);
  - to obtain Best Value in the way we spend money, so that we may in turn offer better and more cost effective services to the public;
  - to avoid corruption and ensure high ethical standards;
  - to protect people who follow the Rules.
- 1.7 The Rules must be read in conjunction with the Council's Financial Procedure Rules, Procurement Guidance and any other internal controls laid down by the Council for example the Council's Anti-Fraud and Corruption Policy and Whistle Blowing policy.

### 2 Compliance

- 2.1 Every contract entered into by the Council shall be entered into in connection with the Council's functions and must comply with:
  - (a) all relevant statutory provisions;
  - (b) the relevant European procurement rules (i.e. the EC Treaty, the general principles of EC law and the EC public procurement directives implemented by the UK Regulations);
  - (c) the Council's Constitution including these Contract Procedure Rules, the Authority's Financial Regulations and Financial Procedure Rules and the Council's Scheme of Delegation
  - (d) the Council's vision, priorities, enabling strategies and policies (e.g. Sustainable Procurement Policy)

- 2.2 At all times during the contract award procedure, the Council, through its members and officers, shall consider and implement the principles of non-discrimination, equal treatment and transparency.
- 2.3 The highest standards of probity are required of all officers and members involved in the procurement, award and management of Council contracts. Members shall comply with the [Code of Conduct for Councillors](#), and officers shall comply with the [Code of Conduct for Officers](#).
- 2.4 Effective audit trails must be maintained at all stages throughout the procurement procedure, particularly when approval or agreement is required and at evaluation/decision making stages.

### **3. Conflicts of Interest**

- 3.1 Every officer entitled to buy supplies, services or works must make a written declaration of interests and update it immediately when an interest changes.
- 3.2 Authorised Officers must declare any conflict of interest or potential conflict of interest to the Monitoring Officer and take no further part in the award of a contract by the Council. Such declarations should be made as soon as the conflict or potential conflict of interest becomes apparent and should be complete and accurate, noting any involvement the officer has already had, prior to the declaration of interest.
- 3.3 Subject to the specific exception set out at paragraph 3.4 below, officers must not accept a gift from any contractor/bidder or potential contractor/bidder to any contract being let by the Council or from any firm or organisation with whom the Council has had, is having or may have dealings of any kind, and to do so is a disciplinary offence. Officers must always abide by the Council's Officer Code of Conduct and must declare in the electronic Register of Gifts and Hospitality on Connect if they have been offered such a gift when dealing with a contract for the Council.
- 3.4 The exception to the general rule set out at paragraph 3.3 is:
- a seasonal or work-related gift such as a calendar or diary with a retail value of less than £25.
- 3.5 If offered hospitality or travel assistance from any contractor/bidder, or potential contractor/bidder, to any contract being let by the Council that will in a particular procurement assist them to obtain the best value for money for the Council, (e.g. in connection with visits to reference or demonstration sites), Authorised Officers may accept this (subject to the specific exceptions set out at 3.6 below) but must declare it in the electronic Register of Gifts and Hospitality.
- 3.6 In the circumstances set out at 3.5 above, Authorised Officers may accept, and need not declare, the following:
- a short lift in a private or company car, or a taxi, or reasonable refreshments in the course of duty (e.g. a modest working lunch)
- 3.7 Any other offers of hospitality or travel assistance from contractors/bidders or potential contractors/bidders should be refused. If such an offer is made, Authorised Officers must notify the Monitoring Officer and declare such offers in the electronic Register of Gifts and Hospitality.

#### 4. Procurement Plan

- 4.1 Prior to the start of each financial year, each Director must prepare a procurement plan setting out their department's contracts to be procured (over £10,000) during that financial year, and where possible for forthcoming years. A copy of the plan must be supplied to the Principal Procurement Officer who shall use this information to formulate and publish an Annual Procurement Plan for the Council.
- 4.2 Any procurements planned with a contract value of £75,000 or above should be communicated to Democratic Services for inclusion on the Forward Plan.

#### 5. Who has authority to carry out procurement on behalf of the Council?

- 5.1 Any procurement carried out on behalf of the Council may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council's Constitution. Officers with delegated authority may only authorise other officers who have the appropriate skills and knowledge appropriate to the task. Officers shall be informed by their Director/Service Head, in writing, of the extent of any delegated authority and any applicable financial thresholds for each procurement. These officers shall be known as Authorised Officers.
- 5.2 For all High Value procurements, prior approval of the proposed contract award procedure including the evaluation criteria to be applied shall be sought from the relevant member of the Senior Management Team. Additionally for all High Value Procurements above the EU threshold, and for any involving the transfer of staff, Authorised Officers must seek prior approval of the proposed contract award procedure, including the proposed evaluation criteria and weightings to be applied from Cabinet unless Cabinet has previously delegated that decision.
- 5.3 All High Value contract award decisions and any which involve any potential transfer of the Council's employees shall be referred to Executive Cabinet.
- 5.4 Any contract awards which constitute a Key Decision (i.e. a contract worth £75,000 or more) must be published in the Forward Plan prior to any decision being taken as described in the Council's Constitution.

#### 6. Exempt Contracts

- 6.1 The Rules do not apply to the following types of Contract:
- (a) individual contracts for the provision of temporary staff (The arrangements with staffing agencies, however, should be subject to a competitive procurement process in accordance with these Contracts Procedure Rules);
  - (b) contracts of employment which make an individual a direct employee of the Council
  - (c) contracts relating solely to disposal or acquisition of an interest in land (including buildings)

If you are in any doubt about whether the Rules apply, you **must** always check with the Principal Procurement Officer.

#### 7. Pre-Procurement Procedure

- 7.1 Before commencing procurement, it is essential that the Authorised Officer leading the

procurement has identified the business need and fully assessed any options for meeting those needs. Consideration shall be given to the Council's Procurement Strategy, Sustainable Procurement Policy and procurement guidance, as appropriate.

7.2 Before undertaking procurement the Authorised Officer shall:

- (a) consider all other means of satisfying the need (including recycling and reuse where appropriate);
- (b) prepare an estimate of expenditure in accordance with [Rule 8](#);
- (c) undertake a risk assessment
- (d) complete an Equality Impact Assessment where any change in service provision is proposed that will have Equality Impacts
- (e) establish a business case for the procurement and consider whether the procurement should follow the Council's Project Management Framework/Toolkit. Procurements which may benefit from use of the toolkit are usually higher value and are:
  - unique, new or complex leading to significant system, process or service changes,
  - impact on numerous services,
  - have a significant reputational impact on the Council

If you are unsure as to whether the Project Management Framework should apply, you should consult the Policy and Performance Advisor for a decision.

The level of resource and detail deployed in carrying out the requirements of 7.1 and 7.2 shall be appropriate to the nature and the value of the Procurement.

## 8. Calculating the Contract Value

- 8.1 Prior to commencing any procurement you must estimate the total monetary value of the contract (exclusive of VAT) over its full duration, including any extension options (not the annual value). The estimated total value of the contract will determine which procedure you must then adopt.
- 8.2 Where the duration of a contract is for an indefinite period, or where its term cannot be defined, the contract value should be taken to be the estimated value of the contract over a period of four years.
- 8.3 Circumstances may arise where a number of low value contracts for similar works/goods or services are given to one Contractor within a 12 month period. In this case, 12 months expenditure should be aggregated to determine which procedure should be followed. When the value of those contracts is aggregated the effect may be to move the total purchase from one value band to another. This may mean that a different procurement method has to be followed to comply with these rules, or it may be necessary to seek a waiver of these rules in such circumstances.
- 8.4 Authorised Officers should make the best use of the Council's purchasing power by aggregating purchases wherever possible.
- 8.5 Contracts must not be artificially split to avoid the Rules or the EU Regulations.
- 8.6 If, following calculation of the estimated value, the low value route (below) £10,000 is used, and, after evaluating in accordance with the evaluation criteria, the preferred offer is valued

at over £10,000, the matter shall be referred initially to the Director/Head of Service for approval who shall consult the Legal Services Manager. Provided that the preferred offer is within 10% of the pre-quote estimate, and the Director/Head of Service and the Legal Services Manager are of the opinion that a robust exercise with an appropriate level of competition has been carried out, with a genuine pre-tender estimate, they may collectively approve the contract award.

- 8.7 If, following calculation of the estimated value, the intermediate route (below £75,000) is selected, and, after evaluating in accordance with the evaluation criteria, the preferred offer is valued at over £75,000, then the matter shall be referred initially to the Director/Head of Service for approval who shall consult the Legal Services Manager. The Director/Head of Service and the Legal Services Manager shall be given full details including how the estimated value was calculated, the amount of the estimated value, the value of all quotations received and the evaluation model applied leading to selection of the preferred offer. Provided that the preferred offer is within 10% of the pre tender estimate and the Director/Head of Service and the Legal Services Manager are of the opinion that a robust exercise has been carried out with a genuine pre-tender estimate, they may collectively recommend that the process be continued under the High Value route and that full details of the process followed be included in the subsequent report requesting approval for the award decision to be submitted to Cabinet.

## **9. Low Value Procurement: Below £10,000**

- 9.1 Where the estimated value or amount of the proposed contract is less than £10,000, the Authorised Officer shall ensure that best value is achieved and that the arrangements made secure the best available terms for the Council. Good practice would be to obtain written or electronic quotations (including at least one local supplier where possible); however, evidenced verbal quotations are acceptable. The Authorised Officer should ensure that the number and type of quotations received are appropriate and proportionate to the contract risk and value.
- 9.2 The purchase order must be made on an official purchase order and shall specify the services, supplies or works to be provided and set out the price and terms of payments.
- 9.3 Two authorised officers must be involved in the ordering and receiving process.
- 9.4 Every purchase order (whether issued as a result of higher, intermediate or lower value procurements) **must** contain the current approved standard form of terms and conditions of contract between the Council and the supplier. A quotation and a purchase order will create a legally binding contract.

## **10. Intermediate Value Procurement: £10,000 to £75,000 (Quotations)**

- 10.1 For procurements valued over £10,000 but at or below £75,000 at least 3 written Request for Quotations shall be invited through the Council's e-procurement portal 'The Chest' before a formal purchase order is issued specifying the supplies, services or works to be provided. Quotations shall be received and opened in accordance with [Rule 19](#).
- 10.2 At least one local supplier should be included in the suppliers to be invited to quote where possible.
- 10.3. Invitations to quote shall:
- (a) specify or refer to a specification of the goods, materials, services or work required; and
  - (b) state the date and time by which quotation must be received;

and

- (c) include the instructions for submission and state that no quotation will be considered unless it is received in accordance with those instructions;
- (d) have the evaluation criteria set out in the invitation to Quote. All quotations shall be evaluated in accordance with the evaluation criteria set out in the quotation documents. All contracts, except where lowest price was predetermined to be the appropriate contract award criterion, shall be awarded on the basis of the offer which represents the Most Economically Advantageous offer to the Council. The evaluation criteria shall be predetermined and listed in the invitation to Quote, in order of importance. The evaluation criteria shall be strictly observed at all times throughout the contract award procedure by any person involved in the evaluation.

10.4 Where the risk in a specific procurement is perceived to be high, then that procurement shall be treated as a High Value Procurement.

10.5 Any procurement that may involve a transfer of staff shall be treated as a High Value Procurement.

### **11. High Value Procurements: Above £75,000 (Tenders)**

11.1 All Procurements with a cumulative value of over £75,000 shall be classed as High Value Procurements.

11.2 Additionally any contract where Council employees may be transferred to other bodies or where risk in the procurement is perceived to be high shall be treated as a High Value Procurement.

11.3 All high value procurements must be advertised on the Council's e-procurement portal 'The Chest' and where considered appropriate and necessary in order to stimulate suitable and sufficient competition, a trade journal or the local press. The Council's web site shall include a link and signpost contractors to The Chest.

11.4 For all High Value Procurements, prior approval of the proposed contract award procedure including the evaluation criteria to be applied shall be sought from the relevant member of the Senior Management Team. Additionally for all High Value Procurements above the EU threshold, and for any involving the transfer of staff, Authorised Officers must seek prior approval of the proposed contract award procedure, including the proposed evaluation criteria and weightings to be applied from Cabinet unless Cabinet has previously delegated that decision.

11.5 In addition to the contract award provisions at paragraph [26.4](#), any procurement of £75,000 or more in value constitutes a key decision and notification of the decision to be taken must therefore be included in the relevant Forward Plan at an early stage, as described in the Council's Constitution, before the contract award decision is taken.

11.6 One of the four contract award procedures set out in Contract Procedure Rules 13, 14, 15 and 16 shall be used as appropriate for the particular procurement, i.e. open, restricted, and negotiated or Competitive Dialogue.

11.7 Nothing in these Rules prevents you from adopting any aspect of the High Value Procurement procedures in the procurement of intermediate or lower value supplies, works or services.



## **12. Contracts Subject to the Regulations: Above the EU Threshold**

12.1 Where the estimated value of a contract exceeds the current EU threshold the contract shall be tendered in accordance with the Regulations. Under the Regulations, the contract may be tendered under the Open, Restricted, or, in exceptional circumstances exhaustively set out in the Regulations, the Negotiated or Competitive Dialogue (for particularly complex contracts) procedure. For each contract tendered in accordance with the Regulations, a contract notice shall be published in the prescribed form in the Supplement to the Official Journal to the European Union (OJEU) to invite tenders or expressions of interest.

Advertisements published in addition to the OJEU notice must not appear in any form before a contract notice is submitted to OJEU and must not contain any information additional to that contained in the contract notice.

12.2 With effect from 1 January 2012 the main current EU thresholds are as follows:

- (a) services contracts £172,514;
- (b) supplies contracts £172,514; and
- (c) works contracts £4,322,012.

The EU thresholds set out above are revised by the OJEU every two years.

12.3 The Regulations set out the minimum timescales for receipt of expressions of interest and tenders. Where the Council has published a Prior Information Notice announcing its forthcoming contracts for the year ahead the Council may rely on reduced timescales if appropriate.

12.4 The EU Directives and UK Regulations are long and complex, and only the principal requirements can be given here. Officers must consult the Procurement and Legal Services departments prior to commencing any procurement which is subject to the Regulations.

## **13. Open Procedure**

13.1 All suppliers applying in response to a notice by the published deadline are invited to tender. If publication of a notice in the OJEU is not required (i.e. when the value of the contract does not exceed the EU threshold) then a notice giving at least 14 days public notice shall be published on the Chest, and where considered appropriate and necessary in order to stimulate suitable and sufficient competition, a trade journal or the local press. The Council's web site shall include a link and signpost contractors to The Chest.

## **14. Restricted Procedure**

14.1 Only those suppliers selected by the Council are invited to tender. Suppliers shall be selected on the basis of published pre-qualification criteria related to those matters set out in Contract Procedure [Rule 17](#).

14.2 If publication of a notice in the OJEU is not required the notice requirements are the same as in the open procedure (see Contract Procedure Rule 13.1 above) except that the notice shall state that the restricted procedure is being used. The notice shall contain details of the proposed contract and specify a time limit which shall be no less than fourteen days from the date of publication of the notice within which interested parties may register to express their interests. All organisations who register their interest will be able to access a pre-qualification questionnaire from the Chest. The Council will only invite to tender those suppliers selected on the basis of the pre-qualification questionnaire.



14.3 If the EU Regulations apply a notice in OJEU is required and a minimum of five suppliers shall be invited to tender, or, where less than five suppliers meet the selection criteria, such number as do meet the selection criteria.

14.4 Where the EU Regulations do not apply a minimum of three suppliers shall be invited to tender, or, where less than three suppliers meet the selection criteria, such number as do meet the selection criteria.

## 15. Negotiated Procedures

15.1 Under the Negotiated Procedure a notice is placed and participants are selected in the same way as the restricted procedure. The authority would determine the winning offer through negotiation with the participants.

15.2 The negotiated procedure is not recommended for contracts valued at below EU thresholds. The negotiated procedure will only be applicable in limited circumstances, usually where the Council is unable to ascertain prior overall pricing of the services or is unable to draw up specifications which are sufficiently specific. Advice from Legal Services and the Procurement Team must be sought on all occasions prior to the use of the negotiated procedure.

## 16. Competitive Dialogue

16.1 Under the Competitive Dialogue procedure a notice is placed and participants are selected in the same way as for the restricted procedure. The authority would then conduct a dialogue with those selected to develop their proposed solutions to its requirements before formally closing the dialogue and seeking final tenders from them.

16.2 **The Competitive Dialogue procedure may only be used for particularly complex contracts** where at the outset the authority:

- Is not objectively able to define the technical means capable of satisfying its needs or objectives, and/or
- Is not objectively able to specify the legal and/or financial make-up of the project

In addition the authority must consider that the use of the open or restricted procedure will not allow the award of the Contract.

16.3 The Competitive Dialogue procedure is not recommended for contracts valued at below EU thresholds. **Advice from Legal Services and the Procurement Team must be sought on all occasions prior to the use of the Competitive Dialogue procedure.**

17. **Pre-qualification** (Not to be used when procuring from a Framework agreement as suppliers on framework agreements are already pre-qualified)

17.1 In all procurements the Council shall only enter into a contract with a Contractor if it is satisfied as to the Contractor's –

- (a) eligibility;
- (b) economic and/or financial standing;
- (c) technical and /or professional ability.

The level and detail of assessment shall be proportionate to the risk and value of the contract. Shared Financial Services shall be consulted for all procurements above £100,000 for the completion of an appropriate financial assessment.

17.2 Pre-Qualification Questionnaires (PQs) may be used to assess a bidder's ability to

perform the contract in question (selection criteria) but must not be used to assess how a contractor will perform the contract (award criteria). PQQs are not recommended for contracts below £75,000 in value.

- 17.3 Template Pre-qualification questionnaires which may be adapted to meet individual procurement requirements are available from the Procurement Team.
- 17.4 Any procurement subject to the Regulations shall be in full compliance with those Regulations. The Regulations stipulate what must and/or may be taken into account of, in assessing eligibility, economic and financial standing and technical and/or professional ability.

## **18 The Invitation to Tender**

- 18.1 The ITT or ITN shall include details of the Authority's requirements for the particular contract including:
- (a) a description of the services, supplies or works being procured;
  - (b) the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders;
  - (c) instructions for completing and returning the tender documentation;
  - (d) notification that tenders received after the closing date and time will not be considered;
  - (e) a specification and instructions on whether any variants are permissible;
  - (f) the Council's terms and conditions of contract;
  - (g) the evaluation criteria including any weightings as considered appropriate;
  - (h) pricing mechanism and instructions for completion;
  - (i) whether the Council is of the view that TUPE may apply;
  - (j) form and content of method statements to be provided;
  - (k) rules for tender submission;
  - (l) any further information which will inform or assist tenderers in preparing tenders.

## **19. Submission, Receiving and Opening of Tenders/Quotations**

- 19.1 Every response to an invitation to tender/quote for a transaction valued over £10,000 must be submitted through the Chest by no later than the time and date specified for submission of tenders/quotations in the invitation to tender/quotation document.
- 19.2 Tenders and Quotations must be stored securely and confidentially on the Chest until the closing date and time has passed.
- 19.3 The Principal Procurement Officer or Authorised deputy shall verify (remove the e-seal) and release all tenders and quotes to the Authorised Officer once the deadline for their receipt has passed. This verification role may be given to a suitably trained Authorised Officer for intermediate value quotes.
- 19.4 The Chest will automatically record the date and time of receipt of each submission and will list late submissions separately. No quotations or tenders which have been received on to the Chest after the deadline for receipt has passed may be considered.
- 19.5 The Principal Procurement Officer or other Authorised Officer shall complete a Record of Tenders/Quotations Received form summarising the quotations received.
- 19.6 The Authorised Officer must notify the Principal Procurement Officer of the eventual outcome of the procurement exercise for entry into the Contracts Register by completing and submitting the final sections of the Record of Tenders/Quotations Received Form.
- 19.7 The closing date for the receipt of tenders/quotations may be extended, in appropriate circumstances, at the written discretion of the Legal Services Manager.

19.8 Tenders and Quotations shall not be opened until the deadline has passed for their receipt.

## **20 Traditional Hard Copy Tenders and Quotes (Exceptional Circumstances Only)**

20.1 The Council's preferred method of tendering is by electronic means through the Chest. However, in very exceptional circumstances, (e.g. contracts where there are items required, which cannot be submitted electronically), tenders and quotes may be submitted in hard copy format with the prior approval of the Legal Services Manager and the Principal Procurement Officer.

20.2 Tenders and quotations received in accordance with Paragraph 20.1 shall be addressed to the Principal Procurement Officer, Shared Financial Services, Town Hall, Market Street, Chorley, PR7 1DP, in a sealed envelope endorsed with the word 'Tender' or 'Quotation' as appropriate, followed by the subject matter to which it relates. No marks shall be included upon the envelope that identifies the bidder prior to the opening of the envelope. The Principal Procurement Officer shall record the date and time of receipt of such Tenders and Quotations and shall keep them in a secure place where they shall remain unopened until the time and date specified for their opening.

20.3 Tenders and quotations received in accordance with this paragraph 20 shall be opened by the Principal Procurement Officer or authorised Deputy and at least one other Authorised Officer. An immediate record shall be made of the Tenders/Quotations received including tenderer name, value, and the date and time of opening on the Record of Tenders/Quotes Received Form.

## **21. Evaluation**

21.1 Tenders subject to the EU Regulations shall be evaluated in accordance with the relevant regulations and the evaluation criteria set out in the OJEU notice and invitation to tender. All other tenders and quotations shall be evaluated in accordance with the evaluation criteria notified to tenderers in the contract notice and/or invitation to tender or quote.

21.2 All contracts, except where lowest price was predetermined to be the appropriate contract award criterion, shall be awarded on the basis of the offer which represents the Most Economically Advantageous Tender to the Council (MEAT).

21.3 MEAT evaluation involves scoring tenders objectively by a panel of officers and/or independent experts using criteria which should:

- be pre-determined and listed in the invitation to tender/quotation documentation in order of importance;
- be weighted according to their respective importance (mandatory for High Value Tenders, optional for intermediate and low value procurement);
- be strictly observed at all times throughout the tender process;
- reflect the principles of Best Value;
- include price;
- adopt whole-life costing where appropriate, particularly in the case of capital equipment where the full cost of maintenance, decommissioning and disposal should be taken into account. Additionally the use of energy efficient products or the use of sustainable materials with a longer life span may impact on the whole life cost.

- be capable of objective assessment;
- include, where applicable, the quality of the tenderers' proposals to accept a transfer of staff under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE); and
- avoid discrimination or perceived discrimination on the basis of nationality, or other cause contrary to any of the Council's policies.

Where this evaluation methodology is used, any resulting contract must be awarded to the tenderer which submits the most economically advantageous tender, i.e. the tender that achieves the highest score in the objective assessment.

- 21.4 The evaluation criteria must be consistently and strictly observed at all times through the contract award procedure by any officer involved in the tender evaluation process. The Authorised Officer must keep comprehensive records of the evaluation exercise including the scores and comments and justification for those scores and shall sign the final selection record.
- 21.5 For each contract subject to the Regulations or above £75,000, the Authorised Officer shall form an Evaluation Team with responsibility for evaluating tenders. The Authorised Officer shall keep comprehensive written records of the evaluation exercise including the scores and comments and justification for those scores, and the lead officers of the evaluation team shall sign the final selection record.

## **22. Tender/Quotation Clarification**

- 22.1 Tenderers may request clarification on aspects of the Tender/Quotation documentation prior to submission by submitting a clarification question through the Chest. The Authorised Officer must ensure equal treatment of all bidders, and where relevant should anonymise the question and publish that together with the response to all potential bidders through the Chest. Care should be taken not to reveal the identity of the Tenderer or any information which may be deemed to be commercially confidential to them during the clarification process.
- 22.2 During the evaluation process, Authorised Officers may clarify aspects of a submitted Tender or a Quotation which are unclear, lacking in detail, ambiguous or appear to show a misunderstanding of the requirements. The areas requiring clarification should be set out in writing by the procurer and a written response requested from the tenderer. All such communications should be issued or recorded through the Chest to ensure a full e-audit trail of the procurement.
- 22.3 For more complex service procurements where officers want to obtain a fuller understanding of bidders' proposals and method statements, it may be appropriate to hold a clarification meeting. In such circumstances a formal written record of the meeting shall be completed and agreed by all parties. Minor points of clarification and obvious errors (e.g. mathematical error) should be dealt with in accordance with Clause 22.2 above and should not require a meeting.

When conducting clarification, as throughout the procurement process, the Procuring Officer must bear in mind the rules and principles of the EU Regulations, i.e. transparency, equal treatment and non-discrimination.

## **23 Errors in Tenders/Quotations**

- 23.1 Errors in Tenders/Quotations must be dealt with by asking the Tenderer to confirm the Tender as submitted or withdraw their bid. However, where a Tenderer has made a visible

and genuine arithmetical error they may be given an opportunity to correct that error. Other than where a procurement is being carried out under the Competitive Dialogue or Negotiated procedure where fine tuning and clarification are permitted, no other adjustment, revision or qualification is permitted.

23.2 Tenders/Quotations must state how errors in Tenders/Quotations must be dealt with.

23.3 Careful consideration must be given to the effect of any procedure adopted when dealing with errors in Tenders and the reflection which any such procedure may have on the integrity of the officers and members of the Council. It is essential that whatever procedure is adopted is transparent and fair and equitable to all tenderers.

## **24. Post Tender Negotiation**

24.1 Where procurement is conducted pursuant to the Regulations through either the open or restricted procedures no post tender negotiations are permitted. The Council may seek clarification from suppliers where appropriate.

24.2 At all times during the procurement (whether subject to the Regulations or not), the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.

## **25. Bonds, Guarantees and Insurance**

25.1 For high value procurements, the evaluation team shall consider as part of its pre-qualification assessment whether a performance bond and/or a parent company guarantee (if applicable) shall be required from the preferred Supplier.

25.2 The Authorised Officer shall consider and include, where relevant, in the Tender documentation, the appropriate type (employee liability, public liability, professional indemnity, etc.) and level of insurance requirements for each contract.

## **26. Awarding Contracts**

26.1 The Council shall only award a contract where at the time of contract award this represents the Most Economically Advantageous offer or is the lowest price depending on contract award criterion included in the OJEU notice or Invitation to Tender/Quote.

25.2 A contract must only be awarded and signed by a person authorised to do so, who must ensure that the appropriate budget holder has the funds in place to sustain the contract prior to award.

26.3 Directors/Heads of Service should ensure that proper records of all procurement activity are retained in electronic or hard copy format as appropriate.

26.4 All High Value contract award decisions and any which involve any potential transfer of the Council's employees shall be referred to Executive Cabinet.

26.5 Any procurement of £75,000 or more in value constitutes a key decision and must therefore be included in the relevant Forward Plan as described in the Council's Constitution, before the contract award decision is taken.

26.6 The highest standards of probity are required of all officers and members involved in the procurement, award and management of Council contracts. It is essential to maintain effective audit trails at all stages throughout the procurement procedure particularly where approval or agreement is required.

**27 Standstill Period**

27.1 TC "

27.2 Once the decision to award a contract is made, each tenderer must be notified in writing on the outcome of the tender process. This notification must include full reasons for the award decision:

- (i) details of the contract award criteria;
- (ii) characteristics and relative advantages of the successful bidder;
- (iii) the score the tenderer obtained against those award criteria;
- (iv) the score the winning tenderer obtained; and the name of the winning tenderer;
- (v) a precise statement of the standstill period.

**28. Contract Award Notice**

All contracts awarded under the Regulations must be announced by means of a Contract Award Notice in OJEU transmitted no later than 48 calendar days after the date of the award.

The Authorised Officer must notify the Principal Procurement Officer of all contracts awarded, irrespective of value, as soon as possible after the Contract Award.

**29. Letters of Intent**

29.1 Letters of intent shall only be used in exceptional circumstances and, by prior written agreement with the Legal Services Manager, as follows:

- (a) Where a Supplier is required to provide services, supplies or works prior to formal written acceptance by the Council; or
- (b) Where the Council's form of tender does not include a statement that until such time as a formal contract is executed, the Council's written acceptance of a tender shall bind the parties into a contractual relationship.

**30. Contract Terms and Conditions**

30.1 Contracts shall be entered into on the Council's terms and conditions, or an appropriate industry standard form of contract or other form of contract approved by Legal Services. This may be a supplier's contract suitably amended to protect the Council's interests. However where the contract has been tendered the contract shall be in accordance with the tender Conditions. The Contract Conditions shall be included with each purchase order and invitation to tender or negotiate.

30.2 Where contracts are subject to the Regulations, the rules relating to technical specifications shall be followed and any reference to a technical standard, make or type shall be prefaced with the words "or equivalent". This requirement applies to both Part A and Part B Services.

**31. Execution of Contracts**

31.1 Any contracts valued at above £75,000 shall be passed to Legal Services for sealing execution and secure storage, unless otherwise agreed with the Legal Services Manager.

All other contracts may be signed by an officer with appropriate delegated authority.

- 31.2 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Legal Services Manager.

### **32. Records of Tenders and Contracts/Contracts Register**

- 32.1 The Authorised Officer with delegated authority in respect of a particular procurement shall maintain a list of all tenders received.
- 32.2 Each Director/Head of Service shall maintain his/her own register of all contracts entered into by his/her department.
- 32.3 The Principal Procurement Officer shall maintain a register of all Higher Value and Intermediate value contracts entered into by the Council.
- 32.4 Authorised Officers shall notify the Principal Procurement Officer of all intermediate and high value contract awards, for entry into the Contracts Register by completing and submitting the final sections of the Record of Tenders and Quotations Received Form.

### **33. Approved / Standing List of Contractors**

- 33.1 The Council may maintain Approved Standing lists of Suppliers that meet its pre-qualification requirements. Quotations and tenders for contracts that are not subject to the Regulations may be invited from Suppliers included on an approved list. Where the Authority intends to use an approved list for services, supplies or works contracts, the Approved List should be reviewed and advertised on a regular basis.
- 33.2 Each Approved Standing List shall:
- (a) be compiled and maintained by the relevant Authorised Officer;
  - (b) contain the names of all persons who wish to be included in it and who after appropriate enquiries have been made by the Authorised Officer concerned, are approved by the Council or Cabinet as provided for in the scheme of delegation; and
  - (c) indicate whether a person whose name is included in it is approved for contracts for all, or only some, of the specified values or amounts or categories.
- 33.3 At least four weeks before each Standing List is first compiled, a notice inviting applications for inclusion in it shall be published in accordance with Contract Procedure [Rule 13](#) if a notice in OJEU is not required.
- 33.4 Each Standing List shall be amended as required from time to time to include new applications for inclusion and to delete any person no longer thought fit to be included. Each Standing List shall be formally reviewed in the manner set out below by the appropriate Director/Head of Service at intervals not exceeding three years. At least four weeks before each review, each person whose name appears in the Standing List shall be asked whether s/he wishes his/her name to remain there. Notices inviting applications for inclusion in the list shall be published in the manner provided by Contract Procedure Rule 33.3 above.
- 33.5 Where an invitation to tender for a contract is limited to those named on the Standing List maintained under this Contract Procedure Rule, an invitation to tender for that contract shall be sent to at least four of the persons on the list. These people will be approved for a contract for that value or amount or of that category, or, if there are fewer than four such persons, to all such persons. If there are more than four people, the Authorised Officer will select the people who will receive invitations, and the manner in which they are sent. This

will be either generally or in relation to a particular contract or to a category of contracts provided that the manner of selection shall include a system of rotation from persons appearing on the Standing List.

#### **34. Nominated and Named Sub-contractors**

If a sub-contractor, supplier or sub-consultant is to be nominated or named to a main contractor, quotations or tenders must be invited in accordance with these Contracts Procedure Rules and the terms of the invitation shall be compatible with the main contract.

#### **35. Framework Agreements**

- 35.1 Framework agreements are agreements with suppliers for the provision of supplies, works or services on agreed terms for a specific period. Unlike normal contracts which require certainty (on price, quantity and other details), Framework Agreements usually state only non-binding estimated quantities against which orders are to be placed as and when required during the contract period (sometimes this procedure is known as “call-off”). As soon as the quantity/price etc are fixed and an order placed, a contract is formed. Frameworks offer benefits of bulk-buying, improved service and reduced administration costs over the period of the arrangement.
- 35.2 A framework agreement may have the option or requirement for you to hold a “further - competition” with all of the suppliers included on the framework who are capable of meeting your requirement. Quotations invited under a further competition shall be received and opened in accordance with [paragraph 19](#) of these Contract Procedure Rules, unless received and opened by the public sector framework provider (e.g. Yorkshire Purchasing Organisation) on the Council’s behalf, who may receive and open such bids in accordance with their contract procedural rules.
- 35.3 All Framework agreements procured by the Council must be tendered in accordance with these Contract Procedure Rules.
- 35.4 Where the Council has entered into a Framework Agreement through procurement or is able to place orders from existing Framework Agreements procured by central government agencies, public sector consortia, other local authorities or other third parties, then the Council may benefit from using those contracts without entering into a full, separate procurement.
- 35.5 Where a public sector framework is used in accordance with the above provisions, without entering into a full, separate procurement process, all other relevant aspects of these procurement rules will still apply, including any approval which may be required for the procurement award procedure (in this case to use the identified framework), approval for the evaluation criteria and weightings (in the event of a further competition under the framework), and approval for the contract award prior to contract acceptance.
- 35.6 Authorised Officers shall investigate whether call-off contracts or frameworks are relevant to their procurement activity as better value for the Council may be obtained by using an existing Council or other framework.
- 35.7 Legal/Procurement Advice should be sought in advance before awarding a contract to a supplier using a framework agreement not procured directly by the Council.
- 35.8 Any appropriate Council Framework Agreements in place shall be used regardless of value, provided the standing order requirements in relation to delegated authority are met. An effective audit trail shall be maintained.



### **36. Joint Procurement**

- 36.1 Any Higher Value joint procurement arrangements (where the Council's portion of the contract value exceeds £75,000) with other local authorities or public bodies shall be approved by Cabinet or, where a more urgent decision is required, by the relevant member of the Senior Management Team in consultation with the appropriate Cabinet Member.
- 36.2 Any Intermediate Value joint procurement arrangements (where the Council's portion of the Contract value exceeds £10,000) with other local authorities or public bodies shall be approved by The Director/Head of Service.
- 36.3 Approval for Joint Procurement arrangements shall only be given where the joint procurement arrangement assures compliance with the EU Procurement Regulations.
- 36.4 If approval is given for the joint procurement, the parties involved in the procurement should appoint a "lead body" to carry out the procurement. The procurement should then be conducted in accordance with the lead body's Rules. If this approach requires any waivers of the lead body's Rules, it shall be that body's responsibility to seek approval for, and obtain, such waiver(s).

### **37. Procurement by Consultants**

Any consultants used by the Council shall be appointed in accordance with these Contracts Procedure Rules. Where the Council uses consultants to act on its behalf in relation to any procurement, then the Authorised Officer shall ensure that the consultants carry out any procurement in accordance with these Contracts Procedure Rules. No consultant shall make any decision on whether to award a contract or who a contract should be awarded to. The Authorised Officer shall ensure that the consultant's performance is monitored.

### **38. Statistical Returns**

- 38.1 Each year the Council shall make a statistical return to the Department for Communities and Local Government or such other central government department with this responsibility for onward transmission to the European Commission concerning the contracts awarded during the year under the European Regulations.
- 38.2 The Principal Procurement Officer is responsible for this statistical return and will make the necessary arrangements for information to be collected annually. Authorised Officers shall comply with these arrangements.

### **39. Contract Extension**

- 39.1 Any contract which has been procured in accordance with these Rules may be extended in accordance with its terms (subject to financial resources) by the Director/Head of Service or Authorised Officer provided an extension clause was included for within the contract terms and conditions.
- 39.2 Other existing Contracts which have been procured in accordance with these Rules may be extended by the Director/Head of Service or Authorised Officer, provided that the total period of this and any previous extension will not together exceed 1 year. The Authorised Officer must keep a record of the reason for the decision to so extend. A formal Waiver of the Rules must be obtained if the proposed extension will add more than £10,000, or more than 20% (whichever is the higher) to the original total Contract value.
- 39.3 Any extension exceeding £75,000 in value shall require the approval of the Executive Cabinet or relevant Executive Cabinet Portfolio Member.

- 39.4 If the original contract was subject to the EU procurement regulations, the contract can only be extended within the parameters identified in the original UK contract notice. If the contract was not subject to the EU procurement regulations, any extension must not take the total value of the contract above the relevant EU thresholds.
- 39.5 If the contract was awarded as a framework agreement, the total framework period, including any extensions, cannot exceed four years, except in exceptional circumstances relating to the subject of the framework agreement. For example, a longer duration could be justified in order to ensure effective competition if four years would not be sufficient to provide return on investment.
- 39.6 The length of call-offs under a framework agreement should not last for more than four years. The length of call-offs, as with other contracts should be appropriate to the purchases in question and should reflect value for money considerations. However, individual call-offs from the framework can extend beyond the end date of the framework itself.
- 39.7 When negotiating a contract extension the authorised officer must make every effort to negotiate improved contract terms with regard to the cost and quality and shall always be satisfied that the extension will achieve Best Value for Money and is reasonable in all the relevant circumstances.
- 39.8 All extensions to any Council contracts must be in writing and reported to the Principal Procurement Officer in order that the Contracts Register can be updated accordingly.
- 39.9 Once a Contract has expired it cannot then be extended.

#### **40 Variations**

- 40.1 Variations to Contract shall be dealt with in accordance with these Contract Procedure Rules and the Council's Financial Regulations.
- 40.2 All Contract variations must be carried out within the scope of the original Contract. Contract variations that materially affect or change the scope of the original Contract are not allowed.
- 40.3 All Contract variations must be in writing and signed by both the Council and the Contractor except where different provisions are made within the Contract documentation. The value of each variation must be assessed by the Authorised Officer and all necessary approvals sought prior to the variation taking place including registration on the Council's Forward Plan if applicable.
- 40.4 Contracts procured under the EU Regulations **must not** be extended or varied without first consulting Legal Services and the Principal Procurement Officer.
- 40.5 The Authorised Officer shall always be satisfied that the variation will achieve Best Value for Money and is reasonable in all the relevant circumstances.

#### **41. Termination of Contract**

- 41.1 For any contract exceeding £75,000 in value, termination shall be approved by the Executive Cabinet or Executive Cabinet Portfolio Member. In emergency situations, the relevant Director may authorise termination of higher value Contracts. In this case, full details including the reason for the contract termination shall be reported back to Council at a later date.
- 41.2 Contracts of a lesser value than £75,000 may be terminated early by agreement prior to the

expiry date or in accordance with the termination provisions set out in the contract. Legal advice should be sought as appropriate.

## **42. Disposing of surplus goods**

- 42.1 Heads of Service are responsible for the disposal of their own surplus goods and shall make adequate and safe arrangements to do so.
- 42.2 The same competitive process as for buying supplies, services and works shall also be applied to the disposal of surplus goods unless it has been agreed by the Head of Service that the goods in question are to be disposed of to a charitable/not-for-profit organisation or disposal arrangements have been agreed within the original contract for purchase.

In all other cases, in principle:

- competitive bids need not be invited if the goods are valued at or below £1,000 but you can do so if you wish;
- if the estimated value of the goods is greater than £1,000 (higher value) then (subject to 42.5 below) a minimum of three sealed bids shall be invited.

- 42.3 If you are in any doubt, professional advice shall be sought when making valuations.
- 42.4 The highest value unconditional bid received should usually be accepted. If for any reason, it is considered that another (conditional) bid offers better value for money to the Council, the Authorised Officer may choose that bid but must set out in writing the reasons for reaching that conclusion and the evidence on which it is based.
- 42.5 For higher value items, Authorised Officers may consider sale by auction instead of sealed bids, but before starting this process, must assess the likelihood of achieving best value (taking account of the risks involved and the competitiveness of the market in question) and must also fully account for the total cost of the process including the commission payable to the auction provider.

## **43 Concession Contracts**

The rules apply to Concession Contracts (see Definitions). A simple example would be a concession to pitch an ice-cream van and sell ice-cream on council land.

## **44 Waivers of Contract Procedure Rules**

- 44.1 Waivers of any of these contract Procedure Rules shall only be given in exceptional circumstances and in all cases must make clear which rules are being waived and be justified because:
- the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of the Rules is justifiable; or
  - the contract is for works, supplies or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or
  - there are other circumstances which are genuinely exceptional and not of the Council's own making.
- 44.2 For Higher Value Procurements, approval for waivers to the Rules must be obtained from Cabinet.

- 44.3 For intermediate value procurements, waivers may be granted via the electronic request for waiver form located on Connect (SRBC) / Sharepoint (Chorley) by the appropriate Director/Head of Service, in consultation with the relevant Cabinet Member and the Legal Services Manager, prior to contract award.
- 44.4 The e-form must be used on all occasions. This will form an e-record of the reasons and justification for the waiver request and the decision.
- 44.5. Waivers may not be made retrospectively.

**45. Non-Compliance**

If it comes to the notice of an Authorised Officer that there has been non-compliance with these Contract Procedure Rules in respect of any contract for which s/he is responsible as the Authorised Officer of the procuring department, s/he shall without delay notify the Director of Governance and Business Transformation who shall take such action as s/he deems necessary.

**46. Review and Amendment of Contract Procedure Rules**

The Monitoring Officer is responsible for keeping the Rules under review (with a formal review and if necessary revision every three years) and monitoring compliance.

## DEFINITIONS

### **“Annual Procurement Plan”**

A plan identifying major projects so that appropriate resources can be identified. It also provides a basis for PINs and other information provided to suppliers to give advance notice of bidding opportunities.

### **“Authorised Officer”**

An Authorised Officer of the Council with appropriate delegated authority to act on the Council's behalf in accordance with the Constitution.

### **“Council”**

“Council” means South Ribble Borough Council.

### **“Concession Contract”**

A concession contract is used where the Council wishes to engage a party to provide a service, consideration for which is in the form of the party (“the concessionaire”) being given a right to charge the public for the services being provided. A simple example would be a concession to pitch an ice-cream van and sell ice-cream on council land. If unsure as to whether a proposed contract would come within the scope of this definition please consult with the Legal Services Manager.

### **“Best Value for Money”**

The optimum combination of whole life costs and benefits to meet the customer's requirement. Such term equates to the EU procurement requirement “most economically advantageous offer”.

### **“Contracts Register”**

A register held and maintained by the Principal Procurement Officer containing details of contracts entered into by the Authority.

### **“Framework Agreement”**

An agreement which allows the Council to call off from a supplier to provide supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a non-binding offer with no obligations on the Authority to call off from the Supplier. If the Council calls off from the Supplier a binding contract comes into being. A Framework Agreement can be a binding agreement where it is executed as a deed.

### **“Grant Funded Contract”**

A contract which is procured by the Council and is funded or part funded by grant monies.

### **“ITN”**

Invitation to negotiate.

### **“ITT”**

Invitation to tender.

### **“Key Decision”**

A key decision is defined as any decision in relation to a Cabinet function which is likely:

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant. The financial threshold above which expenditure/savings become significant is set at £75,000. This financial threshold is applicable to both the revenue and capital budgets.
- (b) to be significant in terms of its effect on the communities living in an area comprising two or more Council wards.

**“Legal Services Manager”**

Legal Services Manager or authorised deputy.

**“Local Supplier”**

Any Supplier within the South Ribble borough or any neighbouring borough.

**“Most Economically Advantageous Offer”**

From the Council’s perspective the most economically advantageous offer from a Supplier assessed by reference to relevant evaluation criteria linked to the subject matter of the contract in question, for example, quality, price, technical merit, aesthetic and functional characteristics, running costs, cost effectiveness, after sales service and technical assistance, delivery date and delivery period or period of completion.

**“OJEU”**

Official Journal of the European Union.

**“PIN”**

Prior Information Notice for publication in OJEU.

**“PURCHASING CONSORTIUM”**

A group of public sector bodies which aggregate their requirements and by doing so exact greater leverage from the market. With the agreement of suppliers, if permissible, the consortium may offer its contracts to other local authorities or public bodies.

**“Regulations”**

The UK regulations implementing the EC public procurement directives.

**“RFQ”**

Request for quotations.

**“STANDING OR APPROVED LISTS OF CONTRACTORS”**

A method of procurement where a list of suppliers is drawn up in response to an advertisement in the relevant trade/local press/ website(s). The potential contractors are vetted using the responses to the Pre-Qualification Questionnaire (PQQ) and the list is then used to select specific suppliers for individual contracts. Care needs to be taken to ensure that the list is carefully managed so that it does not become outdated and that it fully represents the range of innovative solutions that may be available in the market.

**“Supplier”**

Any person or body of persons providing, or seeking to provide, supplies, services or works to the Council.

#### **41. OFFICER EMPLOYMENT PROCEDURE RULES**

(See also [Standing Orders 45, 46, 47, 48 & 49](#))

##### **1. Recruitment and Appointment**

###### **(a) Declarations**

- i) The Council shall draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a councillor or an officer shall be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

###### **(b) Seeking support for appointment.**

- i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph shall be included in any recruitment information.
- ii) Subject to paragraph (b)(iii), no councillor shall seek support for any person for any appointment with the Council.
- iii) Nothing in paragraphs (b)(i) and (b)(ii) above shall preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

##### **2. Recruitment of Head of Paid Service and Chief Officers**

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council shall:

###### **(a) draw up a statement specifying:**

- i) the duties of the officer concerned; and
- ii) any qualifications, competencies and qualities to be sought in the person to be appointed;

###### **(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and**

###### **(c) make arrangements for a copy of the statement mentioned in paragraph 2(a) to be sent to any person on request.**

##### **3. Appointment of Head of Paid Service**

- (a) Full Council shall agree the most appropriate panel for the selection and appointment of the head of paid service. That panel must include at least one member of the Cabinet and reflect the Council's political balance.

##### **4. Appointment of Chief Officers**

- (a) An appointments panel of the Council shall appoint chief officers. That panel must include at least one member of the Cabinet.
- (b) An offer of employment as a chief officer shall only be made where no well-founded objection from any member of the Cabinet has been received.

## 5. Other Appointments

- (a) **Officers below chief officer.** Appointment of officers below chief officer (other than assistants to political groups) is the responsibility of the head of paid service or his/her nominee, and may not be made by councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

## 6. Disciplinary action

- (a) Councillors shall not be involved in the disciplinary action against any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.
- (b) The Head of Paid Service/Chief Financial Officer and the Monitoring Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension shall be on full pay and last no longer than two months. However, any disciplinary action in respect of any of those officers may be taken only in accordance with a recommendation in a report made by a designated independent person.

## 7. Dismissal

Councillors shall not be involved in the dismissal of any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of dismissals.



**4J. STANDARDS COMMITTEE PROCEDURE RULES**

**INVESTIGATION AND HEARING PROCEDURE**

**ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT THE CODE OF CONDUCT FOR MEMBERS**

1. Introduction

1. This procedure applies when a complaint is received that a Member, Co-opted Member or Town or Parish Member has or may have failed to comply with the Code of Conduct for Members.
2. The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member.”
3. No Member or Officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter.

2. Making a complaint

A complaint must be made in writing by post or email to: –

Ian Parker  
Monitoring Officer  
South Ribble Borough Council  
Civic Centre  
Leyland  
PR25 1DH

OR

[iparker@southribble.gov.uk](mailto:iparker@southribble.gov.uk)

1. The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it.
2. Details of the complaint will initially be given (either verbally or in writing) to the Subject Member (and in the case of a complaint about a Town or Parish Councillor to the Clerk of the Town or Parish Council as well).
3. The Subject Member may either reply verbally to the Monitoring Officer or, within 5 working days of receipt of the details of the complaint, make written representations which the Monitoring Officer must take into account when deciding how the complaint will be dealt with. Representations received after this time will not be taken into account unless the Monitoring Officer deems it necessary to do so.

**3. Initial Assessment**

1. The Monitoring Officer will review the complaint and make an initial assessment as to whether it merits consideration.
2. If the Monitoring Officer believes the information received merits consideration she will, after consultation with the Independent Person, take a decision as to whether it should be investigated or whether another course of action is appropriate. This decision will normally be taken within 20 working days of receipt of a complaint.

3. If the complaint fails one or more of the following tests, it will be rejected:

- The complaint is against one or more named Members or co-opted Members of the Council or a town or parish council within its district;
- The subject Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
- The complaint, if proven, would be a breach of the Code of Conduct under which the subject Member was operating at the time of the alleged misconduct.

If appropriate, the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected:

- Whether a substantially similar allegation has previously been made by the Complainant to Standards for England, or the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-
  - (i) the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations;
  - (ii) whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation;
- Whether the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat;
- Whether the complaint suggests that there is a wider problem throughout the authority;
- Whether it is apparent that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether training or conciliation would be the appropriate response;

The Monitoring Officer may request whatever additional information she feels is necessary to come to a decision on whether the complaint merits formal investigation.

#### **4. Confidentiality**

If a Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the Initial Assessment stage.

As a matter of fairness and natural justice, the Subject Member should usually be told who has complained about them and receive details of the complaint.

If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her

identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Subject Member

## **5. Informal Resolution**

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps.

Where the Subject Member or the authority (in appropriate cases) make a reasonable offer of local resolution, but it is rejected by the Complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

**If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authorities.**

The Monitoring Officer will endeavour to seek resolution of complaints without formal investigation wherever practicable.

## **6. Investigation**

If the Monitoring Officer decides that a complaint merits formal investigation then she may appoint an Investigating Officer.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to the Complainant and to the Subject Member, for comments. The Investigating Officer will take such comments into account, before issuing their final report to the Monitoring Officer.

If at any time the Monitoring Officer feels that it is inappropriate for her to take a decision or act further in respect of a complaint she has discretion to refer the matter to the Standards Committee.

## **7. Investigating Officer finding of insufficient evidence of failure to comply with the Code of Conduct**

The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is satisfactory, will make a Confirmation Decision to confirm the finding of no failure to comply with the Code of Conduct and will close the matter.

The Monitoring Officer will write to the Complainant and the Subject Member (and to the Clerk of the Town or Parish Council where the complaint relates to a Town or Parish Councillor), with a copy of the Confirmation Decision and the Investigating Officer's final report. A copy will also be provided to the Independent Person.

If the Monitoring Officer is not satisfied that the investigation has been conducted satisfactorily, she may ask the Investigating Officer to reconsider their report and conclusion.

## **8. Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct**

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for Local Hearing before the Standards Committee or, after consulting the Independent Person and the Complainant, seek Local Resolution.

If the Subject Member accepts the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee and the Town or Parish Council (if appropriate) for information, but will take no further action. If the Complainant or the Subject Member refuses Local Resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a Local Hearing without further reference to the Complainant or the Subject Member.

Where, in the opinion of the Monitoring Officer, Local Resolution is not appropriate or the Complainant and/or Subject Member refuse to co-operate, then the Monitoring Officer will report the Investigating Officer's report to the Standards Committee which will conduct a Local Hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

## **9. Hearings Panel**

The Standards Committee has authority to appoint a Hearings Panel to consider complaints that warrant formal hearing. The Hearings Panel will consist of either the full Standards committee or a sub-committee of that committee. In addition the Standards Committee is able to appoint Town or Parish Councillors as non-voting co-opted members of the Panel. Composition of the Hearing Panel will be considered on a case by case basis. If a sub-committee of the committee is to be utilised then the Monitoring officer will have the authority to determine the membership of that sub-committee.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views must be sought and taken into consideration before the Standards Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **10. The Independent Person**

The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of Council at a meeting of the Full Council.

A person is not eligible for appointment if they:

10.1 Are, or have been within the past 5 years, a Member, co-opted Member or officer of the Council;

10.2 Are or have been within the past 5 years, a Member, co-opted Member or officer of a parish council within the Borough, or

10.3 Are a relative, or close friend, of a person within paragraph 10.1 or 10.2 above. For this purpose, "relative" means –

10.3.1 Spouse or civil partner;

10.3.2 Living with the other person as husband and wife or as if they were civil partners;

10.3.3 Grandparent of the other person;

10.3.4 A lineal descendent of a grandparent of the other person;

10.3.5 A parent, sibling or child of a person within paragraphs 10.3.1 or 10.3.2;

10.3.6 A spouse or civil partner of a person within paragraphs 10.3.3, 10.3.4 or 10.3.5; or

10.3.7 Living with a person within paragraphs 10.3.3, 10.3.4 or 10.3.5 as husband and wife or as if they were civil partners.

## **11. Hearing Procedure**

11.1 The Monitoring Officer shall ensure that a Committee Report is prepared to ensure the Hearings Panel has sufficient information before it to make a fully informed decision. She will also ensure that information provided to the Hearings Panel is done so in a proper manner.

11.2 The Subject member may be represented or accompanied at the meeting by a solicitor or barrister, or with the permission of the Standards Committee, another person. It is the responsibility of the subject member to arrange any representation.

11.3 If any party to the hearing wishes to raise issues in respect of factual inaccuracies in relation to the Investigating Officer's report or any evidence attached to it then they must do so in writing to the Monitoring Officer (with copies to all other parties) no later than 7 days prior to the commencement of the hearing.

11.4 The Hearings Panel may take advice from the Monitoring Officer and its legal advisers at any time during the hearing or during its deliberations.

11.5 The Independent Person will normally be present through the hearing and may be invited into deliberations if it is thought appropriate. The Independent Person **MUST** be consulted before the Standards Committee makes any finding that a member has failed to comply with the Code of Conduct and before the Standards Committee imposes any sanction for a breach of the code. The Independent Person may ask questions of anyone present at the hearing.

11.6 Town or Parish Representatives (in particular where the complaint involves a Town Parish Councillor) may be invited to attend hearings and where appropriate be invited into deliberations. They may also, with permission of the Chair, ask questions of anyone present at the hearing and/or provide an opinion if requested to do so but will not be able to vote when the Standards Committee determines any complaint.

11.7 If the Subject Member is not present at the start of the hearing:

- The Chairman should ask the Monitoring Officer whether the Subject Member has indicated his/her intention not to attend the Hearing
- The Hearing Panel should then consider any reasons which the Subject Member has provided for not attending the hearing and should decide whether it is satisfied that there is sufficient reason for such failure to attend
- If the Hearings Panel is satisfied with such reasons, it should adjourn the hearing to another date
- If the Hearings Panel is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Hearings Panel should decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the hearing to another date.

11.8 The Hearings Panel should consider whether or not there are any significant disagreements between the parties (i.e. the Subject Member and the Investigating Officer) about the facts contained in the Investigating Officer's report.

11.9 If there is disagreement the Investigating Officer should present any evidence which is relevant to the facts in dispute. With the permission of the Hearings Panel, witnesses can be called to give relevant evidence. The Subject Member, Independent Person and the Hearings Panel members may ask relevant questions of the Investigating Officer or any witness.

11.10. The Subject Member should then present any evidence that is relevant to the facts in dispute. With the permission of the Hearings Panel, witnesses may be called to give relevant

evidence. The Investigating Officer, and the Hearings Panel members and the Independent Person may ask relevant questions of the Subject Member or any witnesses.

11.11. If the Subject Member disagrees with any relevant fact in the report without having given prior notice, he or she must give good reasons for not mentioning it prior to the hearing. After considering the Subject Member's explanation, the Hearings Panel may:

1. continue with the hearing, relying on the information in the report;
2. allow the Subject Member to make representations about the issue and invite the Investigating Officer to respond;
3. call any witnesses as necessary, or
4. adjourn the hearing to another date.

11.12. The Investigating Officer may then make representations as to why he/she believes that a breach of the Code of Conduct has occurred. The Subject Member, Independent Person and the Hearings Panel may ask relevant questions of the Investigating Officer in this regard.

11.13. The Subject Member may then make representations as to why he/she believes that the Code of Conduct has not been breached. The Investigating Officer, Independent Person and the Standards Committee members may then ask relevant questions of the Subject Member and his/her representative.

11.14. The Investigating Officer and the Subject Member will both have the chance to sum up their position prior to the Hearings Panel carrying out its private deliberations. Within the summing up the Investigating Officer will state what sanctions (if any) in their opinion ought to be imposed. The Subject member may respond to the proposals. The Subject Member will have the right to speak last.

11.15. The Hearings Panel should conduct its deliberations in private to establish its findings of fact, and to reach its conclusion as to whether there has been a failure to comply with the Code of Conduct. The Monitoring Officer and the Hearings Panel's legal adviser shall remain with the Committee whilst it carries out its deliberations. The Independent Person may be asked to join the Hearings Panel in deliberations.

11.16. At any stage in the deliberations the Hearings Panel may return to ask further questions of the Investigating Officer, the Subject Member or any witness who has given evidence, or seek further information. The other party should be given an opportunity to comment upon the questions asked and/or the responses made.

11.17. At the conclusion of the Hearings Panel's deliberations, the Chairman should advise the Subject Member and the Investigating Officer of their findings. If the Hearings Panel concludes that the Subject Member has failed to comply with the Code of Conduct, the Chairman will inform the Subject Member and Investigating Officer what action, if any, it has agreed to take.

## **12. Action the Hearings Panel may take where a Member has failed to comply with the Code of Conduct**

Where a Hearings Panel finds that a member has failed to comply with the Code of Conduct, the Council has delegated Standards Committee and subsequent Hearings Panel such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

- 12.1 Publish its findings in respect of the member's conduct;
- 12.2 Report its findings to Council (or to the Town or Parish Council) for information;
- 12.3 Censure;

- 12.4 Recommend to the member's Group Leader (or in the case of un-grouped Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 12.5 Recommend to the Leader of the Council that the member be removed from the Executive, or that their Portfolio responsibilities be withdrawn;
- 12.6 Instruct the Monitoring Officer to (or recommend that the Town or Parish Council) arrange training for the Member;
- 12.7 Recommend to Council or the Town or Parish Council that the member be removed from all outside body appointments to which they have been appointed or nominated by the Council (or by the Town or Parish Council);
- 12.8 Withdraw (or recommend to the Town or Parish Council that it withdraws) facilities provided to the member by the Council (or the Town or Parish Council), such as a computer, website and/or email and Internet access; or
- 12.9 Exclude (or recommend that the Town or Parish Council exclude) the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 12.10 Any sanction imposed by the Hearings Panel shall commence immediately unless the Hearings Panel directs that a sanction shall commence on another date within six months from the imposition of the sanction.
- 12.11 In deciding to impose a sanction the Hearings Panel shall consider all relevant circumstances and seek the views of the Independent Person.
- 12.12 The Chairman should normally announce the decision of the Hearings Panel at the hearing. Written confirmation of the findings of the Hearings Panel should be given as soon as is reasonably practicable to the Subject Member, Independent Person, Standards Committee of any other authority concerned, any town or parish council concerned, and any person who made an allegation that gave rise to the investigation.
- 12.13 The Hearings Panel and/or Standards Committee may consider making any recommendations to the authority concerned with a view to promote and maintain higher standards of conduct among its members.

### **13. Revision of these arrangements**

The Monitoring Officer, in consultation with the chair of Standards Committee, may amend these arrangements at any time. For the sake of clarity the chair of Standards Committee (or the chair of a particular Hearings Panel) may vary from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

### **14. Appeals**

Subject to Judicial Review, or a decision of the Local Government Ombudsman, there is no right of appeal against a decision of the Monitoring Officer or of the Hearings Panel.

## Part Five

# Codes and Protocols

## 5A CODE OF CONDUCT FOR ELECTED MEMBERS

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# THE CODE OF CONDUCT FOR ELECTED MEMBERS

## A. INTRODUCTION

1. This Code replaces the previous Code of Conduct for All Members and was adopted at the meeting of South Ribble Borough Council on 18 July 2012. This Code is in accordance with the requirements of the Localism Act 2011.
2. This Code applies to **you** as a member of the Council in all aspects of your public life and not when you are acting purely in a private and personal capacity.
3. All members are expected to follow this Code when they are conducting the work of the Council, or representing the Council, on any external organisation, and otherwise acting in their official capacity.
4. Where you act as a representative of the Council
  - (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.
5. You should read this Code together with the general principles listed in [Section B](#).
6. It is your responsibility to comply with the provisions of this Code. Members have a responsibility to ensure that they comply with the Code of Conduct in all respects. They should regularly review their personal circumstances and intended actions in the context of the Code.
7. The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code, the Council's Constitution, as well as such other legal obligations and all relevant Council Policies as may apply to them from time to time.
8. Members should not do anything in their capacity as councillors, which they could not justify to the public or could not justify by law. Members' conduct and what the public believe about their conduct will affect the reputation and credibility of Members and the Council as a whole.
9. You should always conduct yourselves in a way which will maintain and strengthen the public's trust and confidence in the integrity of this Council and should never undertake any action which would bring this Authority, or its Members and Officers generally, into disrepute.
10. It is not enough to avoid impropriety; perception is also important. Members should at all times avoid any occasion for suspicion and any appearance of improper conduct.

11. If in doubt, Members should seek advice from the Monitoring Officer or Deputy Monitoring Officer, but the final decision and responsibility on how to act rests with Members themselves.
12. **Failure to comply with the Code of Conduct may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.**
13. South Ribble Borough Council has adopted an Investigation and Hearings Procedure which it will follow to consider any allegations of breach of this Code.

## **B. THE GENERAL PRINCIPLES OF PUBLIC LIFE**

These general principles define the standards that members should uphold. They are set out in section 28 of the Localism Act 2011.

### *Selflessness*

You should serve only the public interest and should never improperly confer an advantage or disadvantage on any person, organisation or group, or any other third party

### *Integrity*

You should not place yourself in situations where your honesty and integrity may be questioned; you should not behave improperly and should on all occasions avoid the appearance of such behaviour.

### *Objectivity*

You should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

### *Accountability*

You should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.

### *Openness*

You should be as open as possible about your actions and those of this authority, and should be prepared to give reasons for those actions.

### *Honesty*

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### *Leadership*

You should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## C. GENERAL OBLIGATIONS

1. You should always treat others with respect.
2. You must not—
  - (a) do anything which may cause your authority to breach any of the equality enactments;
  - (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 investigation 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, this Council.
3. 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—
      - reasonable and in the public interest; and
      - 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.
4. 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
5. (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,

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## D. DISCLOSABLE PECUNIARY INTERESTS

1. [Appendix A](#) sets out in detail what is considered to be a Disclosable Pecuniary Interest.
2. A 'disclosable pecuniary interest' relates to an interest of both yourself and your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners).

### Notification of disclosable pecuniary interest

3. Within 28 days of either the adoption of this code, becoming a member, co-opted member, Town or Parish Councillor (whichever is the earliest), you must notify the Monitoring Officer in writing of any 'disclosable pecuniary interests'.
4. Following initial disclosure, you must notify the Monitoring Officer within 28 days of becoming aware of any changes to a disclosable pecuniary interest previously notified or of any new disclosable pecuniary interest not previously notified
5. **Failure to make proper disclosure may result in criminal sanctions being brought against you** (See [Criminal Sanctions P6 Section D12](#))
6. Details of your interests including any disclosable pecuniary interests will be kept on a central register which will be published on the Council's website and be available for public inspection.

### Sensitive interests

7. Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation if the interest is entered on the register (and the Monitoring Officer agrees), copies of the register that are made available for inspection and any published version of the register will exclude details of that interest, but may state that you have a disclosable pecuniary interest but the details of which will be withheld under Section 32(2) of the Localism Act 2011.

### Effect of disclosable pecuniary interests on participation in meetings

8. If a disclosable pecuniary interest has been entered on to the Council's register
  - You must state at the start of the meeting or as soon as possible after becoming aware of the fact that you have a disclosable pecuniary interest in the business being considered that you have such an interest.
9. If a disclosable pecuniary interest has NOT been entered on to the Council's register
  - You must state at the start of the meeting or as soon as possible after becoming aware that you have a disclosable pecuniary interest in the business being considered that you have such an interest AND (unless it is a "sensitive interest" – see above) what that disclosable pecuniary interest is.

- You must then inform the Monitoring Officer (within 28 days of the meeting) of the previously undisclosed disclosable pecuniary interest details of which will then be published on the register.
10. IN BOTH CASES i.e. as outlined in paragraph 8 & 9 above (unless dispensation has been granted):
- You must immediately cease to have any further involvement in the rest of the matter being considered.
  - You must not participate in any discussion of, vote on or discharge any function related to any matter in which you have a disclosable pecuniary interest.
  - You must leave the room or chamber where the matter is being discussed.

### Dispensations

11. The Standards Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

### Criminal Sanctions

12. It is a **criminal offence** to :
- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
  - Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
  - Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
  - Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
  - As a member discharging a function, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
  - Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding £5000 and disqualification from being a councillor for up to 5 years.

## **E OTHER INTERESTS**

1. Apart from Disclosable Pecuniary Interests there may also be other interests, whether they be financial or otherwise, which should be disclosed to the Monitoring Officer or a member of Legal or Democratic services (who may enter the details in the register) and which should be declared at the beginning of any meeting or as soon as possible on discovery that such an interest arises where that interest potentially conflicts with the business being discussed.
2. Depending on the significance of the other interests it may also be necessary, especially if the interest may give rise to a perception of a conflict of interest in the

matter under discussion, to declare that interest, state your point of view if you wish to and then leave the room and take no further part in the matter under consideration.

### Notification of Other Interests

3. In addition to the disclosure of Disclosable Pecuniary Interests you must, within 28 days of either the adoption of this code, becoming a member, co-opted member, Town or Parish Councillor (whichever is the earliest), notify the Monitoring Officer in writing of the details of your interests within the following categories, for inclusion in the register of interests:
  - (a) Details of 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;
  - (b) Details of any body exercising functions of a public nature, anybody directed to charitable purposes or anybody 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;
  - (c) Details of any gift or hospitality with an estimated value of at least £25 that you have received in connection with your role as a member of the Council, and details of the donor (see below).
4. You must, within 28 days of becoming aware of any new interest or change to any interest registered under this paragraph notify the Monitoring Officer of the details of that new interest or change.

### Effect of disclosure of Other Interests on participation in meetings

5. If an Interest has been entered on to the Council's register
  - You must state at the start of the meeting or as soon as possible after becoming aware that you have an interest in the business being considered that you have such an interest AND (unless it is a sensitive interest – see above) what that interest is.
6. If the interest has NOT been entered on to the Council's register
  - You should then inform the Monitoring Officer or a member of Democratic or Legal services (within 28 days of the meeting) of the previously undisclosed interest details of which may then be published on the register.
7. You have an interest in any business of your authority where 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 member of your family or any person with whom you have a close association.
8. Where you have an interest in any business of the authority of the type mentioned in [Section H](#), (gifts and hospitality) 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.

9. Where you have an 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.

### Non participation in case of certain other interests

10. Where you have an interest in any business of your authority (other than a disclosable pecuniary interest) **AND** 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 judgment of the public interest **AND** where that business:
  - a. affects your financial position or the financial position of a person or body through whom the interest arises ;or
  - b. relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises,

you may make representations on the matter being discussed at the meeting, but you cannot vote. In addition, once you have made your declaration and representation (if any) you are required to leave the room where the meeting is held while any discussion or voting takes place.

11. Where you have an interest in any business of your authority to which paragraph 10 above applies, you may attend a meeting 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, and provided that you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
12. For the sake of clarity you may attend a meeting and vote on a matter that relates to the functions of your authority in respect of—
  - (i) an allowance, payment or indemnity given to members;
  - (ii) any ceremonial honour given to members; and
  - (iii) setting council tax or a precept under the Local Government Finance Act 1992.
13. There are situations where, as a member, you may discharge a function on your own for example when working out on your ward. If whilst doing so you become aware of either a disclosable pecuniary interest or an interest under paragraph 10 above in relation to the matter you are dealing with you must not take any steps or further steps in relation to that matter, or seek improperly to influence a decision about the matter and must inform the Monitoring Officer (in writing) as soon as possible after becoming aware of the said interest.

## **F. REGISTRATION OF INTERESTS**

1. Any interests notified to the Monitoring Officer will be included in the register of interests.
2. A copy of the register will be available for public inspection and will be published on the authority's website.
3. The requirement to disclose such interests only applies where you are aware or ought reasonably to be aware of the existence of such an interest.
4. If a member has a sensitive interest ([see Section D7 above](#)) details of the fact they have an interest but not what the interest is will be entered on the Register.

## **G. INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES**

1. You also have an interest in any business before a scrutiny committee of this authority (or of 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 Cabinet 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 cabinet, 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.
2. Where you have such an interest as is described in the preceding paragraph in any business of this authority, you may attend a meeting (including a meeting of the 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.

## **H. REGISTER OF GIFTS AND HOSPITALITY**

1. You must register any gifts or hospitality received in connection with your official duties as a Member worth £25 or over within 28 days of receiving it.
2. You must also register the donor of the gift or hospitality
3. You should register an accumulation of small gifts you receive from the same donor over a short period of time that add up to £25 or more
4. If you don't know the value of a gift it would be good practice to register it anyway
5. It is good practice to also register gifts or hospitality you do not accept
6. Ask yourself "Have I been given this because I am a member?" if the answer is "yes" then you must register the item.



## DISCLOSABLE PECUNIARY INTERESTS

Section 30 of the Act introduces the concept of Disclosable Pecuniary Interest which a member is expected to declare within specific timescales.

The Act states that it is a criminal offence to fail to notify the Monitoring Officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have a disclosable pecuniary interest, without excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the Monitoring Officer

If any member is in any doubt as to their position you should contact the Monitoring Officer, Democratic Services or Legal Services for assistance.

A 'disclosable pecuniary interest' is an interest of you or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'you' and 'relevant person' means you and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from this authority) made or provided within the relevant period in respect of any expenses incurred by you carrying out duties as a member, or towards the election expenses of you or your partner. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>
<i>Contracts</i>	<i>Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and this authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of this authority for a month or longer.</i>
<i>Corporate tenancies</i>	<i>Any tenancy where (to yours or your partners knowledge)— (a) this authority is the landlord; and (b) the tenant is a body in which you or your partner have a beneficial interest.</i>

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<i>Subject</i>	<i>Prescribed description</i>
<i>Securities</i>	<p><i>Any beneficial interest in securities of a body where—</i></p> <p><i>(a) that body (to your knowledge) has a place of business or land in the area of your relevant authority; and</i></p> <p><i>(b) either—</i></p> <p><i>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</i></p> <p><i>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</i></p>

See Glossary for definitions

## GLOSSARY

1. In this Code—

“authority or council” means South Ribble Borough Council or any Parish or Town Council within the South Ribble area that has decided to adopt this Code

“Code” means this Code of Conduct

“meeting” means any meeting of—

- (a) South Ribble Borough Council;
- (b) the executive of South Ribble Borough Council;
- (c) any of South Ribble Borough Council’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or My Neighborhood Forums;
- (d) Parish or Town Council meetings

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

“member” means a councillor of South Ribble Borough Council and any councillor on a Parish or Town Council within the South Ribble area that has adopted this Code. For the sake of clarity it includes a co-opted member and an appointed member.

“register of members interests” means the authority’s register of members’ pecuniary and other interests established and maintained by this authority’s Monitoring Officer under section 29 Localism Act 2011

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“relevant authority” means the authority of which you are a member;

“relevant period” means the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means you or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## EXPLANATORY NOTES ACCOMPANYING THE NEW MODEL CODE

### SECTION A

**Paragraphs 3 & 4** state that when you are acting in your official capacity you must abide by this code unless you are subject to another council's code, or unless (in relation to another body) it conflicts with any other legal obligation

### SECTION C

**Paragraphs 1 & 2** of the code provides that you must treat others with respect and not do anything which may cause this authority to breach equality legislation, or which compromises the impartiality of those who work for the Council or bully anyone or intimidate persons involved in code of conduct cases.

**Paragraph 3** of the Code provides that a member must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

**Paragraph 4** of the Code provides that you must not use your position improperly to gain an advantage or confer a disadvantage and that when using or authorizing the use of the authority's resources, you must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

### SECTION D

**Paragraph 1** Sets out the definition of Disclosable Pecuniary Interests and refers to Appendix A for a full description.

**Paragraphs 3 - 6** describe when and how you must disclose Disclosable Pecuniary Interests and that failure to do so could lead to a criminal sanction and disqualification from office.

**Paragraph 7** of the Code describes Sensitive Interests where details of an interest do not have to be made public on the Register of Interests, even if it is a disclosable pecuniary interest if the disclosure could lead you, or a person connected to you being subject to violence or intimidation.

**Paragraphs 8, 9 & 10** describe how you must conduct yourself in meetings where a disclosable pecuniary interest exists. In short, a member must declare the disclosable pecuniary interest at the start of the meeting or as soon as possible after you become aware a disclosable pecuniary interest arises. If you have not already registered the disclosable pecuniary interest you must state the nature of that interest and then inform the Monitoring Officer in writing of that interest within 28 days of disclosure.

If you have a disclosable pecuniary interest you must after disclosure at the meeting have no further involvement in that matter or vote and you must leave the room. Dispensations are available as per **Paragraph 11 above**. Failure to disclose a disclosable pecuniary interest could lead to criminal sanction of up to £5000 fine or disqualification from office for up to 5 years.

## **SECTION E**

**Paragraphs 1 & 2** confirm that there are other interests apart from Disclosable Pecuniary Interests that must be disclosed and when this disclosure should take place. Examples of such interests can be found in paragraph 3. There are times when it may become necessary, especially where there is a conflict of interest to not only declare that interest in accordance with the provisions of the code but also leave the room.

**Paragraph 3** confirms that you are under an ongoing duty to register ANY new interest or change to any registered interest within 28 days of becoming aware of it.

**Paragraphs 4** explains in provisions similar to disclosable pecuniary interests when such other interests must be disclosed i.e. within 28 days of adoption of this code, your election or you becoming aware of the interest. The same rules as to sensitive interests and dispensations apply.

**Paragraphs 5 – 13** explain when you should not continue to take part in a meeting when you have an interest in a matter being discussed 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 and where that business either affects the financial position of you or someone close to you or a business you or someone close to you are connected with, or relates to determining of any approval, consent, licence, permission or registration for you or someone close to you.

In these cases you must declare the interest, state your case and then take no further part in the determination of the issue. Thereafter you must also leave the room where the matter is being discussed.

For example you would be expected to not only declare an interest but also take no further part in a meeting if you sat as a member of a planning committee which was considering application being made by your daughter. Similarly, if a planning application on a neighboring piece of land to your own property was under consideration.

If such a situation arises you must state you have an interest at the beginning of the meeting or as soon as possible thereafter, at the relevant time you can state your case but and then you must leave the room where the business is being discussed and not take part in the vote. You must not seek improperly to influence a decision about that business.

## **SECTION F**

**Paragraphs 1 – 4** explain that your interests will be included in a register of interests which will be published on the Council's website and be available for inspection and that the requirement to disclose ANY interest only applies when you are aware or ought reasonably to be aware of the existence of such an interest.

## **SECTION G**

**Paragraphs 1 & 2** of the Code provides that a member who was involved in making a decision or taking action on a matter must not be involved in the overview and scrutiny committee's consideration of that decision or action.

## **5B. CODE OF CONDUCT FOR EMPLOYEES OF THE COUNCIL**

### **INTRODUCTION**

The Code covers all Council employees under a contract of employment, including office holders. Activities carried out by employees as representatives of the Council, as Members companies or voluntary organisations are subject to this Code.

#### **1. STANDARDS**

Local government employees are expected to give the highest possible standard of service to the public and where it is part of their duties, to provide appropriate advice to councillors and fellow employees to do so without partiality.

Employees are expected to perform their duties with honesty, integrity, impartiality and objectivity and must be accountable to the authority for their actions.

The public is entitled to expect conduct of the highest standard and public confidence in the integrity of the Council's operations would be shaken were the least suspicion to arise that an employee could in any way be influenced by improper motives. Employees will be expected to adhere to such standards and therefore to report to their immediate Supervisor or Head of Service, Chief Officer or (if this is not appropriate) to the Chief Executive or (if this is not appropriate) to the Leader of the Council any impropriety or breach of procedure. Heads of Service and Chief Officers have an obligation to notify the Head of Shared Assurance Services immediately of all financial or accounting irregularities or suspected irregularities or of any circumstance which may suggest the possibility of irregularities including those affecting cash, stores, property, remuneration or allowances.

#### **2. POLITICAL NEUTRALITY**

Employees serve the Council as a whole and are not required to advise political groups. However upon request to the Chief Executive arrangements may be made for Heads of Service or Chief Officers so to do in a manner which does not compromise their political neutrality. One obvious mechanism to ensure that political neutrality is maintained is to offer the same facility to each political group so that the same advice should be made available to each group. In the interests of open government the most satisfactory way of arranging this is through the normal committee system. Therefore it is acknowledged by the Council that situations in which employees are asked to advise political groups will be very rare, and on such occasion only members of the Council will be in attendance in the political group.

Employees whether or not politically restricted post holders must diligently follow, pursue and implement the lawful policies of the Council and must not allow their own personal or political opinions to interfere with their work.

#### **3. RELATIONSHIPS**

Employees are responsible to the Council through its senior managers. For some their role is to give advice to councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and councillors is essential to good local government. Employees should be aware that close personal familiarity between employees and individual councillors can possibly damage that relationship and can possibly prove embarrassing to other employees and councillors.

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial delivery of service to all groups and individuals within that community in accordance with the Council's determined policies.

#### **4. APPOINTMENTS AND OTHER EMPLOYMENT MATTERS**

Employees involved in appointments should ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with him or her.

Employees should not be involved in decisions relating to discipline, promotion, pay or conditions of another employee or prospective employee who is a relative or friend.

Relative is defined as a spouse, partner, parent, parent-in-law, son, daughter, stepson, stepdaughter, child of partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the proceeding persons. Friend is defined as a person with whom the employee spends recreational time outside the work environment or actively shares a mutual interest.

#### **5. OUTSIDE COMMITMENTS**

Some employees have conditions of service which require them to obtain written consent to take any outside employment. Employees should not undertake outside work if their official duties overlap in some way with their proposed work, if it causes a conflict of interest or if it makes use of material to which the employee has access by virtue of his or her position (for example, an architect or planner who draws up plans within the Council should not do work for an applicant for planning consent). It is irrelevant whether or not the work is paid.

#### **6. PERSONAL INTERESTS**

Employees must declare and register any actual or reasonably predictable conflict of a personal interest and their obligations as a Council employee (e.g. involvement with an organisation receiving grant aid from the Council, membership of a National Health Service Trust Board, involvement with an organisation or pressure group which may seek to influence the Council's policies) in the council's Corporate Register of Employee Interests.

An employee who is a member of any organisation must not deal with a matter which could affect that organisation or someone who is also a member of that organisation to a greater degree than a substantial number of borough residents.

The Council will make arrangements so that an employee with a conflict of interest does not deal with the matter but employees must avoid creating a situation which would interfere regularly with their ability to discharge their duties. Information obtained under this section shall be treated as confidential so far as is possible.

#### **7. SEPARATION OF ROLES DURING TENDERING**

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

Employees contemplating a management buy out should as soon as they have formed a definite intent inform the Chief Executive and withdraw from any contract awarding processes.

Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives and associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

## **8. CORRUPTION**

Employees must be aware that it is a serious criminal offence for them to corruptly receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. The employee will have to demonstrate that any such rewards that have been received have not been corruptly obtained.

## **9. USE OF FINANCIAL RESOURCES**

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community within approved Council budgets and financial regulations.

## **10. HOSPITALITY**

Employees should only accept offers of hospitality extended to them as an employee of the Council if there is a genuine need to impart or obtain information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the local community of South Ribble or where the Council should be seen to be represented.

When hospitality has to be declined the officer should be courteously but firmly informed of the procedures and standards operating within the Council.

Employees should not accept personal gifts although the Council will allow employees to keep insignificant items of token value such as pens, diaries etc which are for use for Council purposes.

When receiving legitimate hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

Employees who are uncertain about any matter contained in the Code should seek legal advice in the first instance from the Director of Governance and Business Transformation. Such discussions will be regarded prima facie as private but if a matter of proper concern to the Council is disclosed and the employee fails to follow the advice given then the Director of Governance and Business Transformation will be under an obligation to inform the appropriate Chief Officer, Chief Executive, or the Council.

Although this Code and the Statutory and contractual obligations of employees require that they act promptly no employee is likely to be prosecuted or penalised for failing to comply with these requirements if there has been a reasonable delay arising only from taking such advice from the Director of Governance and Business Transformation



## 5C. PROTOCOLS

### A. Introduction

The Council has a number of different documents which govern how it operates. These include the constitution, Standing Orders and a Code of Conduct for members. There is also a Voluntary Code of Conduct for officers although the government is expected to issue a mandatory version. In addition, there is a set of values which govern our behaviour.

These protocols provide additional guidance on roles and responsibilities which are intended to improve clarity and understanding, enhancing the partnership between members, officers, partners and local communities.

These protocols are separate from the Code of Conduct that governs members' conduct. However, any breach of these protocols may be taken into account when a complaint about a member is being considered. Additionally, in the event of any contradiction between these protocols and a legal requirement, the latter shall prevail.

The following protocols are included:

1. [Member/Officer Relations](#)
2. [Access to Information and Advice](#)
3. [Confidentiality](#)
4. [Dealing with the Media](#)
5. [Member involvement in Planning Procedures](#)
6. [Members on Outside Bodies](#)
7. [Role of the Cabinet](#)
8. [Role of Overview and Scrutiny](#)
9. [Areas of Joint Responsibilities of Scrutiny and Governance Committees](#)
10. [Role of My Neighbourhood areas](#)
11. [Role of Senior Management Team \(SMT\)](#)
12. [Role of Monitoring Officer/Chief Financial Officer](#)
13. [Member Training and Development](#)
14. [Printing and Photocopying for Members in connection with Ward Business](#)
15. [Role of Internal Audit \(Internal Audit Service Charter\)](#)
16. [Use of Information Technology \(such as Acceptable Use, Internet and Email Policies\)](#)
17. [Protocol Relating to the Independent Person](#)

### Appendices

- A. [Guidelines on Freedom of Information \(FOI\)/Data Protection Guidelines on FOI & Data Protection - Appendix A.doc](#)
- B. [Guidelines on Media Relations Guidelines on Media Relations - Appendix B.doc](#)
- C. [Guidelines on Member involvement in Planning Procedures Guidelines on Member Involvement in Planning Procedures - Appendix C](#)
- D. [Internal Audit Service Charter – March 2011](#)
- E. [Guidelines on Use of Information Technology](#)
  - [Acceptable Use Guidelines on the Use of IT - Acceptable Use Policy - Appendix E.doc](#)
  - [Email Guidelines on the Use of IT - Email Policy - Appendix E.doc](#)
  - [Information Security Guidelines on the Use of IT - Information Security Policy - Appendix E.doc](#)
  - [Internet Guidelines on the Use of IT - Internet Policy - Appendix E.doc](#)
  - [Records Management Guidelines on the Use of IT - Records Mgt Policy - Appendix E.doc](#)

## **B. Protocols**

### **1. Member/Officer Relations**

The success of the Council depends upon a good working relationship and partnership between members and officers. This relationship should be built on mutual respect and a sound understanding of respective roles and responsibilities. Over familiarity between members and officers should be avoided.

Both members and officers should maintain the highest standards of personal and professional conduct at all times and should not seek to take advantage of their positions.

Members having concerns about the conduct or capability of an officer should raise them in the first instance with the Director or Head of Service responsible for that service, who will take action accordingly. It is inappropriate to raise such matters in the course of a meeting as officers have no means of responding to such criticism and it can bring the Council into disrepute.

For similar reasons, officers should not undermine or criticise members in meetings, but raise any concerns with the Director, Head of Service or the Chief Executive. Members' role is to address policy and overall governance issues and members should leave managerial and operational matters to officers.

### **2. Access to Information and Advice**

(see also the [Council Standing Orders](#) and the [Access to Information Procedural Rules](#))

Members are likely to need a wide variety of information in order to fulfil their many roles effectively. It is recommended that, in the first instance, members seeking information and advice other than routine enquiries/complaints should approach the Director or Head of Service responsible for the service concerned. This will enable the request to be directed to the most appropriate source. Routine enquiries/complaints should normally be directed to the appropriate Service Manager.

#### *Requests for documents/reports*

Members have a statutory right to inspect any Council, Cabinet/committee document which contains material relating to business which is to be transacted at any meetings of relevance. The member does not need to be a member of the Cabinet or relevant committee, and this right extends not only to reports, but also to relevant background papers.

This right of inspection does not apply to items containing exempt information as defined in the Local Government Act. These include matters concerning employees, recipients of and applicants for Council services, expenditure and terms of contracts, and industrial relations and legal matters. However, members have a common law right to inspect Council documents if access is reasonably necessary to help them perform their duties as a member of the Council. This is on a "need to know" basis, having regard to the relevant data protection legislation, and members will normally be expected to explain the reasons for such requests.

Any Council information provided to a member should only be used for the purpose for which it was provided and in connection with the proper performance of the member's duties as a member of the Council.

The above rights are in addition to those conferred by the Freedom of Information Act and the exemptions are subject to the provision of that Act and other relevant legislation.

### *Advice to and involvement of members*

Officers serve the Council as a whole and not any political party or individual member of the Council. However, giving advice is an important part of the role of officers and the following guidelines should be respected.

It is clearly important that there are close working relationships between some members and officers, for example Cabinet members/committee chairmen and the relevant Director/Head of Service. However, care should be taken to ensure that the relationship does not become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other members and other groups.

Members should also appreciate that, whilst they will be fully consulted at the earliest opportunity on agenda items and draft reports relating to their specific roles, there will be some situations where officers are under a duty to report on a particular item or submit a report providing independent advice. All agendas and their contents are ultimately the responsibility of the Chief Executive, (or other designated officer) under whose name they are issued.

Members should be consulted as ward representatives on any major issues affecting their wards, on any public meeting proposed to be held in their wards and on any form of consultative exercise due to be held in their ward.

Official letters on behalf of the Council should normally be sent out under the name of the appropriate officer, and not a member. However, there may be occasional exceptions to this in specific circumstances, for example in making representations to government ministers. Members are not vested with the individual authority to write letters which create obligations or give instructions on behalf of the Council.

Other than to the limited degree outlined in [Part 3B](#), members do not have individual decision-making powers. However, where appropriate, officers should consult the relevant member on delegated decisions and urgent decisions affecting their roles or areas of responsibility.

### *Advice to Political Groups*

Advice and support provided by officers can take many forms, ranging from a briefing meeting with a chairman or Cabinet members prior to a meeting to a presentation to a full group meeting. Whilst in practice officer support is likely to be in most demand from whichever party or parties is or are in control of the Council, such support should be available to all groups on the Council.

Political groups may ask officers for support and factual advice when considering Council business providing that it is not of a political nature. Such requests should be made via the Chief Executive. However, this should not be a substitute for providing all necessary information and advice at the relevant meeting of the Council when the matter in question is discussed.

In addition, the Leaders of other political groups on the Council should be informed of any such attendance by an officer, the subject matter involved and offered similar access.

### *Support Services to Members*

The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to members is to assist members in discharging their role as members of the Council. Support services can not be used in connection with party political or campaigning or for private purposes.

The Democratic Services Team should be the first point of contact in all aspects relating to member support.

### **3. Confidentiality**

The [Member](#) and [Employee Codes of Conduct](#) stress the need for both members and officers to respect the confidentiality of information which comes to them in the course of their duties.

Officers should respect any request by members for confidentiality of information, provided by such members, unless it is information which must be made available by statutory obligation or by a decision of Council, Cabinet, or a committee of the Council.

Similarly, members should respect requests by officers for confidentiality of information provided by officers.

Correspondence marked as confidential between an individual member and an officer should not normally be copied to third parties other than by agreement. However, it is acceptable for other correspondence to be copied to relevant persons if that is likely to be in the public and/or the Council's best interest. ([See Code of Conduct](#))

Both members and officers must respect the confidentiality of information presented and discussed in the confidential part of any Council/committee meeting in order to protect the individuals and organisations concerned. Failure to do so may not only breach legislation but could prove prejudicial to the Council.

The provisions of Data Protection Acts and the Freedom of Information Act 2000 (FOI Act) should always be born in mind when providing/receiving information and advice. Appropriate guidance will be provided in due course. ([See Appendix A](#))

Failure to observe the confidential nature of any information could also have consequences under the provisions of the Human Rights Act.

### **4. Dealing with the Media**

The Council has guidelines which set out procedures for dealing with the press and media which members should follow. These are set out in [Appendix B](#).

It is important that members act with caution in expressing firm views to the press or media on issues which are for discussion at future meetings of the Council. Such comments could affect a member's right to discuss the matter in question at the meeting and may risk bringing the Council into disrepute. Further information on this is given in the Code of Conduct for members and in the guidelines on member involvement in planning procedures (see 5 below).

### **5. Member Involvement in Planning Procedures**

The Council has agreed detailed guidelines for member involvement in planning procedures which members should follow. These are set out in [Appendix C](#).

### **6. Members on Outside Bodies**

Members are entitled to all reasonable assistance from officers to support them in their membership of outside bodies to which the Council has appointed them. Such assistance includes provision of information about the body prior to appointment and the availability of a named contact officer for each body.

The appointment to an outside body by the Council carries certain responsibilities on behalf of the Council. A member must still continue to observe the Council's [Code of Conduct](#) when acting for that body, unless legislation relating to that body directs otherwise. Furthermore a member has a responsibility to keep the Council informed of all key issues relating to the activities of that body that are likely to affect the Council. This can be achieved either by reporting back through a

committee whose area of responsibility includes the activity of the body or via reports in the members newsletter. Questions may also be asked at Council meetings.

## **7. Role of the Cabinet (see also [Cabinet Procedure Rules](#))**

The Cabinet has a specific role which is defined in statute and in the Council's constitution. In general terms, it is responsible for:

- a) Acting on behalf of Council to develop and monitor the implementation of the Community Strategy and all Council strategies, plans and policies.
- b) Ensuring that the Council has clear and challenging priorities which are based on sound evidence and local community needs and priorities.
- c) Working in partnership with other agencies and bodies with an interest in the Borough.
- d) Promoting South Ribble and the Borough Council locally, regionally and nationally as appropriate.
- e) Ensuring that the Council takes account of and plans for new legislation and lobbying on behalf of the Council for any changes required.
- f) Ensuring that the Council delivers best value and that its services are effective, efficient and customer-oriented.

The Cabinet works in an inclusive and participative way, valuing the views of all members, employers, partners and local communities. Wherever possible and where timescales permit, Cabinet conducts its business in a way which enables views to be sought and options considered before key decisions are made or put to Council for consideration. My Neighbourhoods play a key part in this process.

Members wishing the Cabinet to consider or review an issue or policy should in the first instance speak to the relevant Cabinet member, who may then seek the views of the relevant Director, or other appropriate officer, about how to progress the request.

### Cabinet Members

Cabinet should conduct its business through the Cabinet members appointed by the Executive Leader and responsible for specific aspects of Council business.

Cabinet members do not have any executive powers. However they have a responsibility for working in partnership with the appropriate Director and other officers to:

- a) Ensure that priorities and actions within their portfolio are kept under review, that progress is monitored and that service delivery is effective and efficient;
- b) Make recommendations to Cabinet as to any changes required in their areas of responsibilities, for example through new legislation, changing customer views or declining resources;
- c) Ensure that Cabinet is kept informed of developments and progress in their portfolio as appropriate and that all members are kept informed through CLLR CONNECT;
- d) Champion their areas of responsibilities through effective partnerships and through acting as a representative for the wider community;
- e) Ensure that members, partners and local communities are consulted on major initiatives/developments within their area of responsibility;
- f) Liaise with other Cabinet members on cross-cutting issues and on developments in their role that affect other members of Cabinet;

- g) Account for their areas of responsibility to Council and to the Scrutiny and Governance Committees as required;
- h) Act with other members of Cabinet in the best corporate interests of the Council and according to collective responsibility as defined in legislation.

## **8. Role of Overview and Scrutiny**

(see also [Scrutiny Procedure Rules](#) and [Article 6](#) of the constitution)

The Scrutiny Committee plays an important role in ensuring that the Council is efficient and effective. The detailed roles of the committees are shown in [Section 3D](#).

In general terms, the Scrutiny Committee:-

- a) Scrutinises decisions taken or proposed by the Cabinet, other Committees and Officers under delegated powers, including “call-in” and on the forward plan.
- b) Takes an overview of the outcomes of the Council’s policies and service delivery, including customer satisfaction.
- c) Contributes to the development/review of policies, plans and strategies.
- d) Monitors performance on the Corporate Strategy/Annual Best Value Performance Plan, and other key strategies and plans.
- e) Undertakes/examines the Value for Money (VFM) reviews.
- f) Scrutinises the Council’s partnerships and external organisations.
- g) Considers issues of local concern.

The Scrutiny Committee is responsible for developing its own work programmes, but in doing so, should take account of any views expressed by Council, Cabinet, members generally and, in particular, local people.

The Scrutiny Committee aims to work in a constructive, forward looking way and has agreed a set of values which it has promised to adhere to. The Scrutiny Committee has also agreed to operate in a non-party political manner. The Committee’s values are as follows:-

To always:-

- a) treat people fairly and with respect;
- b) be constructive, especially when challenging people;
- c) seek consensus;
- d) be open and transparent;
- e) look for continuous improvement, rather than blame;
- f) be inclusive and democratic;
- g) communicate well and constantly;
- h) demand nothing but the best from the resources available;
- i) ensure equality of opportunity.

Responsibilities of Overview and Scrutiny Chairmen

- a) Providing leadership, ensuring the committee is member led, and that it owns its work plan.
- b) Being active and creative.
- c) Helping members make the transition to the new style of working.
- d) Keeping an eye on the bigger picture, reviewing the outcomes and impact of overview and scrutiny and ensuring that it is adding value.
- e) Keeping the work of the committee on track.
- f) Planning, prioritising and re-prioritising the committee’s work.
- g) Presenting a positive image of the overview and scrutiny process.
- h) Developing positive relationships with the Cabinet & officers.
- i) Managing conflict.
- j) Encouraging contributions and encouraging all members to be involved.

- k) Reviewing the processes and learning.
- l) Developing a collaborative approach.
- m) Identifying skills and development needs of the team.
- n) Working with the other chairmen to co-ordinate overview and scrutiny issues.

## **9 Areas of Joint Responsibilities of Scrutiny and Governance Committees**

### 1. Background / Purpose

The Terms of Reference of both Committees include responsibilities for 'scrutiny' of financial performance and consideration of the reports from the External Auditor. Both Terms of Reference also include responsibility for ensuring effective co-ordination of the Committees' work programmes. The purpose of this Protocol, which has been produced in liaison with the Committee Chairs, is to outline how these joint responsibilities are to be met, including avoiding duplication and gaps.

### 2. Approach

#### 2.1 *Consideration of External Auditor's Reports*

The Governance Committee is to consider:-

- External Audit Fee Letter/Opinion Plan
- The Annual Audited Statements of Accounts
- The Auditor's Annual Governance Report
- The Annual Use of Resources Report
- The Data Quality Report (Is part of the Annual Use of Resources Report)
- Other appropriate reports from the External Auditor.

The Scrutiny Committee is to consider:-

- The Organisational Assessment Report
- The Annual Use of Resources Report (but without the attendance of the External Auditor, unless specifically requested)
- The Annual Audit and Inspection Letter
- The Comprehensive Area Assessment report on Lancashire
- Other appropriate reports from the External Auditor.

#### 2.2 *Budget Monitoring*

The Governance Committee is:-

- to undertake, as part of its role of overseeing the financial performance of the authority, detailed consideration of the quarterly budget monitoring reports, including 'scrutiny' of relevant areas of the Cabinet member for Finance & Resource's responsibilities;
- to draw the Scrutiny Committee's attention to relevant issues.

The Scrutiny Committee is:-

- to consider, as part of its role of taking an overview of the Council/Cabinet's performance and whether value for money is being achieved, the quarterly corporate plan/budget monitoring reports;
- to draw the Governance Committee's attention to relevant issues.

### 3. *Monitoring and Review*

Use of this Protocol will be monitored and reviewed from time to time to ensure that it continues to be fit for purpose.



## **10. My Neighbourhood Areas**

The Council's My Neighbourhood areas play an important role in involving local communities in the decision-making of the Council. Their key role is as follows:

- a) working with the local community and partners identifying the priorities of the area they serve;
- b) ensuring the Community Improvement Plan represents all sections of the community they serve;
- c) ensuring actions in the plan are agreed and reported back to the Community on an annual basis;
- d) ensuring that the views of local communities are taken on board in the way the Council and its partners conducts business;
- e) acting as a means for the Council and its partners to consult local communities on key issues
- f) enabling Council decisions to be taken at a local level and in a way which allows public participation;
- g) explaining decisions made by the Council and reasons for them to local communities;
- h) enhancing links with local communities and local groups in a way which builds capacity in local communities to take action for themselves.

However, it is also important that members sitting on My Neighbourhood areas recognise that, first and foremost:

- a) they must act with the interests of the whole Council in mind rather than the interests of any specific area; and
- b) their actions and conduct during My Neighbourhood meetings affect the reputation of the Council with local communities.

### Responsibilities of My Neighbourhood chairs

- a) Working with other elected members, public and partners to draft a Community Improvement Plan.
- b) Reporting the Plan to Cabinet
- c) Providing leadership of and direction to their My Neighbourhood meetings.
- d) Championing their local area and My Neighbourhood meetings.
- e) Ensuring effective management of meetings.
- f) Developing links with the local community.
- g) Ensuring communication between all members in the area.
- h) Encouraging contribution from members in the area.
- i) Ensuring that respect is shown at all times to councillors, officers/and members of the public.
- j) Working with other My Neighbourhood chairs to share learning and experience.

## **11. Senior Management Team**

The role of the Senior Management Team is to ensure that advice and support is available to all members to help them fulfil their various roles effectively. However, the team works particularly closely with Cabinet, with individual Cabinet members, as appropriate, and with Scrutiny Committee to help and support them in fulfilling their responsibilities.

The team's overall role is to work with members to ensure that the Council has a clear vision, challenging priorities and values which are owned and actively promoted; has effective corporate management and managerial leadership; and delivers value for money in all of its services and actions and within an effective corporate framework.



The team also has overall responsibility for the day to day management of the Council and its employees, together with the powers to act under delegation as defined by the Council's Scheme of Delegation and on urgent items, in consultation with the appropriate member as appropriate.

The council's senior management structure chart is available at [Part 7](#).

## **12. Role of Monitoring Officer/Chief Financial Officer**

The Monitoring Officer/Chief Financial Officer have a personal responsibility to report to the Council on certain matters specified in legislation (see Article 13 of the constitution).

The Monitoring Officer/Chief Financial Officer must be impartial in providing support and advice to all councillors as individuals, to all political groups, and to both Cabinet and Scrutiny functions and must maintain the confidentiality of that advice where appropriate.

The Monitoring Officer/Chief Financial Officer undertake to discharge their responsibilities in a manner which will enhance the reputation of the Council. In general terms their ability to discharge these duties depends on excellent working relations with colleagues and members but also the flow of information and access to debate particularly at early stages.

The following arrangements and understandings between the Monitoring Officer/Chief Financial Officer and colleagues and members are designed to help ensure the effective discharge of their functions:-

- a) Advance notice of meetings whether formal or informal between senior managers and members of the Cabinet or Committee Chairmen should be given where any procedural, financial or other constitutional issues are likely to arise.
- b) Senior Managers should, as appropriate, alert the Monitoring Officer/Chief Financial Officer to all emerging issues of concern including legality, financial, probity and constitutional issues.
- c) The Monitoring Officer/Chief Financial Officer should have access to all reports to members.
- d) The Monitoring Officer/Chief Financial Officer should, as appropriate, develop good liaison and working relations, with the External Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
- e) The Monitoring Officer/Chief Financial Officer should, as appropriate, liaise closely with the Chairmen of the Governance, Standards and Scrutiny Committees and ensure that they have up-to-date information regarding relevant emerging issues.
- f) The Monitoring Officer should make enquiries into allegations of misconduct in compliance with the Localism Act 2011 and supporting regulations along with the Council's Code of Conduct and Investigation and Hearing Procedure.
- g) The Monitoring Officer/Chief Financial Officer should liaise closely to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.
- h) In carrying out any investigation (whether under Regulations or otherwise) the Monitoring Officer/Chief Financial Officer should be given unqualified access to any information held by the Council and any employee who can assist in the discharge of their functions.

- i) The Monitoring Officer/Chief Financial Officer should be provided with adequate resources, including access to specialist advice.

All references to the Monitoring Officer and Chief Financial Officer shall be deemed to refer also to any person acting as Deputy Monitoring Officer and/or acting as Deputy Chief Financial Officer respectively, in accordance with [Article 13](#).

### **13. Member Training and Development**

The Leaders of the political groups have agreed the following protocol in relation to the above:-

1. All political groups agree to strongly encourage all of their members to attend appropriate training and development in relation to their roles, in accordance with the council's programme, either in advance of taking up their place or within three months of being appointed thereto.

This is particularly important in relation to the following committees and it is advisable that members receive appropriate training in advance of taking up their places on them.

- Planning
- Licensing
- Standards
- Appeals
- Appointments

2. All groups agree to do everything possible, including use of group discipline, to enforce this protocol.
3. All groups agree to have regard to encourage members' attendance or willingness to attend at previous training and development events when making nominations for committee places and other member roles.
4. All political groups are encouraged to follow the Personal Development Programme principles to assist the council to retain the NW Member Development Charter.

### **14. Printing and Photocopying for Members in connection with Ward Business**

In line with promoting a range of services to members and encouraging and supporting them in their community leadership role, the council has a policy on printing and photocopying for members in connection with ward business. This aims to assist members in making best use of the facility and help them to avoid legal pitfalls when using it.

The type of documentation which is the subject of this service is that which provides information to residents and businesses in the ward and may, for example, be placed by members on notice boards in a community or posted by them through residents' letterboxes. In some cases this may supplement publicity produced corporately, as in cases where it relates to planning applications or My Neighbourhood business.

Some examples would include:-

- Raising awareness in the community of a big planning application which is under consideration.
- Letting residents know of a topic of particular local interest which is to be discussed by a My Neighbourhood.
- Notifying residents of large schemes the council will be carrying out locally.

- Ensuring members of the community are aware of consultations taking place and how they can engage in the process.

The policy in relation to this service is as follows:-

- Printing and photocopying in connection with ward business will be undertaken for all members upon request.
- The cost of the service will be met corporately, subject to available resources.
- All requests for service should be made to Democratic Services, who will also help and advise members on style and content if required.
- Assistance will be provided to members upon request, to help them with legal constraints on content (the law prohibits the use of council resources for the printing of any document which promotes or publicises the work or aims of a political group or organisation).
- An optional template will be provided for members to use, if they wish. This will be in a corporate (politically-neutral) style, and include the name and ward of the councillor on behalf of whom the document is produced.
- All material produced under this policy will bear an imprint stating by or on behalf of whom it has been written, published and printed.

This policy will be reviewed from time to time.

## **15. Role of Internal Audit (Internal Audit Service Charter)**

### **South Ribble Borough Council – Internal Audit Service Charter**

#### Introduction

Internal Auditing is an independent and objective assurance and consulting activity that is guided by a philosophy of adding value to improve the operations of South Ribble Borough Council (SRBC). It assists SRBC in accomplishing its objectives by bringing a systematic and disciplined approach to evaluate and improve the effectiveness of the organisation's risk management, control, and governance processes.

#### Role

The Governance Committee has approved terms of reference which set out the role and functions of the Council's Internal Audit Service.

#### Professionalism

The Internal Audit Service will conduct its business by adherence to the Institute of Internal Auditors' mandatory guidance including the Public Sector Internal Audit Standards (PSIAS), Definition of Internal Auditing, the Code of Ethics, and the International Standards for the Professional Practice of Internal Auditing (Standards). This mandatory guidance constitutes principles of the fundamental requirements for the professional practice of internal auditing and for evaluating the effectiveness of the Internal Audit Service's performance.

The Institute of Internal Auditors' Practice Advisories, Practice Guides, and Position Papers will also be adhered to as applicable to guide operations. In addition, the Internal Audit Service will adhere to SRBC's relevant policies and procedures and the Internal Audit Service's standard operating procedures manual.

## Authority

The Internal Audit Service, with strict accountability for confidentiality and safeguarding records and information, is authorised full, free, and unrestricted access to any and all of the organisation's records, physical properties, and personnel pertinent to carrying out any engagement. All employees are requested to assist the Internal Audit Service in fulfilling its roles and responsibilities. The Internal Audit Service will also have free and unrestricted access to the Governance Committee.

## Organisation

The Head of Shared Assurance Services will report functionally to the Governance Committee and administratively to the Chief Executive. Any decisions regarding the appointment, remuneration, performance evaluation or removal of the Head of Shared Assurance Services will be made by the Cabinet on the recommendation of the Shared Services Joint Committee. The Head of Shared Assurance Services will communicate and interact directly with the Senior Management Team, including in formal meetings and between meetings as appropriate.

## Independence and Objectivity

The Internal Audit Service will remain free from interference by any element in the organisation, including matters of audit selection, scope, procedures, frequency, timing, or report content to permit maintenance of a necessary independent and objective mental attitude. Internal auditors will have no direct operational responsibility or authority over any of the activities audited. Accordingly, they will not implement internal controls, develop procedures, install systems, prepare records, or engage in any other activity that may impair internal auditor's judgment.

Internal auditors must exhibit the highest level of professional objectivity in gathering, evaluating, and communicating information about the activity or process being examined. Internal auditors must make a balanced assessment of all the relevant circumstances and not be unduly influenced by their own interests or by others in forming judgments.

The Head of Shared Assurance Services will confirm to the Governance Committee, at least annually, the organisational independence of the Internal Audit Service.

## Responsibility

The scope of internal auditing encompasses, but is not limited to, the examination and evaluation of the adequacy and effectiveness of the organisation's governance, risk management, and internal control processes in relation to the organisation's defined goals and objectives. Internal control objectives considered by internal audit include:

- Consistency of operations or programs with established objectives and goals and effective performance
- Effectiveness and efficiency of operations and employment of resources
- Compliance with significant policies, plans, procedures, laws, and regulations
- Reliability and integrity of management and financial information processes, including the means to identify, measure, classify, and report such information.
- Safeguarding of assets

Internal Audit is responsible for evaluating all processes ('audit universe') of the entity including governance processes and risk management processes. It also assists the Governance

Committee in evaluating the quality of performance of external auditors and maintaining a proper degree of coordination with Internal Audit.

Internal Audit may perform consulting and advisory services related to governance, risk management and control as appropriate for the organisation. It may also evaluate specific operations at the request of the Governance Committee or management, as appropriate.

Based on its activity, Internal Audit is responsible for reporting significant risk exposures and control issues identified to the Governance Committee and to Senior Management, including fraud risks and governance issues.

#### Internal Audit Plan

At least annually, the Head of Shared Assurance Services will submit to the Governance Committee an Internal Audit Plan for review and approval, including risk assessment criteria. The Internal Audit Plan will include timing as well as resource requirements for the next financial year. The Head of Shared Assurance Services will communicate the impact of resource limitations and significant interim changes to Senior Management and the Governance Committee.

The Internal Audit Plan will be developed based on a prioritization of the audit universe using a risk based methodology, including input of Senior Management and the Governance Committee. Prior to submission to the Governance Committee for approval, the Plan may be discussed with appropriate Senior Management. Any significant deviation from the approved Internal Audit Plan will be communicated through the periodic activity reporting process.

#### Reporting and Monitoring

A written report will be prepared and issued by the Head of Shared Assurance Services or in his absence the Principal Auditor following the conclusion of each Internal Audit engagement and will be distributed as appropriate. Internal Audit results will also be communicated to the Governance Committee. The Internal Audit report may include management's response and corrective action taken or to be taken in regard to the specific findings and recommendations. Management's response will include a timetable for anticipated completion of action to be taken and an explanation for any corrective action that will not be implemented.

The Internal Audit Service will be responsible for appropriate follow-up of findings and recommendations. All significant findings will remain in an open issues file until cleared.

#### Periodic Assessment

The Head of Shared Assurance Services is responsible also for providing periodically a self-assessment on the Internal Audit Service as regards its consistency with the Audit Charter (purpose, authority and responsibility) and performance relative to its Plan.

In addition, the Head of Shared Assurance Services will communicate to Senior Management and the Governance Committee on the Internal Audit Service's quality assurance and improvement programme, including results of ongoing internal assessments and external assessments conducted at least every five years.

### **16. Use of Information Technology (such as Acceptable Use, Internet and Email Policies)**

The Council has agreed detailed guidelines for members and officers on the use of information technology. These are set out in [Appendix E](#).

## 17. Protocol Relating to the Independent Person

### **Arrangements Defining the Role of the Independent Person and Their Involvement in the Investigation of Complaints**

This protocol is to make clear the relationships between the Independent Person (IP) and the various parts of South Ribble Borough Council involved in the process of handling standards complaints and wider promotion of standards. Its aim is to ensure that responsibility is clear at each stage of the process and set out the expectations and rights of the IP.

This document shall be read in conjunction with the Investigation and Hearing Procedure

#### Considering written allegations

1. The Monitoring Officer (MO) will seek the views of the Independent Person (IP) before reaching a decision on whether any action should be taken on a written complaint.
2. When issuing the decision letter, the MO will record that the IP has been consulted and that their views have been taken into account.

#### Arrangements for contact with Independent Person – Summary

3. All requests for contact with the IP should be made (if possible in writing) to the MO.
4. The MO will then decide whether an appointment is required.
5. If an appointment is deemed necessary arrangements will be made and notified to those concerned.
6. A contemporaneous note will be made of any conversations.
7. This note will be disclosed to any appointed investigator and may form part of any Committee papers (if appropriate) if a hearing becomes necessary.

#### Matters under investigation

8. A member of South Ribble Borough Council or a member of any town or parish council within this borough who is the subject of a complaint may seek the views of the IP. A member wishing to contact the IP should do so via the MO as outlined above.
9. Where the IP has given views to the subject member, those views shall be put in writing and made available to all relevant parties in the case.
10. The IP will need to agree in advance with the subject member rules of confidentiality but it will be up to the IP to decide whether matters should remain confidential.
11. The complainant may also seek the views of the IP. As with the subject member, contact should be arranged through the MO and any views expressed should be made available to all relevant parties in the case.
12. The MO may consult the IP at any stage during the process, particularly on matters which relate to the procedures for handling complaints and vice versa.

13. Where a matter has been referred to a Standards Committee for determination, the committee must seek the views of the IP before reaching its conclusions. The IP's views should be recorded in any decision notice and, where those views do not reflect the final outcome, reasons must be given for any differences. However, it must be clear that it is the standards committee and not the IP who is the decision-maker.
14. The IP shall not make any comments to the media.
15. The IP may be requested by the MO to assist in mediation or conciliation in order to resolve complaints where that is considered the most appropriate course of action.
16. The IP may be requested by the MO to assist in any training on conduct issues as appropriate.
17. The IP shall inform the MO as soon as possible after becoming aware of any conflict of interest.

#### Relationship with the standards committee

18. The IP shall receive agendas and minutes and be invited to all meetings of the Standards Committee.
19. The IP is not member of the Standards Committee and therefore is not part of the formal business of the meeting and cannot vote on any matters put to the meeting.

#### Other matters

20. The IP has the right to raise any concerns about standards issues or implementation of the process with the MO.
21. The Council, through its Standards Committee and MO, is responsible for ensuring that the Council meets its duty to promote and maintain high standards. However, the IP will be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.
22. The IP will be provided with any relevant information required to carry out their role. Such information shall be treated as confidential at all times.
23. The IP has the right of access to council buildings in order to carry out their role.
24. The IP is to be considered an office-holder of the authority in accordance with the duty under s28(7) of the Localism Act 2011 and is therefore entitled to be covered by the council's indemnity insurance provided they act reasonably and within the terms of this Protocol.
25. The MO, in consultation with the Chair of Standards Committee, may amend these arrangements at any time.

The IP has been consulted in the relation to the production and revision of this document and agrees to abide by its terms.

**C. Implementation and Review**

The protocols are intended to act as a guide for both members and officers. Any difficulties of interpretation which arise should be referred to the Chief Executive (or other designated officer) for resolution.

The protocols will be reviewed from time to time in line with the Council's Constitution to ensure they are up-to-date and appropriate.



## Part Six

# Scheme for the Payment of Members' Allowances

THE LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND) REGULATIONS 2003

### SCHEME FOR PAYMENT OF MEMBERS' ALLOWANCES

South Ribble Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following scheme:

1. This scheme may be cited as the South Ribble Borough Council Members' Allowances Scheme and took effect on 5 May 2003.

2. In this scheme, "Councillor" means a member of the South Ribble Borough Council who is a councillor.

"year" means the 12 months ending on 31 March.

3. **Basic Allowance**

Subject to paragraph 9, for each year a basic allowance of £1,500 shall be paid to each councillor.

4. **Special Responsibility Allowances**

(1) For each year a special responsibility allowance shall be paid to those councillors who hold special responsibilities in relation to the Council. The current allowances are set out in the appendix to this scheme.

(2) Subject to paragraph 9, the amount of each such allowance shall be the amount specified against that special responsibility which is accessible via [Members' Special Responsibility Allowances](#)

5. **Councillors Holding More than One Office**

When a councillor holds more than one of the offices under the scheme, he or she shall be entitled to receive the allowance for each of the offices held.

6. **Attendance Allowance**

No payments shall be made to councillors as attendance allowance under Regulation 10 of the Local Authorities (Members Allowances) Regulations 1991 or under Section 175 of the Local Government Act 1972.

7. **Travel and Subsistence**

For each year a sum of £350.00 will be paid to each councillor for the purposes of travel on Council business within the borough.

8. **Renunciation**

A councillor may by notice in writing to the Chief Executive (or other designated officer) elect to forego any part of his or her entitlement to an allowance under this scheme.

## 9. **Part-Year Entitlements**

- (1) The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility is payable.
- (2) If an amendment to this scheme changes the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods
  - (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
  - (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year, the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.
- (3) Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his or her term of office subsists bears to the number of days in that year.
- (4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a councillor does not subsist throughout the period mentioned in sub-paragraph (2)(a), the entitlement of any such councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a councillor subsists bears to the number of days in that period.
- (5) Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.
- (6) Where this scheme is amended as mentioned in sub-paragraph (2), and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

10.

**Payments**

- (1) Payments shall be made
  - (a) in respect of basic and special responsibility allowances in instalments of one-twelfth of the amount specified in this scheme on the normal payroll day of each month;
  - (b) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 9, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- (2) Basic and special responsibility allowances will be paid on 27th day of each calendar month in the month to which they relate (currently paid one month in arrears). Where the 27th of the month is a weekend or bank holiday, payment will be made on the last available banking day prior to the 27th of the month.
- (3) Where the payment of allowances under the scheme requires the submission of claim forms these shall be submitted to the Payroll Section, in the format specified, by the 9th day of the calendar month.

11.

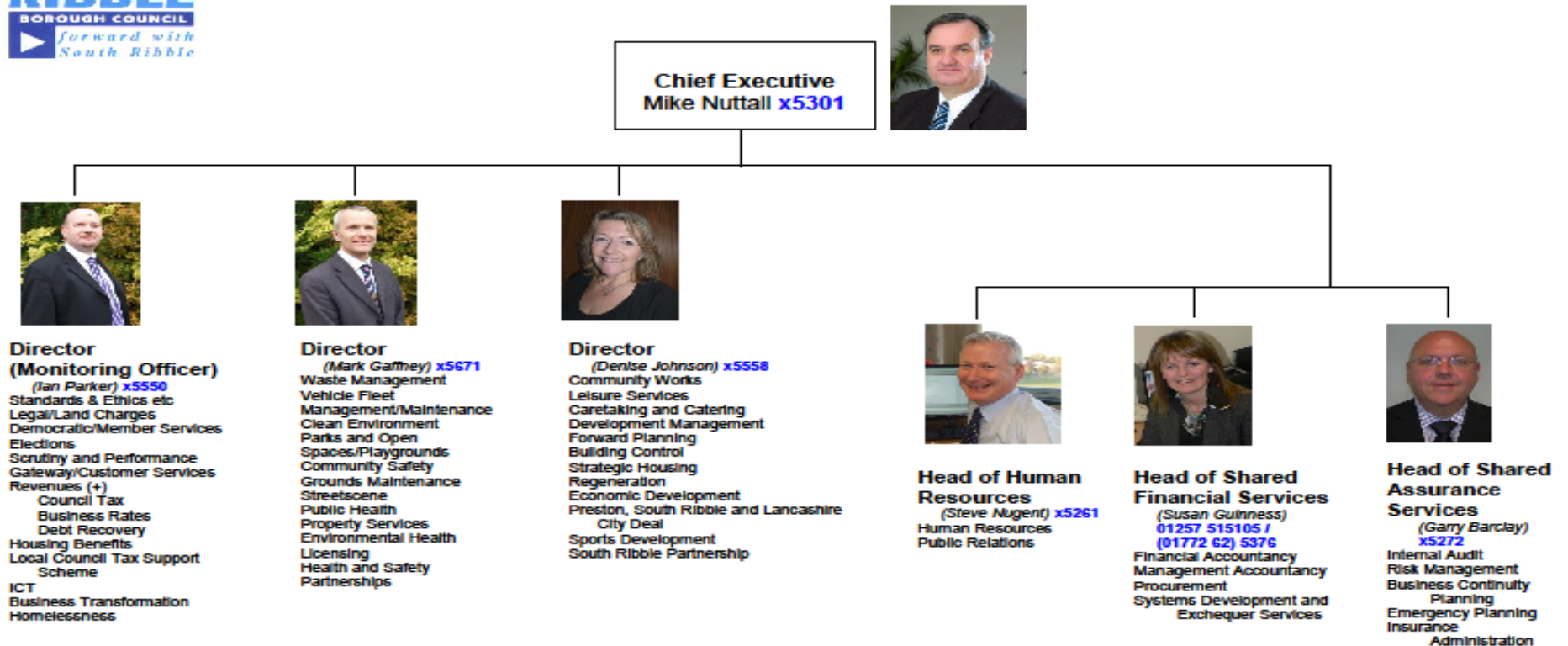
**Publication of Details of Scheme**

- (1) As soon as practicable after making the scheme, or any subsequent amendment, arrangements shall be made to publish its details within the Council's area.
- (2) As soon as practicable after the end of each year an annual report of the total payments made to each councillor under the scheme in respect of each category of allowance, namely basic and special responsibility, shall be made and published within the Council's area.

# Part Seven – SENIOR MANAGEMENT ARRANGEMENTS



## SENIOR MANAGEMENT STRUCTURE



Updated: April 2014