

SOUTH RIBBLE BOROUGH COUNCIL

CONSTITUTION

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

CONTENTS	Page
INTRODUCTION	
<u>Part One – Summary of Constitution</u>	1
<u>Part Two – Articles of the Constitution</u>	
Article 1 The Constitution	1
Article 2 Members of the Council	3
Article 3 Citizens and the Council	5
Article 4 Council Meeting	6
Article 5 The Mayor	8
Article 6 Scrutiny Committee	9
Article 7 Governance Committee	11
Article 8 Cabinet (Executive)	12
Article 9 Regulatory and Other Committees	13
Article 10 Standards Committee	14
Article 11 Area Committees	16
Article 12 Joint Arrangements	18
Article 13 Officers	20
Article 14 Decision Making	23
Article 15 Finance, Contracts and Legal Matters	25
Article 16 Review and Revision of the Constitution	26
Article 17 Suspension, Interpretation & Publication of the Constitution	27
Schedule 1 Description of Leader and Cabinet Arrangements	28
<u>Part Three – Responsibility for Functions</u>	
A. Full Council	1
B. Cabinet Roles	2
C. Cabinet Functions	4
D. Committee Functions	5
E. Scheme of Delegation to Officers	16
F. Working Groups and Panels	19
G. Members on Outside Bodies	20
H. Lead Members	21
<u>Part Four – Procedure Rules</u>	
A. Council Procedure Rules (Standing Orders)	1
B. Area Committees Procedure Rules (Standing Orders)	27
C. Access to Information Procedure Rules	33
D. Budget and Policy Framework Procedure Rules	40
E. Cabinet Procedure Rules	43
F. Scrutiny Procedure Rules	46
G. Financial Regulations	52
H. Standing Orders for Contracts	66
I. Officer Employment Procedure Rules	83
J. Standards Committee Procedure Rules	85
<u>Part Five – Codes and Protocols</u>	
A. Code of Conduct for Elected Members	1
B. Code of Conduct for Employees of the Council	9
C. Protocols	12
<u>Part Six – Scheme of Payment of Members’ Allowances</u>	
<u>Part Seven – Senior Management Structure</u>	

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 The committee model of member decision making has been replaced by new constitutions as a result of the Local Government Act 2000.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, area committees, 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 promotes high standards of conduct and considers members' observance of the Council's Code of Conduct.

These governance arrangements do not apply to town and parish councils, other than the ethical framework, which is overseen by the borough Council's Standards Committee.

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 area committees and 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 the 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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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 the 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](#)
- [Area Committees – 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 and in some cases their private life. The Standards Committee ([see Article 10](#)) is responsible for promoting and monitoring 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 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 the 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](#).

Area Committees

In order to give local citizens a greater say in Council affairs, six area committees have been established. These cover different areas of the borough and vary in size. The area committees have a number of delegated powers regarding the services provided in their areas. They consist of councillors for each ward in the area and are held in public. Citizens attending have the right to make known their views. More information on the operation of area committees can be found in [Article 11](#) and also in [Part 4B](#) Area Committees Procedure Rules.

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 and co-opted members 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 'the 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, Area and Other committees on specific items on the agenda or in addition at area committees to express views about a matter of concern during public question time;
- 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

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 citizen involvement in decision making;
- (iii) effectively represent the interests of their ward and of individual constituents;
- (iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (v) respond to constituents' enquiries and representations, fairly and impartially;
- (vi) 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; and
- (vii) 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 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, Area and Other committees on specific items on the agenda. Additionally, at Area Committees citizens may express views about a matter of concern during public question time; and
- (ii) 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 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 meeting:

- 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 or area 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, officers or area committees.

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 the 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 and no less than two and no more than nine 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 Other Cabinet members

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 role of Lead Members is covered in [Part 3H](#) and the protocols for the Cabinet and Lead 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 shall be appointed by Council each year at the first business meeting of the municipal year.

10.02 Form and Composition

- (a) **Political Balance.** As provided for in the Local Government Act 2000, the committee is not required to have proportional political balance.
- (b) **Parish Councils.** Nominations shall be sought for three representatives from the town and parish councils within the borough to sit on the Standards Committee.
- (c) **Membership.** The Standards Committee shall comprise:
- at least 25% of the committee (independent members) who are not councillors or officers of the Council or any other body having a standards committee appointed in accordance with the relevant Regulations;
 - three members of a town or parish council, wholly or mainly in the Council's area (a parish member);
 - no more than twelve members in total, one of whom may be a member of the Cabinet.
- (d) **Independent members.** Independent members shall be entitled to vote at meetings;
- (e) **Parish members.** The town/parish members must be present when matters relating to any town/parish council or their members are being considered and shall be entitled to vote.
- (f) **Chairing the Committee.** The chairman shall be an independent member and be appointed by the Council at the first business meeting of the new municipal year or such other meeting called for that purpose. The Independent Chairman will be invited to attend, address and respond to questions at the meeting of the council when it considers the Annual Report on Ethical Standards and may be requested to attend at other times following resolution by the Council or at the written request of 5 members of the Council.

10.03 Sub-committees of the Standards Committee

The Standards Committee must appoint a sub-committee, chaired by an independent member, to carry out initial assessments of allegations, under Section 57A of the LGA 2000. Similarly it must also appoint a sub-committee chaired by an independent member to carry out reviews under Section 57B of the LGA 2000.

- (a) No member who took part in an initial assessment of an allegation can attend a sub-committee meeting considering a review of the decision; and
- (b) Initial assessment and review hearings are excluded from Part VA of the LGA 1972 (publicity and access to documents) subject to:-
1. Production of a written summary (in accordance with Standards for England guidance);
 2. Production of the name of any member subject to allegations (unless not in public interest);
 3. A record must be available for public inspection for 6 years after the meeting;
 4. The record must be supplied to any town/parish council involved

10.04 Role and Function

The Standards Committee has the following role and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members and officers;
- (b) assisting councillors and co-opted members 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;
- (d) monitoring the operation of the Codes of Conduct;
- (e) advising, training or arranging to train councillors and co-opted members on matters relating to the Codes of Conduct for Elected Members;
- (f) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Codes of Conduct for Elected Members;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer.
- (h) the exercise of (a) to (g) above in relation to the town/parish councils wholly or mainly in its area and the members of those councils; and
- (i) determination of allegations received in accordance with the Standards Committee (England) Regulations 2008 and having regard to Standards for England guidance.
- (k) the granting and supervision of exemptions from politically restricted post under the Local Government and Housing Act 1989.

Article 11 – Area Committees

11.01 Area committees

After consulting with relevant town and parish councils, and in order to give citizens a greater say on council affairs, the Council decided to establish area committees.

11.02 Form, Composition and Functions

- (a) **Membership.** Area committees consist of all councillors from the wards in each area identified in 11.02 (b) below. Area committees may co-opt other people in the manner outlined in [Part 4B](#) of this constitution. However, only the borough councillors from the wards in that area may vote at area committee meetings.
- (b) **Boundaries/Names.** The current boundaries and names of the area committees are as follows:

Western Parishes

Consists of –

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

Penwortham

Consists of –

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

Central

Consists of –

Farington East, Farington West, Tardy Gate, Lostock Hall

West Leyland

Consists of –

Earnshaw Bridge, Lowerhouse, Moss Side, Seven Stars

Leyland East

Consists of –

Leyland St Mary's, Leyland St Ambrose, Leyland Central, Golden Hill

Eastern

Consists of –

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

- (c) **Functions.** Area committees have the functions shown in [Part 3D](#) of this constitution, which includes those functions delegated to area committees by the Cabinet.

11.03 Area Committees – Access to Information

Area committees shall comply with the Access to Information procedure rules in [Part 4C](#) of this constitution.

Agendas and notices for area committee meetings which deal with both functions of the Cabinet and functions which are not the responsibility of the Cabinet should state clearly which items are which.

11.04 Cabinet members on area committees

A member of the Cabinet may serve on an area committee if otherwise eligible to do so as a councillor.

11.05 Proceedings

Proceedings of area committees shall take place in accordance with the Area Committees Procedure Rules as set out in [Part 4B](#) of this constitution.

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 Corporate Governance	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 Corporate Governance	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.
- (f) **Receiving reports.** The Monitoring Officer shall act on any reports and decisions of the case tribunals he/she receives from Standards for England, in accordance with relevant regulations.
- (g) **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 relevant regulations.
- (h) **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.
- (i) **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.
- (j) **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 can not 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 £50,000. 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, area committees, Scrutiny, Standards and other committees 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 Area Committees

Subject to Article 14.10, area committees shall follow the Area Committees Procedure Rules (Standing Orders) as set out in [Part 4B](#) of the constitution when considering any matter.

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 Standing Orders for Contracts 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 Standing Orders for Contracts) 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 \(Area Committees\)](#) and the Area Committee Procedural Rules;
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.
- Community Engagement
- 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
- Risk Management
- Business Continuity and Insurance
- Internal Audit
- Asset management

Regeneration, Leisure and Healthy Communities

- 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

Deputy Leader and 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
- Procurement

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

Membership	Functions	Delegation of Functions
Members of the local authority	<ol style="list-style-type: none"> 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. 2. Any function relating to contaminated land. 3. The discharge of any function relating to the control of pollution or the management of air quality. 4. The service of an abatement notice in respect of a statutory nuisance. 5. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area. 6. The inspection of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area. 7. The inspection of the authority's area to detect any statutory nuisance. 8. The investigation of any complaint as to the existence of a statutory nuisance. 9. The obtaining of information under section 330 of the town and Country Planning Act 1990 as to interests in land. 10. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976. 	<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>Planning and conservation</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"> 1. Major development: Housing 10 or more dwellings Site area > 0.5 Hectares All other development: Floorspace > 1000m² Site area > 1 Hectare 2. Classes A3, A4 and A5 Food & Drink (Hot food takeaways/Restaurants/Pubs). 3. Applicant or partner is a member or employee of South Ribble Borough Council. 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. 5. Where within four weeks of receipt of an application the Director of Planning and Housing 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. <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 from interested parties.</p>	Functions delegated to officers as set out in the Scheme of Delegation to Officers.

Committee	Membership	Functions	Delegation of Functions
		<p>Enforcement and other action including the institution of legal proceedings, under the Town and Country Planning Act 1990;</p> <p>Commons registration</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>Highways use and regulation</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>Taxi and miscellaneous licensing</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>Health and safety</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 Area Committees (see below) and 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>	Functions delegated to officers as set out in the Scheme of Delegation to Officers.
Standards Committee	Members of the authority, independent	To promote high standards of conduct from councillors, co-opted members and employees	

Committee	Membership	Functions	Delegation of Functions
	<p>members and town/parish council members, as outlined in Article 10.</p>	<p>To ensure that councillors and co-opted members 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, guidance from Standards for England and recommendations of case tribunals under section 80 of the Local Government Act 2000.</p> <p>To consider and determine allegations of breaches of the code of conduct by individual councillors or co-opted members 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.</p> <p>To consider matters referred to it by Standards for England, in accordance with rules and procedures laid down in Regulations for the determination of such matters.</p> <p>To undertake any other functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Local Government Act 2000 or subsequent legislation</p> <p>To exercise the above functions in respect of town/parish councils and their councillors and co-opted members in the Council's area.</p> <p>To report to the Council at least annually on the standards of conduct and the effectiveness of the ethical arrangements.</p> <p>To grant and supervise exemptions from politically restricted post</p>	

Committee	Membership	Functions	Delegation of Functions
		under the Local Government and Housing Act 1989.	
Appeals Committee	Members of the Local Authority	<p>Purpose</p> <p>To hear grievance and disciplinary procedure appeals.</p>	
Governance Committee	Members of the Local Authority	<p>Overall Purpose</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>Audit Activity</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>	

Committee	Membership	Functions	Delegation of Functions
		<p>To consider specific reports of the external auditor, within the 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>Regulatory Framework</p> <p>To maintain an overview of the council's constitution, including the standing orders for contracts 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>	

Committee	Membership	Functions	Delegation of Functions
		<p>Financial Arrangements</p> <p>To regularly review the financial management arrangements to 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>Co-ordination Of Work Programmes etc.</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>	
<p>Scrutiny Committee</p>	<p>Elected members who are not members of the Cabinet</p>	<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 on 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</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>value for money</p> <p>In depth reviews of relevant policies, plans, strategies and 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>	
Area Committees	Members of the Local Authority and co-opted members (non-voting)	Within the overall policy objectives and the budgets and other resources of the Council, and subject to any restraints which the Council may impose, to have delegated powers to exercise the following functions within the area covered by the area Committee:	Functions delegated to officers as set out in the Scheme of Delegation to Officers.

Committee	Membership	Functions	Delegation of Functions
		<p>Planning</p> <p>Action, including the institution of legal proceedings, for non-compliance with the Building Regulations.</p> <p>All matters relating to tree preservation, including the making of orders and the institution of legal proceedings.</p> <p>Revocation, modification and discontinuance orders in cases where no compensation is payable.</p> <p>All matters relating to designated conservation areas.</p> <p>Buildings of architectural or historic interest.</p> <p>Highways</p> <p>In so far as this council's powers extend:-</p> <p>Consultation on-street parking</p> <p>Public car parks</p> <p>Provision of hackney carriage stands.</p> <p>Receive information on local highway maintenance and street lighting programme.</p> <p>Street naming and numbering.</p> <p>Public seats, bus shelters and street furniture.</p> <p>Footpaths and bridleways, including creation, diversion and stopping up orders and the institution of legal proceedings.</p> <p>Leisure</p> <p>Management of parks, playing fields, open spaces and allotments.</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>Management of children's playgrounds.</p> <p>Community centres, halls and war memorials.</p> <p>Local library issues in consultation with the Divisional Librarian.</p> <p>To make grants to voluntary organisations operating in the area, within the total amount allocated by the Council for this purpose.</p> <p>Environmental Health Public conveniences.</p> <p>Grants To consider allocating grants to voluntary/community bodies in their area</p> <p>Miscellaneous Consideration of applications for financial assistance from local community organisations</p> <p>All members of the Area Committees should be pro-active in:- identifying and representing the views and priorities of their residents into the Area Committee structure; promoting the reputation of the Council within the local community; and promoting the attendance of members of the public at the Councillors' Surgeries and the Area Committees</p> <p>Invite the Leader of the Council and Chief Executive to attend annually, to be questioned by residents and members.</p> <p>Area Committees should be used to hold partners to account for their responsibilities towards residents in that geographical area, including appropriate senior representatives from the Police, Primary Care Trust, Lancashire County Council and other</p>	

Committee	Membership	Functions	Delegation of Functions
		partners, whilst being welcome to attend all meetings, being asked to attend formally one Area Committee per year in each area, to be questioned by residents and members.	
Joint Planning Advisory Committee	Elected members of the Local Authority and Chorley and Preston Councils and also Lancashire County Council (non-voting)	This body will make recommendations on the Core Strategy to the three district councils for their determination. Decisions by the advisory committee will at key stages still need to be taken by each of those council's Executive and/or Full Council.	
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> <ol style="list-style-type: none"> 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) 2. To determine a Resource Plan not less than 60 'business' days before the start of the next financial year subject to (3) below 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 <ul style="list-style-type: none"> (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 4. To perform (as requested or felt necessary) a Reconciliation of the Continuing Costs 5. To receive as appropriate an Additional Funding Requirement required from the councils during the then current financial year 	

Committee	Membership	Functions	Delegation of Functions
		<p>and if felt justified/reasonable the committee shall 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 than four meetings each year</p> <p>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)</p>	

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 within this Scheme to officers 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 A3 (food and drink) 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) Approval of matters subject to 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.

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. There is no requirement for membership of these groups to be politically proportionate.

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 empowers 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](#).

3H. Lead Members

Lead Members is to lead on specific areas of responsibility from within the Cabinet responsibilities. They will attend Cabinet Workshop meetings and will also attend Cabinet meetings where the relevant portfolio holder is unable to do so but will not be able to vote; nor will they be able to sign delegated decisions.

Lead Members 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.

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 [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, Planning and Area Committees](#)
- 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 Area Committees – 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 [Voting in the Cabinet, Committees and Sub-committees](#)
- 43 [Standing Orders to apply to Cabinet, Committees and Sub-committees \(Excluding Area Committees\)](#)
- 44 [Councillors entitled to attend all Cabinet, Committee and Sub-committee Meetings](#)

45	<u>Canvassing of and Recommendations by Members</u>
46	<u>Relatives of Members or Officers</u>
47	<u>Staff Establishment and Appointments</u>
48	<u>Political Assistants</u>
49	<u>Disciplinary Action - Head of Paid Service / Monitoring Officer / Chief Financial Officer</u>
50	<u>Custody of Seal</u>
51	<u>Sealing of Documents</u>
52	<u>Authentication of Documents for Legal Proceedings</u>
53	<u>Inspection of Documents</u>
54	<u>Inspection of Lands, Premises, etc</u>
55	<u>Variation and Revocation of Standing Orders</u>

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 Cabinet/ 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) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or Chief Executive;

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

- (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 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) 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) To receive the report of the Cabinet.
 - (h) To fix the Council tax (as applicable)
 - (i) To receive the reports of the Scrutiny and Governance Committees.
 - (j) Address by members of the public and questions and discussion arising therefrom.
 - (k) Debate on a current issue.
 - (l) Questions to the Leader of the Council and discussion arising therefrom.
 - (m) Questions to Cabinet members on their respective areas of responsibility and discussion arising therefrom.
 - (n) Questions to committee chairmen and discussion arising therefrom.
 - (o) Questions to Council representatives on outside bodies.
 - (p) To consider motions under Standing Order No. 9 in the order in which they have been received.

(q) 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 SO 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 5.00 pm on the Friday, seven clear working days before the Council meeting.

- Motions to be set out in summons** (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.
- Motions to Be dealt with** (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.
- Reference to Future Meeting** (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
- (i) then the members moving and seconding the motion shall do so without any explanatory comment or elaboration; and
- (ii) if moved and seconded, the motion shall stand referred without discussion to a future Council meeting.
- Motion not moved** (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.
- Motions for Special Meetings** (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;
- (c) a member of the Cabinet;
- (d) the chairman of any committee, including an area committee;
- (e) a member of the Council appointed by the authority to any joint authority or joint board of which the authority is a constituent authority;
- (f) 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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|---|--|
| Motions and Amendments | (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 Standing Order No. 9, 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. |
| Seconder's speech | (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 5.00 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

Address by Members of the Public

- (1) Members of the public may address the Council on any 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, its functions and duties.
- (2) Notice of the subject matter of the 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.
- (3) The subject matter shall be indicated on the agenda for the meeting of the Council.
- (4) Members of the public may address the Council without notice on any matter in relation to which the authority has functions, 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.
- (5) Each speaker shall be restricted to a total of five minutes during the meeting.
- (6) The Mayor shall determine whether a discussion on the matter shall take place and any response to the address 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 any reply cannot conveniently be given orally, a written answer shall be sent to the member(s) of the public addressing the Council, and circulated to all members of the Council.

STANDING ORDER NO. 15

Future of the Borough Debate

Calling of debate

The Leader or 5 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 and Area Committee Meetings**

- (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 Standards Committee Hearings. 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.

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 (including area 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 Area Committees – By-Elections

Any member elected at a by-election shall be a member of the appropriate area committee 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.
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 confidence. However in each case the public interest in maintaining the exemption must outweigh the public interest in disclosing it.

- (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 and the area committees). 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 and the area committees) 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.

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, Standards and area committees) 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

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.

STANDING ORDER NO. 43

Standing Orders to apply to Cabinet, Committees and Sub-committees (excluding Area Committees ([see 4B](#)))

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. 44

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. 45

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. 46

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. 47

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. 48

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. 49

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. 50

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. 51

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. 52

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. 53

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.

Provided that a member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly an interest (also see 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. 54

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. 55

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. AREA COMMITTEES PROCEDURE RULES (STANDING ORDERS)

1. Interpretation

- 1.1 In these Standing Orders, unless the context requires otherwise, the following expressions have the meaning assigned to them:

"Committee" means the relevant area committee

"Chairman" means the councillor presiding at the meeting of the area committee

- 1.2 The ruling of the chairman as to the meaning or application of any of the Standing Orders or as to any aspect of the committee procedure (including the order of business) shall be conclusive and shall not be challenged at any meeting of the committee nor shall it be open to discussion.
- 1.3 The Borough Council's Rules of Procedure (Standing Orders) apply to area committees unless they conflict with the Area Committee Standing Orders. In such cases, the Area Committee Standing Orders shall take precedence.

2. Secretary to the Area Committees

- 2.1 The Chief Executive (or other designated officer) shall act as secretary to the area committees and shall be responsible for preparing and circulating agendas and reports for meetings, for preparing the minutes and for ensuring that action arising from meetings is carried out.

3. Councillor Surgeries immediately prior to Meetings of Area Committees

Well-publicised councillor surgeries shall be held immediately prior to every Area Committee and should be attended by all borough councillors for the area, with an initial period of 30 minutes, commencing at 6.30pm. One of their key purposes should be to remove and/or reduce the time taken in area committee meetings on residents' individual complaints, etc.

4. Frequency, Start and Finish Times of Meetings of the Area Committee

- 4.1 Meetings should be held six times per year on a 'memorable date' basis, e.g. on the first Monday every two months.
- 4.2 Meetings of the committee shall commence at 7.15pm, in the spirit of encouraging as many local people as possible to attend.
- 4.3 No business shall be transacted later than 9.30pm, at which time any business which remains to be transacted shall be deferred to a future meeting. However an area committee may resolve that consideration of business is essential, and, if so, may resolve to allow a maximum extension of 30 minutes.

5. Quorum

- 5.1 Business shall not be transacted at a meeting of a committee unless there are present at least one third of the members of the committee who are borough councillors and who represent a ward within the committee's area. If the chairman declares that there is not a quorum, the meeting shall stand adjourned until a date and time to be fixed by the chairman, or to the next ordinary meeting of the committee.

6. **Voting Powers**

- 6.1 Only borough councillors elected for the wards making up the area committee are entitled to vote at meetings of the committee.

7. **Appointment of Chairman and Vice-chairman**

7.1

- 7.1 The chairman and vice-chairman shall be appointed at the first business meeting of the municipal year (Appointment of Cabinet/Committees etc.)

7.2

8 **Removal of Chairman or Vice-chairman**

- 8.1 The Area Committee may remove the Chairman or Vice-chairman of the Area Committee during the local government year by a simple majority following a Notice of Motion included on the Agenda submitted and signed by at least two members of the Area Committee and delivered, at least seven clear working days before the next meeting of the Area Committee, (that is, not including the day of receipt and the day of the meeting) at the office of the Chief Executive.

9. **Restrictions on Powers of the Area Committees**

- 9.1 Notwithstanding that a matter is delegated to an area committee, the Chief Executive (or other designated officer), in consultation with the appropriate member of the Cabinet (or in his or her absence, the Leader or Deputy Leader of the Council) and the chairman of the concerned area committee, may determine that, because of its controversial or sensitive nature, or because of its borough-wide implications, a matter should be considered by the appropriate other decision-making body of the Council, as they shall determine.

- 9.2 If a decision made by an area committee is contrary to Council policy, no action shall be taken and the matter shall stand referred to the appropriate other decision-making body of the Council.

10. **Power to Co-opt**

- 10.1 Area committees may co-opt any persons who are resident in the borough and who are not disqualified from membership of a local authority, other than by reason of age, and who are either:

(a) members of Lancashire County Council who represent all or part of the area of the committee;

(b) i) up to two members of a town or parish council within the area of the committee, with a total maximum of four for any one area committee; and

ii) be provision for a substitute member of a town or parish council where the original co-optee is unable to attend a particular meeting of an area committee (such substitutions should be notified at the time of the relevant meeting); or

(c) up to two other members of a community group, chamber of trade or similar organisation in the area of the area committee;

- 10.2 Area committees may at any time revoke a co-option.
- 10.3 Co-opted members are not entitled to vote.
- 10.4 All co-opted members shall sign-up to the Council's Code of Conduct for Elected Members within two months of being co-opted. Failure to do so will automatically revoke a person's co-option.
11. **Sub-committees**
- 11.1 Area committees may not appoint sub-committees.
12. **General Power to Adjourn**
- 12.1 The chairman may adjourn a meeting of the committee for such a period as he or she shall consider expedient.
13. **Admission of Public and Press** (to be read in conjunction with [Section 4C](#))
- 13.1 It is the intention that attendance of the public should be encouraged and the public and press will normally be admitted to meetings.
- 13.2 The 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.
- 13.3 The Council 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 confidence. However in each case the public interest in maintaining the exemption must outweigh the public interest in disclosing it.
14. **Order of Business**
- 14.1 The order of business at every meeting of the committee shall be (as appropriate):-
- (a) To choose a person to preside if the chairman or vice-chairman is absent.
 - (b) To announce any apologies for absence.
 - (c) To approve as a correct record and sign the minutes of the last meeting of the committee. No discussion shall take place upon the minutes, except upon their accuracy. If no such question is raised, or if one is raised and disposed of, the chairman shall sign the minutes.
 - (d) Co-option of members of the committee, and revocation of co-option.

- (e) To dispose of business (if any) remaining from the last meeting.
- (f) Other business, if any, specified in the summons.
- (g) Questions from member of the public (30 minutes maximum)
- (h) To confirm the date of the next meeting.
- (i) Items for Future Meetings. At the discretion of the Chairman, any person present at the meeting shall be entitled to suggest any such items.

14.2 Business falling under items (a) or (b) of paragraph 1 of this Standing Order shall not be displaced, but subject thereto the foregoing order of business may varied by the chairman at his/her discretion or in the preparation of the agenda, in order to facilitate the efficient conduct of business.

15. **Voting**

- 15.1 Voting at meetings of the committee shall be by show of hands and all numbers, for, against and abstentions on all votes taken shall be recorded in the minutes of the meeting.
- 15.2 On the requisition of any member made before the vote on any question is taken, supported by two other voting 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 the question, or abstained from voting.

16. **Chairman's Casting Vote**

- 16.1 In the case of an equality of votes, the chairman or the person presiding shall have a second or casting vote (Local Government Act 1972, Schedule 12 paragraph 39).

17. **Delegation of Urgent Decisions between Meetings of Committee**

- 17.1 Where a need for urgent action arises between meetings of committees, but it is not considered to be sufficient justification for calling a special meeting of the committee, such decisions may be taken by the Chief Executive (or other designated officer). The Chief Executive (or other designated officer) shall first consult the chairman and vice-chairman of the committee.
- 17.2 In circumstances where the offices of chairman and vice-chairman of the concerned committee are unfilled, the Chief Executive (or other designated officer) shall first consult all the members of the committee before taking an urgent decision.
- 17.3 Such consultation shall be in written form and the decision shall be reported to the next scheduled meeting of the committee.

18. **Special Meetings of the Committees**

- 18.1 The chairman or vice-chairman of a committee may call a special meeting of the committee at any time. The subject matter to be discussed must be within the terms of reference of the 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.

- 18.2 Five clear days' notice of every committee meeting shall be given by the Chief Executive (or other designated officer) by a summons in writing delivered electronically or sent by post to each member at his usual place of residence, or at such address as the member may specify in written notice to the Chief Executive.

19. **Who can put items on an Area Committee agenda?**

- i) An area committee shall decide upon its schedule of meetings.
- ii) Any member and/or co-opted member of an area committee and/or member of the public may request that an item be put on the agenda of any meeting of an area committee. If the Chief Executive (or other designated officer), considers that the matter is appropriate for consideration by the area committee at that time, he/she shall comply with the request. If the Chief Executive (or other designated officer) considers that the matter is inappropriate for consideration by the area committee at that time he/she shall advise the chairman and vice-chairman of the action he/she has taken. If the chairman and vice-chairman decide that the matter should be placed on the agenda then the item shall be put on the agenda of the next appropriate meeting. The notice of the meeting shall give the name of the member, co-opted member and/or member of the public who asked for the item to be considered. However, there may only be up to two such items per meeting of an area committee.
- 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 area committee where a relevant Scrutiny Committee or the full Council has resolved that an item be considered by the area committee.

20. **Questions from Members of the Public**

- 20.1 At each meeting a period of up to 30 minutes shall be set aside for questions to be put in person to the committee by persons who reside, work or have an interest in the area covered by the committee on any matter within the borough Council's powers and duties, subject to the provisions of Standing Orders 19.2 to 19.10 below. Each individual member of the public shall be restricted to speaking for a total of five minutes during the meeting.
- 20.2 A question may not be asked which relates to:
- a) a matter which is the subject of legal proceedings or an appeal to a tribunal or to a Government Minister or to an investigation by the Local Government Ombudsman or Second-tier Tribunal (Local Government Standards for England)/First-tier Tribunal (Local Government Standards in England)/Standards for England/Standards Committee/; or
 - b) the appointment, promotion, dismissal, salary, superannuation or conditions of service, or the conduct or ability of any individual employed by the local authorities or the conduct of any member of the local authorities.
- 20.3 The chairman shall be entitled to rule that a question shall not be answered because:
- a) it requires investigation so that a full reply can be given in writing to the next meeting, or
 - b) the preparation of the answer would require the expenditure of a disproportionate amount of time, money or effort; or

- c) in his or her opinion it is improper, irrelevant or otherwise objectionable, or defamatory, or is in the same or similar terms to a question asked at the previous meeting.

- 20.4 A question must be a genuine enquiry and not a statement.
- 20.5 While there is no obligation to do so, it would be helpful if questions could be put in writing to the Secretary at least five clear working days before the meeting of the committee.
- 20.6 The Secretary may edit written questions to secure reasonable brevity or delete any part which appears to him/her to be defamatory, or delete improper or offensive language, and shall inform the questioner accordingly. He/she shall return to the questioner, with an appropriate explanation, any question which cannot be dealt with under this Standing Order.
- 20.7 Questions shall be dealt with in the order in which they are recorded as having been received by the Secretary.
- 20.8 At the meeting, when the agenda item is reached, questioners shall be invited to read the question which shall be answered orally. If the questioner is not present he or she shall be sent a written response.
- 20.9 In the event of there being insufficient time to deal with all the questions of which notice has been given, a response to any unanswered questions shall be sent to the questioner in writing by the chairman.
- 20.10 A summary of the questions which have been asked and the answers given shall be recorded in the minutes.
- 20.11 The chairman shall have discretion to regulate the amount of discussion on any question.

21. **Rescission of preceding resolution**

- 21.1 No motion to rescind any resolution of the committee 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.

22. **Interest of members in contracts and other matters**

- 22.1 Interest of members in contracts and other matters are now covered in the Code of Conduct for Elected Members.

23. **Recording Equipment**

- 23.1 With the knowledge of the committee, tape recorders, transmitters, microphones, cameras and similar equipment shall be permitted at meetings of the committee, unless the chairman decides otherwise.

4C. ACCESS TO INFORMATION PROCEDURE RULES

1. Scope

These rules apply to all meetings of the Council, the Scrutiny Committee, the Governance committee, area committees, the Standards Committee, regulatory committees, quasi-judicial committees and meetings of the Cabinet (together called “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 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 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;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) 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 in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. However the public interest in maintaining the exemption must outweigh the public interest in disclosing it.

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 in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. However the public interest in maintaining the exemption must outweigh the public interest in disclosing it.

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

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 reaching any finding on a matter referred under the provisions of s60(2) or (3), 64(2), 70(4) or (5) or 71(2) of the Local Government Act 2000.

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.

12. Application of Rules to the Cabinet

Rules 13 – 24 of these Procedure Rules apply to the Cabinet. If the Cabinet meets to take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 14 of this constitution.

If the Cabinet meets to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief members.

13. Procedure Before Taking Key Decisions

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

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 5 clear days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet, notice of the meeting has been given in accordance with Rule 4 of these Procedure Rules (notice of meetings).

14. The Forward Plan

14.1 Period of forward plan

Forward plans shall be prepared by the Cabinet to cover a period of four months, beginning with the first day of any month. Forward plans shall be prepared on a monthly basis and subsequent plans shall cover a period beginning with the first day of the second month covered in the preceding plan.

14.2 Contents of forward plan

The forward plan shall contain matters which the Cabinet has reason to believe will be subject of a key decision to be taken by the Cabinet, officers, area committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It shall describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

14.3 Publication of the forward plan.

The forward plan shall be published at least 14 days before the start of the period covered.

Exempt information need not be included in a forward plan and confidential information cannot be included.

The Chief Executive (or other designated officer) shall publicise on the council's website:

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices and on the Council's website;
- (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each forward plan will be published and available to the public at the Civic Centre and on the Council's website.

15. General Exception

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

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the Chief Executive (or other designated officer) has informed the chairman of a relevant Scrutiny Committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Chief Executive (or other designated officer) has made copies of that notice available to the public at the Civic Centre; and
- (d) at least 3 clear days have elapsed since the Chief Executive (or other designated officer) complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

16. Special Urgency

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker or the chairman of the body making the decision, obtains the agreement of the chairman of a relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no chairman of a relevant Scrutiny Committee, or if the chairman of each relevant Scrutiny Committee is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor, will suffice.

17. Report to Council

17.1 When the Scrutiny Committee can require a report

If the Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with a relevant Scrutiny Committee chair, or the Mayor/Deputy Mayor under Rule 16 of these Procedure Rules;

the committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Chief Executive (or other designated officer), who shall require such a report on behalf of the committee when so requested by the chairman or any five members. Alternatively the requirement may be raised by resolution passed at a meeting of the Scrutiny Committee.

17.2 Cabinet's Report to Council

The Cabinet shall prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the next meeting after that. The report to Council shall set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

17.3 Quarterly Reports on Special Urgency Decisions

In any event the Leader shall submit quarterly reports to the Council on the Cabinet's decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report shall include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. Record of Decisions

After any meeting of the Cabinet, whether held in public or private, the Chief Executive (or other designated officer) or, where no officer was present, the person presiding at the meeting, shall produce a record of every decision taken at that meeting as soon as practicable. The record shall include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. Cabinet Meetings Relating to Matters Which are not Key Decisions

The Cabinet shall decide whether meetings relating to matters which are not key decisions shall be held in public.

20. Scrutiny Committee Access to Documents

20.1 Rights to copies

Subject to Rule 20.2 of these Procedure Rules, the Scrutiny Committee (including its sub-committees) is entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to any business transacted at a meeting of the Cabinet.

20.2 Limit on rights

The Scrutiny Committee shall not be entitled to have:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise;

21. Additional Rights of Access for Members

21.1 Material relating to previous business

All members shall be entitled to inspect any document which is in the possession or under the control of the Cabinet and contains material relating to any business previously transacted at a private meeting unless it contains exempt information falling within paragraphs 1 to 6, 9, 11, 12 and 14 of the categories of exempt information.

21.2 Material relating to key decisions

All members of the Council shall be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet which relates to any key decision unless the above exception applies.

21.3 Nature of rights

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

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, area committees or joint arrangements discharging Cabinet functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, area committees 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, area committees 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, area committees 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) an area committee;
- 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 an area committee, 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 that 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 5 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, then 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 in exceptional circumstances. These are 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 an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main

offices of the Council 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, 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 five days of the decision to call-in.
- (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 5 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 working five 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.
- (g) Where a Cabinet decision has been taken by an area committee then the right of call-in shall extend to any three members of another area committee if they are of the opinion that the decision made, but not implemented, will have an adverse effect on the area to which their committee relates. In such cases, those three members may request the Chief Executive (or other designated officer) to call-in the decision. He/she shall call a meeting of the Scrutiny Committee on such a date as he/she may determine, where possible after consultation with the chairman of the committee, and in any case within five days of the decision to call-in. All other provisions relating to call in shall apply as if the call in had been exercised by members of the Scrutiny Committee.

Exceptions

- (i) 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 may only call-in 6 decisions per year;
 - ii) once a member has signed a request for call-in under this paragraph 15 (call-in), he/she may not do so again until a period of two months has expired.

Call-in and urgency

- (k) 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.
- (l) 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, then 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.

4G. FINANCIAL REGULATIONSNumber

- 1 General
- 2 Revenue Expenditure
- 3 Capital Expenditure
- 4 Treasury Management - Investments, borrowings and trust funds
- 5 Banking Arrangements and Cheques
- 6 Income
- 7 Income - Write-offs
- 8 Petty Cash Imprests
- 9 Salaries and Wages
- 10 Travelling, Subsistence and Members' Expenses
- 11 Inventories and Stores Records
- 12 Insurance
- 13 Security
- 14 Irregularities
- 15 Internal Audit
- 16 Contracts and Purchasing
- 17 Orders for Work, Goods and Services
- 18 Payment of accounts

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 1996.

Part 2 - Financial Administration

- 1.4. 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.
- 1.5. The Financial Regulations should be read in conjunction with the council's Standing Orders, particularly in relation to ordering of goods and services and letting of contracts.
- 1.6. 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. All new accounting procedures and systems and amendments to existing procedures and systems shall only be implemented following with the explicit approval of the Chief Financial Officer.
- 1.7. 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.

- 1.8. The Chief Financial Officer is responsible for ensuring the provision of advice to the Council, Cabinet, committees/sub-committees and its employees on all aspects of Local Government Finance and the financial implications of the council's policies and objectives.
- 1.9. 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, Cabinet, committees/sub-committees. The Chief Financial Officer must be given adequate time to consider the matter before despatch of the agenda item.
- 1.10. 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.
- 1.11. The council's senior management must ensure that these Financial Regulations are observed throughout the Authority.
- 1.12. 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.
- 1.13. 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 the appropriate member of the council's senior management for submission to the Cabinet, 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. In association with the preparation of the annual revenue budget, Directors and Heads of Service should review the fees and charges levied for council services and make appropriate recommendations to the Cabinet. All fees and charges must be reviewed at least annually in line with the budget strategy.
- 2.3 Estimates of income and expenditure as approved by the Cabinet shall be consolidated into a comprehensive report by the Chief Financial Officer for submission to the council.
- 2.4 Subject to regulation 2.5 the relevant member of the council's Senior Management Team 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.
- 2.5 Virement (transfer) between approved budget headings is permitted in the following circumstances:
 - (a) where the amount involved in any individual transfer does not exceed £5,000 on the recommendation of the appropriate member of the council's Senior Management Team and with the consent of the Chief Financial Officer.
 - (b) in any other case with the consent of the Cabinet member(s) with responsibility for Finance and the relevant service area(s) following the consideration of a joint report from the budget holder and the Chief Financial Officer.

- 2.6 The relevant member of the council's Senior Management Team 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 met by a transfer shall not be incurred without the prior consent of the council after considering the advice of the Cabinet. This shall form the subject of a request for a supplementary estimate.
- 2.7 Where appropriate, Area Committees shall be empowered to incur expenditure within approved estimates subject to compliance with the standing orders of the council. However, 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 on a report from the Cabinet.

FINANCIAL REGULATION NO.3

Capital Expenditure

- 3.1 The Chief Financial Officer shall be responsible for co-ordinating the preparation of the council's capital programme. Programmes of capital expenditure shall be prepared by the Capital Steering Group, subject to advice from the Chief Financial Officer for submission to the Cabinet for such periods and at such times as it may determine.
- 3.2 Programmes of capital expenditure as approved by the Cabinet shall be consolidated into a comprehensive report by the Chief Financial Officer for submission to council.
- 3.3 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 member of the council's Senior Management Team shall prepare a detailed financial appraisal of each scheme over £50,000 in the Programme(s) for approval by the Cabinet. Schemes no more than £50,000 can be dealt with through the delegated powers procedure. Procedures for the creation of contracts are to be as set out in Standing Orders with respect to contracts.
- 3.4 The relevant member of the council's Senior Management Team 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.
- 3.5 On a report from the Chief Financial Officer the Cabinet may approve transfers of capital expenditure to alternative schemes.

FINANCIAL REGULATION NO.4

Treasury Management - Investments, borrowings and trust funds

- 4.1 Treasury Management is defined as the management of the council's cash flows, its borrowings and its investments, the management of the associated risks and pursuit of the optimum performance or return consistent with those risks. It includes all activity relating to banking arrangements, borrowing and lending of money, and leasing.
- 4.2 The council adopts the key recommendations of CIPFA's *Treasury Management in the Public Services: Code of Practice (the Code)*, as described in Section 4 of that Code.

Accordingly the council will create and maintain, the cornerstones for effective treasury management:

- A treasury management policy statement, stating policies and objectives 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 recommendations.

- 4.3 This 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 year, and an annual report after its close, in the form prescribed in its TMPs.
- 4.4 This council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the cabinet, and for the execution and administration of treasury management decisions to the Chief Financial Officer who will act in accordance with the organisation's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's *Standard of Professional Practice on Treasury Management*.
- 4.5 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 Cabinet.
- 4.6 All securities the property of or in the name of the council or its nominees and the title deeds of all property in its ownership shall be held in the custody of the most senior legally qualified officer.
- 4.7 All borrowings shall be effected in the name of the council.
- 4.8 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.
- 4.9 All trust funds shall wherever possible be in the name of the council.
- 4.10 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.5

Banking Arrangements and Cheques

- 5.1 All arrangements with the council's bankers and with Girobank shall be made by or under the arrangements 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 moneys received by the council.
- 5.2 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.
- 5.3 Cheques on the council's main bank accounts, including Girobank, shall bear the facsimile signature of the Chief Financial Officer, or be signed by him or other authorised officer.
- 5.4 Authorisation 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.

FINANCIAL REGULATION NO.6**Income**

- 6.1 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.
- 6.2 Each Director and Head of Service 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.
- 6.3 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.
- 6.4 All receipt forms, order books, paying-in books, tickets and other such controlled stationery shall be ordered and supplied to Service Units by, or under arrangements authorised by, the Chief Financial Officer or his authorised representative, who shall also satisfy himself as to the arrangements for their control.
- 6.5 All money received by an officer of the council shall without delay be paid into the council's Cash Office or to 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.
- 6.6 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 6.7 In respect of credit income due to the Council, accounts shall be rendered promptly by the relevant Manager, and appropriate and accurate information supplied for subsequent recovery action, as directed by the Chief Financial Officer.

FINANCIAL REGULATION NO. 7

Income - Write-offs

- 7.1 The Chief Financial Officer shall be authorised to write-off such amounts that are irrecoverable by the council. A summary report detailing any action taken by the Chief Financial Officer will be submitted to the Cabinet annually along with the council's annual Statement of Accounts.

Petty Cash Imprests

- 8.1 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 shall issue the necessary instructions to imprest/advance account holders for the setting up and operation of these accounts.
- 8.2 Directors and Heads of Service shall be responsible for imprests provided to their Service Group including all petty cash purchases and arrangements for the management of the imprest. Directors and Heads of Service shall be responsible for specifying which officers are authorised to certify petty cash vouchers on their behalf.
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 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. 9

Salaries and Wages

- 9.1 The assessment and payment of all salaries, wages, 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 member of the council's Senior Management Team.
- 9.2 Each Director and Head of Service shall notify the Chief Financial Officer and the Director of Corporate Governance 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.

- 9.3 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 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 Director or Head of Service together with specimen signatures and shall be amended immediately on the occasion of any change therein.
- 9.4 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. 10

Travelling, Subsistence and Members' Expenses

- 10.1 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, made up to a specified day of each month, within four working days thereof.
- 10.2 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 by the 10th day of each calendar month.
- 10.3 The certification by or on behalf of the relevant member of the council's Senior Management Team 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.
- 10.4 Officers' claims submitted more than six months after the expenses were incurred will be paid only with the express approval of the Chief Financial Officer.

FINANCIAL REGULATION NO. 11

Inventories and Stores Records

- 11.1 Each Director and Head of Service shall be responsible for the care, safe custody and physical control of stocks, stores and equipment held within his/her Division.
- 11.2 Each Director and Head of Service 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 member of the council's Senior Management Team, consider necessary.
- 11.3 Each Director and Head of Service 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.

- 11.4 Each Director and Head of Service shall be responsible for ensuring that stocks of equipment and materials are not excessive in relation to requirements.
- 11.5 The Chief Financial Officer shall be entitled to receive from each Director and Head of Service such information as he requires in relation to stocks, stores and equipment for the accounting, costing and financial records.
- 11.6 Surplus materials, stores or equipment, deemed to be in a safe and useable condition, shall normally be disposed of by competitive tender or by public auction. In exceptional circumstances an alternative method of disposal may be used by agreement with the Chief Financial Officer.
- 11.7 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 Director or Head of Service. Each Director and Head of Service 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.
- 11.8 All write-offs of inventory items are to be authorised by the relevant member of the council's Senior Management Team.

FINANCIAL REGULATION NO.12

Insurance

- 12.1 Subject to any direction from the council, the Chief Financial Officer shall effect all insurance cover and negotiate all claims against or by the council in consultation with other officers where necessary.
- 12.2 The relevant member of the council's Senior Management Team shall give prompt notification to the Chief Financial Officer of all risks, liabilities, properties, vehicles or other assets which require to be insured and of any alterations affecting risks or insurances indicating the amount of cover.
- 12.3 The relevant member of the council's Senior Management Team 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 decided.
- 12.4 All appropriate employees of the council shall be included in a suitable fidelity guarantee insurance.
- 12.5 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.
- 12.6 The relevant member of the council's Senior Management Team should consult the Chief Financial Officer and the Head of Shared Assurance Services or the most senior legal officer concerning the terms of any indemnity which the council is requested to provide.
- 12.7 The relevant member of the council's Senior Management Team should ensure that insurance policies or certificates are inspected in all cases where responsibility for providing insurance cover is written into a contract of agreement with a third party.

FINANCIAL REGULATION NO.13**Security**

- 13.1 Each Director and Head of Service is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, vehicles, cash etc. under his control. He shall consult the Chief Financial Officer in any case security is thought to be defective or where it is considered that special security arrangements may be needed.
- 13.2 Maximum limits for cash holdings shall be agreed with the Chief Financial Officer and shall not be exceeded without his express permission.
- 13.3 Directors and Heads of Service 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.14**Irregularities**

- 14.1 Any member of the council's Senior Management Team shall notify the Chief Executive 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.
- 14.2 The Chief Executive on receipt of a report from a member of the council's Senior Management Team disclosing apparent irregularities of a significant nature or extent shall initiate such action as the law provides or the circumstances merit including, where appropriate, the notification of the Leader of the council or a committee of the council.

FINANCIAL REGULATION NO. 15**Internal Audit**

- 15.1 Internal Audit is an independent appraisal function established to examine and evaluate the council's activities as a service to the management of the council to enable the effective discharge of their responsibilities.
- 15.2 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.
- 15.3 Internal Audit operates in accordance with the Institute of Internal Auditing - Standards & Guidelines for the Professional Practice of Internal Auditing and the APB - Auditing Guidelines.
- 15.4 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 and efficiency 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.
- 15.5 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.
- 15.6 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.16

Contracts and Purchasing

- 16.1 The Chief Financial Officer shall be informed in writing of all written contracts, agreements, awards and other instruments involving payment or receipt of money by the council.
- 16.2 Any member of the council's Senior Management Team is obliged to report to the Chief Financial Officer all 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.
- 16.3 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.
- 16.4 Where contracts provide for payment to be made by instalments, the Chief Financial Officer shall arrange for the keeping of a contract register to show the payments made under each contract together with any other payments and related professional fees.
- 16.5 All requests for payment 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.
- 16.6 Invoices and claims for payment including final accounts of contracts shall be examined and verified by or on behalf of the relevant member of the council's Senior Management Team. The Chief Financial Officer shall, to the extent he considers necessary, examine, prior to payment, final accounts of contracts and shall be entitled to receive such information and explanations as required in order to verify the accuracy of the accounts.

FINANCIAL REGULATION NO.17

Orders for Work, Goods and Services

- 17.1 Official orders shall be in a form approved by the Chief Financial Officer and are to be signed only by officers authorised by the relevant Director or Head of Service who shall be responsible for official orders issued from the relevant Division.

- 17.2 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.
- 17.3 The Director or Head of Service of each Service Group must notify the Chief Financial Officer of the names of all officers authorised to sign official orders for goods and services, and must also notify the Chief Financial Officer of any amendments to the list of authorised signatories immediately any change takes place.
- 17.4 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.18

Payment of accounts

- 18.1 Apart from petty cash and other payments from imprest accounts the normal method of payment of money due from the council shall be by cheque or other instrument drawn on the council's bank accounts by the Chief Financial Officer.
- 18.2 The Chief Financial Officer shall issue such procedures and instructions as are necessary for the verification and passing for payment of invoices and claims.
- 18.3 Any member of the council's Senior Management Team issuing an order is responsible for examining, verifying and certifying the related invoice(s) and similarly for any other payment vouchers or accounts arising from sources in his/her Division. Such certification shall be by or on behalf of the Director or Head of Service. The names of officers authorised to certify such records shall be provided to the Chief Financial Officer by each Director and Head of Service together with specimen signatures and shall be amended immediately on the occasion of any change therein.
- 18.4 Before certifying an account, the certifying officer shall satisfy himself that:
- the work, goods or services to which the account relates have been received, carried out, examined and approved;
 - 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.
- 18.5 Duly certified accounts shall be passed without delay to the Chief Financial Officer 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.

- 18.6 Each Director and Head of Service 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

CIPFA Code	South Ribble equivalent
Executive	Cabinet
Head of Paid Service	Chief Executive
Monitoring Officer	Director of Corporate Governance
Finance Director	Chief Executive
Chief Officers	Senior Management Team

Bibliography

Financial Regulations – A Good Practice Guide for an English Modern Council (CIPFA 2000)

Treasury Management in the Public Services – Code of Practice and Cross-Sectoral Guidance Notes (CIPFA 2009)

Treasury Management in the Public Services – Guidance Notes for Local Authorities (CIPFA 2009)

Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC).

Various Constitutional Documents (South Ribble Borough Council)

4H. STANDING ORDERS FOR CONTRACTS

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

The Government/Standards Board for England have now issued the relevant guidance and the council has subsequently produced the following procedures to deal with any matters.

- 1(a) – [Initial Assessment of Complaint Procedure](#)
- 1(b) – [Initial Assessment Criteria](#)
- 2 – [Cases Referred to the Monitoring Officer for Investigation](#)
- 3 – [Pre-hearing Procedures](#)
- 4 – [Hearing Procedures](#)

Part Five

Codes and Protocols

5A. CODE OF CONDUCT FOR ELECTED MEMBERS

Note:- This is the Government Model Code of Conduct, as contained in Statutory Instrument 2007 No. 1159 (made on 2 April 2007, laid before Parliament 4 April 2007 and came into force 3 May 2007). At its meeting on 23 April the Standards Committee recommended to full Council adoption of a new Code of Conduct for Members in the form of the new model code, without any additional provisions. This recommendation was approved at the full Council meeting on 16 May 2007.

At this meeting Council also agreed that a preamble be included to the new Code of Conduct which outlined the ten general principles governing the conduct of councillors, as set out in the Relevant Authorities (General Principles) Order 2001, in the manner advised in the Standards Board for England's latest guidance.

THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE

These ten general principles define the standards that members should uphold, and serve as a reminder of the purpose of the Code of Conduct. These ten general principles are set out in the *Relevant Authorities (General Principles) Order 2001*. They are based on the Seven Principles of Public Life set out by the Committee on Standards in Public Life.

Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

PART 1 GENERAL PROVISIONS**Introduction and interpretation**

1.— (1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

“meeting” means any meeting of—

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
- (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

- (5) Where you act as a representative of your authority—
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3.—(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(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, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or

secure for yourself or any other person, an advantage or disadvantage; and

- (b) must, when using or authorising the use by others of the resources of your authority
- (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

7.—(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2 INTERESTS

Personal interests

8.—(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—

- (aa) exercising functions of a public nature;
- (bb) directed to charitable purposes; or
- (cc) one of whose principal purposes includes the influence of public opinion

or

policy (including any political party or trade union), of which you are a member or in a position of general control or management;

- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
- (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
- (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000

Prejudicial interest generally

10.—(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to Scrutiny Committee

- 11.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your 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 executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12.—(1)** Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the Scrutiny Committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

PART 3 REGISTRATION OF MEMBERS' INTERESTS

Registration of members' interests

- 13.—(1)** Subject to paragraph 14, you must, within 28 days of—
- (a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later), register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

APPENDIX B - OFFICIAL EXPLANATORY NOTES ACCOMPANYING THE NEW MODEL CODE

Paragraph 1 of the Code provides that the Code applies to any member of an authority and that it is the responsibility of each member to comply with the Code.

Paragraph 2 of the Code provides that the Code applies whenever a member is acting in his or her official capacity, and in relation to conduct in a member's private capacity the code only applies where such conduct has resulted in a criminal conviction. Additionally, where a member is acting as a representative of his or her authority, he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any other legal obligations.

Paragraph 3 of the Code provides that members must treat others with respect and not do anything which may cause their authority to breach equality legislation, or which compromises the impartiality of those who work for the authority or bully anyone or intimate persons involved in code of conduct cases.

Paragraph 4 of the Code provides that members 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 5 of the Code provides that a member must not conduct himself or herself in a manner which could bring his or her authority into disrepute.

Paragraph 6 of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he or she 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.

Paragraph 7 of the Code provides that a member must have regard to advice given by the chief finance officer and monitoring officer and must give reasons for decisions made.

Paragraph 8 of the Code provides a list of matters which constitute a personal interest.

Paragraph 9 of the Code provides that generally a member with a personal interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered.

Paragraph 10 of the Code provides that generally a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his or her judgement of the public interest. The paragraph provides that in specified circumstances a member may regard himself as not having a prejudicial interest.

Paragraph 11 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 Scrutiny Committee's consideration of that decision or action.

Paragraph 12 of the Code provides that a member with a prejudicial interest must, unless, for example, he or she is making representations and members of the public are also allowed to make representations on that matter, or he or she has obtained a dispensation, withdraw from any meetings at which the business is being considered, and must not improperly influence decisions in relation to the business.

Paragraph 13 of the Code provides that a member must notify the monitoring officer of his or her personal interests and any change to those interests must also be notified.

Paragraph 14 of the Code provides that a member may notify the monitoring officer of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation.

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 Assurance Shared 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 Head of Corporate Governance. 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 Head of Corporate Governance 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 Head of Corporate Governance.

5C. PROTOCOLS

A. Introduction

The Council has a number of different documents which govern how it operates. These include the constitution, Standing Orders and Codes 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, a set of values which govern our behaviour is about to be agreed.

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 Area Committees
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 (Audit Charter)
16. Use of Information Technology (such as Acceptable Use, Internet and Email Policies)
17. Petition Scheme

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. [Guidelines on the Role of Internal Audit \(Audit Charter\) Guidelines on the Role of IA \(Audit Charter\) 2007 - Appendix D.doc](#)
- 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 which ever party or parties 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. Area Committees 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 COUNCILLOR 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 Committee 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.
- i) Liaise with and provide one-to-one briefings and feedback to Lead Members.

Lead Members

The main role of a Lead Member is to assist the Cabinet member in their role, such as:-

- Provide support to Cabinet member (research agent etc.)
- Attend meetings on behalf of Cabinet member as appropriate e.g. with officers, and attend cabinet workshops
- Take the lead on specific issues/projects (finding out and consulting on certain issues)
- Acting as a sounding board to test out ideas
- Understand the relevant area/s from within the portfolio and be aware of the key issues associated with it
- Be enthusiastic and interested in issues
- Stand in at meetings
- Answer questions in council on issues of a factual nature to provide cover during Cabinet member's absence
- Provide feedback to the Cabinet member
- Act as an ambassador for the Cabinet member's area of responsibility to non-cabinet members

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 relationship 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** (includes attendance at Committee of the External Auditor unless shown otherwise)

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. Area Committees

The Council's area committees play an important role in involving local communities in the decision-making of the Council. Their key role is as follows:

- a) representing the views and concerns of the local community to the Council and its partners.
- b) ensuring that the views of local communities are taken on board in the way the Council and its partners conducts business.
- c) acting as a means for the Council and its partners to consult local communities on key issues.
- d) enabling Council decisions to be taken at a local level and in a way which allows public participation.
- e) explaining decisions made by the Council and reasons for them to local communities.
- f) 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 area committees 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 area committees affect the reputation of the Council with local communities.

Responsibilities of Area Committee Chairmen

- a) Responsibility to provide leadership of and direction to their area committee.
- b) Championing their area committee and local area.
- c) Responsibility for setting and agreeing agendas for the meetings.
- d) Responsibility for ensuring that agreed actions are followed up, in conjunction with their supporting senior officer.
- e) Ensuring effective management of meetings, including public involvement and the length of meetings.
- f) Developing links with the local community.
- g) Ensuring communication between all members of the committee.

- h) Encouraging members to contribute to the agenda.
- i) Precedence being given to placing items requested by members of the public on the agenda, wherever this is practical and reasonable.
- j) Ensuring that members of the public are allowed their entitlement to speak for a maximum of five minutes during a meeting, whilst avoiding repetition of comments made by others.
- k) Ensuring that respect is shown at all times to councillors, co-optees, officers/and members of the public.
- l) Work with other area committees & chairs to share learning and experience.
- m) Lead on the developing and implementing area action plans and the committee's work programme.

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 being finalised following recent changes and will be uploaded shortly in [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 Standards for England, 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 as requested by Standards for England or Standards Committee and make a written report and, in doing so, should follow any guidance/procedures provided by Regulations and/or Standards for England.
- 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 be 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 area committee 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 an area committee
- 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
- The service standard (in terms of turn-around time) will be set out in the Democratic Services Team Service Charter
- 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 (Audit Charter)

The Internal Audit function conducts its activities in accordance with the Professional Practices Framework of the Institute of Internal Auditors and the CIPFA Code of Practice for Internal Audit in Local Government. The Internal Audit Charter defines the purpose, authority and reporting responsibility of the Internal Audit Service and is detailed in [Appendix D.](#) TO BE REPLACED WHEN WORDING OF CHARTER IS AMENDED FOLLOWING GOVERNANCE COMMITTEE REQUEST

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. Petition Scheme

The Council has agreed a Petition Scheme as required by the Local Democracy, Economic Development and Construction Act 2009. This is accessible via [Petition Scheme.](#)

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 £100.00 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

The council's senior management structure chart is being finalised following recent changes and will be uploaded shortly.