

# **Constitution**

February 2021

This page is intentionally left blank

# Constitution

**Pursuant to Section 37 of the  
Local Government Act 2000**

**February 2021**

# Agenda Item 1

## CONTENTS

Page

[Part One – Introduction and Short Guide](#) [5](#)

[Part Two – Governance – How we run the Council and make decisions](#)

[2.1. Guide to Decision making](#) [1](#)

**Main Decision Making Bodies**

[2A Council Meetings & Members](#) [3](#)

[2B Cabinet](#) [8](#)

[2C Scrutiny Committee](#) [13](#)

[2D Governance Committee](#) [16](#)

[2E Planning Committee](#) [19](#)

[2F General Licensing Committee](#) [25](#)

[2G Licensing Act Committee](#) [29](#)

[2H Standards Committee](#) [33](#)

[2I Appeals Committee](#) [36](#)

[2J Shared Services Committee](#) [37](#)

[2K Appointment & Employment Panel](#) [39](#)

[2L Joint Planning Advisory Committee](#) [42](#)

[2M My Neighbourhood Areas](#) [43](#)

**Article 11 – deleted**

[Article 12 Joint arrangements](#) [44](#)

[Article 13 Officers](#) [46](#)

**Article 14 – deleted**

# Agenda Item 1

<u>Article 15 Finance, Contracts &amp; Legal Matters</u>	<u>49</u>
<u>Article 16 Review &amp; Revision of Constitution</u>	<u>50</u>
<u>Article 17 Suspension, Interpretation &amp; Publication</u>	<u>52</u>
<b><u>Part Three – Responsibility for Functions</u></b>	<b><u>1</u></b>
<u>3E Scheme of Delegation to Officers</u>	<u>2</u>
<u>3F Working Groups and Panels</u>	<u>4</u>
<u>3G Members on Outside Bodies</u>	<u>6</u>
<b><u>Part Four – Procedure Rules</u></b>	<b><u>1</u></b>
<u>4A Council Procedure Rules</u>	<u>2</u>
<u>4B My Neighbourhood Area Procedure Rules</u>	<u>20</u>
<u>4C Access to Information Procedure Rules</u>	<u>22</u>
<u>4D Budget &amp; Policy Framework Procedure Rules</u>	<u>31</u>
<u>4E Cabinet Procedure Rules</u>	<u>34</u>
<u>4F Scrutiny Procedure Rules</u>	<u>38</u>
<u>4G Financial Procedure Rules</u>	<u>46</u>
<u>4H Contract Procedure Rules</u>	<u>62</u>
<u>4I Officer Employment Procedure Rules</u>	<u>83</u>
<u>4J Standards Committee Procedure Rules</u>	<u>85</u>
<u>4K Temporary Changes Due to Covid-19 Pandemic – Public Participation</u>	<u>95</u>
<b>Part 5 – Codes and Protocols</b>	<b>1</b>
<u>5A Code of Conduct for Elected Members</u>	<u>2</u>
<u>5B Code of Conduct for Employees of the Council</u>	<u>10</u>

# Agenda Item 1

<u>5C Protocols</u>	<u>21</u>
<u>5D Social Media Protocol</u>	<u>37</u>
<u>5E Member and Officer Protocol</u>	<u>40</u>
<u>Part 6 – Scheme of Payment of Members Allowances</u>	<u>1</u>
<u>Part 7 – Senior Management Structure</u>	<u>1</u>

# Agenda Item 1

## Part 1 - Introduction and Short Guide

### Introduction

South Ribble Borough Council ('the Council') is one of 15 local authorities in Lancashire and sits at the very heart of the County. With award winning parks and green open spaces, low levels of unemployment, good schools, excellent transport links, low average house prices and a rich local history, the Borough has been named as one of the best places to live in the UK.

The County of Lancashire has a three tier system of local government; the County Council, the local Borough or District Council, and also a Parish or Town Council in some parts of the Borough. Each of these authorities has different responsibilities.

South Ribble Borough Council represents and speaks for all the people who live in South Ribble. It champions their interests with central government and a wide range of statutory, voluntary and private sector bodies and is responsible for the direct provision of a range of services, including:

- Waste Collection and Recycling
- Planning and Housing
- Environmental Health
- Licensing
- Neighbourhood Services, including Park Maintenance
- Regeneration
- Community Safety
- Revenues and Benefits
- Economic Development
- Leisure

Local Councillors ('members') are elected every four years to serve for a four year period, and everyone aged over 18 and on the electoral register for the area may vote. There are 50 members of the Council, with 19 two member wards and 4 three member wards.

The Council has four priorities which are aligned to wider partnership priorities for the Borough

- Health, wellbeing and safety
- Excellence, investment and financial sustainability
- Our people and communities
- Place, homes and environment

As an organisation the Council is committed to the following values:

- Positive Attitude
- Integrity
- Learning Organisation
- Teamwork
- Excellence

# Agenda Item 1

## **Political Governance Arrangements**

The way the Council works, and how decisions are made, is set out in this document Council's Constitution. The Council's political governance arrangements have to meet the requirements of law, particularly the Local Government Act 2000.

The Council operates a Strong Leader and Cabinet system with a Leader elected by the Council for a four year term of office. The Leader in turn appoints a Deputy Leader and between one and eight other members to form a Cabinet. The Cabinet is responsible for much of the day to day executive functions of the Council, and operates within the budget and policies approved by the Council as a whole.

Other decisions are made by committees, which are normally politically balanced to reflect the overall political composition of the Council. In addition a range of the most important decisions are made by all members meeting as full Council.

## **The Full Council**

The 50 members of the Council meet in full Council ('the Council') at least seven times a year.

Council meetings take place on a Wednesdays at 6:00pm at the Civic Centre West Paddock Leyland PR25 1DH, unless otherwise agreed with the Mayor.

The agenda and papers are normally sent to members 5 working days before the date of the meeting.

## **The Mayor**

The Mayor is elected by the full Council in May each year and is responsible for chairing Council Meetings. In addition, the Mayor has a civic and ceremonial role as the first citizen of the Borough.

Legally the Mayor may not be a member of Cabinet but may sit on (although not chair) other committees.

## **Members**

Members' are democratically accountable to residents in their Ward. Members' overriding duty is to the whole community of South Ribble, but they have a special duty to their constituents, including those who did not vote for them.

### **The key roles of all members are to:**

- (a)** Collectively (through the Council) be the ultimate policy makers and to approve the strategies and plans forming the Council's budget and policy framework;
- (b)** Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities
- (c)** Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (d)** Balance different interests identified within their ward and represent the ward as a whole;
- (e)** Be involved in decision making;
- (f)** Be available to represent the Council on other bodies;
- (g)** Maintain the highest standards of conduct and ethics, including upholding the Councils



# Agenda Item 1

## **Member Code of Conduct.**

### **The Cabinet**

The Cabinet is responsible for carrying out all the Council's executive functions.

Executive functions are those functions of the Council which the Local Government Act 2000 states are to be the responsibility of the Leader and Cabinet. These are the vast majority of the council's functions. Some of these functions have been delegated by the Leader to officers.

The Cabinet comprises the Leader, the Deputy Leader and up to eight other members. The Cabinet is responsible for taking most of the major decisions to deliver the Council's priorities.

The Leader has substantial discretion to determine how executive functions are carried out. The Cabinet can form sub-committees or working groups to deal in more depth with particular political and council priorities. Only members may be appointed to the Cabinet. There can be no co-opted members, deputies or substitutes for Cabinet members. Neither the Mayor nor Deputy Mayor may be appointed to Cabinet.

Cabinet members have the following portfolios,

- Health, wellbeing and leisure
- Finance, property and assets
- Environment
- Planning, regeneration and city deal
- Community engagement, social justice and wealth building

Cabinet meetings are open to the press and public and take place on a Wednesdays at 6:00pm at the Civic Centre West Paddock Leyland PR25 1DH, unless otherwise agreed with the Leader.

The Council also have the following committees

- Scrutiny Committee - The Scrutiny Committee's role is to provide checks and balances within the Council and to hold the Cabinet to account. Most importantly, the committee also assists in the development of Council policy by looking at existing policies and the effectiveness of their delivery, and reviewing whether new policies or changes to existing policies are needed.
- Governance Committee - The Committee provides assurance of the adequacy of the risk management framework and internal control environment of the council, and oversight of the financial reporting process.
- Neighbourhood Areas - In order to strengthen communications with local communities and to increase their involvement in Council decisions about services which affect them, the Council has established My Neighbourhood Areas across the Borough. They consist of the members for each ward in the area and meet informally in public up to four times each year.
- Planning Committee - deals with applications for planning permission for housing and other major developments in the area.
- General Licensing Committee & Licensing Act Committee - which determines applications for taxi and private hire licenses for drivers and vehicles together with liquor licenses & gambling permits.
- Standards Committee - aims to ensure that members and officers maintain the highest standards of conduct across all areas of the Council's services.
- Appeals Committee - hears grievance and disciplinary procedure appeals.
- Shared Service Committee - A joint Committee with Chorley Council, the Committee oversees shared service delivery and investigates areas to extend shared services.
- Appointment & Employment Panel - deals with the recruitment and any disciplinary issues relating to the Council's statutory officers

# Agenda Item 1

- Joint Planning Advisory Committee - A joint Committee with Preston and Chorley Councils and Lancashire County Council dealing with matters of strategic planning within Central Lancashire as a whole.

In addition the Council has a number of panels and sub-groups to undertake specific work. These report in to and advise the main decision making bodies of the council.

Members also sit on a number of joint bodies and outside bodies dealing with a variety of matters and issues relevant to the South Ribble area.

## **Officers**

There is a distinction between the members of a local authority and the paid, professional staff who advise members and manage services under their overall direction. Additionally, it is an important principle that officers serve the whole Council and must be careful to maintain their political neutrality. In South Ribble members and officers work closely together in pursuing the interests of residents, while being aware of the fact that their roles are different and complementary.

There are 3 statutory officers

- The Chief Executive ('Head of Paid Service') is the head of the Council's paid service and the Council's principal adviser on policy. The Chief Executive chairs the Council's Senior Management Team. The Senior Management Team is made up of the Chief Executive, Corporate Directors and other officers who fulfil statutory roles.
- The Monitoring Officer's role is to make sure that the Council acts lawfully and that its actions do not give rise to maladministration or injustice.
- The Section 151 Officer is responsible for the proper administration of the Council's financial affairs.

Below the Chief Executive and Directors, the staff of the Council are organised into services led by Managers.

The officer structure is shown at Part 7 of this Constitution.

## **Residents Rights & Public Participation**

Local Residents have a significant number of rights in their dealings with the Council. Some of these are legal rights, whilst others reflect our openness and procedural rules. The local Citizens' Advice Bureau can also advise on individuals' legal rights.

Residents have a right to:

- vote at local elections if they are registered
- contact any local councillor about any matters of concern to them
- have access to a copy of the Constitution
- attend meetings of the Council, Cabinet and committees, except those parts where personal or confidential matters are being discussed
- attend and speak at meetings of the Council, Cabinet, Scrutiny, Planning and other committees on specific items on the agenda
- attend My Neighbourhood meetings and participate in discussions about community issues;
- address the Council for a maximum of 3 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 public meetings of the Cabinet where key decisions are being considered

# Agenda Item 1

- 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
- inspect the Council's accounts and make views known to the External Auditor

Further information can be obtained by e-mailing the Democratic Services Team on [democraticservices@southribble.gov.uk](mailto:democraticservices@southribble.gov.uk)

**Updated November 2020**

# Agenda Item 1

## Part 2 - Governance - How we run the Council and make decisions

### Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome)
- (b) Appropriate consultation and the taking of professional advice from Officers
- (c) Respect for human rights
- (d) A presumption in favour of openness and reasonableness
- (e) Clarity of aims and desired outcomes
- (f) An explanation of any options considered and the reasons for the final decision.

### Executive functions

Within the Budget and Policy Framework set by full Council, the Cabinet is responsible for carrying out executive functions as defined in the Local Government Act 2000 and related statutory instruments. These are the majority of Council functions.

### Non Executive functions

The Local Government Act 2000 also provides that a number of important functions cannot be undertaken by Cabinet. These are non – executive functions and are carried out by Committees or may have been delegated to Officers.

### Powers of Delegation

Non-executive functions of the Council may be delegated by the Council to Committees, Sub-Committees or Officers under Section 101 of the Local Government Act 1972.

Executive functions of the Council may be delegated by the Leader of the Council ("the Leader") to the Cabinet, Cabinet Sub–Committees, individual Cabinet Members or Officers under the Local Government Act 2000.

### Types of Decision

#### Decisions that can only be made by Full Council

Decisions relating to the functions listed in **Part 4A of this Constitution** will be made only by the Council and cannot be delegated without a specific resolution.

#### Key Decisions and Cabinet Decisions

A **key decision** is defined as any decision relating to a Cabinet function which is either:

- (a) Significant in terms of expenditure or savings. The financial threshold above which a matter becomes "significant" has been set at £ **100,000** and this figure is applicable to both revenue and capital budgets

**OR**

- (b) Significant in terms of its effect on the communities living in an area comprising two or more Council wards. Significant in this context means important or far reaching A decision taker may

# Agenda Item 1

only make a key decision in accordance with the requirements of the **Access to Information Procedure Rules** set out in **Part 4C** of this Constitution.

## **Executive Member Decision Making**

Executive Members may make decisions on matters delegated to them by the Executive Leader. Any such decision must be made in accordance with the requirements of the **Access to Information Procedure Rules** set out in Part 4C of this Constitution.

## **Decision Making by the Council and it's Committees**

The Council have adopted procedure rules to govern the exercise of the decision making powers by it and it's committees.

The rules are contained in the Procedure Rules section of the constitution.

## **Delegated Decision Making**

All delegated decisions must be made in accordance with the scheme of delegation adopted by this council and in accordance with the publicity and transparency rules requiring the decision to be made in writing, where appropriate on notice and published.

**Updated November 2020**

# Agenda Item 1

## Part Two – Main Decision Making Bodies

### 2A – Council Meetings & Members

#### 1. Full Council

- 1.1 The 50 members of the Council all meet together as full Council to decide the most important policies and to set the budget each year. At the annual meeting the Council elects the Mayor, appoints Committees and agrees their terms of reference.

The meeting is presided over by the Mayor and run according to formal rules of debate.

#### 2. Membership

- (a) **Membership.** All 50 members.
- (b) **Chairing the Council.** The Mayor presides over meetings of full Council and provides guidance as necessary in relation to any procedural requirements.
- (c) **Procedural Requirements.** The Council Procedure Rules at Part 4A of the Constitution set out the detailed rules which govern Council meetings, including the rules of debate, the order of business and public participation.
- (d) **Types of Council Meetings.** There are three types of Council meetings:
- Annual Meeting (including Mayoral Installation and First Business Meeting of the Municipal Year)
  - Ordinary Council Meetings
  - Special or Extraordinary Meetings

#### 3. Terms of Reference

- (a) To adopt or change the Constitution
- (b) To approve the annual Council Budget and the Medium Term Financial Plan
- (c) To approve the Policy Framework (see para 4.1) and the strategies and policies that sit within it
- (d) To make decisions on executive functions which are contrary to the policy framework, or contrary to, or not wholly in accordance with, the budget. This is subject to the urgency provisions set out in Part 4C of the Constitution
- (e) To appoint or remove the Executive Leader of the Council and to receive his or her scheme of delegation for executive functions

# Agenda Item 1

- (f) To appoint the Mayor and Deputy Mayor
- (g) To agree the Councils scheme of delegation including establishing Committees of the Council, agreeing their terms of reference, deciding on their composition and making appointments to them, including any co-opted or Independent Members
- (h) To appoint representatives to outside bodies subject to a report from the Monitoring Officer (unless the appointment is an executive function or has been delegated by the Council)
- (i) To approve the Schedule of Dates of Meetings for Council
- (j) To approve, adopt or revoke a Members' Allowances Scheme
- (k) To agree the Code of Conduct for Elected members and the appointment of an Independent Person under the Localism act 2011
- (l) To approve the Scheme of Delegation to Officers
- (m) To confirm the appointment of the Head of Paid Service
- (n) To designate the roles of Head of Paid Service, Monitoring Officer and Chief Financial Officer under the relevant legislation
- (o) To approve the dismissal of the Head of Paid Service, Monitoring Officer or Chief Financial Officer. Before deciding whether to or not to approve dismissal account must be taken of:
  - Any advice views or recommendations of the Independent Persons
  - The conclusions of any investigation
  - The representations of the Officer
- (p) To confirm the appointment of the Returning Officer
- (q) To determine the location of polling places and polling districts within the Councils electoral wards
- (r) To agree joint arrangements for non - executive functions where the Council is to discharge the functions of another authority
- (s) To make, amend, revoke, re-enact, or adopt bylaws and promote or oppose the making of local legislation or personal Bills
- (t) To approve the adoption of Conservation areas, Conservation Area Character Appraisals and Management Plans
- (u) To approve Interim Planning Guidance and Supplementary Planning Documents (if not Development Plan Documents)
- (v) To approve the Council's Annual Pay Policy Statement
- (w) To make any decision not to issue Casino Premises Licences within the Borough
- (x) To determine which local choice functions will be discharged by full Council (see Local Authority (Functions & Responsibilities) (England) Regulations 2000)
- (y) To confer the title of Honorary Alderman or Freedom of the Borough

# Agenda Item 1

(z) To change the Councils Governance arrangements

(aa) To change the Name of the Area

(bb) To determine all other matters which, by law, must be reserved to Council.

## 4. Policy Framework and Partnership Plans

4.1 The policy framework means the following plans and strategies:-

- Corporate Plan and Annual Performance Report
- Medium Term Financial Strategy
- Treasury Management Strategy
- Development Plan documents, including the Local Plan
- Asset Management Plans
- Licensing Gambling Policy
- Statement of Licensing Policy (Licensing Act 2003)
- Taxi Licensing Policy
- Homelessness Strategy
- South Ribble Strategic Housing Framework
- Any other plan or strategy where the Council determines that any decision on its adoption or approval should be taken by it rather than the Cabinet.

4.2 The Council is responsible for the adoption of the Policy Framework and individual plans and strategies.

4.3 The Policy Framework is developed in line with the Budget and Policy Framework Procedure Rules at Part 4D.

4.4 Council will also adopt the following strategic partnership documents:

- Partnership Community Safety Strategy
- South Ribble Partnership Sustainable Community Strategy
- Central Lancashire Economic Development Strategy
- Lancashire Waste Strategy

## 5. The Budget.

5.1 The budget includes the allocation of revenue and capital financial resources to services and projects, and the transfers to/from reserves and contingencies, the level of balances, and the grants available from Government.

5.2 It also includes the processes of approving the Council Tax base, setting the Council Tax for the forthcoming financial year, and decisions relating to the control of the Council's borrowing requirement and the control of its capital expenditure. *For decisions as to the setting of virement limits see the Financial Regulations.*

5.3 The Council will normally approve the annual Treasury Management Strategy as part of the Budget.

5.4 The Budget is developed in line with the Budget and Policy Framework Procedure Rules at Part 4D of the Constitution. .



# Agenda Item 1

## 6 Role and function of the Mayor

6.1 The Mayor will be elected by the full Council at the Mayoral Installation ceremony in May each year and has the following roles and functions:

- (a) **Ceremonial Role.** As the first citizen of the Borough to represent the Council at events of a civic or ceremonial nature, whether organised by the Council or some other body.
- (b) **Promotion of the Borough.** To promote public involvement with the Borough and the Council as a whole, in partnership with the Leader, and act as a focal point for the local community.
- (c) **Chairing of Council.** When presiding over meetings of full Council the Mayor will:
  - uphold the Constitution, and provide guidance to the meeting as necessary in relation to any procedural requirements
  - conduct the meeting in such a way that its business is carried out efficiently having regard to the rights of members and the interests of the community
  - ensure that the Council meeting is a forum for the debate of matters of concern to the local community, and the place at which members who are not on the Cabinet are able to hold the Cabinet to account and any other members of Council who hold positions of responsibility, for example as Chairman of a Committee or a nominee onto an outside body

6.2 Legally the Mayor may not be a member of Cabinet but may sit on (although not chair) other committees. For the sake of clarity the Deputy Mayor may also not be a member of the Cabinet.

6.3 When acting in the capacity of Mayor he or she will be expected to support the tradition of neutrality expected of the post holder.

6.4 In the absence of the Mayor the Deputy Mayor will undertake his or her duties and responsibilities.

## 7. Election and Terms of Members

7.1 The regular election of members will be held on the first Thursday in May every four years (although on rare occasions the date may be altered to coincide with other National or European Elections). The term of office of members will start on the fourth day after being elected and will finish on the fourth day after the next regular election.

7.2 Members are democratically accountable to residents in their Ward. Members' have a duty to their constituents including those who did not vote for them, or indeed did not vote at all, but their overriding duty is to the whole community of South Ribble.

7.3 All members will:

- Collectively (through the Council) be the ultimate policy makers and to approve the strategies and plans forming the Council's Budget and Policy Framework
- Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities

# Agenda Item 1

- Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances
- Balance different interests identified within their ward and represent the ward as a whole
- Be involved in decision making
- Be available to represent the Council on other bodies
- Maintain the highest standards of conduct and ethics, including upholding the **Council's Member Code of Conduct**

## 7.4 Rights and Duties of Members:

- Members 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
- Members 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
- For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in **Part 4C** of this constitution.

**Updated October 2017**

# Agenda Item 1

## 2B Cabinet

### 1. Cabinet

The Cabinet is the main decision making body of the Council.

Cabinet Members are appointed by the Leader and reported to the first business meeting of the municipal year.

Its powers and functions are known as “executive functions”

### 2. Membership

- (a) Political Balance. The cabinet is not required to have proportional political balance.
- (b) Membership. The Leader and Deputy Leader together with not less than 1 or more than 8 other Councillors appointed by the Leader (maximum of 10 in total)
- (c) Chairing the Cabinet. The Leader, or in his/her absence the Deputy Leader, will chair any meeting at which he/she is present. In the absence of both a member of Cabinet appointed by those present will chair the meeting.

### 3. Terms of Reference

The Cabinet is responsible for all the functions of the Council unless they are delegated elsewhere, either by law or under this Constitution.

The main functions of the Cabinet are:

- (a) To recommend to full Council the Corporate Plan and Corporate Risk Register, Annual Revenue Budget, Medium Term Financial Strategy and Treasury Management Strategy
- (b) To recommend any in-year changes to the budget that are reserved to full Council.
- (c) To recommend to full Council the policies and strategies that form the Policy Framework.
- (d) To consider and review reports on the Council's performance
- (e) To approve the award of contracts that are reserved to Cabinet
- (f) To agree strategies and plans that are not in the Policy Framework
- (g) To consider reports on significant changes or issues relating to service delivery;

# Agenda Item 1

- (h) To receive and consider reports from Scrutiny Committee, including referrals from the call-in process;
- (i) To receive reports from members sitting on strategic partnerships

## **4. The Leader**

4.1 The Leader is elected by a simple majority at the annual Council meeting following the four-yearly council elections. The Leader holds office for 4 years and remains in position until the annual Council meeting following the next council elections, unless:

- (a) He/she resigns as Leader; or
- (b) He/she is disqualified or is otherwise removed from office; or
- (c) The Council passes a resolution to remove the Leader (in accordance with Council Standing Order x) or
- (d) He/she is no longer a member of Council

(N.B. if the Leader is not elected or does not stand for election, he/she will remain in office during the period between the election and the annual Council meeting when a new Leader will be elected);

## **5. The Deputy Leader**

5.1 The Leader will appoint a member to be Deputy Leader of the Council. The Deputy Leader must be a member of the Cabinet.

5.2 The Deputy Leader will hold office until the end of the Leader's term of office, unless:

- (a) He/she resigns as Deputy Leader; or
- (b) He/she is removed by the Leader; or
- (c) He/she is disqualified or is no longer a member of the Council.

5.3 If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader will act in his/her place.

## **6. The Cabinet Members**

6.1 The Leader will also appoint between one and eight other members of the Council to serve on the Cabinet.

6.2 Cabinet members shall hold office until:

# Agenda Item 1

- (a) They resign from office as a Cabinet member; or
- (b) They are removed from office by the Leader; or
- (c) They are disqualified or are no longer a member of the Council;

6.3 If for any reason neither the Leader or Deputy Leader is able to act or both offices are vacant the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to act in the Leader's place.

## **7. Changes to the Cabinet**

7.1 The Leader shall notify the Chief Executive in writing of the size and composition of the Cabinet and of any subsequent changes and the date from which any changes are to take effect.

7.2 The Chief Executive must inform all members of the Council of any changes to the size and composition of the Cabinet within seven working days of being notified by the Leader and follow the procedure in the Cabinet Procedure Rules to report to full Council.

## **8. Proceedings of the Cabinet**

8.1 The Cabinet will conduct its proceedings in accordance with the Cabinet Procedure rules set out in Part 4E of this Constitution.

## **9. Scheme of Delegation for Executive Functions**

The Executive Cabinet may exercise any Executive Function.

A Portfolio holder may take any Executive decision which relates to his or her Portfolio. The Executive Leader may take any decision which an individual Portfolio holder could take where the relevant Portfolio holder is unable or unwilling to take that decision.

The Executive Leader may alter the allocation of responsibilities within any Portfolio. Chief Officers may take any Executive decision which relates to the services under their control except where the relevant Portfolio holder has instructed them not to make such a decision.

Chief Officers may nominate other Officers to take decisions which they have the power to take.

### **Principles of Decision Making**

All decisions must be made in accordance with the provisions of this Constitution and any policies of the Council.

The following principles shall be observed by decision makers exercising Executive functions:

- Key decisions should normally be made by the Cabinet as a whole;
- Decisions which significantly affect more than one Portfolio should normally be made by the Cabinet as a whole
- Decisions of an operational or managerial nature should normally be made by Chief Officers

# Agenda Item 1

- Decisions of a strategic nature would normally be made by Members.

No decision shall be open to legal challenge on the basis that these principles have been breached.

## 10. Membership

Cabinet Portfolios (as at January 2021) are:

Portfolio	Key Areas
<b>Leader/Strategy and Reform</b>	<ul style="list-style-type: none"> <li>• Corporate strategy</li> <li>• Performance</li> <li>• Public service reform</li> <li>• Communications</li> <li>• Events (including museums)</li> <li>• Human resources and member development</li> <li>• Strategic projects</li> </ul>
<b>Health and Wellbeing</b>	<ul style="list-style-type: none"> <li>• Community resilience and health inequalities</li> <li>• Public health</li> <li>• Environmental health</li> <li>• Community safety</li> <li>• Leisure policy development</li> <li>• Homelessness</li> <li>• Green agenda</li> <li>• Air quality &amp; climate change</li> </ul>
<b>Communities, Social Justice and Wealth Building</b>	<ul style="list-style-type: none"> <li>• Customer services</li> <li>• Multi-agency working and South Ribble Hub</li> <li>• Welfare assistance (including revenues and benefits)</li> <li>• Digital strategy and ICT</li> <li>• Waste, street cleansing</li> <li>• Community development</li> <li>• Wealth building</li> <li>• Youth council</li> <li>• Equality and diversity</li> </ul>

# Agenda Item 1

<b>Finance, Property and Assets</b>	<ul style="list-style-type: none"><li>• Finance</li><li>• MTFS</li><li>• Major developments and asset management to include, parks, open spaces and leisure and community assets</li></ul>
<b>Planning, Business Support and Regeneration</b>	<ul style="list-style-type: none"><li>• Strategic Planning</li><li>• Regeneration master planning</li><li>• Housing strategy</li><li>• Licensing</li><li>• Economic development including support for business</li><li>• Car parking</li></ul>

## 11. Lead Members and Member Champions

11.1 The following lead member roles were created by the Leader of the Council in January 2021:

- Youth and Mental Health Awareness
- Social Equality and Justice
- Climate Change

*(the terms of reference for these roles is currently being developed)*

11.2 The following member champions were appointed by the Leader of the Council in January 2021 to support the relevant portfolio holder but they will not receive any remuneration. The expectation is that they will stay informed about the work and responsibilities of the portfolio. Work will be undertaken with direct responsibility and reporting back to the relevant Cabinet Member or the Leader. This will also build knowledge, experience and be a development opportunity for those Councillors who aspire to become a Cabinet Member.

- Armed Forces
- Older People
- Safeguarding

**Updated February 2021**

# Agenda Item 1

## 2C - Scrutiny Committee

### 1 Scrutiny Committee

The Scrutiny Committee meets in public to discuss and make recommendations on the development of new policies, together with the review of existing policies, and to hold the Leader and Cabinet to account for their actions.

The Scrutiny Committee is responsible for developing its own work programme but should take into account any views expressed by the Council, Cabinet, members generally and local people

### 2. Membership

- (a) Political Balance. The Scrutiny Committee is required to have proportional political balance in accordance with the provisions of the Local Government & Housing Act 1989.
- (b) Membership. 13 Members. Cabinet members are not eligible to sit on Scrutiny Committee. All other members are eligible, however no member may be involved in scrutinising a decision in which he/she has been directly involved.
- (c) Task and Finish Groups. Membership of Task and Finish Groups may be selected from all non-Cabinet members and is not restricted to members of the Scrutiny Committee.
- (d) Co-optees. The Committee may recommend to Council the appointment of a number of people as non – voting co-optees.
- (e) Chairing the Scrutiny Committee. Chairman and Vice Chairman appointed by the Council at the first business meeting of the new municipal year. In the absence of the both the Chairman and Vice Chairman a Chairman for the meeting may be appointed by the Committee. Any permanent replacement of the Chairman or Vice Chairman requires full Council approval.

### 3. Terms of Reference

- (a) To review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions
- (b) To make reports and/or recommendations to the full Council and/or the Cabinet and/or any Local Committee in relation to the functions of that body
- (c) To consider any matter affecting the area or residents
- (d) To exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet, or where a Corporate Director has taken a key decision (see..)
- (e) To establish ad hoc task and finish groups to undertake specific tasks.
- (f) To deal with issues referred to Scrutiny under the "Councillor Call for Action" process



# Agenda Item 1

- (g) To consider reports from the Monitoring Officer on the activities of Outside Bodies to which the Council nominates representatives ( see part 3G)
- (h) To ensure effective co- ordination of the work programme with other Committees and in particular the Governance Committee, including the consideration of the Annual Audit Letter. (see Protocol at section 5C)

## **4. Policy Development and Review**

In order to undertake their policy development and review role the Scrutiny Committee may:

- (a) Assist the Council and the Cabinet in the development of the budget and the policy framework by in-depth analysis of policy issues
- (b) Conduct research and undertake relevant consultation to enhance community participation in the development of policy
- (c) Undertake in depth reviews of relevant policies, plans, strategies and services, including customer satisfaction and value for money.
- (d) Question members of the Cabinet and/or other Committees and officers about their views on issues and proposals affecting the area
- (e) Liaise with other external organisations and partnerships operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working

## **5. Scrutiny**

In order to undertake their Scrutiny role the Scrutiny Committee should:

- (a) Review and scrutinise the decisions, initiatives, projects and performance of the Cabinet and/or other Committees and officers in relation to individual decisions, initiatives and projects through the call-in process or pre-scrutiny
- (b) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- (c) Question members of the Cabinet and/or Committees and officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- (d) Make recommendations to the Cabinet and/or other Committees and/or Council arising from the outcome of the scrutiny process
- (e) Review and scrutinise the performance of other public bodies and partners in the area and invite reports from them by requesting them to address the Scrutiny Committee about their activities and performance

# Agenda Item 1

(f) Question and gather evidence from any person (with their consent)

The terms of reference and procedure rules for all Scrutiny Advisory Boards are included in the Scrutiny Procedure Rules set out in part 4F of this Constitution.

## **Notes**

The Council must appoint at least one Scrutiny Committee to discharge the functions set out in s21 of the Local Government Act 2000

Subject to this requirement the Council has the discretion to decide the number, size and functions of Scrutiny Committees

**Updated May 2017**

# Agenda Item 1

## Part 2D – Governance Committee

### 1. Governance Committee

#### Statement of Purpose

1. Governance Committee is a key component of South Ribble Borough Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of our Governance Committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of South Ribble Borough Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
3. To take an overview of the Council's constitution and assist the Monitoring Officer in reviewing the constitution to ensure it is current and meets the purpose set out in Article 1.

### 2. Membership

- (a) **Political Balance.** The Governance Committee is required to have proportional political balance in accordance with the provisions of the Local Government & Housing Act 1989.
- (b) **Membership.** 7 Members. No member of the Cabinet may sit on the Governance Committee
- (c) **Chairing the Governance Committee.** Chairman and Vice Chairman appointed by the Council at the first business meeting of the new municipal year. In the absence of the both the Chairman and Vice Chairman a Chairman for the meeting may be appointed by the Committee. Any permanent replacement of the Chairman or Vice Chairman requires full Council approval.
- (d) **Liaison with Scrutiny.** The Chairman of the Governance Committee will liaise with the Chairman of the Scrutiny Committee to ensure effective co-ordination of Scrutiny and Governance. An outline of how the joint areas of responsibilities between the Committees are to be met to avoid duplication and gaps is shown in Protocol 9 in Part 5C

### 3. Terms of Reference

#### Governance, Risk and Control

1. To periodically review the council's corporate governance arrangements against the CIPFA/SOLACE good governance framework and consider annual governance reports and assurances.
2. To approve the Annual Governance Statement and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
3. To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

# Agenda Item 1

4. To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
5. To monitor the effective development and operation of risk management in the council.
6. To monitor progress in addressing risk-related issues reported to the committee.
7. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
8. To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
9. To monitor the counter-fraud strategy, actions and resources.

## **Internal Audit**

10. To approve the Internal Audit Charter.
11. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
12. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
13. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
14. To make appropriate enquiries of both management and the Head of Shared Assurance Services to determine if there are any inappropriate scope or resource limitations.
15. To consider reports from the Head of Shared Assurance Services on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.
  - b) Regular reports on the results of the Quality Assurance and Improvement Programme.
  - c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.
16. To consider the Head of Shared Assurance Annual report:
  - a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.
  - b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement.
17. To consider summaries of specific internal audit reports as requested.

# Agenda Item 1

18. To receive reports outlining the action taken where the Head of Shared Assurance has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
19. To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
20. To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.
21. To support the development of effective communication with the Head of Shared Assurance.

## **External Audit**

22. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
23. To automatically refer any external auditor's report that has received a qualified opinion for consideration at the next available Full Council meeting.
24. To consider specific reports as agreed with the external auditor.
25. To comment on the scope and depth of external audit work and to ensure it gives value for money.
26. To commission work from internal and external audit.
27. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

## **Financial Reporting**

28. To 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.
29. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
30. To take an overview of the Council's Treasury Management Strategy.

## **Accountability Arrangements**

31. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
32. To take an overview of the Council's constitution and assist the Monitoring Officer in reviewing the constitution to ensure it is current and meets the purpose set out in Article 1.

# Agenda Item 1

## 2E Planning Committee

### 1. Planning Committee

Appointed by Council at the first business meeting of the municipal year.

The Planning Committee deals with applications for planning permission for development and associated matters within the Borough under the Town and Country Planning Act 1990 and related legislation.

**NOTE: Schedule I of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out the list of powers which must not be exercised by Cabinet. This includes the list of relevant planning powers and functions at paragraph 4.**

**These powers are either exercised by the Planning Committee (see paragraph 5) or by officers in accordance with the scheme of delegation (see paragraph 6)**

### 2. Membership

- (a) **Political Balance.** The committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989.
- (b) **Membership.** 13 members.
- (c) **Chairing the Committee.** Chairman appointed by the Council at the first business meeting of the new municipal year.
- (d) **Guidance.** Members need to have regard to the 'Guidance on Member Involvement in Planning Procedures' to be found in Appendix 3 to the Constitution

### 3. Training & Public Participation

3.1 All members of the committee must:

- (a) Have undertaken mandatory training on the relevant law and procedures which relate to the committee's work
- (b) Undertake further mandatory training on an ongoing basis whilst they continue to be members of the committee

3.2 Guidance on Participation by the Public & Members of the Council at Planning Committee can be found at Part x of the Constitution

# Agenda Item 1

## 4. Planning Functions

(Note – these are prescribed by Schedule I of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000)

(1)	(2)
Function	Provision of Act or Statutory Instrument
<b>A. Functions relating to town and country planning and development control</b>	
Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8).
Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.

# Agenda Item 1

Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (S.I. 1992/666).
Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990
Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c. 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.
Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
Power to determine application for listed building consent, and related powers. [...] 7	[Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Duties relating to applications for listed building consent [...] 8	[Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) and [regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519)] 9 and [paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01
Power to serve a building preservation notice, and related powers.	[Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)



# Agenda Item 1

Power to issue enforcement notice in relation to demolition of [listed] 11 building in conservation area.	[Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Powers to acquire a listed building in need of repair and to serve a repairs notice.	[Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Power to apply for an injunction in relation to a listed building.	[Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Power to authorise stopping up or diversion of highway.	[Section 247 of the Town and Country Planning Act 1990 (c.8).
Power to execute urgent works.	[Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)

## 5. Terms of Reference for Planning Committee

1. To determine applications for planning permission (save for minor variations to existing permissions) where:
  - (a) it relates to residential development and it will result in 10 or more dwellings being constructed or concerns a site greater than 0.5 hectares in size
  - (b) for any other form of development if it results in floor space greater than 1000 square metres
2. To determine any applications for Class A4 and A5 Food & Drink uses (Hot food takeaways/Pubs).
3. To determine any application where the applicant or a close relative of the applicant is a member or employee of South Ribble Borough Council. (Close relative is defined as a spouse, partner, parent, parent-in-law, son, or daughter).
4. To determine any application where the 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. To consider any application which, within 3 weeks of its validation, a member has requested the Director of Development, Enterprise and Communities in consultation with the Chair of Planning Committee to refer to the Committee. Any request must be accompanied by appropriate planning reasons for the referral to the satisfaction of the said Director and Chair.

**Where none of the above applies the decision will be made under the power of officer delegation set out in paragraph 6 below. This will include cases where the decision may be contrary to views which have been received from interested parties.**

# Agenda Item 1

## 6. Scheme of Delegation to Officers for Consideration of Planning Applications

1. To determine the following applications:
  - (i) The formation or alteration of a means of access to a highway.
  - (ii) Extensions, enlargements or other alterations to existing residential property and ancillary residential development within a domestic curtilage.
  - (iii) Alterations to approved housing layouts not involving any increase (up to 10%) in the number of dwellings or an increased number of access points.
  - (iv) All garages for the garaging of private motor vehicles.
  - (v) The erection or construction of gates, fences, walls or other means of enclosure.
  - (vi) Extensions, ancillary buildings and plant or machinery within an existing commercial, industrial or non-domestic curtilage where the decision is in accord with the provisions of the Development Plan.
  - (vii) The change of use of any building(s), or part of a building, but excluding proposals for Classes A4 (Drinking establishments), A5 (Hot Food Takeaway) and C2 (residential institutions) of the Use Classes Order, where the decision is in accord with the provisions of the Development Plan.
  - (viii) Provision of shop fronts and alterations to existing shop fronts.
  - (ix) Applications for consent to display advertisements.
  - (x) Renewal of permission or approvals where there is no material change in circumstances (including permissions which are time expired).
  - (xi) Discharge of planning conditions imposed on the granting of planning permission which are not "reserved matters".
  - (xii) Changes of use of land where the decision is in accord with the provisions of the Development Plan.
  - (xiii) The erection, extension or alteration of agricultural buildings on agricultural land, reasonably necessary for the purposes of agriculture within that unit.
  - (xiv) The erection or alteration of buildings for the stabling of horses on non-residential land.
  - (xv) The construction or adaptation of floodlighting columns.
  - (xvi) The construction of car parks, service roads, or other access serving an existing use.
  - (xvii) Lawful Development Certificate applications.
  - (xviii) Expressing the views of the Council on "County Matter" applications or on consultations as neighbouring Local Planning Authority where the development involved, if submitted to this Council as a planning application, would have been a delegated matter under this scheme.
  - (xix) Non material amendments to approved applications.

# Agenda Item 1

- (xx) Telecommunications applications located in employment or industrial areas where no amenity issues are raised.
- (xxi) Requests for Screening or Scoping opinions under the Town and Country Planning (Environmental Impact Regulations).
- (xxii) The initial drafting and consultation in relation to a Local Development Order prepared in line with the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- (xxiii) The taking of all forms of Enforcement and related action (including the institution of prosecutions) under the provisions of Town and Country Planning Act 1990.
- (xxiv) The carrying out of any other planning function not expressly referred to.

**Updated July 2017**

# Agenda Item 1

## 2F General Licensing Committee

### 1. General Licensing Committee

Appointed by Council at the first business meeting of the municipal year.

The General Licensing Committee will sit as a full committee and is responsible for dealing with the Council's taxi licensing and other specific licensing functions.

### 2. Membership

#### a) Political Balance

The General Licensing Committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989.

#### b) Membership

11 members

#### c) Chairing the Committee

Chairman to be appointed by the Council at the first business meeting of the new municipal year.

### 3. Terms of Reference

The General Licensing Committee will be responsible for overseeing, developing and approving taxi licensing policy (with the exception of matters reserved by statute to Council or the Cabinet).

This includes:

- a) overseeing the processes to determine the application of the statutory "fit and proper" test, and vehicle age policy, to ensure public safety within the Borough;
- b) all functions of the Council relating to applications for private hire, hackney carriage and miscellaneous licences;
- c) receiving reports on these matters, and on the functions delegated to the Taxi and Miscellaneous Panels and to officers. To call for a report on any individual case;
- d) determining the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
- e) exercising the functions of the Taxi Licensing and Miscellaneous Sub-Committee Panels in any case referred to the Committee by its Chair, or by the Chair of a Taxi Licensing and Miscellaneous Sub-Committee Panel, on the grounds of its special significance or difficulty;
- f) meeting with representatives of the licensed taxi trades to discuss matters of concern;
- g) setting fees and charges (subject to their formal adoption by full council);

# Agenda Item 1

- h) presenting an annual report on the work of the General Licensing Committee to Council; and
- i) in a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the General Licensing Committee who are re-elected as Councillors shall meet as the General Licensing Committee to exercise any of the functions of the Taxi Licensing and Miscellaneous Sub-Committee Panels, or under (e) above, and shall elect a Chair for the meeting.

Excluded from the General Licensing Committee's terms of reference are:

- (a) any functions specifically delegated to the Licensing Act Committee, or those Licensing Act functions statutorily referred to the Cabinet and the full Council (including the formal review and determination of the Licensing Policy Statement and the Statement of Gambling Policy); and
- (b) the functions delegated to the Taxi Licensing and Miscellaneous Sub-Committee Panels as set out below, except where referred back to the Committee under sub-paragraph 3(e) above.

#### **4. Delegation to Sub-Committee - Taxi Licensing and Miscellaneous Sub-Committee Panel**

This sub-committee is a Sub-Committee Panel of the General Licensing Committee, appointed by that Committee under the Local Government Act 1972.

The General Licensing Committee has arranged under S101(1) of the Act for the discharge of such of the Council's functions as are within the Sub-committee Panel's terms of reference in Section 5 below.

Certain functions are delegated by the Taxi Licensing and Miscellaneous Sub-Committee Panel to officers. These are identified in the Scheme of Delegation which can be found in the Constitution.

#### **5. Taxi Licensing and Miscellaneous Sub-Committee Panel - Terms of Reference**

Sitting as a Sub-Committee Panel comprising of 5 members (drawn from the full Committee on a politically proportionate basis):-

The Chair of the Taxi Licensing and Miscellaneous Sub-Committee Panel will be the Chair or Vice Chair (depending on availability) of the General Licensing Committee.

The Sub-Committee Panel will carry out the following functions:-

Except for matters of Policy, to undertake all licensing functions, powers and duties conferred by the Local Government Act 1972 including (but not limited to) the matters set out immediately below and also subsequently in Paragraph 5:

- a) where evidence exists to cast doubt on whether the applicant / driver is a fit and proper person, the Sub-Committee Panel may determine all matters relating to the grant, renewal or review of taxi licences (which, in the interest of clarity, in these Terms of Reference shall include hackney carriage and private hire vehicle driver and operator licences), and to suspend or revoke taxi licences in accordance with legislation;
- b) in cases where the Director has on public safety grounds revoked with immediate effect a taxi licence, to determine an application for the grant of a new licence submitted by the driver/operator whose earlier licence was revoked;

# Agenda Item 1

- c) except for matters of Policy to undertake all licensing functions, powers and duties conferred by the Local Government Act 1972 including but not limited to the matters set out below:
- i) power to license hackney carriages and private hire vehicles;
  - ii) power to license drivers of hackney carriages and private hire vehicles;
  - iii) power to license operators of hackney carriages and private hire vehicles;
  - iv) power to license sex shops and sex cinema and sex entertainment venues; and
  - v) power to grant medical exemption from the obligation to provide support to wheelchair users and/or carry assistance dogs and
  - vi) power to license scrap metal dealers

## Paragraph 5

### Schedule 1B – Local Authorities (Functions and Responsibilities) (England) Regulations 2000

#### (Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule))

The list below relates to the exercise of specialist legislation including (but not exclusively) the following, subject to the functions not being Council functions as set out above:

1. Power to license hackney carriages and private hire vehicles.
  - (a) as to hackney carriages, the [Town Police Clauses Act 1847 \(10 & 11 Vict. c. 89\)](#), as extended by section 171 of the [Public Health Act 1875 \(38 & 39 Vict. c. 55\)](#), and section 15 of the [Transport Act 1985 \(c. 67\)](#); and sections 47, 57, 58, 60 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#);
  - (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
2. Power to license drivers of hackney carriages and private hire vehicles. Sections 51, 53, 54, 59, 61 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
3. Power to license operators of hackney carriages and private hire vehicles Sections 55 to 58, 62 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
4. Power to grant medical exemption from obligation to transport assistance dogs Sections 168-173 of the [Equalities Act 2010](#)

# Agenda Item 1

5. Power to grant medical exemption from requirement to provide support for wheelchair users      Section 165 and 167 of the Equalities Act 2010
  
6. Power to determine suitability of scrap metal dealers to hold a licence (site licence or mobile collector) and to set fees as appropriate      Scrap Metal Dealers Act 2013
  
7. Power to license persons to collect for charitable and other causes.      Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44)(31).
  
8. Power to issue a street trading licence      Local Government (Miscellaneous Provisions) Act 1982
  
9. Power to issue cinema and cinema club licences.      Section 1 of the Cinema Act 1985 (c. 13).
  
10. Power to license sex shops and sex cinemas.      The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.

**Updated October 2017**

# Agenda Item 1

## 2G Licensing Act Committee

### 1. Licensing Act Committee

Appointed by Council at the first business meeting of the municipal year.

The Licensing Act Committee will sit as a full committee and is responsible for dealing with the Council's Liquor Licensing, Gambling Act and other specified functions.

This is a Committee of the Council appointed by the Council under Section 6 of the Licensing Act 2003.

The Council has arranged under Section 7 of the 2003 Act and S101 of the Local Government Act 1972 for the discharge by the Committee of such of the Council's functions, as specified in the Local Authorities (Functions and Responsibilities) Regulations 2000- Schedule 1B as amended, and to undertake all licensing functions, powers and duties conferred by the Licensing Act 2003.

### 2. Membership

#### a) Political Balance

The committee is not required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989.

#### b) Membership

11 members

#### c) Chairing the Committee

Chairman to be appointed by the Council at the first business meeting of the new municipal year.

### 3. Terms of Reference

Sitting as the Licensing Act Committee, to oversee, develop and approve licensing policy (with the exception of matters reserved by statute to Council or the Cabinet).

This includes:

- a) responsibility for monitoring the operation of licensable activities under the Licensing Act 2003 and the Gambling Act 2005 within the Borough;
- b) receiving reports on these matters and on the functions delegated to the Licensing Act 2003 Sub-Committee Panels and to officers. To call for a report on any individual case;
- c) being consulted on the review and determination of the Licensing Policy Statement and the Statement of Gambling Policy including procedures for Council consultation with external stakeholders;



# Agenda Item 1

- d) setting fees and charges as required and (subject to Regulations) to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
- e) determining the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
- f) exercising the functions of the Licensing Act Sub-Committee Panels in any case referred to the Committee by its Chair, or by the Chair of a Licensing Act Sub-Committee Panel on the grounds of its special significance or difficulty;
- g) presenting an annual report on the work of the Licensing Act Committee to Council; and
- h) in a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the Licensing Committee who are re-elected as Councillors shall meet as the Licensing Committee to exercise any of the functions of the Licensing Act Sub-Committee Panels, or under (f) above, and shall elect a Chair for the meeting.

Excluded from the Licensing Act Committee's terms of reference are:

- (a) The functions statutorily referred to the Cabinet and the full Council including the formal review and determination of the Licensing Policy Statement and the Statement of Gambling Policy; and
- (b) The functions delegated to the Licensing Act Sub-Committee Panels as set out below, except where referred back to the Committee under sub-paragraph 3(f) above.

#### **4. Delegation to Sub-Committee – Licensing Act 2003 Sub-Committee Panel**

- a) This is a sub-committee of the Licensing Act Committee, appointed by the Committee under the Licensing Act 2003.
- b) The Licensing Act Committee has arranged under Section 9 of that Act to delegate its day to day decision making on such matters to the Sub-Committee Panel of such of the Council's functions as set out in the terms of reference below.
- c) Certain functions are delegated by the Sub-Committee Panel to officers. These are identified in the Scheme of Delegation which can found in the Constitution.
- d) The Sub-Committee Panel shall consist of 3 members and will be drawn from the full Licensing Act Committee on an ad-hoc basis. The Chair of the Sub-Committee Panel will either be the Chair or Vice Chair (depending on availability) of the Licensing Act Committee.

#### **5. Licensing Act Sub-Committee Panel – Terms of Reference**

Sitting as a Sub-Committee Panel comprising of 3 members, the Sub-Committee Panel will carry out the following functions:-

Except for matters of Policy, to undertake all licensing functions, powers and duties conferred by the Licensing Act 2003 and Gambling Act 2005, including (but not limited to) the matters set out immediately below and also subsequently in Paragraph 5:

# Agenda Item 1

## Licensing Act 2003

Except for matters of Policy, to undertake all functions, powers and duties conferred by the Licensing Act 2003 including (but not limited to) the matters set out below:

- a) Power to determine applications for personal licences;
- b) Power to determine applications for premises licences and club premises certificate;
- c) Power to determine applications for variation of premises licence and club premises certificates;
- d) Power to determine applications for transfer of premises licences;
- e) Power to review premises licence and club premises certificates; and
- f) Power to determine police or Environmental Health objections to temporary event notices.

## Gambling Act 2005

Where representations on the following applications have been received and not withdrawn, to determine applications:

- a) for premises licences;
- b) for variation of premises licences;
- c) for transfer of premises licences;
- d) for a provisional statement;
- e) for club gaming or club machine permits; and
- f) the cancellation of club gaming or club machine permits.

In addition, the Sub-Committee Panel will:

- g) decide whether to give a counter notice to a temporary use notice;
- h) take "action" under Section 202 where the review is heard by the committee;
- i) exercise its power to register pool betting operating licence;
- j) exercise its power to grant track betting licences;
- k) exercise its power to licence inter-track betting schemes;
- l) exercise its power to grant gaming and betting machine licences;
- m) exercise its power to register societies wishing to promote lotteries; and
- n) exercise its power to issue premises licences and to receive temporary use notices.

In these matters, the decision of a Sub-Committee Panel will represent that of the full Committee.

## Paragraph 5

### Schedule 1B – Local Authorities (Functions and Responsibilities) (England) Regulations 2000

#### (Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule))

The list below relates to the exercise of specialist legislation including (but not exclusively) the following, subject to the functions not being Council functions as set out above:

- |    |  |  |
|----|--|--|
| 1. | Power to register pool promoters.      | Schedule 2 to the Betting, Gaming and Lotteries Act 1963 |
| 2. | Power to grant track betting licences. | Schedule 3 to the Betting, Gaming and Lotteries Act 1963 |

# Agenda Item 1

- |    |  |   |
|----|--|---|
| 3. | Power to license inter-track betting schemes.  | Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 |
| 4. | Power to grant permits in respect of premises with amusement machines.                   | Schedule 9 to the Gaming Act 1968                           |
| 5. | Power to register societies wishing to promote lotteries.                                | Schedule 1 to the Lotteries and Amusements Act 1976         |
| 6. | Power to grant permits in respect of premises where amusements with prizes are provided. | Schedule 3 to the Lotteries and Amusements Act 1976         |
| 7. | Power to license night cafes and take-away food shops.                                   | Licensing Act 2003  |

**Updated October 2017**

# Agenda Item 1

## 2H Standards Committee

### 1. Standards Committee

Appointed by Council at the first business meeting of the municipal year with responsibility for promoting and maintaining high standards of conduct amongst elected members and officers.

### 2. Membership

- (a) **Political Balance.** The committee is required to have proportional political balance in accordance with requirements of the Local Government & Housing Act 1989.
- (b) **Membership.** 7 members
- (c) **Chairing the Committee.** Chairman and Vice Chairman appointed by the Council at the first business meeting of the new municipal year. In the absence of both the Chairman and Vice Chairman a chairman for the meeting may be appointed by the Committee. Any permanent replacement of the Chairman or Vice Chairman requires full Council approval.

### 3. Terms of Reference

- 1. To promote and maintain high standards of conduct by members, co-opted members, town and parish councillors and employees
- 2. To advise the Council on the adoption or revision of the Code of Conduct for Elected Members
- 3. To monitor the operation of the Codes of Conduct
- 4. To ensure members, co-opted members and town and parish councillors receive appropriate advice and training on registration of interests, the code of conduct and standards of behaviour generally
- 5. To decide on applications for dispensations in respect of members interests
- 6. To oversee the production of the Standards Annual Report and recommend it to Council
- 7. To determine allegations received in accordance with the requirements of the Localism Act 2011 and supporting regulations

# Agenda Item 1

## 4. Sub-committees of the Standards Committee

### The Hearing Panel

The Hearing Panel may be convened by the Monitoring Officer when required:

- (a) To conduct hearings and make decisions on allegations following investigation
- (b) To make decisions on allegations where the Monitoring Officer considers it is appropriate to refer the initial complaint to the Panel for determination

### Composition

- (a) 3 Members of the Standards Committee on a politically proportionate basis
- (b) The Chair to be appointed on ad hoc basis at the commencement of the meeting
- (c) The Panel will seek and take into account the views of an Independent Person before making a decision on any allegation which has been investigated.

Where a complaint concerns a town or parish councillor the Panel may also seek the views of a Parish Representative before making a decision on any allegation which has been investigated.

## 5. Independent Person

- (a) The Localism Act 2011 requires Full Council to appoint an Independent Person to assist the Monitoring Officer, Standards Committee and members with the determination of complaints about members, co-opted members and town and parish councillors.
- (b) The appointment will follow a process of public advertisement, application and selection.
- (c) The Independent Person is not a member of the Standards Committee, or of any of its sub-committees (Hearing Panels), but may attend meetings of the Standards Committee and is invited to attend all meetings of the Hearings Panel.
- (d) The views of the Independent Person must be sought and taken into consideration before the Standards Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.
- (e) More detailed information on the role of the Independent Person and his/her involvement in the investigation of complaints is contained in the Protocol relating to the Independent Person.

# Agenda Item 1

(see Part 5C of the Constitution)

## **Notes**

Under the Localism Act 2011 the appointment of a Standards Committee is discretionary.

**Updated May 2017**

# Agenda Item 1

## 2I Appeals Committee

### 1. Appeals Committee

Appointed by Council at the first business meeting of the municipal year to meet on an ad hoc basis to act as the final internal appeal body to deal with grievances and disciplinary or dismissal appeals.

### 2. Membership

- a) **Political Balance.** The rules of proportional political balance apply in accordance with the requirements of the Local Government & Housing Act 1989
- b) **Membership.** 3 Members
- c) **Chairing the Committee.** Chairman to be appointed at each meeting.

NB All Members must have received relevant training on the process and procedures to be followed. Updated training will be provided prior to each meeting of the committee.

### 3. Terms of Reference

- 1. To act as the final internal body to hear and determine appeals, in accordance with the relevant Council policies and procedures for:
  - a. Dismissal for misconduct
  - b. Dismissal for capability
  - c. Dismissal arising from the Council's Managing Attendance Policy
- 2. To consider any appeal by an employee that the selection criteria for redundancy has been unfairly applied in their case under the Council's Redundancy Policy.
- 3. To act as the final internal appeal body to determine staff grievances at stage 3 and in accordance with the Council's approved Grievance procedures.
- 4. To determine or make recommendations, as appropriate, on any other staffing matter referred to the Panel by the Head of Paid Service.

**NOTE: There is a separate Committee to deal with matters relating to Statutory Officers – see Appointment & Employment Panel Terms of Reference & Officer Employment Procedure Rules**

# Agenda Item 1

## 2J Shared Service Joint Committee

### 1. Shared Services Joint Committee

Appointed by Council at the first business meeting of the municipal year as a Joint Committee to oversee shared service delivery jointly between Chorley and South Ribble Borough Councils, including investigating opportunities for extending shared services to new service areas and delivery options.

The Committee will operate in accordance with relevant powers contained within the Local Government Act 1972 and the Local Government Act 2000 and all enabling powers and in line with the Shared Service Agreements adopted between the two Councils.

The Shared Services Joint Committee will monitor the work and the effectiveness of shared services, the development and delivery of a shared services programme and make recommendations to each of the relevant Council's Cabinet meetings.

### 2. Membership

- (a) **Political Balance.** The committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989. Each Council will appoint five Councillors in line with the Political Balance of their own Council.
- (b) **Membership.** 10 members - five from each Council and appointed by the Council at the first business meeting of the Municipal Year.
- (c) **Chairing the Committee.** Chairman and Vice Chairman to be appointed at the first committee meeting of the municipal year and will serve for the year. Each Council should take the Chair on an annual rotational basis and the Chairman and Vice Chairman should be from different Councils.
- (d) **Observer councillors** will be permitted to attend meetings of the Committee. In addition, relevant council officers may attend the meetings to present and advise the Committee on their work.
- (e) **Voting.** When required, voting will be on a simple majority. In the event of a tied-vote, the Chairman will have a casting vote (or in his/her absence, the vice-Chairman). Observer Councillors and officers do not have a vote

### 3. Terms of Reference

- (a) To oversee and review current shared financial and shared assurance services, including monitoring their performance against the Shared Service Agreement in place.
- (b) To investigate the opportunities and business benefits of other services being run on a shared basis between the two Councils and make recommendations to respective Cabinet meetings.
- (c) To oversee the implementation of any additional shared service arrangements including the management and delivery of a shared services programme and monitoring the effectiveness and performance of the services.
- (d) To act as arbiter (in the first instance) in the event of any disagreement regarding the delivery of shared services.



# Agenda Item 1

- (e) To manage the resourcing of shared service arrangements to an agreed Resource Plan; and to consider any additional funding requirements.

#### **4. Calendar of meetings**

The Joint Committee is scheduled on a quarterly basis and dates are contained within each Council's calendar of meetings. Changes to meetings, including additional meetings, may be agreed by the Chairman as needed.

**Updated May 2017**

# Agenda Item 1

## 2K Appointment & Employment Panel

### 1. Appointment & Employment Panel

1.1 To deal with the recruitment of the Council's Chief Executive (Head of Paid Service), Deputy Chief Executive, Director of Governance (Monitoring Officer), Director of Finance (Section 151 officer), Deputy Director of Finance (Deputy Section 151 officer) and Shared Services Lead – Legal (Deputy Monitoring Officer). The Panel may be used for the appointment of other senior posts if considered appropriate.

1.2 For all Shared Services posts arrangements will be agreed with Chorley Borough Council.

1.3 For the sake of clarity the "Statutory posts" are the Head of Paid Service, the Monitoring Officer and the Section 151 Officer.

### 2. Membership

2.1 Political Balance. The committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989

2.2 Membership. 5 Members – one of which must be a Cabinet Member. In the event of a joint appointment with Chorley Borough Council then a reduced number of South Ribble members may be involved but the principles of political proportionality will always be maintained.

2.3 Chairing the Panel – The Chairman will be the Leader of the Council.

2.4 Reserve Members. There are 3 reserve members who may be used in the event that – for whatever reason – one of the permanent members cannot attend.

### 3. Terms of Reference

4. To oversee the arrangements to appoint a new Chief Executive & Head of Paid Service to include selecting applicants from a shortlist of qualified candidates and interviewing those on the shortlist.

5. Wherever appropriate to recommend the appointment of a suitable candidate for the role of Chief Executive & Head of Paid Service to full Council.

6. To consider whether to re advertise the post where there is no suitable candidate or to recommend that full Council makes other appropriate arrangements.

7. (Working with colleagues in Chorley Borough Council) to oversee the arrangements for the recruitment of the other posts referred to in paragraph 1 above to include selecting applicants from a shortlist of qualified candidates and interviewing those on the shortlist.

# Agenda Item 1

## **4. Initial Filter Panel**

4.1 Composition. Leader, Shared Services Lead (Transformation and Partnerships) and Monitoring Officer in respect of any allegations against the Chief Executive. Otherwise the Chief Executive will be part of the Panel rather than the Monitoring Officer. In the event that the Leader or any of the officers referred to above cannot fulfill that role (whether because they have a conflict of interest or because they are not available or for any other reason) then appropriate deputies may fulfil the role.

### **Terms of Reference**

4.2 To consider the severity & relevance of any complaint or allegation relating to the conduct or capability of the Statutory Officer or any other substantial concern.

4.3 To determine whether any complaint or allegation should proceed to the first stage of the Model Disciplinary & Guidance Procedure

## **5. Investigating & Disciplinary sub Committee**

5.1 Composition. 3 members of the Appointment & Employment Panel on a politically proportionate basis (at least one of which must be a member of the Cabinet).

5.2 Chairing the sub Committee. To be appointed at the commencement of the meeting.

5.3 Shared Services Posts. It will for the employing Council to deal with any disciplinary issues relating to any Statutory officer (albeit the other council will be fully liaised with).

### **Terms of Reference**

5.4 To undertake an initial assessment of any allegations against any of the Council's statutory officers referred by the Initial Filter Panel and decide whether a disciplinary investigation should be commissioned.

5.5 (Subject to 6.1 below) to decide whether the statutory officer in question should be suspended from his/her role and to periodically review whether any such suspension should continue.

5.6 To appoint an independent investigator to conduct the investigation and determine those matters to be investigated.

5.7 To consider the report and recommendations of any independent investigator and determine any sanctions to be imposed. (NB Any recommendation to dismiss of one of the statutory officers is a decision of full Council).

## **6. Chair of the Appointment and Employment Panel – Power to suspend**

6.1 Ordinarily any decision to suspend the Chief Executive/Head of Paid Service will be for the IDC to make. However, it is recognised that there may be exceptional circumstances that necessitate suspending such an officer before an IDC could meet. In such circumstances the power to suspend will be vested in the Chair of the Appointment

# Agenda Item 1

and Employment Panel. Such a power will only be exercised in cases of genuine urgency – for example where the continued presence of the officer concerned in the workplace would pose a serious risk to the health and safety of others. Any such decision to suspend by the Chair of the Appointment and Employment Panel will be reviewed by the IDC at the earliest practicable opportunity. Prior to making any such decision to suspend the Chair of the Appointment and Employment Panel should seek advice from the Monitoring Officer.

## **7. Appeals Committee**

7.1 Composition. 2 members of the Appointment and Employment Panel (at least one of which must be a member of Cabinet). These will be the two members of the Panel who did not sit on the Investigating and Disciplinary sub Committee whose decision is the subject of the appeal.

7.2 Chairing the sub Committee. To be appointed at the commencement of the meeting.

### **7.3. Terms of Reference**

To hear an appeal against a decision of the Investigating and Disciplinary Committee to impose a sanction short of dismissal in respect of any of the council's statutory officers.

# Agenda Item 1

## 2L Joint Planning Advisory Committee

### Joint Planning Advisory Committee

Appointed by Council at the first business meeting of the municipal year as a Joint Committee to oversee strategic planning across Central Lancashire.

The Committee will operate in accordance with relevant powers contained within the Local Government act 1972 and the Local Government Act 2000 and all enabling powers and in line with the Agreements adopted between the two Councils.

#### 2. Membership

- (a) **Membership.** 3 Elected Members from South Ribble, Chorley and Preston Borough Councils and 1 Elected Member from Lancashire County Council. South Ribble membership consists of the relevant Cabinet Member (with the Leader as substitute) and the Chairman and Vice Chairman of Planning Committee (and a nominated substitute)
- (b) **Chairing the Joint Planning Advisory Committee.** The host authority for the meeting normally chairs the meeting.

#### 3. Terms of Reference

- a. To keep under review plans and policies prepared by Chorley, Preston and South Ribble Councils (the Local Planning Authorities) and Lancashire County Council relating to the strategic planning of Central Lancashire as a whole with particular emphasis on such matters in which the area is self-contained and to make recommendations to each Local Planning Authority and the County Council on necessary amendments or alterations thereto.
- b. To keep under review the evidence base relating to strategic planning matters (including relevant housing, economic, transport and environmental research) affecting Central Lancashire and make recommendations to each Local Planning Authority and the County Council on the commissioning of appropriate research to ensure that any such evidence base is kept up to date.
- c. To monitor and report to each Local Planning Authority and the County Council on the effective delivery of strategic development as defined in S33(A)(4) of the Planning and Compulsory Purchase Act 2004 (as amended) to ensure compliance with the duty to co-operate and specifically concerning the provision of new housing, new employment opportunities, the economic health of city and town centres, sustainable transport and the provision of infrastructure.
- d. To keep under review and make recommendations to each Local Planning Authority on the Community Infrastructure Levy Charging Schedule and Infrastructure List.
- e. To make recommendations on the delivery of the Preston, South Ribble and Lancashire City Deal II.

# Agenda Item 1

## 2M – My Neighbourhood Community Hub Areas

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

### Membership

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

#### 1) Western Parishes

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

#### 2) Penwortham

Broad Oak, Charnock, Howick and Priory, Middleforth

#### 3) Bamber Bridge, Lostock Hall and Walton le Dale

Bamber Bridge East, Bamber Bridge West, Lostock Hall, Walton-le-Dale East and Walton-le-Dale West

#### 4) Leyland

Broadfield, Bucksahw and Worden, Earnshaw Bridge, Leyland Central, Moss Side, Seven Stars, St Ambrose, Farington East and Farington West

#### 5) Eastern

Coupe Green and Gregson Lane, Samlesbury and Walton

### Terms of Reference

Each My Neighbourhood Community Hub area is responsible for drawing up a My Neighbourhood Community Hub Plan to identify neighbourhood priorities. These plans will be drawn up by elected members working alongside the public and the council's partners in the manner outlined in the My Neighbourhood Area Procedure Rules (see 4B)

# Agenda Item 1

## Article 12 – Joint Arrangements

### 1. Introduction

Local authorities can establish joint working arrangements with other local authorities, people or organisations. This can happen in a number of different ways. For instance:-

- Local authorities can agree that one (or more) authority(ies) will exercise functions on behalf of another (or other) authority(ies);
- Local authorities can also agree to exercise their functions jointly. This is usually achieved by establishing a joint committee of Members from all of the participating authorities to manage the functions in question. The participating authorities all then delegate the necessary powers to the joint committee who will make decisions on behalf of them all. This may involve using the officers of one or more of them to deliver services for them all, or jointly entering into contracts with third parties to deliver services for them all.

Local authorities (either alone or with other local authorities) can also do any or all of the following to promote the economic, social or environmental well-being of their area(s):

- (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
- (c) exercise on behalf of that person or body any functions of that person or body

### 2. 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; and/or
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and/or
- (c) exercise on behalf of that person or body any functions of that person or body.

### 3. 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 executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (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:

# Agenda Item 1

- 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.

- (e) Full Council shall be responsible for appointments to the Shared Services Committee and the political balance requirements shall apply.

## **4. 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.

## **5. 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.

## **6. 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.

Updated July 2018



# Agenda Item 1

## 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)	Overall corporate management and operational responsibility (including overall management responsibility for all officers).  Provision of professional advice to all parties in the decision-making process.  Together with the Monitoring Officer responsibility to ensure records of all the Council's decisions are kept.  Representing the Council on partnerships and external bodies (as required by statute or the Council).
Director of Governance	To act as the Council's Monitoring Officer.
Director of Finance	To act at the Council's Chief Financial 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
Director of Governance	Monitoring Officer
Director of Finance	Chief Financial 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.

# Agenda Item 1

## 13.03 Functions of the Monitoring Officer

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

## 13.04 Functions of the Chief Financial Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Monitoring Officer, the Chief Financial Officer shall report to the Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action could involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Financial Officer shall have responsibility for the administration of the financial affairs of the Council.

# Agenda Item 1

- (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 4I of this constitution.

## 13.09 **Protocols**

Officers are expected to work in accordance with the protocols included as Part 5C of this constitution.

# Agenda Item 1

## **Article 15 – Finance, Contracts and Legal Matters**

### **1. 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.

### **2. Contracts**

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

### **3. 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.

### **4. 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 entered into on behalf of the Council in the course of the discharge of an executive function shall be made in writing. Where the value does not exceed £20,000 (calculated in accordance with the Contract Procedure Rules set out in Part 4H of this constitution) this can be the purchase Order. Any contract exceeding £20,000 (calculated in accordance with the Contract Procedure Rules set out in Part 4H of this constitution) must either be signed by at least two appropriate officers of the Council or made under the common seal of the Council attested by at least one officer.

### **5. 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.

Updated July 2018

# Agenda Item 1

## Article 16 – Review and Revision of the Constitution

### 1. Maintaining the Constitution

The Monitoring Officer has responsibility to maintain an up-to-date version of this Constitution, incorporating all alterations and amendments, approved by Full Council and to ensure that it is available to Councillors, staff and the public.

### 2. Duty to monitor and review the constitution

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

- The constitution assists the Council to provide clear leadership to the community and in working in partnership with citizens, businesses and other organisations;
- The constitution supports the active involvement of citizens in the process of local authority decision-making;
- The constitution help Councillors represent their constituents more effectively;
- The constitution enables decisions to be taken efficiently and effectively;
- The constitution create a powerful and effective means of holding decision makers to public account;
- The constitution ensures that no one will review or scrutinise a decision in which they were directly involved;
- The constitution ensures that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- The constitution assists the delivery of quality services to all sections of the community; and
- The constitution provide a framework which promotes the Council's priorities set out in its Corporate Plan.

### 3. Protocol for monitoring and review of the constitution

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 any one or more of the aims and purposes referred to in paragraph 2 above:

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

# Agenda Item 1

4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

## 4. 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.
- (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.

Updated July 2018

# Agenda Item 1

## 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

### 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.

### 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.

# Agenda Item 1

## Part Three – Responsibility for Functions

### 3A. Full Council

#### 1. Functions reserved for full Council

Only the Council can exercise the functions outlined in Part 2A.

#### 2. Functions delegated by full Council

As outlined in Part 2B, 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 3E.

The Council has delegated the other functions identified in Parts 3D and 3E to committees/officers.



# Agenda Item 1

## 3E. Scheme of Delegation to Officers

### 1. Purpose of the Scheme

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

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

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

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

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

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

### 4. Limitations on Delegated Powers

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

# Agenda Item 1

## 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.

# Agenda Item 1

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

### a) Working Groups

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

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

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

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

#### *Composition*

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

#### *Formality*

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

#### *Rules about political independence*

Confidentiality, collective responsibility, rules surrounding declaration of party whip

### b) Forward Editorial Group

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

### c) Members' Allowances Remuneration Panel

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

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

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

# Agenda Item 1

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

# Agenda Item 1

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

The Council regularly appoints/nominates individuals to represent its interests on external bodies and these are reviewed annually.

Outside Body representatives are expected to regularly attend appropriate meetings and report any relevant issues back to the council. Over a two-year period the Monitoring Officer prepares a report for consideration by the Scrutiny Committee on the activities of each Outside Body. The report is prepared in consultation with each of the Council's Outside Body representatives.

Any request for appointment to a new Outside Body is subject to a report from the Monitoring Officer indicating if:

- the appointment is a statutory one;
- the appointment would make a direct and significant contribution to the Council's Corporate Plan;
- the appointment has no significant cost and resource implications for the Council set against any benefit accrued;
- could raise the profile of the Council at a national or regional level,
- not being represented would have a detrimental effect on the Council.

# Agenda Item 1

## **PART FOUR - PROCEDURE RULES**

# Agenda Item 1

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

1. Annual Meeting of the Council (Mayoral Installation and First Business Meeting of the Municipal Year)
2. Ordinary Council Meetings
3. Special or Extraordinary Council Meetings
4. Time and Place of Meetings
5. Notice of and Summons to Meetings
6. Chairman for the Meeting
7. Quorum
8. Council Minutes and Record of Attendance
9. Minutes of the Cabinet, Scrutiny Governance, and Standards Committees to Council
10. Notices of Motion
11. Removal of the Leader
12. Motions without Notice
13. Questions from Members
14. Rules of Debate for Council Meetings
15. Public Participation
16. Voting and Recorded Votes
17. Voting on Appointments
18. Member Conduct
19. Disturbance by the Public
20. Recording and Filming of Meetings
21. Disclosure and Withdrawal from Meetings
22. Interpretation of Standing Orders
23. Previous Decisions and Motions
24. Suspension and Amendment of Procedure Rules/Standing Orders

# Agenda Item 1

## **Application of Rules to Cabinet, Committees and sub Committees**

25. Appointment of Committees and Application of Procedure Rules
26. Appointment of Chairman and Vice Chairman of Committees
27. Special Meetings of Cabinet and Committees
28. Sub Committees
29. Quorum for Cabinet and Sub Committees
30. Declarations of Interests and Withdrawal from Meetings of Cabinet and Committees and Sub Committees
31. Voting in Cabinet, Committees and Sub Committees
32. Members Attendance and Participation at Meetings of Cabinet, Committees and Sub Committees
33. Participation by the Public at Meetings of the Cabinet, Committees or Sub Committees
34. Participation by the Public and Members of the Council at Planning Committee
35. Delegation of Urgent Decisions between Meetings of the Cabinet or a Committee
36. Resolution of Conflicting Decisions



# Agenda Item 1

## 1. Annual Meeting of Council

### 1.1 Mayoral Installation

At the Annual Meeting of the Council (Mayoral Installation) each May members will:

- (i) Elect a person to preside at the meeting if the Mayor is not present
- (ii) Elect the Mayor
- (iii) Elect the Deputy Mayor
- (iv) Receive any announcements from the Mayor/and or Chief Executive

### 1.2 First Business Meeting of the Municipal Year

At the First Business Meeting of the Municipal Year after the Mayoral Installation members will:

- (i) Approve both the minutes of the Annual Meeting (Mayoral Installation) and the last ordinary meeting of the Council
- (ii) When the meeting is taking place in the year of whole Council elections, elect the Leader of the Council (“the Leader”) for a four year term of office
- (iii) Receive the names of the Deputy Leader and members of Cabinet appointed by the Leader (see Cabinet Procedure Rules)
- (iv) Appoint at least one Scrutiny Committee
- (v) Decide which other committees to establish and agree their size and terms of reference (see rule 25.1)
- (vi) Agree the scheme of delegation (excluding any executive delegations which the Leader has responsibility for)
- (vii) Determine the allocation of seats to political groups in accordance with the political balance rules under the Local Government and Housing Act 1989
- (viii) Appoint the Chairman and Vice Chairman of all Committees (excluding the Appeals and Shared Services Joint Committee)
- (ix) Receive nominations and appoint members to serve on each Committee and Outside Body (except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet)
- (x) Receive nominations and ratify the appointment of Chairman and Vice Chairman of the My Neighbourhood areas (see Neighbourhood Procedure Rules)
- (xi) Approve the timetable of ordinary meetings of the Council for the following year
- (xii) Consider any other business set out in the notice convening the meeting

# Agenda Item 1

## 2. Ordinary Council Meetings

### 2.1 Ordinary meetings of the Council will:

- (i) Elect a person to preside if the Mayor and Deputy Mayor are both absent (Rule 6)
- (ii) Receive any declarations of interest from members (Rule 21)
- (iii) Approve as a correct record the minutes of the last meeting (Rule 8)
- (iv) Receive any announcements from the Mayor
- (v) Deal with any business adjourned from the last Council meeting (Rule 7)
- (vi) Note the names of any changes to the Deputy Leader and members of the Cabinet appointed by the Leader since the last ordinary Council meeting (see Cabinet Procedure Rules)
- (vii) Receive the names and ratify the appointment to any vacancies arising in the position of Chairman or Vice Chairman of My Neighbourhood Forums (see My Neighbourhood Procedure Rules)
- (viii) Appoint to any vacancies arising in the position of Chairman or Vice Chairman of any Committee (Rule 26)
- (ix) Receive the minutes of Cabinet and give members the opportunity to ask questions.
- (x) Receive the minutes of Scrutiny, Governance and Standards Committees and give members the opportunity to ask questions
- (xi) Receive questions or hear any address from members of the public (see Rule 15)
- (xii) Enable members to ask any relevant questions in accordance with Rule 13 of:
  - The Leader or Deputy Leader of the Council
  - A member of the Cabinet
- (xiii) Consider any other business specified in the summons to the meeting
- (xiv) Consider any Notices of Motion in accordance with Rule 10
- (xv) At Budget Council approve the Council's revenue and capital budget & set the level of Council tax

## 3. Special Meetings or Extraordinary Meetings

### 3.1 A special or extraordinary meeting of the Council may be requested by:

- (i) The Council by resolution
- (ii) The Mayor
- (iii) The Chief Executive (Head of Paid Service)

# Agenda Item 1

- (iv) The Monitoring Officer
- (v) The Section 151 Officer
- (vi) Any 5 members notifying the Mayor and Chief Executive in writing

3.2 The meeting may only consider the specific items set out in the summons.

## 4. Time and Place of Meetings

4.1 Meetings will be held at the Civic Centre Leyland at 6pm or such other time and venue as the Council may determine.

## 5 Notice of and Summons to Meetings

5.1 The Chief Executive will give notice to the public of the time and place of any meeting, in accordance with the Access to Information Procedure Rules.

5.2 At least 5 clear **working** days before a meeting the Chief Executive will send a summons, signed by him/her, to every member of the Council. The summons will be delivered in writing, electronically or sent by post to each member at his/her usual place of residence (unless a request has been made in writing that an alternative address is used).

5.3 The summons must state the business to be transacted at the meeting and be accompanied by all reports which are available.

## 6. Chairman for the Meeting

6.1 In the Mayor's absence, any power or duty of the Mayor in relation to the conduct of a meeting may be exercised by Deputy Mayor or, if both are absent, by the person elected to preside at the meeting.

## 7. Quorum

7.1 The minimum number of members who must be present for the meeting to proceed is one third of the total membership.

7.2 During any meeting if the minimum number is not present then the meeting will adjourn for 15 minutes. If, after 15 minutes, the minimum number of members are still not present the meeting will immediately adjourn.

7.3 The remaining business will be considered at a time and date to be fixed by the Mayor. If no new date is fixed the remaining business will be considered at the next ordinary or extraordinary meeting.

## 8. Council Minutes and Record of Attendance

8.1 The Mayor will move that the minutes of the last meeting be approved as a correct record.

# Agenda Item 1

8.2 Only matters relating to the accuracy of the minutes may be discussed. Where any proposed amendment is unopposed the amendment will be accepted without a vote. Where there is disagreement over any proposed amendment it must be raised by way of motion proposed, seconded and voted upon.

8.3 The Mayor will sign the minutes once any issues raised have been disposed of.

8.4 If the next meeting is a Special or Extraordinary meeting there is no requirement for the minutes to be agreed until the next Ordinary meeting of the Council.

8.5 The names of all those members present at a meeting will be recorded in the minutes.

## **9. Minutes of the Cabinet, Scrutiny, Governance and Standards Committees to the Council**

9.1 Minutes of the meetings of the Cabinet, Scrutiny Governance and Standards Committees will be presented to the Council meeting.

9.2 A member may, in the case of the Cabinet, put to the Leader of the Council and, in the case of the Scrutiny, Governance and Standards Committees, to the relevant chairman, any question concerning the content of the minutes.

9.3 A member asking a question may address the Council for a maximum of three minutes, except that this time limit may be extended at the discretion of the Mayor.

9.4 Having received a response, the member ask one 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 at the discretion of the Mayor.

## **10. Notices of Motion**

10.1 Notices of Motion must be in writing and signed by both the member submitting the Notice of Motion and at least one other member as seconder.

10.2 All Notices of Motion must be received by the Chief Executive at least 7 clear working days before the date of the meeting (under the existing practice of Council Meetings on a Wednesday at 6pm all Notices of Motion must be received by the Chief Executive no later than 4.45pm on the Friday 7 clear working days before the meeting)

10.3 Notices of Motion will be listed on the agenda in the order in which they are received, unless the member giving the Notice states in writing they propose to move it at a later meeting or withdraw it

10.4 Notices of Motion may only address matters for which the Council has a responsibility or which affect the district of South Ribble, it's area or residents.

10.5 The Mayor, with the advice of the Chief Executive, may exclude from the agenda any Notice of Motion which he/she considers to be out of order for any reason, including Notices of Motion considered to be vexatious, abusive or otherwise inappropriate.

## **11. Removal of Leader**

11.1 The Council may remove the executive leader of the Council from that office if a motion, submitted in accordance with Rule 10, is passed by a simple majority of those members present at the meeting.

# Agenda Item 1

## 12. Motions without Notice

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

- (i) To appoint a Chair of the meeting
- (ii) In relation to the accuracy of the minutes
- (iii) To change the order of business in the agenda
- (iv) To refer back or to an appropriate body or individual a recommendation of the Cabinet or a committee
- (v) Any 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
- (vi) To appoint a committee or member arising from an item on the summons for the meeting
- (vii) To receive reports or adopt recommendations of committees or officers and any resolutions following from them
- (viii) To withdraw a motion
- (ix) To extend the time limit for speeches (currently 5 minutes in accordance with Rule 14.4)
- (x) To amend a motion
- (xi) To proceed to the next business
- (xii) That the question be now put
- (xiii) To adjourn a debate
- (xiv) To adjourn a meeting
- (xvi) To suspend a particular Council Procedure Rule
- (xvii) To exclude the public and press in accordance with the Access to Information Procedure Rules
- (xviii) That a member named under rule 18 be not heard further or should leave the meeting
- (xix) To give the consent of the Council where its consent is required by the Constitution

## 13. Questions from Members

13.1 A member of the Council may ask a question at a meeting of the Council of:

- (i) The Leader or Deputy Leader of the Council
- (ii) A member of the Cabinet

## 13.2 Questions on Notice

Questions in writing must be received by the Chief Executive at least one clear day before the date

# Agenda Item 1

of the meeting (under the existing practice of Council Meetings on a Wednesday at 6pm all Questions must be received by the Chief Executive no later than 5 pm on the Monday preceding the meeting).

A list of questions received will be circulated to those members present at the meeting.

## **13.3 Questions without Notice**

Questions may also be asked at the meeting, without giving written notice in advance, but in those circumstances there will be no requirement for an immediate answer to be given.

## **13.4 Scope**

All questions must be relevant to the responsibilities of the individual postholder and affect the district of South Ribble, it's area or residents.

There is no requirement to answer a question if the information requested is confidential within the categories of the Access to Information Procedure Rules

## **13.5 Time limits**

A member asking a question may, in doing so, address the Council for not more than 3 minutes for each question.

## **13.6 Supplementary Questions**

A member may ask one supplementary question which must be directly related to the original question.

The time limit on asking supplementary questions is at the discretion of the Mayor, but will normally be 2 minutes.

## **13.7 Response**

An answer may take the form of:

- (i) A direct verbal answer
- (ii) Where the information is published, by reference to the publication
- (iii) A written answer circulated after the meeting to the questioner and published to all members of the Council

## **13.8 Exemptions**

The Mayor, in consultation with the Chief Executive, has the discretion to refuse to accept questions which he/she considers to be out of order for any reason, including vexatious, abusive or otherwise inappropriate content.

## **14. Rules of Debate**

### **14.1 No speeches until Motion seconded**

A motion or amendment may not be discussed unless it has been proposed and seconded.

Unless notice of the motion has already been given (see rule 10 on Notices of Motions) the Mayor may require it to be written down and handed to him/her before it is discussed.

# Agenda Item 1

## 14.2 Seconders Speech

When seconding a Motion or Amendment, a member may reserve his/her speech until later in the debate.

He/she will have the right to speak in the debate at the point he/she indicates.

## 14.3 Standing to Speak

Unless the Mayor gives permission for the member to remain seated, when a member speaks at Council, he/she must stand and address the meeting through the Mayor.

If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain quiet and seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation when they may stand but should not speak until invited by the Mayor. (See rule 14.13)

## 14.4 Content and length of speeches

All speakers must address the issue under debate. No speech may exceed **5 minutes** without the consent of the Mayor.

## 14.5 When a Member may speak again

A member who has spoken once on a motion may not speak again while it is being debated, except:

- (a) To speak once on an amendment moved by another member;
- (b) To move a further amendment if the motion has been amended since he/she last spoke;
- (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) At the invitation of the Mayor if in the opinion of the Mayor it will assist the debate
- (e) In exercise of a right of reply (under rule 14.10)
- (f) On a point of order or by way of personal explanation (under rule 14.13)

## 14.6 Amendments to Motions

The mover of an amendment must provide a copy in writing to the Mayor and read aloud the wording to the meeting, before speaking to it.

Any Amendment to a motion must be relevant to the motion, and may either be:

- (a) To refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) To leave out words;
- (c) To leave out words and insert or add others;
- (d) To insert or add words.

# Agenda Item 1

as long as the effect of the amendment is not to negate the motion or introduce a new proposal.

## **14.7 Number of Amendments**

Only one amendment may be moved and discussed at any one time.

No further amendment may be moved until the amendment under discussion has been disposed of.

The Mayor may, however, permit 2 or more amendments to be discussed (but not voted upon) together if this would facilitate the proper conduct of the Council's business.

No member may move or second more than one amendment on any motion.

## **14.8 Further Amendments**

If an amendment is not carried, other amendments to the original motion may be moved and seconded.

If any amendment is carried then the Motion as amended takes the place of the original Motion. This becomes the substantive motion to which any further amendments are moved.

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

## **14.9 Alteration or Withdrawal of Motion**

A member may alter or withdraw a motion or amendment which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

## **14.10 Right of Reply on Motion and Amendments**

The relevant Cabinet Member has a right of reply on the motion immediately before the Proposer exercises his or her right of reply at the end of the debate.

The proposer of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

If an amendment is moved then:

- (a) The mover of the amendment has the right of reply at the end of the debate on the amendment, immediately before any reply by the mover of the original motion.
- (b) The proposer of the original motion has the right of reply at the end of the debate on the amendment but may not speak otherwise on the amendment

## **14.11 Motions which may be Moved during Debate**

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

- (a) to withdraw a motion
- (b) to amend a motion



# Agenda Item 1

- (c) to proceed to the next business
- (d) that the question be now put
- (e) to adjourn a debate
- (f) to adjourn a meeting
- (g) to exclude the public and press in accordance with the Access to Information Rules
- (h) not to hear further a member named or to exclude them from the meeting under Rule 18

## **14.12 Closure Motions**

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

- (a) To adjourn the debate or the meeting;
- (b) To go to the next item of business
- (c) That the vote be taken or question be put

If the motion is seconded and the Mayor is of the view that the matter before the meeting has been sufficiently discussed:

- (i) In the case of a motion under (a) or (b) he/she will invite the mover of the original motion to reply and then put the closure motion to the vote.
- (ii) In the case of a motion under (c) he/she will put the closure motion to the vote.

## **14.13 Point of Order or Personal Explanation**

The debate may be interrupted by a member rising to his or her feet either:

- (a) To seek the Mayor's interpretation of these rules or a statutory provision (a point of order). The member must state the rule or statutory provision and the way in which he/she considers it has been broken.
- (b) To give a short personal explanation of something he/she has already said (a point of personal explanation). A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate.

The ruling of the Mayor on the admissibility of a personal explanation or point of order will be final.

## **14.14 Respect for Chair**

When the Mayor indicates a desire to speak by standing during a debate or in any other way, any member or member of the public speaking at the time must stop and if necessary sit down, and all others present at the meeting must then be silent.

## **15. Public Participation**

Members of the Public may ask a question, or make a statement to address the meeting, on any matter of Council business or on anything which affects the borough or residents, provided it is

# Agenda Item 1

relevant to the Council's functions or duties.

## 15.1 Questions by the Public

Members of the public may either:

- (a) Give written notice of a question to the Chief Executive at least **one** clear day before the meeting at which the question is to be asked (i.e. if the meeting is on a Wednesday, by 5.00 pm on the Monday preceding the meeting). A list of the questions of which notice has been given will be circulated to members at the meeting.
- (b) Ask a question without giving written notice, but in those circumstances there will be no requirement for a full answer to be given immediately.

Members of the public will be invited to ask questions after all council members have been invited to ask questions on any particular agenda items.

Individual members of the public will be restricted to speaking for a total of five minutes during the whole meeting.

## 15.2 Statements to Address the Meeting by the Public

Written notice of the subject matter of the statement to address the meeting must be given to the Chief Executive at least **six** clear working days 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 of the week preceding the meeting) and this will be included on the agenda for the meeting of the Council.

However, Members of the public may address the meeting, without giving prior written notice, on any item of Council business included on the agenda for the meeting.

If the Mayor considers the matter to be urgent, he or she may to permit members of the public to address the meeting on a matter not included on the agenda for the meeting.

Individual statements to address the meeting will be limited to 3 minutes in total and the Mayor will have the discretion to determine the overall time allotted at the meeting where several members of the public wish to speak.

## 15.3 Responses and Debate

The Mayor will determine whether a discussion on the matter will take place at the meeting and any response to the address or question may take the form of:-

- (a) A direct oral answer, or
- (b) Where the information is contained in a publication of the Council, a reference to that publication
- (c) Where any reply cannot conveniently be given orally, a written answer will be sent to the member(s) of the public addressing the Council or asking a question, and circulated to all members of the Council.

Following an address or question from a member of the public a member may respond on a point of personal response, explanation or on a matter of fact only.

# Agenda Item 1

## 15.4 Exemptions

The Mayor, in consultation with the Chief Executive, has the discretion to refuse to accept questions or statements to address the Council which he/she considers to be out of order for any reason, including vexatious, abusive or otherwise inappropriate content.

## 16. Voting and Recorded Votes

### 16.1 Majority

Unless this Constitution provides otherwise, 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.

### 16.2 Mayor's Casting Vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

### 16.3 Method of Voting

Unless a recorded vote is requested, the Mayor will take the vote either by a show of hands or by such electronic means as provided for the purpose, or, if there is no dissent, by the affirmation of the Meeting.

### 16.4 Recorded Vote

In the event of a decision not being unanimous, each councillor's vote in favour, against or abstain will be recorded in the minutes of the meeting.

### 16.5 Recorded Votes for Budget Meetings

A recorded vote must take place when setting the Council's budget and determining the level of council tax to be levied for each financial year. This rule will apply to both the substantive motion and any amendments.

(NB There is no necessity for any member to request a recorded vote in these circumstances as this is now a legal requirement for Budget Meetings).

## 17. Voting on Appointments

17.1 Where there are more than two persons nominated for any position to be filled by the Council, then unless one person has an overall majority of votes, the name of the person with the least number of votes will be excluded from the next round of voting. This process will be repeated, as necessary until a majority of votes is given in favour of one person

17.2 Where there is more than one vacancy to be filled and more nominations than vacancies, then each member will have as many votes as there are vacancies with only one vote cast for any one nominee. The successful nominees will be those with the greatest number of votes for the relevant vacancies.

17.3 Any equality of votes will be resolved by the casting vote of the Chair.

## 18. Member Conduct

18.1 Members should follow the requirement of the **Members' Code of Conduct** to treat others with respect.

# Agenda Item 1

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

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

18.4 If there is a general disturbance, making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she feels necessary.

## **19. Disturbance by the Public**

19.1 If a member of the public interrupts or disrupts proceedings the Mayor will warn the person concerned.

19.2 If they continue the interruption the Mayor will order their removal from the meeting room.

19.3 If there is a general disturbance in any part of the room open to the public that Mayor may call for that part to be cleared and may adjourn the meeting for as long as he/she feels necessary.

## **20. Recording and Filming of Meetings**

20.1 Recording and filming of public meetings of the Council, Cabinet and Committees is allowed, unless this is undertaken in a disruptive manner.

20.2 Where a disruption of the business of the meeting occurs the Mayor, or Chair of the meeting, will have the right to exclude the individuals concerned from the meeting in accordance with rule 19.

## **21. Declaration of Interests and Withdrawal from Meetings**

21.1 Members should disclose interests as required by the Members Code of Conduct and in the case of a Disclosable Pecuniary Interest must withdraw from the meeting room, unless a dispensation has been granted by the Standards Committee.

21.2 If the interest is such that a member of the public could reasonably regard it as being so significant that it is likely to prejudice a member's judgment of the public interest (see Code of Conduct) then a member may make representations on the item but should leave the meeting whilst the item is being discussed.

## **22. Interpretation of Council Procedure Rules**

The ruling of the Mayor on the construction or application of these Procedure Rules shall not be challenged at any meeting of the Council but will not necessarily create a precedent for subsequent meetings.

## **23. Previous Decisions and Motions**

23.1 A motion or amendment to rescind a decision made at a meeting of the Council in the last 6 months may not be moved unless the Notice of Motion under rule 10 is signed by at least 5 members. Any motion or amendment to rescind a decision in accordance with this provision must include references to the circumstances that have changed since the original decision was made. In the absence of this information the Mayor may decline to accept the Notice.

23.2 A motion or amendment in similar terms to one that has been rejected at a meeting of the

# Agenda Item 1

Council in the last 6 months cannot be moved unless the Notice of Motion under rule 10 has been signed by at least 5 members.

23.3 Once the motion or amendment has been dealt with by the Council, a member may not propose a similar motion or amendment for a further 6 month period.

## **24. Suspension and Amendment of Council Procedure Rules**

24.1 All of these Procedure Rules, with the of exception rule 22 (Interpretation of Procedure Rules) ***rule 20 (Recording and Filming of meetings)*** and 16.5 (Recorded Votes for Budget Meetings), may be suspended for the duration of the meeting once a motion to that effect has been moved, seconded and carried.

24.2 Except where a proposal to amend the Constitution is made by a report from the Governance Committee any motion to amend, vary or revoke these Procedure rules will, once proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of the Council to await a report from the Monitoring Officer or the Governance Committee.

## **Application to Cabinet, Committees and Sub Committees**

## **25. Appointment of Committees and Application of Procedure Rules**

25.1 The Council may appoint such Committees as it is either required to appoint by statute, or considers necessary to carry out the work of the Council, and may at any time dissolve a committee or alter its membership. (see also Rule 1.2)

25.2 These Procedure Rules will apply, with any necessary modifications, to Cabinet, Committees and sub committees meetings unless there is a specific indication to the contrary.

(NB see also the Cabinet Procedure Rules / Scrutiny Procedure Rules/ My Neighbourhood Procedure Rules)

## **26. Appointment of Chairman and Vice Chairman of Committees**

26.1 The Chairman and Vice Chairman of all Standing Committees (with the exception of the Appeals and Shared Service Committees) will be appointed at the First Business Meeting of the Municipal Year (see rule 1.2 )

26.2 In the absence from the meeting of both the Chairman and Vice Chairman a chairman for that meeting may be appointed by the Committee as appropriate.

26.3 In the event of the position of Chairman or Vice Chairman becoming vacant within the municipal year, or if the Council considers it appropriate to change any position, notice may be given in the Summons for any Ordinary Council Meeting ( see rule 2) and the matter dealt with by full Council.

26.4 My Neighbourhood Forum Chairman are appointed in accordance with the My Neighbourhood Procedure Rules (see rule 1.2 and 2)

## **27. Special Meetings of Cabinet or Committees**

27.1 The Leader may call a special meeting of the Cabinet (see Cabinet Procedure Rules) and any Chairman a special meeting of his/her committee at any time.

27.2 A special meeting of the Cabinet and any Committee may also be called on written request to the Chief Executive by at least one third of the membership. The subject matter to be discussed must be within the terms of reference of the relevant body and the meeting may only consider the

# Agenda Item 1

specific item set out in the summons. 5 clear days' notice must be given of any special meeting in accordance with the Access to Information Procedure Rules.

## **28. Sub committees**

28.1 Every Committee appointed by the Council may appoint sub-committees for the purpose specified by the Committee.

28.2 The Chairman and Vice Chairman of every sub -committee will be appointed by the parent Committee itself.

## **29. Quorum for Cabinet and Committees and Sub Committees**

29.1 The minimum number of members who must be present for any Cabinet or Committee meeting to proceed is one third of the total membership or 3 members (whichever is the greater). The only exception would be if statute or the Council itself made an alternative provision.

29.2 The minimum number for a sub- committee is one quarter of the total membership or 3 members (whichever is the greater).

29.3 During any meeting if the minimum number is not present then the meeting will adjourn for 15 minutes. If, after 15 minutes, the minimum number of members are still not present the meeting will immediately adjourn to a fixed date and time or the next ordinary meeting.

## **30. Declaration of Interests and Withdrawal from Meetings of Cabinet and Committees and Sub Committees**

30.1 Members should disclose interests as required by the Members Code of Conduct and in the case of a Disclosable Pecuniary Interest must withdraw from the meeting room, unless a dispensation has been granted by the Standards Committee.

30.2 If the interest is such that a member of the public could reasonably regard it as being so significant that it is likely to prejudice a member's judgment of the public interest (see Members Code of Conduct) then a member may make representations on the item but should leave the meeting whilst the item is being discussed.

## **31. Voting in Cabinet, Committees and Sub Committees**

31.1 The provisions of rule 16 in relation to Voting and Recorded Votes apply to meetings of Cabinet, Committees and sub – committees except that a recorded vote may be requested by one member who is supported by 2 other members (or the total number of member's present if less than 3) and the Chairman or Leader will have a casting vote in the event of an equality of votes.

## **32. Members Attendance and Participation at Meetings of Cabinet, Committees and Sub Committees**

32.1 All Councillors are normally entitled to attend meetings of the Cabinet, Committees and sub-committees and may speak and ask questions, make comments or statements on agenda items, but may not vote. (See rule 34 for speaking at Planning Committee)

32.1 Members will normally only be allowed to speak after Cabinet or Committee members have been given the opportunity to do so, but this is at the discretion of the Chairman. Questions, comments or statements which, in the opinion of the Chairman, are inappropriate may be disallowed. Matters relating to confidential issues may be considered after exclusion of the Press or Public under the Access to Information Procedure Rules.

32.3 There is an exception to this rule in the case Neighbourhood Forums and of staffing, disciplinary or quasi-judicial hearings including:

# Agenda Item 1

- (a) Standards Committee Hearings
- (b) Appointment and Employment Panel for Statutory Officers
- (c) Licensing Committee Hearings
- (d) Appeals Committee Hearings
- (e) Such other meetings of a similar nature as the Chief Executive, in consultation, with the Monitoring Officer shall determine on an individual basis

## **33. Participation by the Public at Meetings of Cabinet, Committees and Sub Committees**

33.1 Members of the Public may ask questions and make statements or comments during Cabinet, Scrutiny, and Governance meetings which are relevant to items on the agenda. Special rules apply to Planning Committee (see rule 34)

33.2 Members of the Public will normally only be allowed to speak after elected members have been given the opportunity to do so, but this is at the discretion of the Chairman. Questions, comments or statements which, in the opinion of the Chairman, are inappropriate may be disallowed.

33.3 Individual members of the public will be restricted to speaking for a total of five minutes during the whole meeting.

## **34. Participation by the Public and members of the Council at Planning Committee**

34.1 Whenever a planning application is dealt with by Planning Committee the procedure that will ordinarily be followed is that:-

- (a) Up to five members of the public who wish to speak against an application will be allowed to speak. Each will have up to four minutes in which to state their case.
- (b) Up to five members of the public who wish to speak in favour of an application will then be allowed to speak. Again each will have up to four minutes in which to state their case.
- (c) Councillors for the ward in which the application is located (not on Planning Committee) will then have the opportunity to make representations about the application. Each will have up to four minutes to state their case. Where the application will have an effect on neighbouring wards the Chair of Planning will permit the ward councillors for the affected wards to speak on the same basis as ward councillors. Where all the affected ward councillors are unable to speak for any reason they will be permitted to approach another councillor to speak in their stead.
- (d) The applicant/agent will then be invited to speak in support of the application. Ordinarily he/she will have up to four minutes to speak.
- (e) The application will be then be discussed by Committee. At this point members of the public, the applicant and other councillors not on Committee will not be able to speak further.
- (f) Planning Committee will then take a vote on the matter.

34.2 The Chairman of Planning Committee has discretion to vary these rules when dealing with a particular application if he considers it appropriate. Whenever members of the public speak

# Agenda Item 1

(whether in opposition to a proposal or in favour of it) they should avoid repeating the same points made by other speakers.

34.3 A varied procedure (to enable more detailed consideration) will be followed when dealing with master plans and outline planning applications relating to Major Sites for Development. This will not apply for subsequent reserved matters or minor applications relating to the Major Sites. Major Sites for Development are those sites defined in the adopted South Ribble Local Plan (2015) and are named as follows:

- C1 Pickering's Farm, Penwortham
- C2 Moss Side Test Track, Leyland
- C3 Land Between Heatherleigh and Moss Lane, Farington Moss
- C4 Cuerden Strategic Site

34.4 The varied procedure for dealing with Major Sites for Development shall be:

- (i) Opportunity for objectors to speak to Planning Committee as follows:
  - Individuals may speak for up to 4 minutes
  - As many individuals will be allowed as possible to speak within a total deadline set at 30 minutes – this may be extended at Chairman's discretion
- (ii) Opportunity for those in favour (other than the applicant) to speak to Planning Committee as follows:
  - Individuals may speak for up to 4 minutes
  - As many individuals will be allowed as possible to speak within a total deadline set at 30 minutes – this may be extended at Chairman's discretion
- (iii) Borough councillors have up to 4 minutes each
- (iv) The applicant is allowed up to 15 minutes to speak
- (v) After this point the application will be brought into Planning Committee with no further questions or answers unless the Chairman allows.

34.5 No paperwork, plans or photographs will be allowed to be circulated by the applicant/agent or member of the public at any meeting of the Planning Committee.

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

Where a need for urgent action arises between meetings of a committee, but it is not considered to be sufficient justification for calling a special meeting or calling such a meeting would not be possible for any reason, 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 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 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.

## **36. Resolution of Conflicting Decisions**

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



# Agenda Item 1

## **4B. My Neighbourhood Community Hub Procedure Rules (Standing Orders)**

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

- 1.1 Appointment of My Neighbourhood Community Hub chairmen and vice-chairmen will be determined by full Council, following one nomination for each area from the political group with the majority of seats from amongst the ward members representing each My Neighbourhood Community Hub. Appointments will be for a period of one year or until the next annual First Business meeting of full Council.
- 1.2 If there is an equality of seats between political groups within any My Neighbourhood Community Hub, each group may nominate one chairmen and vice-chairmen and the appointments will be determined by full Council. In this situation if the chairman is taken from one political group then the vice-chairmen will be taken from the other group. Appointments will be for a period of one year or until the next annual First Business meeting of full Council.
- 1.3 In the event of the position of chairman or vice-chairman of a My Neighbourhood Community Hub area becoming vacant, or if any chairman or vice chairman is no longer a member of the nominating group, during the municipal year, the appointment of a new chairman or vice-chairman shall be made in accordance with (1.1 and 1.2) above.

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

- 2.1 A My Neighbourhood Community Hub may remove the chairman or vice-chairman of the My Neighbourhood Community Hub during the municipal year if a motion submitted to full Council in accordance with Council Procedure Rule 10 is passed by a simple majority of those members present at the Council meeting at which it is considered.

### **3. Various Models for My Neighbourhood Community Hubs**

- 3.1 For the municipal year commencing in May 2020 My Neighbourhood Community Hubs will be granted the option to change how they operate to meet with local circumstances for a 12 month trial period.
- 3.2 Options include:
  - Where the area in question is parished, arrange My Neighbourhood Community Hubs meetings as part of parish meetings
  - Adopt an area committee approach
  - Develop a neighbourhood/community development approach
  - Develop community partnerships with councillors and partner organisations
  - A Hybrid (of any of the above) of what works for each area.
- 3.3 Whatever model is adopted must be within existing resources.

### **4. My Neighbourhood Community Hubs Meetings**

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

# Agenda Item 1

## **5. My Neighbourhood Community Hub Plans**

- 5.1 My Neighbourhood Community Hub members will work in conjunction with partners and the public to identify neighbourhood priorities and establish My Neighbourhood Community Hub Plans.
- 5.2 My Neighbourhood Community Hub Plans must align with the Council's Corporate Plan and the Development Plan and will also take into account existing plans such as those of Parish and Town Councils and other partners.
- 5.3 My Neighbourhood Community Hub Plans will identify actions and funding for community improvements and will be reviewed annually as part of the corporate budget process. Any expenditure should be of a one-off nature and should not generate further on-going revenue expense to the Council.

## **6. Decision-making**

- 6.1 My Neighbourhood Community Hub decision-making will be by delegation to the relevant My Neighbourhood Chairman and My Neighbourhood Vice Chairman in consultation with the relevant Director.
- 6.2 The My Neighbourhood Community Hub Chairman and Vice Chairman must consult with members of their My Neighbourhood Community Hub before making any decision. Any decision must be made with the interests of the whole Council in mind rather than the interests of any specific area.
- 6.3 All decisions must be recorded in writing and details of the decisions taken and any associated expenditure recorded on the Council's website.

# Agenda Item 1

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

### **1. Scope**

**1.1** These rules apply to meetings of the Council, the Scrutiny Committee, and the Governance Committee, the Standards Committee, Regulatory Committees, quasi-judicial Committees and meetings of the Cabinet (together called “meetings”).

**1.2** Rules 13 – 25 specifically apply to meetings of the Cabinet.

**1.3** These rules do not apply to My Neighbourhood Area meetings (see Neighbourhood Procedure Rules)

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

**2.1** These rules do not affect any more specific rights to information which are contained elsewhere in this Constitution or under any relevant legislation.

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

**3.1** Members of the public may attend all meetings subject only to the exceptions set out in these rules. (See also Rules 15 & 33 & 34 Council Procedure Rules (Public Participation))

**3.2** When the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings will, as far as practicable, have access to reasonable facilities for making their report.

**3.3** Elected Members may attend & ask questions under Rules 32 & 34 of the Council Procedure Rules.

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

**4.1** The Council will give at least five clear working days’ notice of any meeting by posting details of the meeting at the Civic Centre Leyland and on the Council’s website.

**4.2** In calculating the 5 clear days’ notice the day of posting and delivery & the day of the meeting are excluded.

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

**5.1** The Council will make copies of the agenda and reports open to the public available for inspection at the Civic Centre Leyland at least five clear working days before the meeting.

**5.2** Agendas and reports are also published on the Council’s website at least five clear working days before the meeting. Members of the public may also access agendas by the Mod Gov app which can be downloaded onto personal devices.

**5.3** Where a meeting is convened at shorter notice a copy of the agenda and associated reports will be open to inspection from the time the meeting is convened. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda.

**5.4** Where reports are prepared after the summons has been sent out, the Chief Executive or

# Agenda Item 1

other Designated Officer will make any such report available to the public as soon as the report is completed and has been sent to members.

**5.5** In the circumstances set out in paras 5.3 and 5.4 the Council will always endeavour to publish reports at least three working days before the meeting. Lesser notice than this may only be given if the Mayor decides that there are highly exceptional circumstances.

## **6. Supply of Copies**

**6.1** The Council will supply copies of the following on request to any member of the public or media outlet on payment of a charge for postage and any other reasonable costs:

- (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
- (c) If the Chief Executive (or other designated officer) thinks fit, copies of any other documents supplied to members in connection with an item;

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

**7.1** The Council will make copies of the following available for 6 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 when the meeting was not open to the public or which disclose exempt or confidential information
- (c) 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
- (d) Reports relating to items when the meeting was open to the public.

**7.2** The Council will within 10 working days of any meeting aim to publish the minutes of that meeting

## **8. Background Papers**

**8.1** The Chief Executive or other Designated Officer will 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. This does not include published works or documents which disclose exempt or confidential information (as defined in rule 10 of these Procedural Rules)

**8.2** The Council will make available for public inspection for six years after the date of the meeting one copy of each of the documents on the list of background papers.

# Agenda Item 1

## 9. Summary of the Public's Rights

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

## 10. Exclusion of Access by the Public to Meetings

### 10.1 Wherever possible the council aims to conduct all of its meetings in public

### 10.2 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

### 10.3 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.

### 10.4 Exempt information – discretion to exclude public

(a) The public may be excluded from meetings whenever it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, exempt information would be disclosed. However, the public interest in maintaining the exemption must outweigh the public interest in disclosing it. (see Qualification to Categories of Exempt Information at rule 10.5).

(b) Any resolution to exclude the public due to disclosure of exempt information must identify the part of the proceedings to which it applies and the description of the exempt information being used.

(c) 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 which falls within one or more of the following categories (unless one of the qualifications at 10. 5 set out below applies):

Category & Description
1. Information relating to any individual.
2. Information which is likely to reveal identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

N.B. "Financial or business affairs" includes contemplated, as well as past or current, activities.

# Agenda Item 1

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.

NB Labour relations matters" are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute.

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.

## 10 5 Qualifications to Categories of Exempt Information

The following qualifications to the categories of exempt information apply:

- Information under Category 3 is not exempt if it is required to be registered under the Companies Act 1985, the Friendly Societies Acts 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the building Societies Act 1986, or the Charities Act 1993.
- Information under any category is not exempt if it relates to a proposed development for which the Council as the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992
- Information falling under any category is only exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing it.
- The specified categories of exemptions under The Access to Information Procedure Rules do not apply to Licensing Act 2003 hearings, as these are required to be open to the public.

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

11.1 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.

11.2 Any such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

# Agenda Item 1

**11.3** As a matter of policy, reports containing exempt information will not remain exempt longer than is necessary and accordingly upon request reports will be made public six months after the date of meeting, or sooner, unless the Chief Executive or other Designated Officer is of the opinion that there are overriding reasons for the information to remain exempt.

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

In addition to Rules 1- 11 the following Procedure Rules<sup>13</sup> -25 apply to the Cabinet (and to any committee of the Cabinet it may establish). These rules are designed to comply with the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and all other relevant legislation.

## **13. Cabinet and Decisions**

**13.1** Meetings of the Cabinet will be held in public, unless;

- it is likely that exempt or confidential information would be disclosed during all or part of the meeting, or
- procedures are exercised to exclude either an elected member or a member of the public to maintain orderly conduct (see Rules 18 & 19 of the Council Procedure Rules)

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

**13.3** Before meeting in private to consider either exempt or confidential information the Cabinet must follow the procedure under Rule 14 below.

## **14. Procedures prior to Private Meetings of the Cabinet.**

**14.1** At least 28 clear calendar days before the intention to hold a meeting or part of a meeting in private, the Cabinet must include in its "Forward Plan" ( see Rule 15 ) its intention to hold the meeting in private and the reasons for the meeting to be held in private.

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

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

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

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

# Agenda Item 1

## 15. Cabinet Forward Plan - Notice of Key Decisions

15.1 Where Cabinet intends to make a “key decision” (see definition at Rule 16 ) the decision must not be made until a document, known as “The Cabinet Forward Plan”, has been published at the Council’s offices and on the Council’s website for a period of 28 clear days. This document includes:

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

## 16. Key Decisions – definition

A key decision is defined as any decision in relation to a Cabinet function which is either:

- (a) Significant in terms of expenditure or savings. The financial threshold above which a matter becomes “significant” has been set at £100,000 and this figure is applicable to both revenue and capital budgets, **or**
- (b) Significant in terms of its effect on the communities living in an area comprising two or more Council wards.

## 17. Key Decisions - General exception

17.1 Where the publication of the intention to make a key decision in the Cabinet Forward Plan giving 28 days’ notice is impracticable, that decision may still be taken five clear working days after the Chairman of the Scrutiny Committee (or in his absence the Mayor or Deputy Mayor) has been informed by notice in writing, setting out the nature of the decision and the reasons why compliance with the 28 day notice requirement is impracticable.

17.2 The notice must also be made available at the Council’s offices for inspection by the public and published on the Council’s website.

## 18. Key Decision – Special Urgency

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

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

## 19. Reports on Special Urgency Decisions to Council & General Exceptions

19.1 The Leader must submit a report to the next available Council meeting setting out the details of any executive decision taken as a matter of special urgency under the procedure set out in Rule 18 (Key Decision - Special Urgency).



# Agenda Item 1

**19.2** The Cabinet must prepare a report to the next available Council meeting setting out the details of any executive decision taken without giving 28 days' notice under the procedure set out in Rule 17 (Key Decision – General Exception).

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

**20.1** Where an executive decision has been made and was not treated as being a key decision and a Scrutiny Committee is of the opinion that the decision should have been treated as a key decision, the committee may require the Cabinet to submit a report to the Council within such reasonable period as the committee may specify.

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

## **21. Record of Executive Decisions made at Meetings**

**21.1** As soon as reasonably practicable but after any meeting of the Cabinet at which an executive decision has been made a written statement must be produced & published which includes:

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

## **22. Record of Executive Decisions made by Officers**

**22.1** As soon as reasonably practicable but after an executive decision has been taken by an Officer a written statement must be produced & published which includes:

- A record of the decision, including the date it was made & the reasons for the decision
- Details of any alternative options considered and rejected by the individual when making the decision
- A record of any conflict of interest relating to the decision which is declared by any member of the Cabinet who was consulted by the Officer, together with a note of any dispensation granted by the Council's Standards Committee.

## **23. Recording and Filming of Meetings**

Recording and filming of public meetings of the Cabinet is allowed, unless undertaken in a disruptive manner. (see Rule 20 of the Council Procedure Rules)

## **24. Additional Rights of Access to Documents for Members of Local Authorities**

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

# Agenda Item 1

**24.2** Any document which is in the possession or under the control of the Cabinet and contains material relating to any business transacted at a private meeting must be available for inspection by any member of the Council when the meeting concludes or where an executive decision is made by an individual member or an officer immediately after the decision has been made.

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

**24.4** Nothing requires a document to be available for inspection if it appears to the Chief Executive or other Designated Officer that it discloses exempt information of a description within part 1 of Schedule 12A to the 1972 Act

**24.5** These rights are in addition to any other rights that a member of a local authority may have.

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

**25.1** A member of a Scrutiny Committee of the Council is entitled to receive within 10 clear working days of any request:

- (a) a copy of any document which is in the possession or under the control of the Cabinet and contains material relating to any business that has been transacted at a meeting of the Cabinet
- (b) a copy of any executive decision that has been made by an Officer

**25.2** No member of a Scrutiny Committee is entitled to a copy of any such document or part of a document which contains exempt or confidential information, unless that information is relevant to an action or decision that that member is reviewing or scrutinising or to any review contained in any programme of work of the committee

**25.3** Where the Cabinet determines that a member of a Scrutiny Committee is not entitled to a copy of a document or part of any such document it must provide the Scrutiny Committee with a written statement setting out the reasons.

**25.4** The same rights to access documents also applies in relation to non-Executive functions & any Regulatory Committees or sub Committees.

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

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

**26.2** Subject to paragraph 26.4, where a document is to be available for inspection by a person under any provision in these Rules, the person may make a copy of the whole or part of the document; or be supplied with a copy of the whole or part of the document, on payment to the Council of postage, copying or other necessary charges.

**26.3** Subject to paragraph 26.4, any member of the public may, in any publicly available medium, reproduce, or provide commentary in relation to any document supplied to that person or made available for inspection by members of the public under these Rules.

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

# Agenda Item 1

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

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

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

Updated May 2018

# Agenda Item 1

## 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 Part 2A. 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.

# Agenda Item 1

- (i) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately;
- (j) In approving the budget and policy framework, the Council shall also specify the extent of virement within the budget and degree of in-year changes to the framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Procedure Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

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

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

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

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

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

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

### **5. Virement**

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

# Agenda Item 1

## 6. In-year Changes to Policy Framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet, an individual member of the executive or officers, a My Neighbourhood Chairman or joint arrangements discharging Cabinet functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes that are:-

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

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

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

# Agenda Item 1

## 4E – Cabinet Procedure Rules

### 1. Operation of the Cabinet

#### Making Cabinet Decisions

- 1.1 The Leader of the Council ('the Leader') may undertake any of the functions of the Cabinet himself/herself or may arrange for cabinet functions to be carried out by:
- (a) The Cabinet as a whole;
  - (b) A committee of the Cabinet;
  - (c) An individual member of the Cabinet;
  - (d) An officer of the Council;
  - (e) My Neighbourhood Chairmen;
  - (f) Joint arrangements; or
  - (g) Another local authority.
- 1.2 The Leader may assign specific portfolio responsibilities to any member of the Cabinet with or without delegated authority to individual Cabinet members to exercise Cabinet functions in relation to those responsibilities. Details of current portfolio responsibilities can be found Part 2B Cabinet Terms of Reference

#### Delegation by the Leader

- 1.3 The Leader will present to the First Business Meeting of the Municipal Year (Annual Council) his/her proposals for delegations of executive functions to be made for inclusion in the Council's Scheme of Delegation.

The document presented by the Leader will contain the following information about cabinet functions in relation to the coming year:

- (a) The names and portfolio responsibilities of those councillors appointed to the Cabinet;
- (b) The extent of any authority to be delegated to Cabinet members individually, including details of any limitation on their authority;
- (c) The terms of reference, constitution and membership of any Cabinet committees established by the Cabinet;
- (d) The nature and extent of any delegation of cabinet functions to My Neighbourhood Community Hub Chairmen, any other local authority or any joint arrangements, and the names of any Cabinet members appointed to any joint committee for the coming year; and
- (e) The nature and extent of any delegation to officers of the Council, with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

#### Sub-delegation of Cabinet Functions

- 1.4 Where the Cabinet, a committee of the Cabinet, or an individual Cabinet member is responsible for a cabinet function, they may delegate further to joint arrangements, or an officer of the Council (unless the Leader has advised this may not happen)
- 1.5 Even where Cabinet functions have been delegated, this does not prevent decisions being taken by the person or body who delegated those functions.

#### In year Amendments to the Scheme of Delegation for Cabinet Functions

- 1.6 Any amendments to the Leader's Scheme of Delegation for Cabinet functions must be reported to the Council at its next scheduled meeting.

# Agenda Item 1

- 1.7 The Leader may make an amendment to the Scheme of Delegation relating to Cabinet functions at any time during the year by giving written notice to the Chief Executive and clearly setting out the extent of any amendment to the Scheme.
- 1.8 The Chief Executive will then include the Leader's proposals in the Scheme and amend the Constitution accordingly.
- 1.9 The Chief Executive must present a report to the next Ordinary Meeting of the Council setting out the changes proposed by the Leader.

(NB the Council's scheme of delegation for non-executive functions must be adopted by the Council and may only be amended by the Council)

## **Cabinet Meetings**

- 1.10 The Cabinet will meet approximately seven times a year at times to be agreed by the Leader. The Cabinet meets at the Council's main offices, or at other locations to be agreed by the Cabinet.
- 1.11 Meetings of the Cabinet will be in public and may only exclude the press and public during consideration of confidential items in accordance with the Access to Information Procedure Rules (see Part 4E)
- 1.12 Any member of the Council may attend the meeting.

## **2. How Cabinet Meetings are conducted**

### **Chair**

- 2.1 The Leader, or in his/her absence the Deputy Leader, will chair any meeting of the Cabinet or its committees at which he/she is present. In the absence of both, a member of the Cabinet appointed by those present will chair the meeting.

### **Quorum**

- 2.2 The minimum attendance for a meeting of the Cabinet is one third of the total number of members of the Cabinet, or three, whichever is greater. (see Council Procedure Rules)

### **Voting**

- 2.3 Voting at meetings of the Cabinet, and its committees, will be by a simple majority of those members voting and present in the room at the time the question is put. If there are equal numbers of votes for and against a motion the Leader, or in his/her absence the Chair, will have a second or casting vote.

### **Conflicts of Interest**

- 2.4 If the Leader or a Cabinet member has a conflict of interest he or she should deal with it in accordance with the Council's Code of Conduct for Elected Members (see Part 5A)
- 2.5 Where the conflict of interest arises in relation to a function which has been delegated then in the first instance the function should be exercised by the person or body by whom the delegation was made. If this is not appropriate then it should be dealt with in accordance with the Code of Conduct as above.



# Agenda Item 1

## **Business**

2.6 At each meeting of the Cabinet, the following business will be considered:

- (a) Declarations of interest;
- (b) The minutes of the last meeting;
- (c) Matters referred to the Cabinet (whether by Scrutiny Committee or by the Council) for reconsideration by the Cabinet.
- (d) Consideration of reports from Scrutiny Committee
- (e) Matters set out in the agenda for the meeting (any key decisions should be noted on the agenda)
- (f) The Forward Plan

## **Consultation**

2.7 All reports to the Cabinet 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 will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## **Putting items on the Cabinet Agenda**

- 2.8 The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of it, or any member or officer of the Council in respect of that matter.
- 2.9 With the agreement of the Leader any member of the Cabinet may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.
- 2.10 Any member of the Council may, with the agreement of the Leader, require the Chief Executive to include an item on the agenda of the next available Cabinet meeting. The notice of the meeting must include the name of the councillor who asked for the item to be considered, however there may only be up to 2 such items each Cabinet meeting.
- 2.11 The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.
- 2.12 The Monitoring Officer and/or the Section 151 Officer may in exercise of their statutory duties include an item for consideration on the agenda of a Cabinet meeting and if necessary may require the Chief Executive to call such a meeting.
- 2.13 In other circumstances, where the Chief Executive, Section 151 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 they may require that a meeting be convened for the matter to be considered.

# Agenda Item 1

Please see also:

**Cabinet Terms of Reference**  
**Cabinet Protocol**  
**Access to Information Procedure Rules**  
**Budget and Policy Framework**  
**Council Standing Orders**

**Updated May 2017**

# Agenda Item 1

## 4F – Scrutiny Procedure Rules

### Operation of the Scrutiny Committee – Guiding Principles

1.1 Scrutiny should involve constructive challenge with the aim of improving decision-making. Although some work (particularly call-in) could potentially be adversarial in a political environment, the emphasis should be on making a positive contribution to the development of policy and performance.

1.2 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 Committee has also agreed to work in a non-party political manner. Further detail can be found in the Protocol at Part ...

### Scrutiny Meetings

1.3 The Scrutiny Committee will meet approximately seven times a 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 if he/she considers it necessary or appropriate.

1.4 Meetings of the Committee will be in public and may only exclude the press and public during consideration of confidential items in accordance with the Access to Information Procedure Rules (see Part 4C)

1.5 Any member of the Council may attend the meeting.

### Officer Support

1.6 Officers of the Council owe a duty to support and advise all members. Although, most of the day to day work of Corporate Directors will be advising members of the Cabinet, this does not reduce the importance of their work for the Scrutiny Committee.

### How Scrutiny Meetings are conducted

#### Chair

2.1 The chairman, or in his absence the vice-chairman, will chair any meeting of the Scrutiny Committee at which he/she is present. In the absence of both a chairman for that meeting may be appointed by the Scrutiny Committee.

#### Quorum

2.2 The minimum attendance for a meeting of the Scrutiny Committee is one third of the total number of members of the Committee or three members, whichever is the greater. See Council Procedure Rules

#### Voting

Voting at meetings of the Committee will be by a simple majority of those members voting and present in the room at the time the question is put. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. See Council Procedure Rules ...

#### Conflicts of Interest

2.4 If the any member of the Committee has a conflict of interest he/ she should deal with it in accordance with the Council's Code of Conduct for Elected Members (see.Part 5A)

# Agenda Item 1

2.5 In particular no member may be involved in scrutinising a decision in which he/she has been directly involved.

## **Business**

2.6 At each meeting of the Scrutiny Committee the following business will be considered:

- (a) Declarations of interest (including whipping declarations)
- (b) Minutes of the last meeting
- (c) Matters referred to the committee for a decision in relation to call-in of a decision
- (d) Responses from the Cabinet to reports of the Scrutiny Committee
- (e) Matters set out in the agenda for the meeting

## **The Party Whip**

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

2.8 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."

2.9 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 will be recorded in the minutes of the meeting.

## **3. Policy Review, Development and Research**

3.1 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.

3.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within its terms of reference.

3.3 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.

## **4. Work Programme and Annual Report**

4.1 The Scrutiny Committee is responsible for developing its own work programme which should also take into account any views expressed by Council, Cabinet and members generally and in particular local people.

# Agenda Item 1

4.2 The Scrutiny Committee must report annually to full Council on the work of the Committee.

## 5. Agenda Items

5.1 Any member of the Scrutiny Committee has a right to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Committee be placed on the agenda of the next appropriate meeting of the committee.

5.2 Any five members of the Council, who are not members of the Scrutiny Committee, may give notice to the Chief Executive that they wish to have a relevant item included on the agenda. The Chief Executive will ensure it is included as an item on the first appropriate agenda for consideration by the Committee.

5.3 The Scrutiny Chair may reject items which are not relevant to the specific functions of Scrutiny.

5.4 Members requesting that items be placed on a Scrutiny Committee agenda do not have a right to request the preparation of detailed reports by officers. However the Scrutiny Committee does have the right to request the provision of information or reports to enable the item to be properly considered.

5.5 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.

## 6. Scrutiny Task and Finish Groups

6.1 Task and Finish Groups are key to enabling the Scrutiny Committee to make a positive contribution to the development and review of policy.

6.2 Task and Finish Groups are member groups set up for a specific and time limited purpose.

6.3 The following key points shall apply to the Group:-

- (a) Any member of the Council can serve on a Group, except a Cabinet Member. Substitutes are not permitted.
- (b) The membership of a task group is not required to be politically proportionate, although it is desirable to have regard to political proportionality as far as practicable.
- (c) Normally the Group will consist of a minimum of 4 members, except in exceptional circumstances, the Chair and Vice-Chair of the Scrutiny Committee may agree additional membership.
- (d) The Chair of a Task and Finish group will be appointed by the Task Group members.
- (e) The Group is not a formal sub-committee, and can advise and recommend but not make decisions.
- (f) The Group will have clear objectives and terms of reference for a specific time-limited scrutiny review. The Group's work will be supported by a detailed scoping sheet as a project plan.
- (g) The work undertaken will form part of an overall work programme approved by the Scrutiny Committee.

# Agenda Item 1

- (h) The Group can meet in private and informally.
- (i) The Group's completed draft final report will be approved by Scrutiny Committee before it goes to the Council for consideration.
- (j) At Council/ Cabinet the Group's report will be introduced by the Scrutiny Chair and presented by the Chair of the Task Group or other Task Group member in the Chair's absence.
- (k) Council/Cabinet will vote to receive the report and may make any appropriate recommendations on the contents (see also section 7)
- (l) The Scrutiny Committee will receive monitoring reports on the implementation of any proposals agreed by the Cabinet or Council.

6.4 Each Task and Finish Group will normally seek to reach agreement by consensus, but if it cannot agree on one single final report then up to one minority report may be prepared and submitted for consideration with the majority report.

## **7. Making sure that Scrutiny Reports are considered by the Cabinet/Council**

7.1 Once a Scrutiny Review has been agreed by the Scrutiny Committee, it will forward a copy of its final report to the Chief Executive who will allocate it to either, or both, the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's Budget and Policy Framework.

7.2 If referred to the Council, then the Cabinet will have four weeks in which to respond to the Scrutiny report, and the Council will not consider it within that period. When the Council does meet to consider any referral from a Scrutiny Review on a matter which would impact on the Budget and Policy Framework, it will also consider the response of the Cabinet to the Scrutiny proposals.

7.3 Scrutiny Review Reports referred to the Cabinet will be considered within eight weeks of the Scrutiny Committee completing its report/recommendations. If for any reason the Cabinet does not consider the Scrutiny Report within that period the report will be referred to Council to consider the report and make a recommendation to the Cabinet.

7.4 Where the Cabinet proposes to adopt, or to recommend to Council the adoption of the recommendations of a Scrutiny Review, it will agree, or submit to the Council for approval, an action plan for implementing the Committee's recommendations. The action plan will set out clearly what action is proposed, who is responsible for implementation and the timescale within which the action(s) is/are to be taken. A copy of the Cabinet's proposals will be sent to the Scrutiny Committee for information.

7.5 It will be the Cabinet's responsibility to implement any action plan approved by them or adopted by the Council, and to submit regular progress reports to the Scrutiny Committee.

7.6 The Scrutiny Committee will have access to the Cabinet's Forward Plan and timetable for decisions and items for consultation. Even where an item is not the subject of detailed proposals from a Scrutiny Review following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

# Agenda Item 1

## 8. Rights of Scrutiny Committee members to documents

8.1 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.

8.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committee, as appropriate, depending on the particular matter under consideration.

## 9. Members and Officers giving account

9.1 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, it 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:

- (a) Any particular decision or series of decisions;
- (b) The extent to which the actions taken implement Council policy; and/or
- (c) Their performance;

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

9.2 Where any member or officer is required to attend the Scrutiny Committee under this provision the Chief Executive will inform the member or officer of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend, and whether any papers are required to be produced for the Committee. Where the matter would require the production of a report, then the member or officer concerned will be given sufficient notice to allow for its preparation.

9.3 If, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Scrutiny Committee will, in consultation with the member or officer, arrange an alternative date for attendance.

9.4 Where someone requested to attend is genuinely unable to be at the meeting and an alternative date is not practicable, then in the case of a Cabinet member, another Cabinet member nominated by the Leader shall attend in his or her place, and in the case of an officer, another officer who is able to speak on the topic under consideration shall attend.

9.5 All speakers will be treated with courtesy and respect, and all questions to witnesses will be made in an orderly manner as directed by the Chair of the meeting. Individual members of the committee should approach the investigation in a corporate and collective manner and should 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.

## 10. Attendance by Others

10.1 The Scrutiny Committee may invite people other than those people referred to in paragraph 9 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 partner organisations as well as other parts of the public sector. Any such individual cannot however, be required to attend a meeting (unless covered by a specific legal requirement)

# Agenda Item 1

## 11. Call-In

11.1 The call-in mechanism is an important part of the decision-making process, and is designed to test the merits of the decision and to ensure that members have an opportunity to recommend change, reconsideration or deferral of a matter.

11.2 Call-in should only be used to establish whether a decision was taken in accordance with the principles of decision making set out in Part 2 of the Constitution

11.3 The role of Scrutiny Committee in calling-in a decision before it is finalised, is:

- (a) To test the merits of the decision.
- (b) To consider the process followed in reaching a decision.
- (c) To make recommendations (to support the decision, change aspects of the decision or to invite the decision maker to re-consider).
- (d) To suggest further steps before a decision is made (but not to try to carry out those steps in place of the decision maker).
- (e) To recommend to the decision making committee or body the matter be dealt with at full Council, or to recommend directly to full Council if the Committee believe the matter to be contrary to the Budget and Policy Framework.
- (f) To come to a view in a relatively short time scale, so as not to compromise the speed and efficiency of the decision-making process.

11.4 When a decision is made by the Cabinet, or under joint arrangements, or a key decision is made by an officer, the decision will be published, where possible by electronic means, and will be available at the main offices of the Council normally within three clear working days of being made. All Members of the Council will be sent copies of the records of all such decisions, by the person responsible for publishing the decision.

11.5 The notice will include its date of publication and will 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, unless the decision is called in.

11.6 During that period the Scrutiny Chairman, or in his absence the Vice Chairman, or any five members of the Council may notify the Chief Executive in writing that they wish to call in a decision for scrutiny. The notice must specify clear reasons for the Call – in. The Chief Executive will notify the Cabinet and the decision taker and will call a meeting of the Scrutiny Committee within 10 working days of receipt of notification of the decision to call in.

11.7 The relevant Cabinet Member and officer making the decision will be summoned to attend the meeting to explain the decision and process followed in taking the decision. The members who made the call-in will also be summoned to attend the meeting to explain their reasons for making the call-in request. The Chief Executive will inform all members of the Council of the arrangements made for the Special meeting of the Scrutiny Committee to consider the call-in'. The reasons for the call-in and the name or names of the councillors who requested the call-in will be set out in the agenda for the meeting.

11.8 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. If referred to the decision maker, they shall then reconsider the decision within a further 14 working days, and may amend it or not, before reaching a final decision.



# Agenda Item 1

11.9 If, within 10 days, the Scrutiny Committee does not meet, or does meet but does not refer the matter back to the decision maker, then the decision will take effect on either the date of the Scrutiny meeting, or the expiry of the 10 working day period, whichever is the earlier.

11.10 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 will be effective on the date of the Council meeting. However, if the Council does object, it has no authority to make decisions in respect of an 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 will 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 as a whole, or a committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request.

11.11 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 will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

## **Exceptions**

11.12 The power to call-in should not be abused or cause unreasonable delay. A small number of limitations have therefore been agreed on its use. These are:

- (a) that the Scrutiny Committee Chairman may only call-in six decisions per year
- (b) that a member may only sign a request for a call-in of three decisions per year

## **Call-in and urgency**

11.13 The call-in procedure set out above will not apply where the decision being taken by the decision-maker is urgent. A decision will 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, will 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.

11.14 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 will be required. All decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. The next available meeting of the Scrutiny Committee will review the process for agreeing the urgent decision and make appropriate recommendations.

11.15 The operation of the provisions relating to call-in and urgency will be monitored annually, and a report submitted to Council with proposals for review if necessary.

## **12. Councillor Call for Action**

12.1 Any member of the council will be able to refer a Council matter relating to his/her ward to the Scrutiny Committee.

12.2 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.

# Agenda Item 1

12.3 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.

12.4 The procedure to be followed is contained within the Guide to Scrutiny ( NB to be developed)

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

If the Council appoints more than one scrutiny committee then:

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

**Please see also:**

**Scrutiny Committee Terms of Reference**

**Access to Information Procedure Rules**

**Budget and Policy Framework**

**Protocol for Scrutiny**

**The Guide to Scrutiny dated July 2016**

**Updated May 2017**

# Agenda Item 1

## 4G Financial Regulations

### Number

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

# Agenda Item 1

## Financial Regulation Number 1

### General

#### Part 1 - Statutory Framework

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

#### Part 2 - Financial Administration

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

# Agenda Item 1

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

## **Financial Regulation Number 2**

### **Revenue Expenditure**

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

# Agenda Item 1

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

## **Virements**

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

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

## **Funded Budget Increase**

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

# Agenda Item 1

## **Financial Regulation Number 3**

### **Capital Expenditure**

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

The detailed financial appraisal shall include as a minimum:

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

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

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

# Agenda Item 1

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

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

## **Capital Programme – Rephasing**

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

## **Capital Programme - Scheme Overspends**

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

## **New Capital Schemes**

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



# Agenda Item 1

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

## **Financial Regulation Number 4**

### **Grants to External Organisations**

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

## **Financial Regulation Number 5**

### **External Funding**

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

# Agenda Item 1

## Financial Regulation Number 6

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

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

# Agenda Item 1

## **Financial Regulation Number 7**

### **Banking Arrangements**

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

## **Financial Regulation Number 8**

### **Income**

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

# Agenda Item 1

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

## **Financial Regulation Number 9**

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

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

## **Financial Regulation Number 10**

### **Petty Cash Imprests**

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

## **Financial Regulation Number 11**

### **Salaries**

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

# Agenda Item 1

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

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

## **Financial Regulation Number 12**

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

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

## **Financial Regulation Number 13**

### **Inventories and Stores Records**

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

# Agenda Item 1

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

## **Financial Regulation Number 14**

### **Insurance**

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

## **FINANCIAL REGULATION NO.15**

### **Security**

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

# Agenda Item 1

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

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

## **FINANCIAL REGULATION NO.16**

### **Irregularities**

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

## **FINANCIAL REGULATION NO. 17**

### **Internal Audit**

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

# Agenda Item 1

- Review the systems established to ensure compliance with those policies, plans, procedures, laws, regulations and contracts which could have a significant impact on operations and reports, and should determine whether the council is in compliance.
  - Review the means of safeguarding assets and, as appropriate, verify the existence of such assets.
  - Appraise the economy, efficiency and effectiveness with which resources are employed.
  - Review operations or programmes to ascertain whether results are consistent with established objectives and goals and whether the operations or programmes are being carried out as planned.
- 17.5 The Chief Financial Officer shall, to the extent he considers necessary or desirable, conduct or arrange for the examination and audit of the accounts of the council and of its officers, members and agents.
- 17.6 Internal Audit and any authorised representative of the Chief Financial Officer shall have access for any necessary examination and audit, at all times, to all cash, property, documents, books of accounts and vouchers appertaining in any way to the finances of the council, and shall be entitled to require such explanations as may be reasonably considered necessary to establish the correctness of any matter under examination.

## **FINANCIAL REGULATION NO.18**

### **Contracts and Purchasing**

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



# Agenda Item 1

## **FINANCIAL REGULATION NO.19**

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

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

## **FINANCIAL REGULATION NO. 20**

### **Payment of accounts**

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

# Agenda Item 1

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

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

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

## GLOSSARY OF TERMS

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

# Agenda Item 1

## **SOUTH RIBBLE BOROUGH COUNCIL CONTRACT PROCEDURE RULES**

### CONTENTS

1. Introduction
2. Compliance
3. Conflicts of Interest, Gifts and Hospitality
4. Procurement Plan
5. Who has authority to carry out procurement on behalf of the Council
6. Exempt Contracts
7. Pre-Procurement Procedure
8. Calculating the Contract Value
9. Low Value Procurement: Below £25,000
10. Intermediate Value Procurement: £25,000 to £100,000 (Quotations)
11. High Value Procurement; Above £100,000 (Tenders)
12. Contracts Subject to the Regulations: Above the EU Threshold
13. Suitability Assessment and Pre -Qualification
14. The Invitation to Tender
15. Submission, Receiving and Opening of Tenders/Quotations
16. Traditional Hard Copy Tenders
17. Evaluation
18. Tender/Quotation Clarification
19. Errors in Tenders/Quotations
20. Post Tender Negotiation
21. Bonds, Guarantees and Insurance
22. Awarding Contracts
23. Standstill Period
24. Contract Award Notice
25. Letters of Intent
26. Contract Terms and Conditions
27. Execution of Contracts
28. Records of Tenders and Contracts/Contracts Register
29. Approved / Standing Lists of Contractors
30. Nominated and named Sub Contractors
31. Framework Agreements
32. Joint / Collaborative Procurement
33. Procurement by Consultants
34. Contract Extension
35. Variations
36. Termination of Contract
37. Disposing of Surplus Goods
38. Concession Contracts
39. Waivers of Contract Procedure Rules
40. Non-Compliance
41. Change of Authorised Officer
42. Review and Amendment of Contract Procedure Rules
43. Emergency Procedures

# Agenda Item 1

## Contract Procedure Rules

### 1. Introduction

- 1.1 These Rules form part of the Council's Constitution and are the Council's Contract Procedure Rules for purchasing goods, works and services for the Council. They do not apply to internal purchases or internal service provision, only where you need to buy something from outside the council.
- 1.2 The Rules apply to any contract that results in a payment being made by the Council as well as to some types of contracts where a service is being provided for the Council which results in some income being generated for the Council.
- 1.3 The Rules also apply to the disposal of surplus goods (see paragraph 37) and to Concession Contracts (Paragraph 38).
- 1.4 The Rules also apply when an external body, authority, company, consultant or other person has been engaged to carry out procurement or disposal on behalf of the Council.
- 1.5 Quotations for grant funded contracts for goods, services or works, where they are procured by the Council, should be invited, in accordance with these rules, except to the extent that any specific requirements for the receipt of the grant specify different requirements, in which case the specific grant procedures must be followed, and the procurement completed in accordance with the relevant grant procedural requirements.
- 1.6 The Rules have four main purposes:
  - to comply with the obligations that govern the spending of public money derived from the European Union (EU) procurement regime and applied in the UK through the Public Contracts Regulations (2015);
  - to obtain Best Value in the way we spend money, so that we may in turn offer better and more cost effective services to the public;
  - to avoid corruption and ensure high ethical standards;
  - to protect people who follow the Rules.
- 1.7 The Rules must be read in conjunction with the Council's Financial Procedure Rules, Procurement Guidance and any other internal controls laid down by the Council for example the Council's Anti-Fraud and Corruption Policy and Whistle Blowing policy.

### 2 Compliance

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

# Agenda Item 1

2.2 At all times during the contract award procedure, the Council, through its members and officers, shall consider and implement the principles of non-discrimination, equal treatment and transparency.

2.3 The highest standards of probity are required of all officers and members involved in the procurement, award and management of Council contracts. Members shall comply with the Code of Conduct for Councillors, and officers shall comply with the Code of Conduct for Officers.

2.4 Effective audit trails must be maintained at all stages throughout the procurement procedure, particularly when approval or agreement is required and at evaluation/decision making stages.

### **3. Conflicts of Interest, Gifts & Hospitality**

3.1 Every officer entitled to buy supplies, services or works shall comply with the requirements of the Officer Code of Conduct in respect of conflicts of interest, gifts and hospitality.

### **4. Procurement Plan**

4.1 Prior to the start of each financial year, each Director must prepare a procurement plan setting out their department's contracts to be procured (over £25,000) during that financial year, and where possible for forthcoming years. A copy of the plan must be supplied to the Principal Procurement Officer who shall use this information to formulate an Annual Procurement Plan for the Council.

4.2 Any procurements planned with a contract value of £100,000 or above should be communicated to Democratic Services for inclusion on the Forward Plan.

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

5.1 Any procurement carried out on behalf of the Council may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council's Constitution (Scheme of Delegation). Officers with delegated authority may only authorise other officers who have the appropriate skills and knowledge appropriate to the task. Officers shall be informed by his/her Director/Service Head, in writing, of the extent of any delegated authority and any applicable financial thresholds for each procurement. These officers shall be known as Authorised Officers.

### **5.2 Revenue Expenditure**

Subject to the provisions of Paragraph 5.6, Directors and their Authorised Officers may seek Tenders and Quotations in accordance with these Contracts Procedure Rules for any item of revenue expenditure for which budget provision has been made, and may accept such Tenders/ Quotations in accordance with these Contracts Procedure Rules, up to a total contract value of £100,000. Contract awards above £100,000 constitute a Key Decision and must appear on the Forward Plan.

### **5.3 Capital Expenditure.**

Subject to the provisions of Paragraph 5.6, Directors and their Authorised Officers may seek Tenders and Quotations in accordance with these Contracts Procedure Rules, the particulars of which are shown as approved in the Council's capital programme for the current financial year and which have also been approved/comply with any additional

# Agenda Item 1

requirements of the Council's Financial Regulations. Directors and their Authorised Officers may accept Tenders /Quotations in accordance with these Contracts Procedure Rules and the Council's Financial Regulations up to a total contract value of £100,000. Contract awards above 100,000 constitute a Key Decision and Cabinet authority must be obtained. Such proposed decisions must appear on the Forward Plan.

- 5.4 For the sake of clarity the decision to commence a procurement exercise (as opposed to a decision to award a contract in the circumstances described in paragraphs 5.2 and 5.3 above) is not deemed to be a Key Decision unless the decision forms part of and is taken at the same time as a decision that will result in a change to service provision which will have a significant effect on two or more wards of the Council
- 5.5 Any procurement which involves the transfer of Council Staff shall be treated as a High Value (above £100,000) Procurement and, as such, Cabinet authority must be sought for such acceptance.
- 5.6 For all High Value Procurements above the EU threshold, prior approval of the proposed contract award procedure including the evaluation criteria and weightings to be applied, shall be sought from the relevant Executive Cabinet Portfolio Member as a delegated decision.

## 6. Exempt Contracts

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

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

## 7. Pre-Procurement Procedure

- 7.1 Before commencing a procurement it is essential that the Authorised Officer leading the procurement has identified the business need and fully assessed any options for meeting those needs. Consideration shall be given to the Council's Procurement Strategy, Sustainable Procurement Policy and procurement guidance, as appropriate.
- 7.2 Before undertaking a procurement the Authorised Officer shall:
  - (a) consider all other means of satisfying the need (including recycling and reuse where appropriate);
  - (b) prepare an estimate of expenditure in accordance with Rule 8;
  - (c) satisfy themselves that they have the necessary authority to deal with the procurement and that there is budget provision for the procurement in accordance with the provisions of Rule 5

# Agenda Item 1

- (d) undertake a risk assessment
- (e) complete an Equality Impact Assessment where any change in service provision is proposed that will have Equality Impacts
- (f) establish a business case for the procurement and consider whether the procurement should follow the Council's Project Management Framework/Toolkit. Procurements which may benefit from use of the toolkit are usually higher value and are:
  - unique, new or complex leading to significant system, process or service changes,
  - impact on numerous services
  - have a significant reputational impact on the Council

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

## 8. Calculating the Contract Value

- 8.1 Prior to commencing any procurement you must estimate the total monetary value of the contract (exclusive of VAT) over its full duration, including any extension options (not the annual value). The estimated total value of the contract will determine which procedure you must then adopt.
- 8.3 Where it is proposed to procure a Contract on terms which will provide for renewal on a "rolling" basis, the Authorised Officer must make a reasonable estimate of the term of the contract in order to estimate the Contract Value. If during the term of the Contract it appears that the estimated Contract Value may be exceeded by anticipated further renewals of the contract, the provisions for contract extension at paragraphs 34.2 to 34.5 shall apply. This rule shall not apply to rolling contracts where the annual value is below £10,000. Such contracts shall be subject to an annual review.
- 8.4 Circumstances may arise where a number of low value contracts of the same type, for regular, routine, similar goods or services for similar goods or services are given to one Contractor within a 12 month period. In this case, 12 months expenditure should be aggregated to determine which procedure should be followed. When the value of those contracts is aggregated the effect may be to move the total purchase from one value band to another. This may mean that a different procurement method has to be followed to comply with these rules, or it may be necessary to seek a waiver of these rules in such circumstances.
  - 8.4.1 The requirement to aggregate under the circumstances described at 8.3 will not apply where The Authorised Officer identifies that the spend activity is:
    - (a) unknown or unplanned and therefore cannot be specified at the commencement of the 12 months period or
    - (b) of a similar general category but is so varied that it would be impractical or difficult to specify, the aggregate annual value is less than £25,000, and a blanket discount arrangement, schedule of rates or other such general framework agreement would be impractical and lead to additional cost.
  - 8.4.2 In any event, the Authorised Officer shall ensure that best value is achieved, make best use of the Council's purchasing power by aggregating where appropriate, undertake

# Agenda Item 1

periodic review of the procurement decision, and keep appropriate records including the reason for any decision not to aggregate, throughout.

- 8.5 Authorised Officers should make the best use of the Council's purchasing power by aggregating purchases wherever possible
- 8.6 Contracts must comply with the Public Contracts Regulations and must not be artificially split to avoid these Rules or the Regulations
- 8.6 If, following calculation of the estimated value, the low value route (below) £25,000 is used, and, after evaluating in accordance with the evaluation criteria, the preferred offer is valued at over £25,000, the matter shall be submitted for approval via the electronic request for waiver form located on Connect which will seek approval from the relevant Director, Legal and Financial services and the relevant Portfolio holder. Provided that the aforementioned are of the opinion that a robust exercise with an appropriate level of competition has been carried out, with a genuine pre-tender estimate, they may collectively approve the contract award.
- 8.7 If, following calculation of the estimated value, the intermediate route (below £100,000) is selected, and, after evaluating in accordance with the evaluation criteria, the preferred offer is valued at over £100,000, then the matter shall be referred initially to the Director/ Head of Service for approval who shall consult the Legal Services Manager. The Director/Head of Service and the Legal Services Manager shall be given full details including how the estimated value was calculated, the amount of the estimated value, the value of all quotations received and the evaluation model applied leading to selection of the preferred offer. Provided that the preferred offer is within 10% of the pre tender estimate and the Director/Head of Service and the Legal Services Manager are of the opinion that a robust exercise has been carried out with a genuine pre-tender estimate, they may collectively recommend that the process be continued under the High Value route and that full details of the process followed be included in the subsequent report requesting approval for the award decision to be submitted to Cabinet. In such circumstances Cabinet would be requested to grant a waiver.

## 9. Low Value Procurement: Below £25,000

- 9.1 Where the estimated value or amount of the proposed contract is less than £25,000, The Authorised Officer shall ensure that best value is achieved and that the arrangements made secure the best available terms for the Council. Good practice would be to obtain written or electronic quotations (including at least one local supplier where possible); however, evidenced verbal quotations are acceptable. The Authorised Officer should ensure that the number and type of quotations received are appropriate and proportionate to the contract risk and value. Where the estimated value or amount of the proposed contract is more than £10,000 the expectation is that at least 3 Request for Quotations shall be invited via email or through the Council's e-procurement portal "The Chest" – if this does not happen then the reasons for not so doing should be recorded.
- 9.2 The purchase order must be made on an official purchase order and shall specify the services, supplies or works to be provided and set out the price and terms of payments.
- 9.3 Two authorised officers must be involved in the ordering and receiving process.
- 9.4 Every purchase order (whether issued as a result of higher, intermediate or lower value procurements) **must** contain the current approved standard form of terms and conditions of contract between the Council and the supplier. A quotation and a purchase order will create a legally binding contract.



# Agenda Item 1

## **10. Intermediate Value Procurement: £25,000 to £100,000 (Quotations)**

- 10.1 For procurements valued over £25,000 but at or below £100,000 at least 3 Request for Quotations shall be invited through the Council's e-procurement portal "The Chest", before a formal purchase order is issued specifying the supplies, services or works to be provided.
- 10.2 Where a procurement is above £25,000 in value, and is openly advertised, the 2015 Public Contracts Regulations require that the opportunity is also advertised on the Government one stop shop "Contracts Finder". Additionally, for all contract awards above £25,000, whether the opportunity was openly advertised or not, a Contract Award Notice must be published on Contracts Finder. In both instances, the notices must include the specific details listed in the Regulations, and in both instances, these notices may be accommodated through the Chest.
- 10.3 At least one local supplier should be included in the suppliers to be invited to quote where possible.
- 10.4 Invitations to quote shall:
- (a) specify or refer to a specification of the goods, materials, services or work required; and
  - (b) state the date and time by which the quotation must be received; and
  - (c) include the instructions for submission and state that no quotation will be considered unless it is received in accordance with those instructions;
  - (d) have the evaluation criteria set out in the invitation to Quote. All quotations shall be evaluated in accordance with the evaluation criteria set out in the quotation documents. All contracts, except where lowest price was predetermined to be the appropriate contract award criterion, shall be awarded on the basis of the offer which represents the Most Economically Advantageous offer to the Council.
- 10.5 Where the risk in a specific procurement is perceived to be high, then that procurement shall be treated as a High Value Procurement.
- 10.6 Any procurement that may involve a transfer of Council staff shall be treated as a High Value Procurement.

## **11. High Value Procurements: Above £100,000 (Tenders)**

- 11.1 All Procurements with a cumulative value of over £100,000 shall be classed as High Value Procurements.
- 11.2 Additionally any contract where Council employees may be transferred to other bodies or where risk in the procurement is perceived to be high shall be treated as a High Value Procurement.
- 11.3 All high value procurements must be advertised on the Council's e-procurement portal "The Chest".
- 11.4 In addition to advertising on the Chest, all High Value procurements shall be advertised on the Government one stop shop "Contracts Finder" in accordance with the 2015 Public Contracts Regulations. Additionally, for these procurements, a Contract Award Notice must also be published on Contracts Finder. In both instances, the notices must include the specific details listed in the Regulations, and in both instances, these notices can be

# Agenda Item 1

accommodated through the Chest.

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

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

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

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

## 12.2 With effect from 1 January 2020 the EU thresholds are as follows:

VALUE	REQUIREMENT
£189,330 + Goods & Services	Contract subject to EU Rules
£4,733,252 + Works	Contract subject to EU Rules
£663,540 + Light Touch Regime (for Health & Social Services)	Contract subject to EU Rules
£4,733,252 + Concessions	Contract subject to EU Rules

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

- 12.3 The EU Directives and UK Regulations are long and complex, and set out minimum timescales for receipt of expressions of interest and tenders. Officers **must** consult the Shared Procurement Team and Legal Services department prior to commencing any procurement which is subject to the Regulations.

## 13. Suitability Assessment & Pre-Qualification (Not to be used when procuring from a Framework agreement as suppliers on framework agreements are already pre-qualified)

- 13.1 In all procurements the Council shall only enter into a contract with a Contractor if it is satisfied as to the Contractor's –
- (a) eligibility
  - (b) economic and/or financial standing
  - (c) technical and/or professional ability

The level and detail of assessment shall be proportionate to the risk and value of the contract. Shared Financial Services shall be consulted for all procurements above £100,000 for the completion of an appropriate financial assessment, prior to contract award.

# Agenda Item 1

- 13.2 A pre-qualification stage is not permitted in any procurement below the EU threshold for Goods and Services. (currently £181,302 for calendar years 2018/19. -This threshold is updated every two years.) However, suitability assessment questions relating to a potential provider may be asked provided that the questions are relevant and proportionate to the subject matter of the procurement.
- 13.3 A pre-qualification stage may be used in above EU threshold contracts. However, in all instances, statutory guidance published by Crown Commercial Service (CCS) must be followed. This includes use of a core set of standardised questions. For further information and advice, Authorised Officers should contact the Shared Procurement Team.
- 13.4 Where appropriate, bidders may self-certify during the tender/ quotation process, with relevant and proportionate checks only being carried out on the shortlisted bidder.
- 13.5 Any procurement subject to the Regulations shall be in full compliance with those Regulations and the statutory Crown Commercial Service guidance. The Regulations stipulate what must and/or may be taken account of, in assessing eligibility, economic and financial standing and technical and/or professional ability

## **14 The Invitation to Tender**

- 14.1 The ITT shall include details of the Authority's requirements for the particular contract including:
- (a) a description of the services, supplies or works being procured;
  - (b) the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders;
  - (c) instructions for completing and returning the tender documentation
  - (d) notification that tenders received after the closing date and time will not be considered
  - (e) a specification and instructions on whether any variants are permissible;
  - (f) the Council's terms and conditions of contract
  - (g) the evaluation criteria including any weightings;
  - (h) pricing mechanism and instructions for completion;
  - (i) whether the Council is of the view that TUPE may apply;
  - (j) form and content of method statements to be provided
  - (k) rules for tender submission;
  - (l) any further information which will inform or assist tenderers in preparing tenders.

## **15. Submission, Receiving and Opening of E-Tenders/Quotations through the Chest**

- 15.1 Every response to an invitation to tender/quote for a transaction valued over £25,000 must be submitted through the Chest by no later than the time and date specified for submission of tenders/quotations in the invitation to tender/quotation document.
- 15.2 The Principal Procurement Officer or Authorised deputy shall verify (remove the e-seal) and release all tenders and quotes to the Authorised Officer once the deadline for their receipt has passed. This verification role may be given to a suitably trained Authorised Officer for intermediate value quotes.
- 15.3 The Chest will automatically record the date and time of receipt of each submission and will list late submissions separately. No quotations or tenders which have been received on to the Chest after the deadline for receipt has passed may be considered. However, where a system fault/technical issue has occurred which is beyond the Tenderer's control and which has prevented on-time submission, this may be investigated to verify the

# Agenda Item 1

circumstances, and the matter referred to the Legal Services Manager and the relevant Director/Assistant Director for a decision as to the way to proceed.

- 15.4 The Principal Procurement Officer or other Authorised Officer shall complete a Record of Tenders/Quotations Received form summarising the quotations received.
- 15.5 The Authorised Officer must notify the Principal Procurement Officer of the eventual outcome of the procurement exercise for entry into the Contracts Register by completing and submitting the final sections of the Record of Tenders/Quotations Received Form.
- 15.6 The closing date for the receipt of tenders/quotations may be extended, in appropriate circumstances, at the written discretion of the Legal Services Manager.
- 15.7 Tenders and Quotations shall not be opened until the deadline has passed for their receipt.

## **16. Traditional Hard Copy Tenders and Quotes (Exceptional Circumstances Only)**

- 16.1 The Council's preferred method of tendering is by electronic means through the Chest. However, in very exceptional circumstances (e.g. contracts where there are items required, which cannot be submitted electronically), tenders and quotes may be submitted in hard copy format with the prior approval of the Legal Services Manager and the Principal Procurement Officer.
- 16.2 Tenders and Quotations received in accordance with Paragraph 16.1 shall be addressed to the Principal Procurement Officer, Shared Financial Services, Town Hall Market Street, Chorley, PR7 1DP in a sealed envelope endorsed with the word "Tender" or "Quotation" as appropriate, followed by the subject matter to which it relates. No marks shall be included upon the envelope that identifies the bidder prior to the opening of the envelope. The Principal Procurement Officer shall record the date and time of receipt of such Tenders and Quotations and shall keep them in a secure place where they shall remain unopened until the time and date specified for their opening.
- 16.3 Tenders and Quotations received in accordance with this paragraph 16 shall be opened by the Principal Procurement Officer or authorised Deputy and at least one other Authorised Officer. An immediate record shall be made of the Tenders/Quotations received including tenderer name, value, and the date and time of opening on the Record of Tenders/Quotes Received Form.

## **17. Evaluation**

- 17.1 Tenders subject to the Public Contracts Regulations shall be evaluated in accordance with the Regulations and the evaluation criteria set out in the OJEU notice and invitation to tender. All other tenders and quotations shall be evaluated in accordance with the evaluation criteria notified to tenderers in the contract notice and/or invitation to tender or Quote.
- 17.2 All contracts, except where lowest price was predetermined to be the appropriate contract award criterion, shall be awarded on the basis of the offer which represents the Most Economically Advantageous Tender to the Council (MEAT).
- 17.3 MEAT evaluation involves scoring tenders objectively by a panel of officers and/or independent experts using criteria which should:
  - be pre-determined and listed in the invitation to tender/quotation documentation in descending order of importance;

# Agenda Item 1

- be weighted according to their respective importance. This is mandatory for High Value Tenders and recommended for intermediate value procurements. Authorised officers must consult the Principal Procurement Officer where it is intended not to follow this recommendation for intermediate value procurements above £50,000 and provide a valid justification for this.;
- be strictly observed at all times throughout the tender process;
- reflect the principles of Best Value;
- include price;
- adopt whole-life costing where appropriate, particularly in the case of capital equipment where the full cost of maintenance, decommissioning and disposal should be taken into account. Additionally, the use of energy efficient products or the use of sustainable materials with a longer life span may impact on the whole life cost;
- be capable of objective assessment;
- include, where applicable, the quality of the tenderers' proposals to accept a transfer of staff under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE); and
- avoid discrimination or perceived discrimination on the basis of nationality, or other cause contrary to any of the Council's policies.

Where this evaluation methodology is used, any resulting contract must be awarded to the tenderer which submits the most economically advantageous tender, i.e. the tender that achieves the highest score in the objective assessment.

- 17.4 The evaluation criteria must be consistently and strictly observed at all times through the contract award procedure by any officer involved in the quotation/tender evaluation process. The Authorised Officer must keep comprehensive records of the evaluation exercise including the scores and comments and justification for those scores and shall sign the final selection record.
- 17.5 For each contract above £100,000, the Authorised Officer shall form an Evaluation Team with responsibility for evaluating tenders. The Authorised Officer shall keep comprehensive written records of the evaluation exercise including the scores and comments and justification for those scores, and the lead officers of the evaluation team shall sign the final selection record.

## **18. Tender/Quotation Clarification**

- 18.1 Bidders may request clarification on aspects of the Tender/Quotation documentation prior to submission by submitting a clarification question through the Chest. The Authorised Officer must ensure equal treatment of all bidders, and where relevant should anonymise the question and publish that together with the response to all potential bidders through the Chest. Care should be taken not to reveal the identity of the Tenderer or any information which may be deemed to be commercially confidential to them during the clarification process.
- 18.2 During the evaluation process, Authorised Officers may clarify aspects of a submitted Tender or a Quotation which are unclear, lacking in detail, ambiguous or appear to show a misunderstanding of the requirements. The areas requiring clarification should be set out in writing by the procurer and a written response requested from the bidder. All such

# Agenda Item 1

communications should be issued or recorded through the Chest to ensure a full e-audit trail of the procurement.

- 18.3 For more complex service procurements where officers want to obtain a fuller understanding of bidders' proposals and method statements it may be appropriate to hold a clarification meeting. In such circumstances a formal written record of the meeting shall be completed and agreed by all parties. Minor points of clarification and obvious errors (e.g. mathematical error) should be dealt with in accordance with Clause 18.2 above and should not require a meeting.

When conducting clarification, as throughout the procurement process, the Authorised Officer must bear in mind the rules and principles of the EU Regulations i.e. transparency, equal treatment and non-discrimination.

## **19. Errors in Tenders/Quotations**

- 19.1 Errors in Tenders/Quotations must be dealt with by asking the Tenderer to confirm the Tender as submitted or withdraw their bid. However, where a Tenderer has made a visible and genuine arithmetical error they may be given an opportunity to correct that error. Other than where specifically provided for in the Regulations (e.g when using the Competitive Dialogue procedure) no other adjustment, revision or qualification is permitted.
- 19.2 Tenders/Quotations must state how errors in Tenders/Quotations must be dealt with.
- 19.3 Careful consideration must be given to the effect of any procedure adopted when dealing with errors in Tenders and the reflection which any such procedure may have on the integrity on the officers and members of the Council. It is essential that the procedure adopted is transparent, fair and equitable with equal treatment to all bidders.

## **20 Post Tender Negotiation**

- 20.1 Where procurement is conducted pursuant to the Regulations through either the Open or Restricted procedures no post tender negotiations are permitted. However, the Council may seek clarification from Suppliers where appropriate.
- 20.2 At all times during the procurement (whether subject to the Regulations or not), the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.

## **21. Bonds, Guarantees and Insurance**

- 21.1 For high value procurements, the Authorised Officer shall consider and include in the procurement documentation, whether a performance bond and/or a parent company guarantee (if applicable) shall be required from the preferred Supplier.
- 21.2 The Authorised Officer shall consider and include, where relevant, in the Tender documentation the appropriate type (employee liability, public liability, professional indemnity, etc.) and level of insurance requirements for each contract.

## **22 Awarding Contracts**

- 22.1 The Council shall only award a contract where at the time of contract award this represents the Most Economically Advantageous offer or is the lowest price depending on contract award criterion included in the OJEU notice or Invitation to Tender/Quote.

# Agenda Item 1

- 22.2 A contract must only be awarded and signed by a person authorised to do so, who must ensure that the appropriate budget holder has the funds in place to sustain the contract prior to award.
- 22.3 Directors/Heads of Service should ensure that proper records of all procurement activity are retained in electronic or hard copy format as appropriate.
- 22.4 All High Value contract award decisions and any which involve any potential transfer of the Council's employees shall be referred to Executive Cabinet.
- 22.5 Any procurement of £100,000 or more in value constitutes a key decision and must therefore be included in the relevant Forward Plan as described in the Council's Constitution, before the contract award decision is taken.
- 22.6 The highest standards of probity are required of all officers and members involved in the procurement, award and management of Council contracts. It is essential to maintain effective audit trails at all stages throughout the procurement procedure particularly where approval or agreement is required.

## **23 Standstill Period**

- 23.1 For all contracts tendered under the Regulations, a ten calendar day (where electronic communication is used or 15 calendar days where non-electronic communication is used) 'standstill period' must be observed between the decision to award and contract conclusion. Although the Standstill period is counted in calendar days, it must end on a working day. Authorised Officers should consult the Shared Procurement Team for advice on the specific detail which must be included in Standstill Letters under the Regulations. The Standstill period is an express requirement in the Regulations and must be followed.

## **24. Contract Award Notice**

- 24.1 All contracts awarded under the Regulations must be announced by means of a Contract Award Notice in OJEU transmitted no later than 30 calendar days after the date of the award.
- 24.2 All contracts awarded above £25,000 in value whether openly advertised or not must be published on Contracts Finder in accordance with the Regulations and published Crown Commercial Service (CCS) guidance.

## **25. Letters of Intent**

- 25.1 Letters of intent shall only be used in exceptional circumstances and, by prior written agreement with the Legal Services Manager, as follows:
- (b) Where a Supplier is required to provide services, supplies or works prior to formal written acceptance by the Council; or
  - (b) Where the Council's form of tender does not include a statement that until such time as a formal contract is executed, the Council's written acceptance of a tender shall bind the parties into a contractual relationship.

## **26. Contract Terms and Conditions**

- 26.1 Contracts shall be entered into on the Council's terms and conditions, or an appropriate industry standard form of contract or other form of contract approved by Legal Services.

# Agenda Item 1

This may be a supplier's contract suitably amended to protect the Council's interests. However where the contract has been tendered the contract shall be in accordance with the tender Conditions. The Contract Conditions shall be included with each purchase order and invitation to tender or quote.

26.2 In all cases, before a contract is entered into, Authorised Officers must ensure that they have authority to enter into the proposed contract for the full contract value including any extension option and fully understand the contractual obligations. In particular where Conditions other than the Council's terms and conditions are to be used, Authorised Officers must ensure they fully understand the contractual obligations including any notice periods which must be observed to prevent any non-authorised automatic roll-on.

26.3 Where contracts are subject to the Regulations, the rules relating to technical specifications shall be followed and any reference to a technical standard, make or type shall be prefaced with the words "or equivalent".

## **27. Execution of Contracts**

27.1 Any contracts valued at above £100,000 shall be passed to Legal Services for sealing execution and secure storage, unless otherwise agreed with the Legal Services Manager.

27.2 All contracts valued at above £20,000 but below £100,000 should be signed by at least two appropriately Authorised Officers.

27.3 All other contracts may be signed by an officer with the appropriate authority.

27.4 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Legal Services Manager.

## **28. Records of Tenders and Contracts/Contracts Register**

28.1 Each Director/Head of Service shall maintain his/her own register of all contracts entered into by his/her department.

28.2 The Principal Procurement Officer shall maintain a register of all Higher Value and Intermediate value contracts entered into by the Council.

28.3 Authorised Officers shall notify the Principal Procurement Officer of all intermediate and high value contract awards for entry into the Contracts/ Transparency Register by completing and submitting the final sections of the Record of Tenders and Quotations Received Form.

28.4 Additionally the Authorised Officer must notify the Principal Procurement Officer of all contracts awarded, above £5000, as soon as possible after the Contract Award, for inclusion in the Contract/Transparency Register.

28.5 Quarterly publication of the Council's Contracts/Transparency Register is a mandatory requirement of the Local Government Transparency Code. Each Director/Assistant Director and/or Authorised Officer shall ensure the accuracy of the Council's Contracts/Transparency Register by responding to the quarterly return issued by the procurement team.

## **29. Approved / Standing List of Contractors**

29.1 The Council may maintain Approved Standing lists of Suppliers that meet its suitability requirements. Quotations and tenders for contracts that are not subject to the Regulations



# Agenda Item 1

may be invited from Suppliers included on an approved list. Where the Authority intends to use an approved list for services, supplies or works contracts, the Approved List should be reviewed and advertised on a regular basis.

## **29.2 Each Approved Standing List shall:**

- (a) be compiled and maintained by the relevant Authorised Officer;
- (b) contain the names of all persons who wish to be included in it and who after appropriate enquiries have been made by the Authorised Officer concerned, are approved by the Council or Cabinet as provided for in the scheme of delegation; and
- (c) indicate whether a person whose name is included in it is approved for contracts for all, or only some, of the specified values or amounts or categories.

**29.3** At least four weeks before each Standing List is first compiled, a notice inviting applications for inclusion in it shall be published on the Chest, and where relevant Contracts Finder

29.4 Each Standing List shall be amended as required from time to time to include new applications for inclusion and to delete any person no longer thought fit to be included. Each Standing List shall be formally reviewed in the manner set out below by the appropriate Director/ Head of Service at intervals not exceeding three years. At least four weeks before each review, each person whose name appears in the Standing List shall be asked whether s/he wishes his/her name to remain there. Notices inviting applications for inclusion in the list shall be published in the manner provided by Contract Procedure Rule 29.3 above.

29.5 Where an invitation to tender for a contract is limited to those named on the Standing List maintained under this Contract Procedure Rule, an invitation to tender for that contract shall be sent to at least four of the persons on the list. These people will be approved for a contract for that value or amount or of that category, or, if there are fewer than four such persons, to all such persons. If there are more than four people, the Authorised Officer, will select the people who will receive invitations, and the manner in which they are sent. This will be either generally or in relation to a particular contract or to a category of contracts provided that the manner of selection shall include a system of rotation from persons appearing on the Standing List.

## **30. Nominated and Named Sub-contractors**

If a sub-contractor, supplier or sub-consultant is to be nominated or named to a main contractor, quotations or tenders must be invited in accordance with these Contracts Procedure Rules and the terms of the invitation shall be compatible with the main contract.

## **31 Framework Agreements**

31.1 Framework agreements are agreements with suppliers for the provision of supplies, works or services on agreed terms for a specific period. Unlike normal contracts which require certainty (on price, quantity and other details), Framework Agreements usually state only non-binding estimated quantities against which orders are placed as and when required during the contract period (sometimes this procedure is known as “call-off”). As soon as the quantity/price etc are fixed and an order placed, a contract is formed. Frameworks offer benefits of bulk-buying, improved service and reduced administration costs over the period of the arrangement.

31.2 A framework agreement may have the option or requirement for you to hold a “further - competition” with all of the suppliers included on the framework who are capable of meeting your requirement. Quotations invited under a further competition shall be

# Agenda Item 1

received and opened in accordance with these Contract Procedure Rules, unless received and opened by the public sector framework provider (e.g. Yorkshire Purchasing Organisation) on the Council's behalf, who may receive and open such bids in accordance with their contract procedural rules.

- 31.3 All Framework agreements procured by the Council must be tendered in accordance with these Contract Procedure Rules.
- 31.4 Where the Council has entered into a Framework Agreement through procurement or is able to place orders from existing Framework Agreements procured by central government agencies, public sector consortia, other local authorities or other third parties, then the Council may benefit from using those contracts without entering into a full, separate procurement.
- 31.5 Where a public sector framework is used in accordance with the above provisions, without entering into a full, separate procurement process, all other relevant aspects of these procurement rules will still apply, including any approval which may be required for the procurement award procedure (in this case to use the identified framework), approval for the evaluation criteria and weightings (in the event of a further competition under the framework), and approval for the contract award prior to contract acceptance.
- 31.6 Authorised Officers shall investigate whether call-off contracts or frameworks are relevant to their procurement activity as better value for the Council may be obtained by using an existing Council or other framework.
- 31.7 Legal/Procurement Advice should be sought in advance before awarding a contract to a supplier using a framework agreement not procured directly by the Council.
- 31.8 Any appropriate Council Framework Agreements in place shall be used regardless of value, provided the standing order requirements in relation to delegated authority are met. An effective audit trail shall be maintained.

## **32. Joint / Collaborative Procurement**

- 32.1 Authority to engage in joint/ collaborative procurement activity shall be in accordance with the requirements of paragraph 5. However, in the event that the joint/ collaborative procurement activity requires a commitment at the outset, prior to bids being invited, Cabinet approval must be obtained prior to committing to the joint/ collaborative procurement where the estimated value of the Council's proportion of the procurement exceeds £100,000.
- 32.2 The Authorised Officer shall ensure that the joint/collaborative procurement activity complies fully with the EU Procurement Regulations
- 32.3 In any joint or collaborative procurement process the parties involved in the procurement should appoint a "lead body" to carry out the procurement. The procurement should then be conducted in accordance with the lead body's Rules. If this approach requires any waivers of the lead body's Rules, it shall be that body's responsibility to seek approval for, and obtain, such waiver(s).

## **33. Procurement by Consultants**

Any consultants used by the Council shall be appointed in accordance with these Contracts Procedure Rules. Where the Council uses consultants to act on its behalf in relation to any procurement, then the Authorised Officer shall ensure that the consultants carry out any procurement in accordance with these Contracts Procedure Rules. No consultant shall make any decision on whether to award a contract or who a contract

# Agenda Item 1

should be awarded to. The Authorised Officer shall ensure that the consultant's performance is monitored.

## **34. Contract Extension**

- 34.1 Any contract which has been procured in accordance with these Rules may be extended in accordance with its terms (subject to financial resources) by the Director/Head of Service or Authorised Officer provided an extension clause was included for within the contract terms and conditions.
- 34.2 Other existing Contracts which have been procured in accordance with these Rules may be extended by the Director/Head of Service or Authorised Officer, provided that the total period of this and any previous extension will not together exceed 1 year. The authorised officer must keep a record of the reason for the decision to so extend. A formal Waiver of the Rules must be obtained if the proposed extension will add more than £25,000, or more than 20% (whichever is the higher) to the original total Contract value.
- 34.3 Any extension exceeding £100,000 in value shall require the approval of the Executive Cabinet or relevant Executive Cabinet Portfolio Member.
- 34.4 If the original contract was subject to the Public Contract Regulations, the contract can only be extended within the parameters identified in the original EU contract notice and/or as provided for within the Regulations. If the contract was not subject to the Regulations, any extension must not take the total value of the contract above the relevant EU thresholds.
- 34.5 If the contract was awarded as a framework agreement, the total framework period, including any extensions, cannot exceed four years, except in exceptional circumstances relating to the subject of the framework agreement. For example, a longer duration could be justified in order to ensure effective competition if four years would not be sufficient to provide return on investment.
- 34.6 When negotiating a contract extension the authorised officer must make every effort to negotiate improved contract terms with regard to the cost and quality and shall always be satisfied that the extension will achieve Best Value for Money and is reasonable in all the relevant circumstances.
- 34.7 All extensions to any Council contracts must be in writing and reported to the Principal Procurement Officer in order that the Contracts Register can be updated accordingly.
- 34.8 Once a Contract has expired it cannot then be extended.

## **35 Variations**

- 35.1 Variations to Contract shall be dealt with in accordance with these Contracts Procedure Rules and the Council's Financial Regulations.
- 35.2 All Contract variations must be carried out within the scope of the original Contract. Contract variations that materially effect or change the scope of the original Contract are not allowed.
- 35.3 All Contract variations must be in writing and signed by both the Council and the Contractor except where different provisions are made within the Contract documentation. The value of each variation must be assessed by the Authorised Officer and all necessary approvals sought prior to the variation taking place including registration on the Council's forward plan if applicable.

# Agenda Item 1

- 35.4 Contracts procured under the EU Regulations **must not** be extended or varied without first consulting Legal Services and the Principal Procurement Officer.
- 35.5 The Authorised Officer shall always be satisfied that the variation will achieve Best Value for Money and is reasonable in all the relevant circumstances.
- 36. Termination of Contract**
- 36.1 For any contract exceeding £100,000 in value, termination shall be approved by the Executive Cabinet or Executive Cabinet Portfolio Member. In emergency situations, the relevant Director may authorise termination of Higher Value Contracts. In this case, full details including the reason for the contract termination shall be reported back to Council at a later date.
- 36.2 Contracts of a lesser value than £100,000 may be terminated early by agreement prior to the expiry date or in accordance with the termination provisions set out in the contract. Legal advice should be sought as appropriate.
- 37. Disposing of surplus goods**
- 37.1 Heads of Service are responsible for the disposal of their own surplus goods and shall make adequate and safe arrangements to do so.
- 37.2 An appropriate competitive process shall be applied to the disposal of surplus goods, unless it has been agreed by the Head of Service that the goods in question are to be disposed of to a charitable/not-for-profit organisation, or disposal arrangements have been agreed within the original contract for purchase.
- 38 Concession Contracts**
- The rules apply to Concession Contracts (please refer to the Definitions at the back of this document). A simple example would be a concession to pitch an ice cream van and sell ice cream on council land.
- 39 Waivers of Contract Procedure Rules**
- 39.1 Waivers of any of these contract Procedure Rules shall only be given in exceptional circumstances and in all cases must make clear which rules are being waived and be justified because:
- the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of the Rules is justifiable; or
  - the contract is for works, supplies or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or
  - there are other circumstances which are genuinely exceptional and not of the Council's own making.
- 39.2 For Higher Value Procurements, approval for waivers to the Rules must be obtained from Cabinet.
- 39.3 For intermediate value procurements, Authorised Officers shall submit waiver requests which meet the requirements of this paragraph 39 via the electronic waiver request procedure located on Connect. On submission of the request, approval will be

# Agenda Item 1

automatically sought from the relevant Director, Legal and Financial services and the relevant Portfolio Holder, all of whom must approve the request for it to be fully approved.

39.4 Waivers may not be made retrospectively.

39.5 A contract award notice must be published on Contracts Finder for any contract awarded above £25,000 in value.

40. **Non-Compliance**

If it comes to the notice of an Authorised Officer that there has been non-compliance with these Contract Procedure Rules in respect of any contract for which s/he is responsible as the Authorised Officer of the procuring department, s/he shall without delay notify the Monitoring Officer who shall take such action as s/he deems necessary. Further if there is any discrepancy between the amount of the Contract Award and the amount actually paid then the matter should also be brought to the attention of the Monitoring Officer without further delay.

41. **Change of Authorised Officer**

If during the life of a contract there is a change in the Authorised officer who is leading on that particular contract then the outgoing officer should (wherever possible) ensure that the new Authorised Officer is fully briefed on all relevant issues relating to that contract.

42. **Review and Amendment of Contract Procedure Rules**

The Monitoring Officer is responsible for keeping the Rules under review (with a formal review and if necessary, revision every three years) and monitoring compliance.

43. **Emergency Procedures**

Where a need for urgent action arises between meetings of the Cabinet, but is not considered sufficient justification for calling a special meeting, such decision may be taken by the Chief Executive (or other designated officer) in accordance with the requirements of Standing Order Number 38 of the Council's Procedure Rules (standing Orders). Officers should refer to the Constitution or contact Legal Services for further advice and information.

# Agenda Item 1

## DEFINITIONS

### **“Annual Procurement Plan”**

A plan identifying major projects so that appropriate resources can be identified. It also provides a basis for PINs and other information provided to suppliers to give advance notice of bidding opportunities.

### **“Authorised Officer”**

An Authorised Officer of the Council with appropriate delegated authority to act on the Council’s behalf in accordance with the Constitution.

### **“Best Value for Money”**

The optimum combination of whole life costs and benefits to meet the customer’s requirement. Such term equates to the EU procurement requirement “most economically advantageous offer”.

- **“Council”**

“Council” means South Ribble Borough Council.

### **“Concession Contract”**

A concession contract is used where the Council wishes to engage a party to provide a service, consideration for which is in the form of the party (“the concessionaire”) being given a right to charge the public for the services being provided. A simple example would be a concession to pitch an ice cream van and sell ice cream on council land. If unsure as to whether a proposed contract would come within the scope of this definition please consult with the Legal Services Manager.

### **“Contracts Finder”**

Contracts Finder is the Government’s one stop shop for suppliers to find new procurement opportunities totally free of charge, specifically referred to in the 2015 Public Procurement Regulations

### **“Contracts/Transparency Register”**

A register held and maintained by the Principal Procurement Officer containing details of contracts entered into by the Authority.

### **“Framework Agreement”**

An agreement which allows the Council to call off from a supplier to provide supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a non-binding offer with no obligations on the Authority to call off from the Supplier. If the Council calls off from the Supplier a binding contract comes into being. A Framework Agreement can be a binding agreement where it is executed as a deed.

### **“Grant Funded Contract”**

shall mean a contract which is procured by the Council and is funded or part funded by grant monies.

### **“ITN”**

Invitation to negotiate.

### **“ITT”**

Invitation to tender.

### **“Key Decision”**

A key decision is defined as any decision in relation to a Cabinet function which is likely:

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant. The financial threshold above which expenditure/savings become significant is

# Agenda Item 1

set at £100,000. This financial threshold is applicable to both the revenue and capital budgets.

- (b) to be significant in terms of its effect on the communities living in an area comprising two or more Council wards.

## **“Legal Services Manager”**

Legal Services Manager or authorised deputy.

## **“Local Supplier”**

Any Supplier within the South Ribble borough or any neighbouring borough.

## **“Most Economically Advantageous Offer”**

From the Council’s perspective the most economically advantageous offer from a Supplier assessed by reference to relevant evaluation criteria linked to the subject matter of the contract in question for example, quality, price, technical merit, aesthetic and functional characteristics, running costs, cost effectiveness, after sales service and technical assistance, delivery date and delivery period or period of completion.

## **“OJEU”**

Official Journal of the European Union.

## **“PIN”**

Prior information Notice for publication in OJEU

## **“Principal Procurement Officer”**

Principal Procurement Officer or Authorised Deputy

## **PURCHASING CONSORTIUM**

A group of public sector bodies which aggregate their requirements and by doing so exact greater leverage from the market. With the agreement of suppliers, if permissible, the consortium may offer its contracts to other local authorities or public bodies.

## **“Regulations”**

The Public Contracts Regulations implementing the EU public procurement directives in to UK legislation;

## **“RFQ”**

Request for quotations.

## **“STANDING OR APPROVED LISTS OF CONTRACTORS”**

A method of procurement where a list of suppliers is drawn up in response to an advertisement in the relevant trade/local press/ website(s). The potential contractors are vetted using the responses to the Pre-Qualification Questionnaire (PQQ) and the list is then used to select specific suppliers for individual contracts. Care needs to be taken to ensure that the list is carefully managed so that it does not become out dated and that it fully represents the range of innovative solutions that may be available in the market.

## **“Supplier”**

Any person or body of persons providing, or seeking to provide, supplies, services or works to the Council.

# Agenda Item 1

## **4I OFFICER EMPLOYMENT PROCEDURE RULES**

### **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

#### (a) 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.



# Agenda Item 1

## 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.

-

# Agenda Item 1

## 4J STANDARDS COMMITTEE PROCEDURE RULES

### SOUTH RIBBLE BOROUGH COUNCIL

#### INVESTIGATION AND HEARING PROCEDURE

#### ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT THE CODE OF CONDUCT FOR MEMBERS

##### 1. Introduction

1. This procedure applies when a complaint is received that a Member, Co-opted Member or Parish Member has or may have failed to comply with the Code of Conduct for Members.
2. The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member.”
3. No Member or Officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter.

##### 2. Making a complaint

A complaint must be made in writing by post or email to: –

David Whelan  
Monitoring Officer  
South Ribble Borough Council  
Civic Centre  
Leyland  
PR25 1DH

OR

david.whelan@southribble.gov.uk

1. The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it.
2. Details of the complaint will initially be given (either verbally or in writing) to the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council as well).
3. The Subject Member may within 7 working days of the date of the letter of notification either reply verbally to the Monitoring Officer or make written representations which he must take into account when deciding how the complaint will be dealt with. Representations received after this time will not be taken into account unless the Monitoring Officer considers it appropriate to do so.

##### 3. Initial Assessment

The Monitoring Officer will carry out the initial assessment of any complaint. This will normally be in conjunction with one of our Independent Persons. The Assessment will have regard to our Assessment Criteria – please see the Appendix A to this policy.

# Agenda Item 1

Where the Monitoring Officer considers it to be appropriate he or she may refer the initial complaint to the Hearing Panel (please see paragraph 9) for determination. Please see Appendix C to this document for details of the procedure to be followed.

## **4. Maintenance of Confidentiality by Members**

Any Member involved in a complaint – whether as Complainant, Subject Member or Witness – is strongly recommended not to speak to the Press about the complaint (or to discuss it on social media) whilst that complaint is still being dealt with by the Monitoring Officer and/or Standards Committee

## **5. Informal Resolution**

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps. Please see the Assessment Criteria for more information about informal resolution.

Where the Subject Member makes a reasonable offer of informal resolution the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authorities.

The Monitoring Officer will endeavour to seek resolution of complaints without formal investigation wherever practicable.

## **6. Investigation**

If the Monitoring Officer decides that a complaint merits formal investigation then he may appoint an Investigating Officer.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to the Complainant and to the Subject Member, for comments. The Investigating Officer will take such comments into account, before issuing their final report to the Monitoring Officer.

## **7. Investigating Officer finding of insufficient evidence of failure to comply with the Code of Conduct**

The Monitoring Officer will review the Investigating Officer's report and, if satisfied with the report, will make a Confirmation Decision to confirm the finding of no failure to comply with the Code of Conduct and will close the matter.

The Monitoring Officer will write to the Complainant and the Subject Member (and to the Clerk of the Parish Council, where the complaint relates to a Parish Councillor), with a copy of the Confirmation Decision and the Investigating Officer's final report. A copy will also be provided to the Independent Person.

If the Monitoring Officer is not satisfied that the investigation has been conducted satisfactorily, he may ask the Investigating Officer to reconsider their report and conclusion.

# Agenda Item 1

## **8. Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct**

The Monitoring Officer will review the Investigating Officer's report and if satisfied that the investigation has been conducted satisfactorily will then either send the matter to be considered by a Hearings Panel (see paragraph 9 below) or, after consulting with the Independent Person and the Complainant, seek Informal Resolution.

Where, in the opinion of the Monitoring Officer, Informal Resolution is not appropriate or the Complainant and/or Subject Member refuse to co-operate, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel for their consideration and determination.

## **9. Hearings Panel**

The Hearings Panel will consist of either the full Standards Committee or a sub-committee of that committee. In addition the Standards Committee is able to appoint Parish Councillors as non-voting co-opted members of the Panel. Composition of any sub-committee will be considered on a case by case basis -the Monitoring officer will have the authority to determine the membership of that sub-committee.

The Independent Persons are invited to attend all meetings of the Hearings Panel and their views must be sought and taken into consideration before the Hearings Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **10. The Independent Person(s)**

The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of Council at a meeting of the Full Council.

The Council currently has two such Independent Persons. Subject members may take advice from an Independent Person.

The detailed rules relating to who can be an Independent Person are set out in the Localism Act 2011.

## **11. Hearing Procedure**

The Council has agreed a procedure for local hearings which is attached as Appendix B to these arrangements.

## **12. Action the Hearings Panel may take where a Member has failed to comply with the Code of Conduct**

Where a Hearings Panel find that a member has failed to comply with the Code of Conduct, the Hearings Panel may –

- 12.1 Publish its findings in respect of the Member's conduct;
- 12.2 Report its findings to Council (or to the Parish Council) for information;
- 12.3 Censure;

# Agenda Item 1

12.4 Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;

12.5 Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from their Portfolio responsibilities;

12.6 Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member;

12.7 Recommend to Council or Parish Council that the Member be removed from all outside body appointments to which they have been appointed or nominated by the Council (or by the Parish Council);

12.8 Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or

12.9 Exclude (or recommend that the Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

12.10 Any sanction imposed by the Hearings Panel shall commence immediately unless the Hearings Panel directs that a sanction shall commence on another date within six months from the imposition of the sanction.

12.11 In deciding to impose a sanction the Hearings Panel shall consider all relevant circumstances and seek the views of the Independent Person.

12.12 The Chairman should normally announce the decision of the Hearings Panel at the hearing. Written confirmation of the findings of the Hearings Panel should be given as soon as is reasonably practicable to the Subject Member, Independent Person, Standards Committee of any other authority concerned, any parish council concerned, and any person who made an allegation that gave rise to the investigation.

12.13 The Hearings Panel and/or Standards Committee may consider making any recommendations to the authority concerned with a view to promote and maintain higher standards of conduct among its members.

## **13. Revision of these arrangements**

The Monitoring Officer in consultation with the Chair of Standards Committee may amend these arrangements at any time. For the sake of clarity the Chair of Standards Committee (or the Chair of a particular Hearings Panel) may vary from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **14. Appeals**

Subject to Judicial Review, or a decision of the Local Government Ombudsman, there is no right of appeal against a decision of the Monitoring Officer or of the Hearings Panel.

# Agenda Item 1

## APPENDIX A

### COMPLAINTS AGAINST MEMBERS SOUTH RIBBLE BOROUGH COUNCIL ASSESSMENT CRITERIA

#### 1. Initial Tests

Before any assessment of a complaint begins, the Monitoring Officer must be satisfied that the complaint meets the following tests:

- It is a written complaint against one or more named Members of South Ribble Borough Council or a Town or Parish Council within South Ribble Borough;
- The named member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
- The complaint, if proven, would be a breach of the Code.

If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code and the complainant will be informed that no further action will be taken in respect of the complaint.

#### 2. If the above tests are met the Monitoring Officer (normally in consultation with one of our Independent Persons) will have regard to the following criteria:

- Official capacity – was the member acting in an official capacity as an Elected Member of the Borough or a Town or Parish Council
- Adequate information – whether there is sufficient information to decide whether the complaint should be referred for investigation or other action?
- Vexatious – whether the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat
- Similar previous complaint(s) – whether a substantially similar allegation has previously made by the Complainant
- Lapse of Time - whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit in taking action now
- Seriousness - Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-
  - (i) The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations or;
  - (ii) Whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation
- Inexperience- whether it is apparent that the Member is relatively inexperienced, or has admitted making an error and the matter would not warrant a more serious sanction
- Wider problem – whether the complaint suggests that there is a wider problem throughout the authority which ought to be addressed on a more corporate basis
- Whether training or conciliation would be the appropriate response.

#### 3. Hearings Panel

# Agenda Item 1

The Monitoring Officer has the discretion to refer the initial assessment of a complaint to a Hearings Panel for their consideration. This could happen for instance in cases of particular complexity or sensitivity.

## 4. Confidentiality/Anonymity

If a Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the Initial Assessment stage.

As a matter of fairness and natural justice, the Member should usually be told who has complained about them and receive details of the complaint.

If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Member.

## 5. The Monitoring Officer (normally in consultation with one of our Independent Persons) has the option to make the following decisions on any complaint:

- **that no further action be taken in respect of the matter**
- **that the matter be referred to the Group Leader for Informal Action** – this will normally only be where the complaint relates to South Ribble Borough Councillors and will not generally be appropriate if the complaint is from a member of the public.
- **that the matter is referred for Informal Resolution or other action** – this enables less serious complaints to be resolved speedily and cost effectively. Informal action may include an apology, training and mediation. The matter may subsequently be referred for formal investigation should it become apparent that the issues are more serious than was originally anticipated.
- **that the matter is referred for formal Investigation by an Investigator-** this enables the most serious allegations to be thoroughly investigated.
- **refer to Hearings Panel** – ordinarily a complaint will only be referred to a Hearing Panel after a full investigation has been carried out; however, the Monitoring Officer also has a discretion to refer initial complaints to the Panel for determination
- **That the matter is referred to the Police or other relevant Regulatory Agency** – this would be appropriate where it appears a criminal offence or breach of regulations may have taken place and in particular any failure to declare a Disclosable Pecuniary Interest under s 30 -31 of the Localism Act 2011.

# Agenda Item 1

## APPENDIX B

### COMPLAINTS AGAINST MEMBERS SOUTH RIBBLE BOROUGH COUNCIL HEARINGS PROCEDURE

#### Stage 1: Setting the scene

1. Any hearing will either be before the full Standards Committee or a duly appointed Hearing Panel. Any reference to "Panel" in this procedure also refers to the Committee if the full Committee is sitting.
2. After everyone involved has been formally introduced, the Chair will explain how the Panel is going to run the hearing.
3. The Chair will introduce the Independent Person(s) and explain that whilst they do not have a decision making role they are present to provide an independent view which the Panel are obliged to consider.
4. The Subject Member may be represented or accompanied at the meeting by a solicitor or barrister, or with the permission of the Panel, another person.
5. The Chair will ensure that the Subject Member (the member the subject of the complaint) is ready and happy to proceed. If the Subject Member indicates that they are not ready, they must give reasons why. The Committee will decide whether the hearing should proceed and must act reasonably in coming to that decision.
6. If the Subject Member is not present at the start of the hearing:
  - The Chairman should ask the Monitoring Officer whether the Subject Member has indicated his/her intention not to attend the Hearing
  - The Panel should then consider any reasons which the Subject Member has provided for not attending the Hearing and should decide whether it is satisfied that there is sufficient reason for such failure to attend
  - If the Panel is satisfied with such reasons, it should adjourn the Hearing to another date
  - If the Panel is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Hearings Panel should decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the Hearing to another date.
7. With the permission of the Panel witnesses may give evidence either on behalf of the Investigator or on behalf of the Subject Member.

#### Stage 2: Making findings of fact

8. The Panel will ask the Subject Member whether there are any significant disagreements about the facts contained in the Investigating Officer's report. If there is no disagreement about the facts, the Panel can move on to Stage 3.
9. If the Subject Member disagrees with any relevant fact in the Investigating Officer's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. A Subject Member would be expected to give at least 7 days' notice to the Monitoring Officer of any such disagreement with any relevant fact.
10. After considering the Subject Member's explanation for not raising the issue at an earlier stage, the Panel may then:



# Agenda Item 1

- continue with the hearing, relying on the information in the Investigating Officer's report
  - allow the Subject Member to make representations about the issue, and invite the Investigating Officer to respond
  - postpone the hearing to allow the Investigating Officer to consider and investigate the new issue.
11. Where prior notice of any disagreement has been given the Investigating Officer, will be invited to make representations on the challenged facts.
  12. The Subject Member will then have the opportunity to make appropriate representations.
  13. At any time, the Panel may question the Investigating Officer or the Subject Member.
  14. The Panel will usually move to another room to consider the representations and evidence in private. Also present will be the Monitoring Officer, the Independent Person and a Democratic Services Officer. On their return, the Chair will announce the Panel's findings of fact.

## **Stage 3: Did the Subject member fail to follow the Code of Conduct?**

15. Having made the finding on the facts the Panel will then consider whether the Subject Member has failed to follow the Code.
16. The Subject Member should be invited to give relevant reasons why the Panel should decide that they have not failed to follow the Code.
17. The Panel should then consider any verbal or written representations from the Investigating Officer.
18. The Panel may, at any time, question anyone involved on any point they raise on their representations.
19. The Subject Member should be invited to make any final relevant points.
20. The Panel will then move to another room to consider the representations. The Monitoring Officer, the Independent Person and a Democratic Services Officer will accompany them. The views of the Independent Person should be sought and considered by the Panel. Where the Panel depart from the view of the Independent Person they should record the reasons why.
21. On their return, the Chair will announce the Panel's decision as to whether the Subject Member has failed to follow the Code.
22. If the Panel decides that the Subject Member has not failed to follow the Code, the Panel will inform the Subject Member accordingly.
23. If the Panel decides that the Subject Member has failed to follow the Code, it will consider any verbal or written representations from the Investigating Officer and the Subject Member as to:
  - whether the Panel should apply a sanction
  - what form any sanction should take
24. The Panel may question the Investigating Officer and Subject Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.

# Agenda Item 1

25. The Panel will then retire with the Monitoring Officer, the Independent Person and a Democratic Services Officer. They will consider whether to impose a sanction on the Member and, if so, what sanction it should be. The Independent Person will not be able to participate in making the decision (i.e. vote) but their views must be considered by the Panel. Where the Panel depart from the Independent Person's views they must record reasons why.
26. The Panel will be limited to the sanctions listed in the procedure for the administration of complaints. The Panel must ensure that any sanction is reasonable and proportionate to the breach.
27. On their return, the Chair will announce the Panel's decision.

# Agenda Item 1

## APPENDIX C

### INITIAL ASSESSMENT HEARING PANEL: PROCEDURE

#### Introduction

The Monitoring Officer has the discretion to refer the initial assessment of a complaint to a Hearing Panel for their consideration. This may be appropriate, for example in cases of particular complexity or sensitivity.

Referrals will only be made where the Monitoring Officer is satisfied that initial tests set out in the assessment criteria have been met and has considered any request that the complainant's identity should be withheld.

The Council's Independent Person will be present at any Panel Hearing.

#### Procedure

1. Any hearing to undertake an initial assessment of a complaint referred to the Hearings Panel will be held in private session. Neither the complainant nor the subject member will be present. Any decision will be reached on the basis of the papers which have been circulated in advance to the Panel. These will consist of:
  - the written complaint
  - any written representations from the subject member
2. The Chairman will outline the procedure the Panel will follow and explain that the Council's Independent Person is present to provide an independent view which the Panel are obliged to consider, but does not have a formal decision making role.
3. In reaching a decision the Panel must have regard to the criteria set out in the Council's Assessment Criteria. The Chairman will ensure that each criteria is considered in turn and views sought, including those of the Independent Person and any advisor to the Panel.
4. In accordance with the Council's Assessment Criteria the Panel has the option to make any of the following decisions on the complaint:
  - that no further action be taken
  - that the matter be referred to the Group Leader for Informal Action
  - that the matter is referred for Informal Resolution or other action
  - that the matter is referred for Formal Investigation by an Investigator
  - that the matter is referred to the Police or other relevant Regulatory Agency
5. In reaching a decision on any complaint the Chairman must ensure the views of the Independent Person are taken into account. If the Panel departs from the views of the Independent Person they should record why.
6. Both the subject member and the complainant should be informed in writing of the outcome of the Panel Hearing within 2 working days.

# Agenda Item 1

## **4K) - Temporary Changes Due to COVID-19 Pandemic - Public Participation**

The following temporary changes are in place and override other provisions elsewhere in the Council's constitution (agreed 22 July 2020).

### **1. Public Participation at Council and Committees (excluding Planning Committee and Licensing Committee)**

- a) The general public should not have the right to speak at Council and Committees with the exception of Planning Committee and Licensing Committee (see below).
- b) Members of the public have the right to submit any written questions based on agenda items for that particular meeting.
- c) Written questions should be submitted at least 2 days before the meeting in question – i.e. for a Wednesday meeting any questions any should be submitted to the council by noon on the preceding Monday.

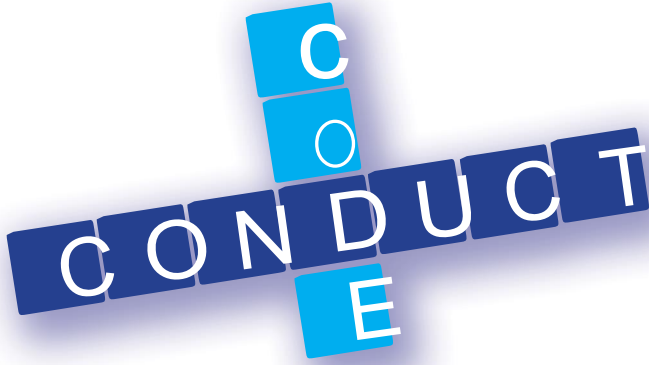
### **2. Public Participation at Planning Committee**

- a) Public participation at Planning Committee is allowed with up to 3 people against and 3 people for a planning application, each being allocated up to 4 minutes to speak.
- b) Any person wishing to speak must register their interest 2 days before the meeting in question – for example by noon on the Monday for a meeting on Wednesday of the same week.
- c) Any public speaking is to be via Microsoft Teams.

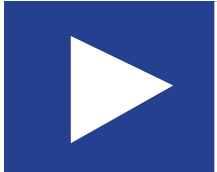
### **3. Public Participation at Licensing Committee**

- a) Public participation at Licensing Committee for public items will be allowed with up to 3 people against and 3 people for an application, each being allocated up to 4 minutes to speak.
- b) Any person wishing to speak must register their interest 2 days before the meeting in question – for example by noon on the Monday for a meeting on Wednesday of the same week.
- c) Any public speaking is to be via Microsoft Teams.
- d) The above is subject to any changes that may be necessary if there is a hearing under the provisions of the Licensing Act 2003.

# Agenda Item 1



## MEMBERS CODE OF CONDUCT



## SOUTH RIBBLE BOROUGH COUNCIL CODE OF CONDUCT FOR ELECTED MEMBERS

### INDEX

	PAGE
A. INTRODUCTION	2
B. THE SEVEN PRINCIPLES OF PUBLIC LIFE	3
C. GENERAL OBLIGATIONS	4
D. DISCLOSABLE PECUNIARY INTERESTS	5
• Notification of Disclosable Pecuniary Interests	5
• Sensitive Interests	5
• Effect of Disclosable Pecuniary Interests on participation in meetings	5
• Dispensations	6
• Criminal Sanctions	6
E. OTHER INTERESTS	6
• Notification of Other Interests	7
• Effect of disclosure of Other Interests on participation in meetings	7
• Non participation in case of certain other interests	7
F. REGISTRATION OF INTERESTS	8
G. INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES	8
H. REGISTER OF GIFTS AND HOSPITALITY	9
I. STATUTORY DEFINITION OF DISCLOSABLE PECUNIARY INTERESTS	9
J. GLOSSARY	11

# Agenda Item 1



## A. INTRODUCTION

- 1 This Code replaces the previous Code of Conduct for All Members and was adopted at the meeting of South Ribble Borough Council on 18 July 2012 and was reviewed and updated by Council on 24 May 2017. This Code is in accordance with the requirements of the Localism Act 2011.
- 2 This Code applies to **you** as a member of the Council in all aspects of your public life and not when you are acting purely in a private and personal capacity.
- 3 All members are expected to follow this Code when they are conducting the work of the Council, or representing the Council, on any external organisation, and otherwise acting in their official capacity.
- 4 Where you act as a representative of the Council
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 5 You should read this Code together with the seven principles listed in Section B.
- 6 It is your responsibility to comply with the provisions of this Code. Members have a responsibility to ensure that they comply with the Code of Conduct in all respects. They should regularly review their personal circumstances and intended actions in the context of the Code.
- 7 The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code, the Council's Constitution, as well as such other legal obligations and all relevant Council Policies as may apply to them from time to time.
- 8 Members should not do anything in their capacity as councillors, which they could not justify to the public or could not justify by law. Members' conduct and what the public believe about their conduct will affect the reputation and credibility of Members and the Council as a whole.
- 9 You should always conduct yourselves in a way which will maintain and strengthen the public's trust and confidence in the integrity of this Council and should never undertake any action which would bring this Authority, or its Members and Officers generally, into disrepute.
- 10 It is not enough to avoid impropriety; perception is also important. Members should at all times avoid any occasion for suspicion and any appearance of improper conduct.
- 11 If in doubt, Members should seek advice from the Monitoring Officer or Deputy Monitoring Officer, but the final decision and responsibility on how to act rests with Members themselves.
- 12 **Failure to comply with the Code of Conduct may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.**
- 13 South Ribble Borough Council has adopted an Investigation and Hearings Procedure which it will follow to consider any allegations of breach of this Code.

# Agenda Item 1



## B. THE SEVEN PRINCIPLES OF PUBLIC LIFE

The Principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

### Selflessness

Holders of public office should act solely in terms of the public interest.

### Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### Honesty

Holders of public office should be truthful.

### Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

# Agenda Item 1



## C. GENERAL OBLIGATIONS

- 1 You should always treat others with respect.
- 2 You must not—
  - (a) do anything which may cause your authority to breach any of the equality enactments;
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be—
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, this Council.
- 3 You must not—
  - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
    - (i) you have the consent of a person authorised to give it;
    - (ii) you are required by law to do so;
    - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
    - (iv) the disclosure is—
      - reasonable and in the public interest; and
      - made in good faith and in compliance with the reasonable requirements of the authority; or
  - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 4 You—
  - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of your authority
    - (i) act in accordance with your authority's reasonable requirements;
    - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 5 (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
  - (a) your authority's chief finance officer; or
  - (b) your authority's monitoring officer.

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



# Agenda Item 1



## D. DISCLOSABLE PECUNIARY INTERESTS

- 1 Section I sets out in detail what is considered to be a Disclosable Pecuniary Interest.
- 2 A 'disclosable pecuniary interest' relates to an interest of both yourself and your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners).

### Notification of disclosable pecuniary interest

- 3 Within 28 days of either the adoption of this code, becoming a member, co-opted member, Town or Parish Councillor (whichever is the earliest), you must notify the Monitoring Officer in writing of any 'disclosable pecuniary interests'.
- 4 Following initial disclosure, you must notify the Monitoring Officer within 28 days of becoming aware of any changes to a disclosable pecuniary interest previously notified or of any new disclosable pecuniary interest not previously notified.
- 5 **Failure to make proper disclosure may result in criminal sanctions being brought against you** (See Criminal Sanctions P6 Section D12).
- 6 Details of your interests including any disclosable pecuniary interests will be kept on a central register which will be published on the Council's website and be available for public inspection.

### Sensitive interests

- 7 Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation if the interest is entered on the register (and the Monitoring Officer agrees), copies of the register that are made available for inspection and any published version of the register will exclude details of that interest, but may state that you have a disclosable pecuniary interest but the details of which will be withheld under Section 32(2) of the Localism Act 2011.

### Effect of disclosable pecuniary interests on participation in meetings

- 8 If a disclosable pecuniary interest has been entered on to the Council's register
  - You must state at the start of the meeting or as soon as possible after becoming aware of the fact that you have a disclosable pecuniary interest in the business being considered that you have such an interest.
- 9 If a disclosable pecuniary interest has NOT been entered on to the Council's register
  - You must state at the start of the meeting or as soon as possible after becoming aware that you have a disclosable pecuniary interest in the business being considered that you have such an interest AND (unless it is a "sensitive interest" – see above) what that disclosable pecuniary interest is.
  - You must then inform the Monitoring Officer (within 28 days of the meeting) of the previously undisclosed disclosable pecuniary interest details of which will then be published on the register.

# Agenda Item 1

- 10 IN BOTH CASES i.e. as outlined in paragraph 8 & 9 above (unless dispensation has been granted):
- You must immediately cease to have any further involvement in the rest of the matter being considered.
  - You must not participate in any discussion of, vote on or discharge any function related to any matter in which you have a disclosable pecuniary interest.
  - You must leave the room or chamber where the matter is being discussed.

## Dispensations

- 11 The Standards Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

## Criminal Sanctions

- 12 It is a **criminal offence** to :
- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
  - Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
  - Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
  - Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
  - As a member discharging a function, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
  - Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding £5000 and disqualification from being a councillor for up to 5 years.



## E. OTHER INTERESTS

- 1 Apart from Disclosable Pecuniary Interests there may also be other interests, whether they be financial or otherwise, which should be disclosed to the Monitoring Officer or a member of Legal or Democratic services (who may enter the details in the register) and which should be declared at the beginning of any meeting or as soon as possible on discovery that such an interest arises where that interest potentially conflicts with the business being discussed.
- 2 Depending on the significance of the other interests it may also be necessary, especially if the interest may give rise to a perception of a conflict of interest in the matter under discussion, to declare that interest, state your point of view if you wish to and then leave the room and take no further part in the matter under consideration.

# Agenda Item 1

## Notification of Other Interests

- 3 In addition to the disclosure of Disclosable Pecuniary Interests you must, within 28 days of either the adoption of this code, becoming a member, co-opted member, Town or Parish Councillor (whichever is the earliest), notify the Monitoring Officer in writing of the details of your interests within the following categories, for inclusion in the register of interests:
- (a) Details of any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
  - (b) Details of any body exercising functions of a public nature, anybody directed to charitable purposes or anybody one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
  - (c) Details of any gift or hospitality with an estimated value of at least £25 that you have received in connection with your role as a member of the Council, and details of the donor (see below).
- 4 You must, within 28 days of becoming aware of any new interest or change to any interest registered under this paragraph notify the Monitoring Officer of the details of that new interest or change.

## Effect of disclosure of Other Interests on participation in meetings

- 5 If an Interest has been entered on to the Council's register
- You must state at the start of the meeting or as soon as possible after becoming aware that you have an interest in the business being considered that you have such an interest AND (unless it is a sensitive interest – see above) what that interest is.
- 6 If the interest has NOT been entered on to the Council's register
- You should then inform the Monitoring Officer or a member of Democratic or Legal services (within 28 days of the meeting) of the previously undisclosed interest details of which may then be published on the register.
- 7 You have an interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a member of your family or any person with whom you have a close association.
- 8 Where you have an interest in any business of the authority of the type mentioned in Section H, (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 9 Where you have an interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

## Non participation in case of certain other interests

- 10 Where you have an interest in any business of your authority (other than a disclosable pecuniary interest) **AND** the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest **AND** where that business:

# Agenda Item 1

- (a) affects your financial position or the financial position of a person or body through whom the interest arises ;or
- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises,

you may make representations on the matter being discussed at the meeting, but you cannot vote. In addition, once you have made your declaration and representation (if any) you are required to leave the room where the meeting is held while any discussion or voting takes place.

- 11 Where you have an interest in any business of your authority to which paragraph 10 above applies, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and provided that you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 12 For the sake of clarity you may attend a meeting and vote on a matter that relates to the functions of your authority in respect of—
  - (i) an allowance, payment or indemnity given to members;
  - (ii) any ceremonial honour given to members; and
  - (iii) setting council tax or a precept under the Local Government Finance Act 1992.
- 13 There are situations where, as a member, you may discharge a function on your own for example when working out on your ward. If whilst doing so you become aware of either a disclosable pecuniary interest or an interest under paragraph 10 above in relation to the matter you are dealing with you must not take any steps or further steps in relation to that matter, or seek improperly to influence a decision about the matter and must inform the Monitoring Officer (in writing) as soon as possible after becoming aware of the said interest.



## F. REGISTRATION OF INTERESTS

- 1 Any interests notified to the Monitoring Officer will be included in the register of interests.
- 2 A copy of the register will be available for public inspection and will be published on the authority's website.
- 3 The requirement to disclose such interests only applies where you are aware or ought reasonably to be aware of the existence of such an interest.
- 4 If a member has a sensitive interest (see Section D7 above) details of the fact they have an interest but not what the interest is will be entered on the Register.



## G. INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES

- 1 You also have an interest in any business before a scrutiny committee of this authority (or of a sub-committee of such a committee) where:
  - (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's Cabinet or another of your authority's committees, sub- committees, joint committees or joint sub-committees; and

# Agenda Item 1

- (b) at the time the decision was made or action was taken, you were a member of the cabinet, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.
- 2 Where you have such an interest as is described in the preceding paragraph in any business of this authority, you may attend a meeting (including a meeting of the scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.



## H. REGISTER OF GIFTS AND HOSPITALITY

- 1 You must register any gifts or hospitality received in connection with your official duties as a Member worth £25 or over within 28 days of receiving it.
- 2 You must also register the donor of the gift or hospitality.
- 3 You should register an accumulation of small gifts you receive from the same donor over a short period of time that add up to £25 or more.
- 4 If you don't know the value of a gift it would be good practice to register it anyway.
- 5 It is good practice to also register gifts or hospitality you do not accept.
- 6 Ask yourself "Have I been given this because I am a member?" if the answer is "yes" then you must register the item.



## I. STATUTORY DEFINITION OF DISCLOSABLE PECUNIARY INTERESTS

Section 30 of the Act introduces the concept of Disclosable Pecuniary Interest which a member is expected to declare within specific timescales.

The Act states that it is a criminal offence to fail to notify the monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have a disclosable pecuniary interest, without excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the Monitoring Officer.

If any member is in any doubt as to their position you should contact the Monitoring Officer, Democratic Services or Legal Services for assistance.

A 'disclosable pecuniary interest' is an interest of you or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'you' and 'relevant person' means you and your partner, as above).

# Agenda Item 1

SUBJECT	PRESCRIBED DESCRIPTION
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from this authority) made or provided within the relevant period in respect of any expenses incurred by you carrying out duties as a member, or towards the election expenses of you or your partner. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and this authority—  (a) under which goods or services are to be provided or works are to be executed; and  (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of this authority for a month or longer.
Corporate tenancies	Any tenancy where (to yours or your partners knowledge)—  (a) this authority is the landlord; and  (b) the tenant is a body in which you or your partner have a beneficial interest.
Securities	Any beneficial interest in securities of a body where—  (a) that body (to your knowledge) has a place of business or land in the area of your relevant authority; and  (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

See Glossary for definitions

# Agenda Item 1



## J. GLOSSARY

1 In this Code—

“**authority or council**” means South Ribble Borough Council or any Parish or Town Council within the South Ribble area that has decided to adopt this Code

“**Code**” means this Code of Conduct

“**meeting**” means any meeting of—

- (a) South Ribble Borough Council;
- (b) the executive of South Ribble Borough Council;
- (c) any of South Ribble Borough Council’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or My Neighbourhood Forums;
- (d) Parish or Town Council meetings

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

“**member**” means a councillor of South Ribble Borough Council and any councillor on a Parish or Town Council within the South Ribble area that has adopted this Code. For the sake of clarity it includes a co-opted member and an appointed member.

“**register of members interests**” means the authority’s register of members’ pecuniary and other interests established and maintained by this authority’s monitoring officer under section 29 Localism Act 2011

“**the Act**” means the Localism Act 2011;

“**body in which the relevant person has a beneficial interest**” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“**director**” includes a member of the committee of management of an industrial and provident society;

“**land**” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“**relevant authority**” means the authority of which you are a member;

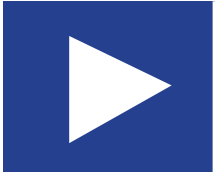
“**relevant period**” means the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“**relevant person**” means you or any other person referred to in section 30(3)(b) of the Act;

“**securities**” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.



# Agenda Item 1



## SOUTH RIBBLE BOROUGH COUNCIL GUIDANCE FOR MEMBERS ON CODE OF CONDUCT

This document has been produced to **offer guidance on the Code of Conduct for Members adopted by South Ribble Borough Council** on 18 July 2012 and updated in May 2017. **The Code applies to all members and co-opted members of the Borough Council.**

Ultimately, it is members' responsibility to take specific advice from the Monitoring Officer where appropriate and to make a decision as to the most suitable course of action.



### SECTION A - INTRODUCTION

The Code applies to you whenever you act in your official capacity as a member or co-opted member of the authority.

This includes those occasions where you are conducting the work of the Council or representing the Council on any external organisation.

It does not apply when you are acting in purely a private and personal capacity.

The Code is not intended to be an exhaustive list of all the obligations that are placed on members and it is the responsibility of individual members to comply with the provisions of the Code, the Council's Constitution, relevant Council Policies and any other legal obligations which may apply.

Members conduct will affect the reputation and credibility of Members and the Council as a whole. This means that you should always act in a way which will maintain and strengthen public trust and confidence and never undertake any action which will affect the reputation of the Council itself or Members and Officers.



### SECTION B – THE GENERAL PRINCIPLES OF PUBLIC LIFE

The general principles of public life define the standards that members are expected to uphold. They apply to anyone who is elected or works as a public office holder.

The principles are:

- **Selflessness**
- **Integrity**
- **Objectivity**
- **Accountability**
- **Openness**
- **Honesty**
- **Leadership**

**A failure to act in accordance with these general principles may on itself amount to a breach of the Code of Conduct.**

Part Five – Page 2



# Agenda Item 1



## SECTION C - GENERAL OBLIGATIONS UNDER THE CODE

### 1. You should always treat others with respect

You must treat others with respect at all times.

In politics rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the politics and actions of their opponents. Criticism of ideas and opinion is part of democratic debate, and does not in itself amount to failing to treat someone with respect.

However, whilst ideas and policies may be robustly criticised, individuals should not be subject to unreasonable or excessive personal attacks. This particularly applies to dealing with the public and officers. Chairs of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct taking place.

Members should as far as possible treat people courteously and with consideration. Rude and offensive behaviour lowers the public's expectations and can affect public confidence in elected representatives

### 2. You must not:

- **do anything which causes your authority to breach any of the equality enactments**
- **bully any person**
- **intimidate any complainant, witness or anyone involved in any investigation that a member has failed to comply with the Code**
- **do anything which compromises the impartiality of anyone working for the Council**

You must not do anything which may cause the Council to breach any equality laws. You must be careful not to act in any way which may amount to any of the prohibited forms of discrimination, or anything which hinders the Council's fulfilment of its positive duties under equality laws.

As a member your actions and behaviours are subject to greater scrutiny than ordinary members of the public. You should be aware your actions might have an adverse impact on your office or your authority. Threatening, bullying or intimidating behaviour in your role as a member may bring the authority into disrepute and result in a breach of the Code.

You must respect the impartiality and integrity of the Councils statutory officers and its other employees. You should not approach or pressure anyone who works for Council to carry out their duties in a biased or partisan way. Officers must be neutral and should not be coerced or persuaded to act in a way which would undermine their neutrality. As an example you should not ask officers to help prepare party political material or help with matters relating to your private business.

Members may robustly question officers to understand, for example their reason for acting in a particular way, or the content of a report they have written, but you must not try and force them to act differently, change their professional advice, or alter the content of that report, if doing so would prejudice their professional integrity.

# Agenda Item 1

## 3. You must not:

- **disclose information given or acquired in confidence except in very specific and limited circumstances**
- **prevent anyone else gaining access to information to which they are entitled by law**

As a general rule you must not disclose confidential information as doing so could be prejudicial to effective decision making and could damage the reputation of the Council in the eyes of those who wish to do business with it, as being a place which cannot be trusted to respect confidential or commercially sensitive information.

In certain very limited circumstances you may be justified in disclosing confidential information, these are:

- You have the consent of the person authorised to give it
- You are required by law to do so
- The disclosure is made to a third party for the purpose of obtaining professional advice ( for example your lawyer or professional adviser) provided that person agrees not to disclose the information to any other person
- The disclosure is in the public interest (this is only justified in limited circumstances)

However, these circumstances are very rare and particularly if you feel that disclosure may be in the public interest should raise your concerns with the Monitoring Officer in the first place. The courts have considered in what circumstances this may be justified and a careful balancing exercise is required to determine whether disclosure is appropriate.

Equally you must take care to ensure that the Council is open and transparent as far as possible and should not prevent or try to dissuade anyone from gaining access to information to which they are legally entitled.

## 4. You must not:

- **use your position as a member improperly to gain an advantage for yourself or a third party, or act to their detriment**
- **use the Council's resources improperly or for party political purposes breach**
- **any requirements of the Local Authority's Code of Publicity**

Care must be taken to ensure that you act solely in the public interest and that you never act improperly to gain an advantage or any financial or material benefit for yourself or any third party including any relative, friend, close associate, your employer or a business carried on by yourself. Nor must you act in any way which would be to the detriment or disadvantage of anyone you know.

You must also be careful to ensure that any resources which the Council gives you so that you can carry out your role as an elected member are only used for that purpose. This will include mobile phones, laptops and tablets as well as use of Council accommodation and support from staff. The Council may from time to time issue guidelines on the use of Council resources and you should ensure that you are familiar with the latest advice.

You should never use the Council's resources for purely party political purposes, including designing and distributing party political material produced for publicity purposes.

# Agenda Item 1

- 5. When reaching any decision on any issue you must have regard to the advice of the chief finance (s151) officer and monitoring officer and be able to give reasons for all decisions taken**

You must consider carefully any professional advice from the Council's Chief Finance or Monitoring Officer before you reach a decision. These statutory officers have the legal responsibility to ensure that the Council acts lawfully and within its financial constraints and occasionally this may mean that there is a need to issue professional advice which may be unpalatable from a political perspective. It is important to respect both their professional integrity and independence given the responsibilities they carry.

In the interests of good governance you should also be prepared to give reasons for any decision that you reach.



## SECTION D – DISCLOSABLE PECUNIARY INTERESTS

**You have two types of interests that you must register under the Code:**

- **Disclosable Pecuniary Interests (DPI)**
- **Other Registrable Interests (including gifts and hospitality)**

Disclosable Pecuniary Interests are set out in Section I to the Code and must be notified to the Monitoring Officer within 28 days of being elected. You must keep your register updated and add new or any amended DPI's within 28 days of any change.

Failure to register or declare them is a criminal offence and you may be liable to be fined up to a maximum of £5000 or be disqualified from acting as a Councillor for up to 5 years.

**A Disclosable Pecuniary Interest relates to an interest of yourself or your partner in any of the following:**

- **any employment, office, trade, profession or vocation carried on for profit or gain**
- **any payment or other financial benefit made towards expenses in carrying out your duties as a Member or election expenses**
- **any contract with the Council under which goods and services are provided or works are undertaken**
- **any land which you own or have a legal interest in within the South Ribble area**
- **any licence to occupy land in the South Ribble area for longer than 28 days**
- **any corporate tenancy with the Council where you have a legal interest in the body which holds the tenancy**
- **any interest you have in the shares or securities of a body which has a place of business in South Ribble areas with a nominal value of more than £25k or more than a 1/100th of the issued shares or securities. (If there are several classes of shares or securities, then the fraction of 1/100th applies to any of these classes)**

Please note that “partner” is defined as your spouse, civil partner or any person you are living with as husband or wife or as a civil partner.

# Agenda Item 1

## Sensitive Interests

If you are concerned that the disclosure of the details of any interest could lead to you, or someone connected to you, being subject to violence or intimidation and the Monitoring Officer agrees then a note of the interest will be made but full details will not be entered on the public register.

However, you will still need to disclose at any relevant meeting that you do have a DPI in the matter being considered.

A sensitive interest may include sensitive employment, such as certain scientific research or some investigatory roles where it is important that personal details remain confidential.

## When to declare a Disclosable Pecuniary Interest

If a DPI has been entered on the Council's register you must still declare at the start of the meeting (or as soon as possible once you realise) that you have such an interest.

If your DPI has not been entered on the register then you must state at the start of the meeting (or as soon as possible once you realise) that you have a DPI in the business before the meeting and you should also explain what the nature of the interest is. You should then inform the Monitoring Officer within 28 days of the meeting of the DPI so that it can be published on the register.

### **IN BOTH CASES you must:**

- immediately cease any involvement in the matter
- do not participate in any discussion or vote
- leave the room where the matter is being discussed

## Dispensation

In certain limited circumstances the Standards Committee may grant you a dispensation to enable you to participate in a meeting and vote on a matter even where you have a DPI. These circumstances include:

- unless a dispensation is granted a significant proportion of the members participating in the meeting will be prevented from doing so and this is likely to impact on the ability to deal with the meeting's business
- unless a dispensation is granted the representation of the different political groups on the body will be so upset that it is likely to alter the outcome of any vote on the issue
- without a dispensation no member of cabinet would be able to participate on the matter
- a dispensation is considered to be in the interests of persons living in the area
- there are other good reasons to grant a dispensation

You should speak to the Monitoring Officer for further assistance.

# Agenda Item 1



## SECTION E – OTHER INTERESTS

There are two types of interest you must register under the Code:

- Disclosable Pecuniary Interests (DPI)
- Other Registrable Interests (including gifts and hospitality)

**You must register the following categories in the register of interests as “Other Interests”**

- **any outside body or organisation you have been appointed to or nominated to be a member of by South Ribble Borough Council**
- **any public or charitable body or organisation which principally exists to influence public opinion or policies** (examples include political parties and trade unions, government agencies, other local authorities, public health bodies, local authority owned companies and school governing bodies)
- **any gift or hospitality with an estimated value of at least £25 which has been received in your capacity as an Elected Member** (see section H)

Other Interests must be notified to the Monitoring Officer within 28 days of being elected. You must keep your register updated and add new or any amended Other Interests within 28 days of any change.

If an Interest has been entered on the Council’s register you must still declare at the start of the meeting (or as soon as possible once you realise) that you have such an interest and briefly explain what it is.

If your Interest has not been entered on the register then you must state at the start of the meeting (or as soon as possible once you realise) that you have an Interest in the business before the meeting and you should also explain what the nature of the interest is. You should then inform the Monitoring Officer within 28 days of the meeting of the Interest so that it can be published on the register.

**You also have an interest in:**

- **any business of the Council where a decision might reasonably be regarded as affecting your well-being or financial position or that of a member of your family or any person with whom you have a close association**

### **Non participation in case of certain other interests**

Generally you may still speak and vote at the meeting, however dependent upon the significance of the interest (and especially if it may give rise to the perception of a conflict of interest) you should declare the interest, state your point of view if you wish to do so then leave the room taking no further part in the matter.

**You would follow this process if:**

- **you have an interest in the business of the Council (other than a DPI)**
- **a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it would be likely to prejudice your judgment of the public interest**

# Agenda Item 1

- **the matter affects either your own financial position or someone close to you or that of a business either you or someone close to you is connected with QR**
- **it relates to the determination of any approval, consent, licence, permission or registration for you or someone close to you.**

For example, you would be expected to not only declare an interest but take no further part in the meeting if you sat as a Member of the Planning Committee which was considering an application made by your daughter or a neighbouring application to your own land.

If you are in any doubt about the process to follow you should consult the Monitoring Officer.

## **Exemptions**

**You may still attend a meeting and vote on the following matters:**

- **any allowance, payment or indemnity given to Members**
- **any ceremonial honour given to Members**
- **setting Council Tax**



## **SECTION F - REGISTRATION OF INTERESTS**

You must notify the Monitoring Officer of any relevant interests to be included in the Council's register of interests within 28 days of being elected or any change in your circumstances.

A copy of the register will be available for public inspection and published on the Council's website.

By registering your interests the public, council staff and other members will know which of your interests might give rise to a conflict of interest. This is not only good practice in terms of transparency of decision making but also protects you. Although you are personally responsible for deciding whether you should declare an interest in a meeting it can be very helpful for you to know early on if others think a potential conflict may arise. It also helps maintain public confidence in the integrity of Local Government if the public can know about any interests that may need to be declared by you or other members.



## **SECTION G - INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES**

The Code makes it clear that any Member who was involved in making a decision or taking action on any matter must not later be involved in the Overview and Scrutiny's consideration of that decision or action.

# Agenda Item 1



## SECTION H – REGISTER OF GIFTS AND HOSPITALITY

You must register any gift or hospitality over the value of £25 listing where it came from within 28 days of receiving it.

You do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from friends and family. However, you should always register a gift or hospitality if the perception could be that it was given to you because of your position as an Elected Member.

You should ask yourself would I have been given this if I were not on the Council? If you are in any doubt about the motive then you should register it or speak to the Monitoring Officer for advice.

You may have to estimate how much the gift or hospitality is worth, however, as a matter of good practice, the general rule is if in doubt then register it.

It is also good practice to register gifts or hospitality which you did not accept.

You do not need to declare an interest as a result of having received a gift or hospitality if it has been registered for more than 3 years before the date of the meeting.

May 2017



# SOUTH RIBBLE BOROUGH COUNCIL

## 5B - Employee Code of Conduct





# Agenda Item 1

## Contents

1. Introduction .....	1
1.1 Overview.....	1
1.2 What is the Code of Conduct .....	1
1.3 What happens if the content of the Code changes?.....	1
2. Workplace Behaviour and Personal Conduct .....	2
2.1 Introduction.....	2
2.2 Working with Councillors.....	2
2.3 Relevant Policies .....	2
3. Protecting the Council and its Employees .....	3
3.1 Other Employment.....	3
3.2 Use of Authority .....	3
3.3 Conduct Outside of Working Time .....	3
3.4 Use of Council, Property, Facilities and Equipment.....	3
3.5 Criminal Charges and Convictions .....	4
3.6 Public Comment on Council Policy and Administration .....	4
3.7 Internal Audit and Risk Management .....	4
3.8 Political, Professional and Trade Union Activity .....	5
3.9 Dealing with the Council's Money .....	5
3.10 Conflict of Interest.....	6
3.11 Gifts and Hospitality .....	6
Gifts .....	6
Hospitality .....	6
3.12 Working with Contractors.....	7
3.13 Information Disclosure and Confidentiality .....	7
4. Health and Safety.....	8
4.1 Working safely .....	8
5. Reporting Breaches of Code of Conduct and Whistleblowing.....	9

# Agenda Item 1

## 1. Introduction

### Explanatory Notes

In summary, you are required to;

- Attend work in a condition where you are able to carry out your duties safely and effectively
- Act honestly
- Act with dignity and treat all others with dignity and respect
- Work in accordance with the terms and conditions of your contract of employment and job description
- Understand and apply the Council's rules, policies and procedures
- Be committed to delivering quality services to service users
- Understand and act in accordance with the Council's vision and values, policy and procedures

### 1.1 Overview

This Code of Conduct applies to all employees of the Council.

The way you carry out your duties must promote and maintain public confidence and trust in the work of the Council. Whilst acting as an employee of the Council you must remain politically neutral at all times.

You must promote the Council's values at all time. The Council's values are: Integrity, Positive Attitude, Learning Organisation, Teamwork and Excellence.

For the Council to run efficiently, it is vital that you understand your work and your responsibilities whilst at work. You also need to understand how your activities outside work may affect your ability to do your work during working hours. When dealing with the Council in a personal capacity you are expected to demonstrate the highest possible standards of honesty and integrity.

This Code of Conduct aims to ensure that:

- (i) Employees are protected against any unjustified allegations of wrongdoing,
- (ii) There can be no perception or suggestion that any employee of the Council could be influenced in any way by improper motives, and
- (iii) public confidence in the Council is enhanced and maintained and the reputation of the Council is protected

If you find yourself in a situation where it is not clear what the right thing to do is, you can:

- refer to this Code of Conduct,
- discuss the situation with your service manager
- Contact Human Resources

### 1.2 What is the Code of Conduct

This Code of Conduct is designed to provide guidance about what is expected from you in your daily work and in your dealings with elected members, colleagues and the public.

All Council employees must be familiar with the Code of Conduct. You are required to comply with its contents. Failure to do so may result in disciplinary action, which could include dismissal.

For this reason, it is important that you read the whole of this document and ask your service manager for clarification if there is anything in it that you do not understand.

### 1.3 What happens if the content of the Code changes?

The Council will take every reasonable step to ensure that the Code of Conduct is kept up to date. The most up to date version will always be the one that is available on connect. Changes to the Code will be consulted on and widely communicated.

# Agenda Item 1

## 2. Workplace Behaviour and Personal Conduct

### 2.1 Introduction

As an employee of the Council you are expected to comply with the requirements of a number of relevant policies – please see paragraph 2.3 for a list of such policies. You are expected to familiarise yourself with the contents of these policies.

### 2.2 Working with Councillors

An effective working relationship based on mutual respect between employees and members is essential to good local government in order to delivery efficient and high quality services to the community. However, close personal familiarity between employees and individual members can damage the relationship and prove embarrassing to other members and employees and should therefore be avoided.

Employees must not seek to involve members in personal matters which relate to any aspect of their employment with the Council e.g. pay and grading, grievances etc.

### 2.3 Relevant Policies

You should be fully aware of the contents of all relevant policies including in particular:

- Capability Policy
- Disciplinary Policy
- Equal Opportunities in Employment Policy
- Grievance Policy
- Managing Attendance Policy and Procedure
- Whistleblowing Policy
- Drugs and Alcohol Policy
- Policy statement and Procedure for Dealing with complaints of Bullying and Harassment
- Health and Safety Framework
- Financial Regulations
- Contract Procedure Rules
- IT and Information Policies
- Safeguarding Children: Policy and Procedures

All these policies are available on Connect.

### Explanatory Notes

You should treat colleagues, elected Members and members of the public with dignity and respect.

You should:

- Ensure that your conduct is not discriminatory or harassing to others.
- Ensure your behaviour and performance meets workplace standards at any time that you are representing the Council or are likely to be identified or associated with your role as a Council employee (whether or not you are 'on duty' at the time).
- Not involve members in personal disputes with the Council – there is a suite of policies in place to cover such disputes.

# Agenda Item 1

## Explanatory Notes

### In summary you should:

- i. You should ensure that any outside employment does not conflict with the interests of the Council;
- ii. You are expected to be honest and impartial at all times;
- iii. You must not improperly use your position;
- iv. You must not use Council facilities for personal business

## 3. Protecting the Council and its Employees

### 3.1 Other Employment

It is important that you ensure that any additional employment (or unpaid voluntary work) does not conflict with the interests of the Council or affect your ability and credibility to do your job.

If you wish to undertake additional employment outside of the Council you must inform your Service Manager and Human Resources.

### 3.2 Use of Authority

You should not use your position to seek to improperly influence a decision or action.

You are expected to provide honest, impartial and comprehensive advice regardless of your personal assessment on a matter. If your personal views conflict with the performance of your official duties or if you believe that you cannot act impartially, you should contact your service manager and attempt to resolve the conflict.

When requested, you are expected to provide Members, Senior Management, service managers and co-workers with advice which is frank, independent, based on an accurate representation of the facts and as comprehensive as possible.

You should ensure – when exercising any discretion - that you do so properly, impartially, equitably and in accordance with relevant legislation, delegations, procedures or guidelines.

In exercising any power associated with your employment, you must ensure that you are either statutorily authorised to do so or that you have been delegated the power by a person with the necessary authority to issue the delegation.

### 3.3 Conduct Outside of Working Time

Generally, what you do outside work is your own concern, and the Council does not seek to dictate how you conduct yourself outside work. However, unlawful, anti-social or other conduct by employees (including the inappropriate use of social media) which jeopardise the Council's reputation or brings the Council into disrepute would be dealt with through the disciplinary procedure.

### 3.4 Use of Council, Property, Facilities and Equipment

Council resources/facilities are to be used for the Council's business and for no other purpose unless you have your Service Manager's permission beforehand.

No private work may be carried out whilst being paid on Council business, or whilst on the Council's premises or with the use of the Council's equipment.

# Agenda Item 1

## Explanatory notes

Generally speaking you are not required to notify the Council if you commit a minor traffic offence but if you are at risk of losing your licence then you must so notify the Council.

## Explanatory Notes

'Public Comment' in this section includes public speaking engagements, all media requests for information, comments in social media, comments on radio and television, letters to newspapers, expressing views in books, journals or notices if it is expected that the comments will spread to the community at large.

## 3.5 Criminal Charges and Convictions

If you are charged with, or convicted of, a criminal offence (including where you accept a caution) whether or not it is work related you must notify the Council in writing. The Council will establish the facts of the case and consider whether the matter is serious enough to warrant disciplinary action.

You must notify the Council on the next working day if you are charged or convicted of any offences. Failure to notify the Council in either case will constitute grounds for disciplinary action.

The Council requires all applicants for jobs to disclose convictions for any criminal offence, other than those which are spent under the Rehabilitation of Offenders Act 1974. However, some posts will require an enhanced Criminal Disclosure and Barring Service check and in those circumstances you may be required to disclose spent convictions.

## 3.6 Public Comment on Council Policy and Administration

The Council's Public Relations team provides the corporate communications functions for the organisation. The only Council employees who should deal with contact from the media or who should make public comment on the Council's policy or procedures are Public Relations. If a journalist ever contacts you, you should pass them immediately to the PR team. PR will sometimes ask an officer to speak to a journalist (usually regarding a technical issue), but these instances are infrequent.

If you are a workplace representative of a trade union or professional association, you should ensure that when you make public comment, it is clear that comment is made on behalf of the union or association you represent and not the Council.

## 3.7 Internal Audit and Risk Management

The Internal Audit Service Charter sets out the audit team's roles and responsibilities in order to ensure effective internal control, good financial systems and management of risk. All employees have a responsibility to contribute to this work and, where an agreed action plan makes you personally responsible for progressing a particular action, it is your responsibility to ensure that it is undertaken within the agreed timescale.

# Agenda Item 1

## Explanatory Notes

You must ensure that you are unbiased in the performance of your duties. You must always be aware of how the public will perceive you.

## Explanatory Notes

When spending Council money you must be able to demonstrate value for money. You also must act with the strictest honesty and integrity at all times.

## 3.8 Political, Professional and Trade Union Activity

You should ensure that your right to engage in political or professional activities does not result in an actual or perceived conflict of interest with your official duties with the Council. You should ensure that you are able, and be seen to be able, to remain unbiased in the performance of those duties.

Council employees serve the council as a whole. In so far as employees may be required to advise political groups, they must do so in ways which do not compromise their own political neutrality. It follows that they must serve all members and not just those of the controlling group, and must ensure that the individual rights of all members are respected.

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. Employees, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

If you are a member of a profession, you are expected to uphold the standards of performance and conduct set by the relevant professional association and this Code of Conduct. However, it is noted that there can be exceptions to this where there is legislative authority to do so. If you believe a conflict exists between your official role and the standards of your profession, you must raise your concerns with your Service Manager.

## 3.9 Dealing with the Council's Money

All employees must ensure that they use public funds entrusted to them in a responsible and lawful manner.

Should you have responsibility for budgets and/or purchasing, you must ensure that you understand and comply with the Council's Contract Procedure Rules and financial regulations. These can be found in the Council's Constitution.

When committing Council money, you must ensure that there is an approved budget for such expenditure and that the expenditure is within the limits that you are personally authorised to so incur.

You must declare to your service manager any financial interest, whether direct or indirect, that you or your partner may have in any contract or proposed contract with the Council.

You should also consider declaring to your service manager non- financial interests, for example, where you do voluntary work for an organisation in receipt of a grant from the Council. If you are in any doubt then you should make a declaration.

# Agenda Item 1

## Explanatory Notes

Examples of conflicts (or perceived conflicts) between personal interests and public duties that should be declared and in some cases avoided include:

- Staff who have access to computer databases of customers\updating their own personal records or those of close relatives
- As a purchasing officer liaising with a supplier who employs one of your close relatives
- Employees being contracted to provide services to the Council outside of their paid employment
- Generating work which involves travel to provide an opportunity to visit friends or carry out personal activities
- A supervisor who is in a position to approve higher duties or provide other benefits to a subordinate where a close personal relationship exists (such as a partner or family member or close personal friend)
- Involvement with an interview panel when a relationship exists with one of the applicants

## Explanatory Notes

- As you will not want to offend the giver, situations of this kind will need very careful handling. Gifts of "token value" e.g. a box of chocolates, flowers, a pen, diary or calendar, or similar items that may be used at work and shared with colleagues may be accepted.
- It may help to ask yourself the following question when considering whether to accept a gift or hospitality- Could I justify my decision to the Council, public and the press?

## 3.10 Conflict of Interest

If a conflict occurs between your private interests and public duties you must resolve the conflict in favour of your public duties. You can refer to Council procedures or guidelines for advice in analysing, declaring and registering conflicts of interest.

You must advise your service manager in writing of any personal or immediate family private interests that may give rise to a conflict of interest with your official duties, particularly if you are involved in making decisions affecting contracting, tendering or regulatory functions.

You should comply with any reasonable request from the Senior Management to provide information relating to your personal interests or the interests of a dependent or spouse.

## 3. 11 Gifts and Hospitality

The Local Government Act 1972 states that an employee shall not "under colour of his office or employment accept any fee or reward other than their proper remuneration (i.e. salary/pay)."

### Gifts

Ordinarily you are expected to refuse personal gifts (other than those of "token value"). Should you be placed in a position where refusal of a gift would cause offence (this may be particularly relevant around Christmas and other festivals) the gift must be given to the Mayor for use in relation to his/her charity.

### Hospitality

Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are



# Agenda Item 1

part of the life of the community or where the authority should be seen to be represented. It should be properly authorised and recorded.

**REMEMBER** - Details of all gifts and hospitality (worth more than £25) must be put on the Officer Declarations Register which can be found on Connect or by reporting it to HR. If you are in any doubt, you should seek the guidance of your Service Manager before accepting any gifts or hospitality offered.

## 3.12 Working with Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known in writing to the Monitoring Officer (the Director of Governance and Business Transformation) and the Head of Human Resources. Orders and contracts must be awarded in accordance with the Council's Contract Procedure rules and procurement process.

No part of the local community must be discriminated against.

## 3.13 Information Disclosure and Confidentiality

As a Council employee, you may obtain information that has not been made public and is still confidential. You must never disclose information given in confidence by anyone, or information acquired which you believe is of a confidential nature, without the consent of a person authorised to give it or unless you are required to by law.

You must not disclose confidential information for your own personal use or for use by anyone else known to you, or to the disadvantage or the discredit of the Council or anyone else.

You must always observe the provisions of the Data Protection Act 1998, the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Council's procedures for the release of personal information held about other employees or members of the public.

Breach of confidentiality may be considered a disciplinary offence, which could result in dismissal.

### Explanatory Notes

When you leave your employment with the Council, you must still respect the confidentiality of official information that may have been available to you in the course of your duties and not use this information for private, commercial or political gain.



# Agenda Item 1

## Explanatory Notes

All employees have a personal and legal responsibility under the Health and Safety at Work Act 1974 for themselves, colleagues and visitors to the Council's buildings and premises.

These responsibilities are identified in the Council's Health and Safety Framework

In summary, you must:

- a) Look after the health and safety of yourself and others who may be affected by your actions or failure to carry out certain actions at work;
- b) Co-operate with your manager, attend training sessions, and carry out reasonable instructions.

## 4. Health and Safety

### 4.1 Working safely

Any activity that presents a significant risk to the health, safety or well-being of an employee or other person must have been subject to a written risk assessment. This is a tool which managers must use to determine the safest and best way of carrying out the work, including appropriate training, personal protective equipment etc. Appropriate safety controls should all be summarised on the risk assessment or safe system of work procedure and provided to the relevant employees.

Employees must follow the resulting safe system of work to ensure their safety and that of others is not put at risk. If these are not in place, speak to your manager in the first instance or your Health and Safety adviser.

For example, you must:

- Comply with the instructions given for workplace health and safety at the workplace by the Council.
- Use personal protective equipment if the equipment is provided and you have been properly instructed to use it.
- Not wilfully or recklessly interfere with or misuse anything provided for workplace health and safety at the workplace.
- Not wilfully place at risk the health and safety of any person at the workplace.
- Not wilfully injure yourself.
- Report to your supervisor any workplace hazards that cannot be immediately rectified.
- Ensure that you comply in practice with any guidelines given for performing manual handling tasks.
- Take all reasonable steps to ensure that employees you supervise are following guidelines and have access to job-specific training.

# Agenda Item 1

## **5. Reporting Breaches of Code of Conduct and Whistleblowing**

Maintaining public confidence in the Council and protecting its reputation is of vital importance. In this regard if you are concerned about any practice you see in the Council which you think conflicts with the Code of Conduct, you should obtain advice from your service manager, your Director/Head of Service, Trade Union representative, or any other appropriate person as identified in the Council's policies referred to in the Code of Conduct.

The Public Interests Disclosures Act 1998 and the Council's Whistleblowing Policy can provide safeguards for employees and public officials who disclose unlawful and improper conduct including breaches of this Code. The Council is committed to supporting employees who come forward with allegations of wrongdoing and will – as far as is possible – ensure that confidentiality is maintained.

Please see our Whistleblowing policy on Connect for full details. Please note that that the procedure set out in the Whistleblowing policy is designed to cover the situation where an employee has major concerns to report – there are other procedures in place to cover the reporting of minor/less serious concerns.

# Agenda Item 1

## 5C. PROTOCOLS

### A. Introduction

The Council has a number of different documents which govern how it operates. These include the constitution, Standing Orders and a Code of Conduct for members. There is also a Voluntary Code of Conduct for officers although the government is expected to issue a mandatory version. In addition, there is a set of values which govern our behaviour.

These protocols provide additional guidance on roles and responsibilities which are intended to improve clarity and understanding, enhancing the partnership between members, officers, partners and local communities.

These protocols are separate from the Code of Conduct that governs members' conduct. However, any breach of these protocols may be taken into account when a complaint about a member is being considered. Additionally, in the event of any contradiction between these protocols and a legal requirement, the latter shall prevail.

The following protocols are included:

1. [Member/Officer Relations](#)
2. [Access to Information and Advice](#)
3. [Confidentiality](#)
4. [Dealing with the Media](#)
5. [Member involvement in Planning Procedures](#)
6. [Members on Outside Bodies](#)
7. [Role of the Cabinet](#)
8. [Role of Overview and Scrutiny](#)
9. [Areas of Joint Responsibilities of Scrutiny and Governance Committees](#)
10. [Role of My Neighbourhood areas](#)
11. [Role of Senior Management Team \(SMT\)](#)
12. [Role of Monitoring Officer/Chief Financial Officer](#)
13. [Member Training and Development](#)
14. [Printing and Photocopying for Members in connection with Ward Business](#)
15. [Role of Internal Audit \(Internal Audit Service Charter\)](#)
16. [Use of Information Technology \(such as Acceptable Use, Internet and Email Policies\)](#)
17. [Protocol Relating to the Independent Person](#)

### Appendices

- A. [Guidelines on Freedom of Information \(FOI\)/Data Protection Guidelines on FOI & Data Protection - Appendix A.doc](#)
- B. [Guidelines on Media Relations - Appendix B.doc](#)
- C. [Guidelines on Member involvement in Planning Procedures Guidelines on Member Involvement in Planning Procedures - Appendix C](#)
- D. [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](#)

# Agenda Item 1

- [Records Management Guidelines on the Use of IT - Records Mgt Policy - Appendix E.doc](#)

## 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.

# Agenda Item 1

The above rights are in addition to those conferred by the Freedom of Information Act and the exemptions are subject to the provision of that Act and other relevant legislation.

- *Advice to and involvement of members*

Officers serve the Council as a whole and not any political party or individual member of the Council. However, giving advice is an important part of the role of officers and the following guidelines should be respected.

It is clearly important that there are close working relationships between some members and officers, for example Cabinet members/committee chairmen and the relevant Director/Head of Service. However, care should be taken to ensure that the relationship does not become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other members and other groups.

Members should also appreciate that, whilst they will be fully consulted at the earliest opportunity on agenda items and draft reports relating to their specific roles, there will be some situations where officers are under a duty to report on a particular item or submit a report providing independent advice. All agendas and their contents are ultimately the responsibility of the Chief Executive, (or other designated officer) under whose name they are issued.

Members should be consulted as ward representatives on any major issues affecting their wards, on any public meeting proposed to be held in their wards and on any form of consultative exercise due to be held in their ward.

Official letters on behalf of the Council should normally be sent out under the name of the appropriate officer, and not a member. However, there may be occasional exceptions to this in specific circumstances, for example in making representations to government ministers. Members are not vested with the individual authority to write letters which create obligations or give instructions on behalf of the Council.

Other than to the limited degree outlined in [Part 3B](#), members do not have individual decision-making powers. However, where appropriate, officers should consult the relevant member on delegated decisions and urgent decisions affecting their roles or areas of responsibility.

### *Advice to Political Groups*

Advice and support provided by officers can take many forms, ranging from a briefing meeting with a chairman or Cabinet members prior to a meeting to a presentation to a full group meeting. Whilst in practice officer support is likely to be in most demand from whichever party or parties is or are in control of the Council, such support should be available to all groups on the Council.

Political groups may ask officers for support and factual advice when considering Council business providing that it is not of a political nature. Such requests should be made via the Chief Executive. However, this should not be a substitute for providing all necessary information and advice at the relevant meeting of the Council when the matter in question is discussed.

In addition, the Leaders of other political groups on the Council should be informed of any such attendance by an officer, the subject matter involved and offered similar access.

### *Support Services to Members*

The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to members is to assist members in discharging their role as members of the Council. Support services can not be used in connection with party political or

# Agenda Item 1

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.

# Agenda Item 1

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. Questions may also be asked at Council meetings of Outside Body representatives.

## 7. **Role of the Cabinet** (see also [Cabinet Procedure Rules](#))

The Cabinet has a specific role which is defined in statute and in the Council's constitution. In general terms, it is responsible for:

- a) Acting on behalf of Council to develop and monitor the implementation of the Community Strategy and all Council strategies, plans and policies.
- b) Ensuring that the Council has clear and challenging priorities which are based on sound evidence and local community needs and priorities.
- c) Working in partnership with other agencies and bodies with an interest in the Borough.
- d) Promoting South Ribble and the Borough Council locally, regionally and nationally as appropriate.
- e) Ensuring that the Council takes account of and plans for new legislation and lobbying on behalf of the Council for any changes required.
- f) Ensuring that the Council delivers best value and that its services are effective, efficient and customer-oriented.

The Cabinet works in an inclusive and participative way, valuing the views of all members, employers, partners and local communities. Wherever possible and where timescales permit, Cabinet conducts its business in a way which enables views to be sought and options considered before key decisions are made or put to Council for consideration. My Neighbourhoods play a key part in this process.

Members wishing the Cabinet to consider or review an issue or policy should in the first instance speak to the relevant Cabinet member, who may then seek the views of the relevant Director, or other appropriate officer, about how to progress the request.

- **Cabinet Members**

Cabinet should conduct its business through the Cabinet members appointed by the Executive Leader and responsible for specific aspects of Council business.

Cabinet members do not have any executive powers. However they have a responsibility for working in partnership with the appropriate Director and other officers to:

- a) Ensure that priorities and actions within their portfolio are kept under review, that progress is monitored and that service delivery is effective and efficient;
- b) Make recommendations to Cabinet as to any changes required in their areas of responsibilities, for example through new legislation, changing customer views or declining resources;
- c) Ensure that Cabinet is kept informed of developments and progress in their portfolio as appropriate and that all members are kept informed through;



# Agenda Item 1

- d) Champion their areas of responsibilities through effective partnerships and through acting as a representative for the wider community;
- e) Ensure that members, partners and local communities are consulted on major initiatives/developments within their area of responsibility;
- f) Liaise with other Cabinet members on cross-cutting issues and on developments in their role that affect other members of Cabinet;
- g) Account for their areas of responsibility to Council and to the Scrutiny and Governance Committees as required;
- h) Act with other members of Cabinet in the best corporate interests of the Council and according to collective responsibility as defined in legislation.

## **8. Role of Overview and Scrutiny**

(see also [Scrutiny Procedure Rules](#) and [Article 6](#) of the constitution)

The Scrutiny Committee plays an important role in ensuring that the Council is efficient and effective. The detailed roles of the committees are shown in [Section 3D](#).

In general terms, the Scrutiny Committee:-

- a) Scrutinises decisions taken or proposed by the Cabinet, other Committees and Officers under delegated powers, including “call-in” and on the forward plan.
- b) Takes an overview of the outcomes of the Council’s policies and service delivery, including customer satisfaction.
- c) Contributes to the development/review of policies, plans and strategies.
- d) Monitors performance on the Corporate Strategy/Annual Best Value Performance Plan, and other key strategies and plans.
- e) Undertakes/examines the Value for Money (VFM) reviews.
- f) Scrutinises the Council’s partnerships and external organisations.
- g) Considers issues of local concern.

The Scrutiny Committee is responsible for developing its own work programmes, but in doing so, should take account of any views expressed by Council, Cabinet, members generally and, in particular, local people.

The Scrutiny Committee aims to work in a constructive, forward looking way and has agreed a set of values which it has promised to adhere to. The Scrutiny Committee has also agreed to operate in a non-party political manner. The Committee’s values are as follows:-

To always:-

- a) treat people fairly and with respect;
- b) be constructive, especially when challenging people;
- c) seek consensus;
- d) be open and transparent;
- e) look for continuous improvement, rather than blame;
- f) be inclusive and democratic;
- g) communicate well and constantly;
- h) demand nothing but the best from the resources available;
- i) ensure equality of opportunity.

Responsibilities of Overview and Scrutiny Chairmen

- a) Providing leadership, ensuring the committee is member led, and that it owns its work plan.



# Agenda Item 1

- b) Being active and creative.
- c) Helping members make the transition to the new style of working.
- d) Keeping an eye on the bigger picture, reviewing the outcomes and impact of overview and scrutiny and ensuring that it is adding value.
- e) Keeping the work of the committee on track.
- f) Planning, prioritising and re-prioritising the committee's work.
- g) Presenting a positive image of the overview and scrutiny process.
- h) Developing positive relationships with the Cabinet & officers.
- i) Managing conflict.
- j) Encouraging contributions and encouraging all members to be involved.
- k) Reviewing the processes and learning.
- l) Developing a collaborative approach.
- m) Identifying skills and development needs of the team.
- n) Working with the other chairmen to co-ordinate overview and scrutiny issues.

## **9 Areas of Joint Responsibilities of Scrutiny and Governance Committees**

### 1. Background / Purpose

The Terms of Reference of both Committees include responsibilities for 'scrutiny' of financial performance and consideration of the reports from the External Auditor. Both Terms of Reference also include responsibility for ensuring effective co-ordination of the Committees' work programmes. The purpose of this Protocol, which has been produced in liaison with the Committee Chairs, is to outline how these joint responsibilities are to be met, including avoiding duplication and gaps.

### 2. Approach

#### 2.1 *Consideration of External Auditor's Reports*

The Governance Committee is to consider:-

- External Audit Fee Letter/Opinion Plan
- The Annual Audited Statements of Accounts
- The Auditor's Annual Governance Report
- The Annual Use of Resources Report
- The Data Quality Report (Is part of the Annual Use of Resources Report)
- Other appropriate reports from the External Auditor.

The Scrutiny Committee is to consider:-

- The Organisational Assessment Report
- The Annual Use of Resources Report (but without the attendance of the External Auditor, unless specifically requested)
- The Annual Audit and Inspection Letter
- The Comprehensive Area Assessment report on Lancashire
- Other appropriate reports from the External Auditor.

#### 2.2 *Budget Monitoring*

The Governance Committee is:-

- to undertake, as part of its role of overseeing the financial performance of the authority, detailed consideration of the quarterly budget monitoring reports, including 'scrutiny' of relevant areas of the Cabinet member for Finance & Resource's responsibilities;

# Agenda Item 1

- to draw the Scrutiny Committee's attention to relevant issues.

The Scrutiny Committee is:-

- to consider, as part of its role of taking an overview of the Council/Cabinet's performance and whether value for money is being achieved, the quarterly corporate plan/budget monitoring reports;
- to draw the Governance Committee's attention to relevant issues.

### 3. *Monitoring and Review*

Use of this Protocol will be monitored and reviewed from time to time to ensure that it continues to be fit for purpose.

## 10. **My Neighbourhood Areas**

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

- working with the local community and partners identifying the priorities of the area they serve;
- ensuring the Community Improvement Plan represents all sections of the community they serve;
- ensuring actions in the plan are agreed and reported back to the Community on an annual basis;
- ensuring that the views of local communities are taken on board in the way the Council and its partners conducts business;
- acting as a means for the Council and its partners to consult local communities on key issues
- enabling Council decisions to be taken at a local level and in a way which allows public participation;
- explaining decisions made by the Council and reasons for them to local communities;
- enhancing links with local communities and local groups in a way which builds capacity in local communities to take action for themselves.

However, it is also important that members sitting on My Neighbourhood areas recognise that, first and foremost:

- they must act with the interests of the whole Council in mind rather than the interests of any specific area; and
- their actions and conduct during My Neighbourhood meetings affect the reputation of the Council with local communities.

Responsibilities of My Neighbourhood chairs

- Working with other elected members, public and partners to draft a Community Improvement Plan.
- Reporting the Plan to Cabinet
- Providing leadership of and direction to their My Neighbourhood meetings.
- Championing their local area and My Neighbourhood meetings.
- Ensuring effective management of meetings.
- Developing links with the local community.
- Ensuring communication between all members in the area.
- Encouraging contribution from members in the area.
- Ensuring that respect is shown at all times to councillors, officers/and members of the public.
- Working with other My Neighbourhood chairs to share learning and experience.

# Agenda Item 1

## **11. Senior Management Team**

The role of the Senior Management Team is to ensure that advice and support is available to all members to help them fulfil their various roles effectively. However, the team works particularly closely with Cabinet, with individual Cabinet members, as appropriate, and with Scrutiny Committee to help and support them in fulfilling their responsibilities.

The team's overall role is to work with members to ensure that the Council has a clear vision, challenging priorities and values which are owned and actively promoted; has effective corporate management and managerial leadership; and delivers value for money in all of its services and actions and within an effective corporate framework.

The team also has overall responsibility for the day to day management of the Council and its employees, together with the powers to act under delegation as defined by the Council's Scheme of Delegation and on urgent items, in consultation with the appropriate member as appropriate.

The council's senior management structure chart is available at [Part 7](#).

## **12. Role of Monitoring Officer/Chief Financial Officer**

The Monitoring Officer/Chief Financial Officer have a personal responsibility to report to the Council on certain matters specified in legislation ([see Article 13](#) of the constitution).

The Monitoring Officer/Chief Financial Officer must be impartial in providing support and advice to all councillors as individuals, to all political groups, and to both Cabinet and Scrutiny functions and must maintain the confidentiality of that advice where appropriate.

The Monitoring Officer/Chief Financial Officer undertake to discharge their responsibilities in a manner which will enhance the reputation of the Council. In general terms their ability to discharge these duties depends on excellent working relations with colleagues and members but also the flow of information and access to debate particularly at early stages.

The following arrangements and understandings between the Monitoring Officer/Chief Financial Officer and colleagues and members are designed to help ensure the effective discharge of their functions:-

- a) Advance notice of meetings whether formal or informal between senior managers and members of the Cabinet or Committee Chairmen should be given where any procedural, financial or other constitutional issues are likely to arise.
- b) Senior Managers should, as appropriate, alert the Monitoring Officer/Chief Financial Officer to all emerging issues of concern including legality, financial, probity and constitutional issues.
- c) The Monitoring Officer/Chief Financial Officer should have access to all reports to members.
- d) The Monitoring Officer/Chief Financial Officer should, as appropriate, develop good liaison and working relations, with the External Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
- e) The Monitoring Officer/Chief Financial Officer should, as appropriate, liaise closely with the Chairmen of the Governance, Standards and Scrutiny Committees and ensure that they have up-to-date information regarding relevant emerging issues.

# Agenda Item 1

- f) The Monitoring Officer should make enquiries into allegations of misconduct in compliance with the Localism Act 2011 and supporting regulations along with the Council's Code of Conduct and Investigation and Hearing Procedure.
- g) The Monitoring Officer/Chief Financial Officer should liaise closely to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.
- h) In carrying out any investigation (whether under Regulations or otherwise) the Monitoring Officer/Chief Financial Officer should be given unqualified access to any information held by the Council and any employee who can assist in the discharge of their functions.
- i) The Monitoring Officer/Chief Financial Officer should be provided with adequate resources, including access to specialist advice.

All references to the Monitoring Officer and Chief Financial Officer shall be deemed to refer also to any person acting as Deputy Monitoring Officer and/or acting as Deputy Chief Financial Officer respectively, in accordance with [Article 13](#).

## **13. Member Training and Development**

The Leaders of the political groups have agreed the following protocol in relation to the above:-

1. All political groups agree to strongly encourage all of their members to attend appropriate training and development in relation to their roles, in accordance with the council's programme, either in advance of taking up their place or within three months of being appointed thereto.

This is particularly important in relation to the following committees and it is advisable that members receive appropriate training in advance of taking up their places on them.

- Planning
- Licensing
- Standards
- Appeals
- Appointments

2. All groups agree to do everything possible, including use of group discipline, to enforce this protocol.
3. All groups agree to have regard to encourage members' attendance or willingness to attend at previous training and development events when making nominations for committee places and other member roles.
4. All political groups are encouraged to follow the Personal Development Programme principles to assist the council to retain the NW Member Development Charter.

## **14. Printing and Photocopying for Members in connection with Ward Business**

In line with promoting a range of services to members and encouraging and supporting them in their community leadership role, the council has a policy on printing and photocopying for members in connection with ward business. This aims to assist members in making best use of the facility and help them to avoid legal pitfalls when using it.

# Agenda Item 1

The type of documentation which is the subject of this service is that which provides information to residents and businesses in the ward and may, for example, be placed by members on notice boards in a community or posted by them through residents' letterboxes. In some cases this may supplement publicity produced corporately, as in cases where it relates to planning applications or My Neighbourhood business.

Some examples would include:-

- Raising awareness in the community of a big planning application which is under consideration.
- Letting residents know of a topic of particular local interest which is to be discussed by a My Neighbourhood.
- Notifying residents of large schemes the council will be carrying out locally.
- Ensuring members of the community are aware of consultations taking place and how they can engage in the process.

The policy in relation to this service is as follows:-

- Printing and photocopying in connection with ward business will be undertaken for all members upon request.
- The cost of the service will be met corporately, subject to available resources.
- All requests for service should be made to Democratic Services, who will also help and advise members on style and content if required.
- Assistance will be provided to members upon request, to help them with legal constraints on content (the law prohibits the use of council resources for the printing of any document which promotes or publicises the work or aims of a political group or organisation).
- An optional template will be provided for members to use, if they wish. This will be in a corporate (politically-neutral) style, and include the name and ward of the councillor on behalf of whom the document is produced.
- All material produced under this policy will bear an imprint stating by or on behalf of whom it has been written, published and printed.

This policy will be reviewed from time to time.

## **15. Role of Internal Audit (Internal Audit Service Charter)**

### **South Ribble Borough Council – Internal Audit Service Charter**

#### Introduction

Internal Auditing is an independent and objective assurance and consulting activity that is guided by a philosophy of adding value to improve the operations of South Ribble Borough Council (SRBC). It assists SRBC in accomplishing its objectives by bringing a systematic and disciplined approach to evaluate and improve the effectiveness of the organisation's risk management, control, and governance processes.

# Agenda Item 1

## Role

The Governance Committee has approved terms of reference which set out the role and functions of the Council's Internal Audit Service.

## Professionalism

The Internal Audit Service will conduct its business by adherence to the Institute of Internal Auditors' mandatory guidance including the Public Sector Internal Audit Standards (PSIAS), Definition of Internal Auditing, the Code of Ethics, and the International Standards for the Professional Practice of Internal Auditing (Standards). This mandatory guidance constitutes principles of the fundamental requirements for the professional practice of internal auditing and for evaluating the effectiveness of the Internal Audit Service's performance.

The Institute of Internal Auditors' Practice Advisories, Practice Guides, and Position Papers will also be adhered to as applicable to guide operations. In addition, the Internal Audit Service will adhere to SRBC's relevant policies and procedures and the Internal Audit Service's standard operating procedures manual.

## Authority

The Internal Audit Service, with strict accountability for confidentiality and safeguarding records and information, is authorised full, free, and unrestricted access to any and all of the organisation's records, physical properties, and personnel pertinent to carrying out any engagement. All employees are requested to assist the Internal Audit Service in fulfilling its roles and responsibilities. The Internal Audit Service will also have free and unrestricted access to the Governance Committee.

## Organisation

The Head of Shared Assurance Services will report functionally to the Governance Committee and administratively to the Chief Executive. Any decisions regarding the appointment, remuneration, performance evaluation or removal of the Head of Shared Assurance Services will be made by the Cabinet on the recommendation of the Shared Services Joint Committee. The Head of Shared Assurance Services will communicate and interact directly with the Senior Management Team, including in formal meetings and between meetings as appropriate.

## Independence and Objectivity

The Internal Audit Service will remain free from interference by any element in the organisation, including matters of audit selection, scope, procedures, frequency, timing, or report content to permit maintenance of a necessary independent and objective mental attitude. Internal auditors will have no direct operational responsibility or authority over any of the activities audited. Accordingly, they will not implement internal controls, develop procedures, install systems, prepare records, or engage in any other activity that may impair internal auditor's judgment.

Internal auditors must exhibit the highest level of professional objectivity in gathering, evaluating, and communicating information about the activity or process being examined. Internal auditors must make a balanced assessment of all the relevant circumstances and not be unduly influenced by their own interests or by others in forming judgments.

The Head of Shared Assurance Services will confirm to the Governance Committee, at least annually, the organisational independence of the Internal Audit Service.

## Responsibility

# Agenda Item 1

The scope of internal auditing encompasses, but is not limited to, the examination and evaluation of the adequacy and effectiveness of the organisation's governance, risk management, and internal control processes in relation to the organisation's defined goals and objectives. Internal control objectives considered by internal audit include:

- Consistency of operations or programs with established objectives and goals and effective performance
- Effectiveness and efficiency of operations and employment of resources
- Compliance with significant policies, plans, procedures, laws, and regulations
- Reliability and integrity of management and financial information processes, including the means to identify, measure, classify, and report such information.
- Safeguarding of assets

Internal Audit is responsible for evaluating all processes ('audit universe') of the entity including governance processes and risk management processes. It also assists the Governance Committee in evaluating the quality of performance of external auditors and maintaining a proper degree of coordination with Internal Audit.

Internal Audit may perform consulting and advisory services related to governance, risk management and control as appropriate for the organisation. It may also evaluate specific operations at the request of the Governance Committee or management, as appropriate.

Based on its activity, Internal Audit is responsible for reporting significant risk exposures and control issues identified to the Governance Committee and to Senior Management, including fraud risks and governance issues.

## Internal Audit Plan

At least annually, the Head of Shared Assurance Services will submit to the Governance Committee an Internal Audit Plan for review and approval, including risk assessment criteria. The Internal Audit Plan will include timing as well as resource requirements for the next financial year. The Head of Shared Assurance Services will communicate the impact of resource limitations and significant interim changes to Senior Management and the Governance Committee.

The Internal Audit Plan will be developed based on a prioritization of the audit universe using a risk based methodology, including input of Senior Management and the Governance Committee. Prior to submission to the Governance Committee for approval, the Plan may be discussed with appropriate Senior Management. Any significant deviation from the approved Internal Audit Plan will be communicated through the periodic activity reporting process.

## Reporting and Monitoring

A written report will be prepared and issued by the Head of Shared Assurance Services or in his absence the Principal Auditor following the conclusion of each Internal Audit engagement and will be distributed as appropriate. Internal Audit results will also be communicated to the Governance Committee. The Internal Audit report may include management's response and corrective action taken or to be taken in regard to the specific findings and recommendations. Management's response will include a timetable for anticipated completion of action to be taken and an explanation for any corrective action that will not be implemented.

# Agenda Item 1

The Internal Audit Service will be responsible for appropriate follow-up of findings and recommendations. All significant findings will remain in an open issues file until cleared.

## Periodic Assessment

The Head of Shared Assurance Services is responsible also for providing periodically a self-assessment on the Internal Audit Service as regards its consistency with the Audit Charter (purpose, authority and responsibility) and performance relative to its Plan.

In addition, the Head of Shared Assurance Services will communicate to Senior Management and the Governance Committee on the Internal Audit Service's quality assurance and improvement programme, including results of ongoing internal assessments and external assessments conducted at least every five years.

## **16. Use of Information Technology (such as Acceptable Use, Internet and Email Policies)**

The Council has agreed detailed guidelines for members and officers on the use of information technology. These are set out in [Appendix E](#).

## **17. Protocol Relating to the Independent Person**

### **Arrangements Defining the Role of the Independent Person(s) and Their Involvement in the Investigation of Complaints**

This protocol is to make clear the relationships between the Independent Person (IP) and the various parts of South Ribble Borough Council involved in the process of handling standards complaints and wider promotion of standards. Its aim is to ensure that responsibility is clear at each stage of the process and sets out the expectations and rights of the IP.

This document shall be read in conjunction with the Investigation and Hearing Procedure.

For the sake of clarity the council has two Independent Persons. Reference in this document to the IP applies to whichever Independent Person is taking part in the consideration of a particular complaint or whichever Independent Person is fulfilling a particular role. Generally speaking it will be for the Monitoring Officer to decide on which Independent Person to liaise with on a particular complaint. This will normally be decided on the basis of availability and the desire to share the burden of the work evenly between the two Independent Persons.

### Considering written allegations

1. The Monitoring Officer (MO) will seek the views of the IP before reaching a decision on whether any action should be taken on a written complaint.
2. When issuing the decision letter, the MO will record that the IP has been consulted and that their views have been taken into account.

### Arrangements for contact with Independent Person – Summary

3. All requests for contact with the IP should be made (if possible in writing) to the MO.
4. The MO will then decide whether an appointment is required.



# Agenda Item 1

5. If an appointment is deemed necessary arrangements will be made and notified to those concerned.
6. A contemporaneous note will be made of any conversations.
7. This note will be disclosed to any appointed investigator and may form part of any Committee papers (if appropriate) if a hearing becomes necessary.

## Matters under investigation

8. A member of South Ribble Borough Council or a member of any town or parish council within this borough who is the subject of a complaint may seek the views of the IP. A member wishing to contact the IP should do so via the MO as outlined above.
9. Where the IP has given views to the subject member, the general expectation is that those views shall be put in writing and made available to all relevant parties in the case.
10. It will only be in highly exceptional circumstances (to be decided upon by the IP) that any views expressed by the IP to the subject member should remain confidential.
11. The complainant may also seek the views of the IP. As with the subject member, contact should be arranged through the MO and the expectation is that any views expressed should be made available to all relevant parties in the case. Again it would only be in highly exceptional circumstances (to be decided upon by the IP) that any views so expressed should remain confidential.
12. The MO may consult the IP at any stage during the process, particularly on matters which relate to the procedures for handling complaints and vice versa.
13. Where a matter has been referred to a Standards Committee for determination, the committee must seek the views of the IP before reaching its conclusions. The IP's views should be recorded in any decision notice and, where those views do not reflect the final outcome, reasons must be given for any differences. However, it must be clear that it is the standards committee and not the IP who is the decision-maker.
14. The IP shall not make any comments to the media.
15. The IP may be requested by the MO to assist in mediation or conciliation in order to resolve complaints where that is considered the most appropriate course of action.
16. The IP may be requested by the MO to assist in any training on conduct issues as appropriate.
17. The IP shall inform the MO as soon as possible after becoming aware of any conflict of interest.

## Relationship with the standards committee

18. The IP shall receive agendas and minutes and be invited to all meetings of the Standards Committee.

# Agenda Item 1

19. The IP is not a member of the Standards Committee and cannot vote on any matters put to the meeting. However, he is entitled to contribute to any debate and provide advice accordingly.

## Other matters

20. The IP has the right to raise any concerns about standards issues or implementation of the process with the MO.
21. The Council, through its Standards Committee and MO, is responsible for ensuring that the Council meets its duty to promote and maintain high standards. However, the IP will be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.
22. The IP will be provided with any relevant information required to carry out their role. Such information shall be treated as confidential at all times.
23. The IP has the right of access to council buildings in order to carry out their role.
24. The IP is to be considered an office-holder of the authority in accordance with the duty under s28(7) of the Localism Act 2011 and is therefore entitled to be covered by the council's indemnity insurance provided they act reasonably and within the terms of this Protocol.
25. The MO, in consultation with the Chair of Standards Committee, may amend these arrangements at any time. Any changes will be brought to the next Standards Committee meeting for information.

The IP has been consulted in the relation to the production and revision of this document and agrees to abide by its terms.

## **C. Implementation and Review**

The protocols are intended to act as a guide for both members and officers. Any difficulties of interpretation which arise should be referred to the Chief Executive (or other designated officer) for resolution.

The protocols will be reviewed from time to time in line with the Council's Constitution to ensure they are up-to-date and appropriate.

# Agenda Item 1

## **5D South Ribble Borough Council**

### **Social Media Protocol for Members**

#### **1. Purpose**

Social Media is an incredibly useful tool which has changed the way many Councillors now engage and communicate with the public. It allows you to open up new conversations with the people you represent, understand and respond swiftly to local concerns, coordinate campaigns, assist with casework and let your constituents know what you are doing as their local councillor, all at often a fraction of the cost of more traditional means of communication.

However, there can also be pitfalls and to help minimise any risk this Protocol sets out some of the points you should keep in mind whenever you use Social Media in your official role as a South Ribble Councillor

#### **2. What is Social Media?**

This is a term used to describe websites and applications for social networking. Popular social media platforms include Facebook, Twitter, LinkedIn, YouTube, Flickr, Instagram and blogs. On social media sites users share information, discuss opinions and build online communities and networks.

You may already use social media in a private capacity. Consider if you want to create a separate account for any "Councillor" related use. This Protocol and the Code of Conduct for Members both only apply when you are acting in your official capacity as an Elected Member. However, you need to be aware that it may not always be apparent to a member of the public in which capacity you are commenting. This "blurred identity" may have implications if comments made in a private capacity are taken to be those of the Council itself or your political party

Online impressions count. Social Media can be a very powerful tool and how you portray yourself online is very important. Consider carefully how you may appear to someone who doesn't know you personally – Is your online profile reflective of who you are and what you represent?

#### **3. Social Media and the Code of Conduct for Members**

Certain sections of the Code of Conduct for Members will apply to your online activity in just the same way as they do to any other written or verbal communication. The key to whether the Code applies is whether you are (or even just appear to be) acting in your capacity as a South Ribble Councillor rather than as a private individual.

In all your dealings on Social Media you should take particular care not to publish anything which might bring your role as a Councillor, or South Ribble Borough Council itself, into disrepute. The main sections of the Code to consider are:

**You should always treat others with respect** – do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.

**You must comply with equality laws** – take care that you do not publish anything which might be considered to be sexist, racist, ageist, homophobic or anti faith.

**You must not bully or intimidate anyone** – do not say anything that might be construed as bullying or intimidation whether the comments relate to a council employee, a fellow Councillor or anyone else.

# Agenda Item 1

**You must not disclose confidential information** – refrain from publishing anything you have received in confidence.

## 4. General legal considerations

There are no new or additional legal burdens when using social media but you are publishing to the web – it's written down and it's permanent so you need to bear the following in mind:

**Libel** – If you publish an untrue statement about a person which is damaging to their reputation then they may take a libel action against you. This may also happen if someone else publishes something libellous on your website which you know about and don't take prompt action to remove. A successful libel action can result in an award of damages against you.

**Copyright** – Publishing images or text on your site from a copyrighted source (eg photos or extracts from publications) without obtaining permission first is likely to breach copyright laws. Breaching copyright laws can result in damages being awarded against you.

**Data Protection** – Take care not to publish the personal data of individuals unless you have their specific permission.

**Bias and Pre- determination** – Whenever you are involved in making planning, licensing or other quasi-judicial decisions do not say anything on social media which suggests that you have already made up your mind before hearing all the evidence and arguments. Otherwise the decision may be at risk of being challenged and declared invalid.

**Obscene material** – Obviously you should avoid publishing anything on social media which anyone might consider obscene. Publication of obscene material is a criminal offence.

**Harassment** – it is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, harassment, nuisance or distress.

**Electoral Periods** - There are some additional duties around campaigning during elections. Full guidance can be downloaded from the Electoral Commission website.

## 5. Use of Social Media During Council Meetings

Use mobile devices sparingly, discreetly and with common sense at meetings. Take care to avoid extended periods of use which may give the impression that insufficient attention is being paid to the business of the meeting.

Do not use social media during quasi-judicial meetings or during confidential or exempt items of business.

Always ensure that devices are switched to silent during meetings and their use is not disturbing others.

## 6. Staying Out of Trouble – some Do's and Don'ts

Most pitfalls can be avoided if your online content is objective, balanced, informative and accurate.

Here are some tips to help you stay out of trouble:

### Some Do's

- Set appropriate privacy settings for your blog or networking site (especially if you have a private non-political account)

# Agenda Item 1

- Consider keeping your personal and elected member profile on social networking sites separate and maintain appropriate professional boundaries
- Look out for defamatory or obscene posts from others on your site and remove them as soon as possible to avoid any impression that you condone such comments
- Be careful about any connection with service users who are vulnerable adults or children as this could be regarded as a safeguarding issue
- Ensure that you seek permission to post information from a copyrighted source or any personal data
- Take care not to give the impression that you have already made up your mind before hearing all the evidence and arguments if you are involved in any planning, licensing or other quasi-judicial decision
- Keep posts positive as evidence suggests these are more popular and likely to generate more support for your cause than negative or critical messages
- Set an example by engaging in healthy & respectful debate which will encourage others (especially young people) to adopt similar online behaviours

## **Some Don'ts**

- Post in haste, particularly if your judgement might be impaired (for example if you have consumed alcohol)
- Post comments that you would not be prepared to make face to face
- Use Council facilities for personal or political blogs
- Use social media to attack, insult, abuse, defame or make negative or discriminatory comments about anyone (including council staff, service users, or the Council itself)
- Publish confidential information which you have gained access to as a South Ribble Councillor
- Represent your personal views, or those of any political party or specialist interest group you belong to, as being those of the Council
- Distribute any material which could be considered inappropriate, offensive, illegal or discriminatory
- Robust political debate with other politicians is fine from time to time but do not let it degenerate into personal attacks
- Forget to consider your wider audience, online posts may be read by younger people who could be distressed at messages which had been intended for their parents or close relatives
- Make excessive use of social media technology during Council or Committee meetings as this may give the impression you are not engaged in the business of the meeting

## **7. Finally...**

Although you need to be aware of the potential risks most Councillors using Social Media engage with the public in an entirely constructive way without ever running foul of either the Code of Conduct or the Law.

Use your common sense, relax and enjoy.

**Interim Monitoring Officer  
July 2017**

# **5E – Member and Officer Protocol**

*2018*

# Agenda Item 1

## Document Control

**Document Title:** Member and Officer Protocol

### Summary

<b>Publication Date</b>	January 2018
<b>Related Documents</b>	<b>Corporate:</b> Council Constitution, Council Standing Orders, Member Code of Conduct, Social Media Protocol, Officer Code of Conduct, Access to Information Procedural Rules, Council's Employee Whistle Blowing Policy
<b>Owner (Name/Position)</b>	Heather McManus, Chief Executive
<b>Author (Name/Position)</b>	Joanne Platt – Interim Corporate Improvement Manager
<b>Applies to</b>	All elected Members and officers

### Review of Protocol

<b>Review Date</b>	April 2021
--------------------	------------

# Agenda Item 1

## Contents

Section	Contents	Page No.
1	<a href="#">Introduction</a>	4
2	<a href="#">Roles of Members</a>	4
3	<a href="#">Roles of officers</a>	5
4	<a href="#">Effective working relations - Respect and Courtesy</a>	5
5	<a href="#">Familiarity</a>	7
6	<a href="#">Provision of Information and Advice</a>	7
7	<a href="#">Political Activity</a>	9
8	<a href="#">Employee Advice to Party Groups</a>	9
9	<a href="#">Confidentiality</a>	10
10	<a href="#">Member-Officer and Member-Member Resolution of Concerns</a>	11
11	<a href="#">Preparation of Agenda and Minutes</a>	12
12	<a href="#">Support Services to Members and Party Groups</a>	13
13	<a href="#">Correspondence and e-mails</a>	13
14	<a href="#">Dealing with the Media</a>	13
15	<a href="#">Social Media</a>	14
16	<a href="#">Use of Information Technology</a>	14
17	<a href="#">Role of the Cabinet</a>	14



# Agenda Item 1

Section	Contents	Page No.
18	<a href="#"><u>Role of the Leadership Team</u></a>	15
19	<a href="#"><u>Role of Monitoring Officer / Chief Financial Officer</u></a>	15
20	<a href="#"><u>Members on Outside Bodies</u></a>	16
21	<a href="#"><u>Member Training and Development</u></a>	17
22	<a href="#"><u>Summary of Member-Officer Expectations</u></a>	17
23	<a href="#"><u>Non-compliance</u></a>	20
24	<a href="#"><u>Conclusion</u></a>	20
25	<a href="#"><u>Signature</u></a>	21

# Agenda Item 1

## Section 1: Introduction

- 1.1 The purpose of this Protocol is to guide both elected Members and officers of the Council in their relations with one another on some of the issues that most commonly arise and to assist with their working relationship generally.
- 1.2 The majority of the Protocol is a written statement of our current practice and conventions. However, where greater clarity would be helpful it tries to provide it.
- 1.3 Underpinning the Protocol are the rules of conduct which apply to both Members and officers and which emphasise the high standards of personal conduct which the public have a right to expect. Please see both the Member Code of Conduct and Officers Code of Conduct in the [Councils Constitution](#) which set out in more detail the obligations placed on Members and officers, respectively.
- 1.4 Both Members and officers are servants of the public and they are indispensable to one another. However, their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council and the Chief Executive as the Head of Paid Service. Their job is to carry out the Council's work under the general policies and overall strategic direction which has been approved by Members.
- 1.5 All members and officers also have a duty of care to each other and this Protocol is intended to address some of the issues that have caused concerns in relation to that duty in recent times.

The two main areas where tensions occur are:

- ❖ When the distinctive roles of Members and Officers become blurred; and
- ❖ When Member challenge (of both officers and other Members) degenerates into criticism.

- 1.6 Mutual respect between Members and officers is essential to good local government. Two-way communication is key to effective working relations.

Close personal familiarity between individual Members and officers can damage this relationship and should be avoided.

- 1.7 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.
- 1.8 It is important that the relationship works well without compromising the ultimate responsibilities of all officers to the Council as a whole, and with having regard to any technical, financial, professional and legal advice that officers provide to Members.
- 1.9 It is incumbent on all Members and officers to adhere to all Council processes, policies and protocols including the Member-officer protocol. Failure to do so for both Members and officers may result in sanctions under the respective Codes of Conduct set out in Part 5 of the Council's Constitution.

## Section 2: Roles of Members

- 2.1 Members undertake many different roles. Broadly these are:
  - ❖ Members express political values and support the policies of the party or group to which they belong (if any)
  - ❖ Members represent their ward and all those residents who live in that area

# Agenda Item 1

- ❖ Members are often involved with other organisations as community leaders
- ❖ Members contribute to the decisions taken in Council and the various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations
- ❖ Members help develop, monitor and review policy strategy and service quality
- ❖ Members are involved in quasi-judicial work such as considering planning applications, through their Membership of regulatory committees

**2.2** Members' experience and knowledge of the strategic and operational delivery of services may vary considerably, and whilst it is their role to set strategic direction and hold officers to account for service delivery, it is the role of officers to offer professional advice and implement decisions.

## Section 3: Roles of Officers

**3.1** Broadly, officers have the following main roles:

- ❖ Managing and providing the services the Council has given them responsibility for
- ❖ Providing information and advice to both the Council and its various bodies and to individual Members, for Members to discharge their roles and any specific function in respect of the services provided
- ❖ Initiating and implementing policy proposals
- ❖ Ensuring that the Council always acts in a lawful manner

## Section 4: Effective Working Relations - Respect and Courtesy

- 4.1** For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and officers. This plays an important part in the Council's reputation and how it is seen by the public.
- 4.2** It is important that, in any dealings between Members and officers, neither should seek to take unfair advantage of their position
- 4.3** It is very important that both Members and officers remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other officers, in public.
- 4.4** In politics, rival groupings are common and criticism of ideas and opinion is part of democratic debate, and does not in itself amount to failing to treat someone with respect.

However, whilst ideas and policies may be robustly criticised, individuals should not be subject to unreasonable or excessive personal attacks. This particularly applies to dealing with the public and officers.

Personal criticism by one Member of another can damage the reputation of the Council, adversely impact staff morale, and risk Members losing the respect of officers and of other Members.

Chairs of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct taking place.

# Agenda Item 1

**4.5** A Member should not apply undue pressure on an officer to do anything that he or she is not authorised to do, or to do any work which is outside their normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.

**4.6** A Member should not raise matters relating to the conduct or capability of an officer in public or act in a way which does not reflect the principles set out in this Protocol, especially since an officer has no means of responding to such criticism in public.

When dealing with officers (especially junior officers), Members need to be aware that it is easy for officers to be overawed and feel at a disadvantage.

**4.7** Members having concerns about the conduct or capability of an officer should raise them in the first instance with the Head of Service responsible for that service, who will take action accordingly.

**4.8** An officer must not seek to use undue influence on an individual Member to make a decision in his or her favour, or raise personal matters to do with their job, or make claims or allegations about other officers. The Council has formal procedures for consultation, grievance, and discipline. The one exception to this rule is the right of staff to report possible wrongdoing under the Council's Employee [Whistle Blowing Policy](#).

**4.9** Officers should not undermine or criticise Members in meetings, but can raise any concerns with their Director or the Chief Executive.

**4.10** The Chief Executive should be notified if the Party Group Leader becomes involved in dealing with any concern relating to an officer, or in any other case where that is appropriate. Feedback should be given to the officer on the outcome.

**4.11** Challenge in a constructive and non-confrontational way is important in ensuring policies and service performance are meeting the Council's strategic objectives. Nothing in this protocol is therefore intended to stop Members holding officers to account.

**4.12** The Monitoring Officer is empowered to decide whether a complaint from one Member or officer to another is vexatious and therefore no further action be taken.

Vexatious complaints are ones of a trivial or recurrent nature without merit, made with the intention of causing inconvenience, harassment or expense to the Council or a named individual representative (Member or officer) of the Council. Examples of such complaints could include but not be limited to:

- ❖ Where there is insufficient or no grounds for the complaint
- ❖ The complaint would appear to have been made only to annoy
- ❖ Refusing to specify the grounds of a complaint
- ❖ Repeat unwillingness to accept documented evidence as being factual
- ❖ Making unreasonable demands and failing to accept that these may be unreasonable
- ❖ Lodging numbers of complaints in batches over a period of time, resulting in related complaints being at different stages of a complaints procedure
- ❖ Persistently raising subsidiary or new issues whilst a complaint is being addressed that were not part of the initial complaint
- ❖ Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with minor additions / variations
- ❖ Regularly focusing on a trivial matter which is out of proportion to its significance

# Agenda Item 1

- ❖ Have harassed or been personally abusive or verbally aggressive towards officers dealing with the complaint

## Section 5: Familiarity

- 5.1** It is clearly important that there are close working relationships between some Members and officers, for example Cabinet Members / committee chairs 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.
- 5.2** Close personal familiarity between individual Members and officers can damage the principle of mutual respect. It could also intentionally or accidentally lead to the passing of confidential information, such as personal details and may also cause embarrassment to other Members and / or other officers or give rise to suspicions of favouritism.
- 5.3** For these reasons close personal familiarity must be avoided. This may include being 'friends' on Facebook or other social media interaction. See the Councils Social Media Protocol in the [Council Constitution](#) for further guidance.

## Section 6: Provision of Information and Advice

(See also the Council Standing Orders and the Access to Information Procedural Rules in the [Council Constitution](#).)

- 6.1** 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.
- 6.2** Members of the Cabinet will be briefed first on agenda items and draft reports. Other Members should 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.
- 6.3** Any Member is entitled to apply to the Chief Executive or to any Director, for information and / or advice required in connection with his / her work as an elected Member. Except where the information involves the divulging of exempt information (as defined in Section 100F of the Local Government Act 1972) or would be in breach of rules around personal data, it is the responsibility of the Chief Executive or Director approached to give that information and / or advice, within the limits of his / her Services' resources and to the best of his / her ability. Members should seek to act reasonably in the number and content of the applications they make. It should be noted that the clear route for information on policy in the first instance should be via the Portfolio Holder.
- 6.4** With the exception of pre-planning matters, 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.
- 6.5** Information requested by a Member to address a ward issue may be supplied to that Member in confidence.
- 6.6** If any Member asks for specific information relating to the work of a particular Council team or service and it appears possible or likely that at a subsequent meeting issues will be raised or questions asked on the basis of the information provided, then the relevant Cabinet Member should be informed beforehand.
- 6.7** The Leader or Spokesperson of each minority Group, recognised as such by the Council, is entitled, for his / her own purposes as a Leader or Spokesperson, to apply to the Chief Executive and / or to the appropriate Director for general background information on, or for further information in respect

# Agenda Item 1

of an item of business coming before the next meeting of a Committee of the Council. The appropriate Chair or Council Spokesperson, as appropriate, should be informed of any new / additional information which has been supplied by the Chief Executive or Director.

- 6.8** Technical / procedural information may be supplied, in confidence, to any Group Leader, to enable a budget to be presented by that Group which is in the legally correct form.
- 6.9** If a request is made for routine factual information regarding a service, then, in addition to being supplied to the Member concerned, it may be made available to all Members through Councillor Connect.

## Section 7 Political Activity

- 7.1** Senior officers are usually politically restricted and cannot therefore be local authority Members or Members of Parliament, nor can they speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party.
- 7.2** Officers are employed by the Council as a whole. They serve the Council through its Cabinet and Committees and are responsible to the Chief Executive ('Head of Paid Service') and not to individual Members of the Council, whatever office they might hold.
- 7.3** However, it is important for there to be regular contact between the Chief Executive, Directors and the Leaders of Political Groups on matters affecting the Council, and between, Committee Chairs on matters affecting their respective Committees.

## Section 8: Employee Advice to Party Groups

- 8.1** It is common practice for the Cabinet and Political Groups to give preliminary consideration to some matters of Council business before those matters are considered by the relevant Council decision making body.
- 8.2** It is possible that a Director or other senior officer may be asked to attend an informal Cabinet Workshop meeting or a Political Group Meeting.
- 8.3** Any request for an officer to attend a Political Group meeting should be made to the Chief Executive outlining the name of the individual, the topic or information required and the reason it is necessary.
- 8.4** The Chief Executive, after consultation with the relevant Director and the individual officer concerned, will decide whether permission can be given for the officer to attend the meeting (provided they are willing to do so). The decision will be notified to the relevant Group Leader, together with the Leaders of the other Groups, advising that similar arrangements will be made for them if they wish.
- 8.5** Since legally, officers (including the Chief Executive and Directors) serve the whole Council, and not individual Political Groups, their attendance at Political Group Meetings is entirely voluntary.
- 8.6** Officers are entitled to have their political neutrality respected should they agree to attend the Group Meeting, and to be treated in a fair and proper way. Officers must not be placed in a position where they feel at a disadvantage or their political impartiality or integrity are put at risk. Normally officers should leave the meeting having given information on the issue in question and before the Group decide what view to take on it as a Political Group.
- 8.7** To safeguard both officers and Members, officers must not be asked to provide information except where it relates to matters of Council business. Officers should not be expected to be present when matters of Party business are discussed. Officers must be reminded on each occasion, that they should leave a meeting if there is any suggestion that they are to be asked to comment on matters beyond the brief agreed in advance, or if they feel vulnerable or that their integrity is being put in question.

# Agenda Item 1

- 8.8** Any breach of these arrangements by either Members or officers will be viewed seriously and appropriate action taken by Group Leaders or the Chief Executive respectively.
- 8.9** Special care needs to be exercised whenever officers are involved in providing information and advice to a Political Group Meeting that includes persons who are not elected Members of the Council. Those individuals may be bound by the rules of the Group, but will not be bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality). For this and other reasons, officers may not be able to provide the same level of information and advice as they would to a 'Members-only' meeting.
- 8.10** Officers must respect the confidentiality of any Political Group discussions at which they are present, in the sense that they should not relay the content of any such discussion to another Political Group.
- 8.11** Any particular cases of difficulty or uncertainty in this area of officer advice to Political Groups should be raised with the Chief Executive who will discuss it with the relevant Group Leader(s)

## Section 9: Confidentiality

- 9.1** In accordance with the Members' Code of Conduct a Member must not disclose any information given to him or her as a Member in breach of any confidence.
- 9.2** Confidential Cabinet or Committee papers are to be treated as confidential information unless the relevant meeting resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the meeting to determine. As this decision will be taken at the meeting, confidential reports should not be disclosed prior to the meeting taking place or at all if the meeting decides that the item should remain as confidential.
- 9.3** Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.
- 9.4** Information and correspondence about an individual's private or business affairs will normally be confidential.
- 9.5** Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant officer, but treat the information as confidential in the meantime.
- 9.6** Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.
- 9.7** In particular, information discussed in confidential meetings between the Chief Executive and / or Directors and Group Leaders must not be disclosed to other Members, the media or at all to anyone.
- 9.8** If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any written advice given by that officer.

## Section 10: Member-Officer and Member-Member Resolution of Concerns

- 10.1** The two main areas where the Member-officer relationship may create tension and require resolution are:
  - ❖ Where a Member or an officer is believed to have not performed their role or have acted in some way outside of their role; and

# Agenda Item 1

- ❖ Where a Member or officer has spoken or behaved without respect and courtesy or has acted in a way counter to the expectations suggested in this protocol.

**10.2** Tackling poor Member-officer relationships require action, but also those involved need to be mindful that concerns may need to be tackled with sensitivity, especially when more junior officers are involved, due to the power differential.

**10.3** Where a Member has a concern regarding the performance or behaviour of an officer then he or she should raise it with the officer's Head of Service. If the Head of Service cannot resolve the concern he or she will escalate the issue to the relevant Director, or if necessary, to the Chief Executive, who will raise with the appropriate Member and, if necessary, the relevant Group Leader.

Officers are bound by the Officers' Code of Conduct and can be held to account under the usual Council disciplinary and / or performance management procedures.

**10.4** Where an officer has a concern regarding the conduct of a Member, he or she should raise it with their Head of Service who can discuss with the Member. If necessary the Head of Service can escalate the issue to Director level, or if necessary, to the Monitoring Officer or Chief Executive, who will raise it with the appropriate Member and, if necessary, the relevant Group Leader.

Members are bound by the Members' Code of Conduct and can be held to account by the Standards Committee and Party Discipline procedures.

**10.5** The Chief Executive should be notified if the Political Group Leader becomes involved, and likewise the Political Group Leader be notified if the Chief Executive becomes involved.

**10.6** Feedback should be given to both the Member and the officer on the outcome, within five working days.

**10.7** When a member criticises another member of their own or another party in public forum and this criticism is either personal, not factual or is of an abusive nature, then the criticised member can seek a route to resolution of their concerns via the Chair of the meeting in which the criticism was made or via the Chief Executive, Monitoring Officer and Group Leaders as set out in paragraph 10.4 above and in Section 23 below.

## Section 11: Preparation of Agenda and Minutes

**11.1** Each Council, Cabinet and Standing Committee and Member Working Group agenda will be prepared by the Democratic Services Team on behalf of the Chief Executive.

**11.2** The Chair will be consulted once the draft agenda is available.

**11.3** If there is disagreement between the Chair and the relevant Director over the inclusion of a particular item on the agenda, the Chief Executive will decide if the item should appear on the agenda in consultation with the Chair.

**11.4** Special rules apply to the preparation of Cabinet Agendas (see paragraphs 2.8 – 2.13 of the Cabinet Procedure Rules in the [Council Constitution](#)). These include:

- ❖ The Leader will decide upon the schedule and agenda for the meetings of the Cabinet, and may put on the agenda of any Cabinet meeting any matter which he / she wishes
- ❖ With the agreement of the Leader any Member of the Cabinet may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration
- ❖ Any Member of the Council may, with the agreement of the Leader, require the Chief Executive to include an item on the agenda of the next available Cabinet meeting



# Agenda Item 1

- ❖ The Chief Executive will make sure that an item is placed on the agenda where a relevant Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet
- ❖ The Monitoring Officer and / or the Section 151 Officer may in exercise of their statutory duties include an item for consideration on the agenda of a Cabinet meeting and if necessary may require the Chief Executive to call such a meeting

**11.5** Minutes of Member meetings will be prepared by the Democratic Services Team after consultation with the appropriate Director.

**11.6** At the next meeting of the Cabinet, Committee or the Council, as the case may be, it is for Members to approve or amend the draft minutes as appropriate.

**11.7** Reports to Cabinet or Committees should be written by the appropriate Director or an officer authorised by him or her.

It is likely that a sensitive report would be discussed with senior Members at a briefing meeting held with the relevant Director and Members may make suggestions as to the contents of the report. However, the report is the Officers, and any amendments can only be made by that officer. Obviously Members may move any amendments to any recommendations within a report at the formal meeting to consider the report. The report template for Cabinet meetings includes a section for Portfolio holder's recommendations to enable the inclusion of any comments by the Portfolio holder.

**11.8** It is good practice to involve all Members in key strategic decisions prior to reports coming forward to Cabinet for approval, for example by use of cross party working groups or wider Member engagement sessions but ultimately the Cabinet doesn't have to do this, nor does it have to discuss decisions with their Political Group in advance albeit that it is good practice to do so.

## Section 12: Support Services to Members and Party Groups

**12.1** 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 them in discharging their formal role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with Party political or campaigning activity or for private purposes.

**12.2** 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. The policy in relation to this service is as follows:

- ❖ Printing and photocopying in connection with ward business will be undertaken for all Members upon request
- ❖ The cost of the service will be met corporately, subject to available resources
- ❖ All requests for service should be made to Democratic Services, who will also help and advise Members on style and content if required
- ❖ Assistance will be provided to Members upon request, to help them with legal constraints on content
- ❖ All material produced under this policy will bear an imprint stating by or on behalf of whom it has been written, published and printed

# Agenda Item 1

## Section 13: Correspondence and e-mails

- 13.1 Official letters and official e-mails on behalf of the Council should be sent out in the name of the appropriate officer, rather than in the name of a Member. It may be appropriate in certain circumstances for a letter or e-mail to be sent in the name of a Member, for example in response to a letter of complaint sent direct to that Member. However, this is the exception rather than the norm and should only be done following consultation with the Chief Executive or appropriate Director.
- 13.2 Letters or e-mails which create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

## Section 14: Dealing with the Media

- 14.1 The Council has guidelines which set out [procedures for dealing with the press and media](#) which Members should follow.
- 14.2 It is important that Members act with caution in expressing 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.
- 14.3 Part 2 agenda items should never be discussed with the media until or unless Members have decided at the relevant meeting that the report should not be an exempt report.
- 14.4 Further information on this, including possible sanctions, is given in the Code of Conduct for Members and in the guidelines on Member involvement in planning procedures in the [Council Constitution](#).

## Section 15: Social Media

- 15.1 Social Media is an incredibly useful tool which has changed the way many Members now engage and communicate with the public. However, there can also be legal and reputational pitfalls and to help minimise any risk the [Social Media Protocol](#) sets out some of the points Members should keep in mind whenever they use Social Media in their official role as a South Ribble Councillor.
- 15.2 All references to the media in paragraph 14.1 and 14.2 above apply equally to social media, and confidential reports should never be referred to on social media in the same way they shouldn't be discussed with the media or press. The Code of Conduct for Members applies when Members engage in online activity whenever a Member is (or even just appear to be) acting in their capacity as a South Ribble Councillor rather than as a private individual. Further information on this, including possible sanctions, is given in the Code of Conduct for Members and in the guidelines on Member involvement in planning procedures in the [Council Constitution](#).

## Section 16: Use of Information Technology

- 16.1 The Council has agreed detailed guidelines for Members and officers on the use of information technology. These are set out in the [ICT Acceptable Use Policy](#).
- 16.2 With reference to this protocol, emails written by one Member which are carbon copied to other Members should not criticise or undermine officers.

# Agenda Item 1

## Section 17: Role of the Cabinet

- 17.1** The Cabinet is responsible for all the functions of the Council unless they are delegated elsewhere, either by law or under the Constitution. For a full description of the role of the Cabinet follow this [link](#)
- 17.2** The main functions of the Cabinet are:
- ❖ to recommend to full Council the Corporate Plan and Corporate Risk Register, Annual Revenue Budget, Medium Term Financial Strategy and Treasury Management Strategy
  - ❖ to recommend any in-year changes to the budget that are reserved to full Council
  - ❖ to recommend to full Council the policies and strategies that form the Policy Framework
  - ❖ to consider and review reports on the Council's performance
  - ❖ to approve the award of contracts that are reserved to Cabinet
  - ❖ to agree strategies and plans that are not in the Policy Framework
  - ❖ to consider reports on significant changes or issues relating to service delivery
  - ❖ to receive and consider reports from Scrutiny Committee, including referrals from the call-in process
  - ❖ to receive reports from Members sitting on strategic partnerships

## Section 18: Role of the Leadership Team

- 18.1** The role of the Leadership 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.
- 18.2** 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.
- 18.3** 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.
- 18.4** The council's senior management structure chart is set out in the [Council Constitution](#).

## Section 19: Role of Monitoring Officer / Chief Financial Officer

- 19.1** The Monitoring Officer / Chief Financial Officer have personal responsibility to report to the Council on certain matters specified in legislation.
- 19.2** They 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.
- 19.3** They 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

# Agenda Item 1

relations with colleagues and Members but also the flow of information and access to debate particularly at early stages.

**19.4** Where any procedural, financial, probity or other constitutional issues are likely to arise, the following arrangements and understandings between the Monitoring Officer / Chief Financial Officer (or their Deputies) and colleagues and Members will help ensure the effective discharge of their functions:

- ❖ Advance notice of meetings whether formal or informal between senior managers and Members of the Cabinet or Committee Chairs
- ❖ Senior Managers should alert them of any emerging issues
- ❖ They should have access to all reports to Members
- ❖ They should develop good liaison and working relations, with the External Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise
- ❖ They should liaise closely with the Chairs of the Governance, Standards and Scrutiny Committees ensuring that they have up-to-date information
- ❖ The Monitoring Officer should make enquiries into allegations of misconduct in compliance with the Localism Act 2011 and supporting regulations along with the Council's Code of Conduct and Investigation and Hearing Procedure
- ❖ They should liaise closely to consider and recommend action in connection with current governance issues and other matters of concern regarding probity
- ❖ In carrying out any investigation 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
- ❖ They should be provided with adequate resources, including access to specialist advice

**19.5** The Monitoring Officer will play an important role in highlighting whether a Member or an officer has breached this protocol and his or her advice to the Chief Executive and relevant Group Leader regarding resolution of any breach will constitute an important part of the process.

**19.6** The Monitoring Officer is empowered to decide whether a complaint from one Member or officer to another is vexatious and therefore no further action be taken. Vexatious complaints are ones of a trivial or recurrent nature without merit, made with the intention of causing inconvenience, harassment or expense to the Council or a named individual representative (Member or officer) of the Council.

However referral to or intervention by the Monitoring Officer should be seen as a last resort.

## Section 20: Members on Outside Bodies

**20.1** 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.

**20.2** 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. Questions may also be asked at Council meetings of Outside Body representatives.

# Agenda Item 1

## Section 21: Member Training and Development

21.1 The Leaders of the political groups have agreed the following protocol in relation to the above:

- ❖ 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
- ❖ All groups agree to do everything possible, including use of group discipline, to enforce this protocol.
  - ❖ All groups agree to have regard to Members' attendance or willingness to attend at previous training and development events when making nominations for committee places and other Member roles.
  - ❖ All political groups are encouraged to follow the Personal Development Programme principles to assist the council to retain the North West Member Development Charter.

## Section 22: Summary of Member-Officer Expectations

22.1 **Members can expect officers to:**

- ❖ demonstrate the highest standards of integrity
- ❖ act in an open, honest and transparent manner
- ❖ treat Members with courtesy and respect at all times
- ❖ implement and / or act in accordance with the policies of the Council
- ❖ implement the decisions of Council, committees and sub-committees
- ❖ inform Members of any decision that they cannot fully implement
- ❖ behave in a professional manner in accordance with the Council's values
- ❖ serve all Members, not just those of the Administration group(s)
- ❖ deal with Member enquiries efficiently and effectively
- ❖ strive continually to comply with the Council's policies, performance management and scrutiny processes
- ❖ comply with all relevant legal, regulatory and professional requirements, taking reasonable steps to ensure they are not placed in a position where they are unable to comply and to challenge non-compliance by others raising with the appropriate management
- ❖ fulfil any obligations to report information to relevant regulatory authorities

# Agenda Item 1

- ❖ ensure good governance is followed and risk taken fully account of
- ❖ support Members in their role ensuring all the required information is disclosed to Council, committee and Members to allow them to carry out their duties and make informed decisions
- ❖ Not use undue influence over a Member or put a Member(s) under undue pressure
- ❖ Avoid words or actions that may undermine respect for Members
- ❖ a commitment to the Authority as a whole corporate body rather than merely any one part of it
- ❖ show an understanding of and support for respective roles, workloads and pressures
- ❖ ensure timely responses to enquiries and complaints
- ❖ give professional advice, not influenced by political views or preference
- ❖ comply with the Employees' Code of Conduct and Protocols at all times; and
- ❖ follow the routes to resolution to address any issues as set out in this protocol

## **22.2 Officers can expect Members to:**

- ❖ demonstrate the highest standards of integrity
- ❖ treat officers with courtesy and respect at all times
- ❖ endeavour to forge an effective working partnership
- ❖ avoid putting officers under pressure to the extent that it could be regarded as harassment, bullying and / or discrimination. Members should be particularly sensitive when dealing with less senior officers in the absence of the Chief Executive
- ❖ not require officers to do things that are not consistent with Council policy, not within normal budgetary controls and not part of the officer's normal duties
- ❖ avoid criticising officers, at public meetings or in the media (including on social media)
- ❖ avoid actions or words that may appear to others to be attaching blame to an officer(s) particularly when the officer(s) is not present
- ❖ avoid words or actions that may serve to undermine the professionalism and integrity of officers
- ❖ not circumvent Council's policies, processes and protocols
- ❖ show an understanding of and support for respective roles, workloads and pressures
- ❖ not use their position or relationship with officers to seek to influence decisions improperly
- ❖ comply with the Members' Code of Conduct and protocols at all times; and
- ❖ follow the routes to resolution to address any issues as set out in this protocol

# Agenda Item 1

## 22.3 Useful Descriptors of Members, Members and Officers, and Officers

Members	Members and Officers	Officers
<b>Show a real interest in what's happening in the authority</b>	Have clarity of roles	Are helpful
<b>Show a real interest in employees</b>	Have clarity of boundaries	Are courteous
<b>Keep updated on latest ideas and innovations</b>	Show mutual respect and common courtesy	Show Expertise
<b>Are visible</b>	Are friendly but not friends	Are professional
<b>Really understand their patch</b>	Are there to serve the Authority and the citizens	Are polite
<b>Respect officers' expertise</b>	Demonstrate reciprocity	Deliver in a timely way
<b>Do not personalise criticism of officers or other Members</b>	Do not misrepresent the other's views	Are open and honest
<b>Appreciate and recognise achievements</b>	Abide by confidentiality rules	Are not condescending
<b>Do not bicker in public amongst themselves</b>	Adhere to and role model South Ribble Values:	Give advice within the law
<b>Challenge other Members' unacceptable behaviour</b>	✓ always having a positive attitude	Are supportive
	✓ acting with integrity	Take time to explain
	✓ striving for excellence	Seek to understand the political context
	✓ being a learning organisation	Demonstrate loyalty to the Authority as a whole
	✓ working as a team	Respond to all political groups
		Are politically neutral

22.4 From time to time tensions and incidents may well occur between Members and officers, and Members and other Members, which fall within the remit of this protocol.

Given the value that the Council places on the aspiration for it to be a truly learning organisation it is critically important that all parties seek to:

- ❖ understand the true nature of the incident and how it arose
- ❖ (re)-establish lines of communication
- ❖ (re)-build trust in the relationship; and
- ❖ Instigate changes to behaviours and/or the processes which led to the incident.

# Agenda Item 1

## Section 23: Non-compliance

- 23.1** Breaches of this protocol by Members will be addressed by reference to the Code of Conduct for Members. Members are bound by the Members' Code of Conduct and can be held to account by the Standards Committee and Party Discipline procedures. Sanctions as outlined in the Code of Conduct may be applied along with any Party Discipline procedures.
- 23.2** Breaches of this protocol by officers will be addressed by reference to the Code of Conduct for Employees and may result in a formal disciplinary process being initiated.
- 23.3** A Member or an officer who is deemed to have personally criticised another Member or officer or made false or unsubstantiated statements regarding another Member or officer in defiance of this protocol will be expected to publicly apologise and / or retract any false or critical statements.
- 23.4** If unresolved, possible final sanctions for non-compliance of this Protocol will include but are not limited to:
- ❖ Exclusion from access to confidential papers
  - ❖ Exclusion from Committees
  - ❖ Exclusion from the Political Group (subject to Group policy)
  - ❖ Exclusion from the Political Party (subject to Party policy)
- 23.5** All Members and officers (individually and collectively) are responsible for ensuring compliance with this protocol.
- 23.6** It is important that the combined political and managerial leadership of the Council seek both to role model effective behaviours and also to challenge inappropriate behaviours in a timely way.

## Section 24: Conclusion

- 24.1** By following good practice and maintaining sensible and practical working relationships between Members and officers, where each understands and respects each other's role, we will enhance not only the reputation of the Council but also the delivery of high value quality services to the people of South Ribble.

## Section 25: Signature

I acknowledge that I have read the above protocol, understand what it means for me and agree to adhere to it.

I understand that failure to comply with any or all of this protocol could lead to sanctions being taken against me as set out in Section 23 above.

**Signed:** .....

**Full Name:** .....

**Date:** .....



# Agenda Item 1

## 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 11 May 2015.

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 £4,426 shall be paid to each councillor.

4. **Special Responsibility Allowances**

For each year a [special responsibility allowance](#) shall be paid to those councillors who hold special responsibilities in relation to the Council.

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 £374.73 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

# Agenda Item 1

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;

# Agenda Item 1

(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.

# Agenda Item 1

## MEMBERS' ALLOWANCE SCHEME (as of April 2020 – includes 2.75% increase)

The existing Scheme can be summarised as follows:

<b>ANNUAL ALLOWANCE</b>	<b>£</b>
Basic	4,826.55
Travel and Subsistence	374.73

## ANNUAL SPECIAL RESPONSIBILITY ALLOWANCES

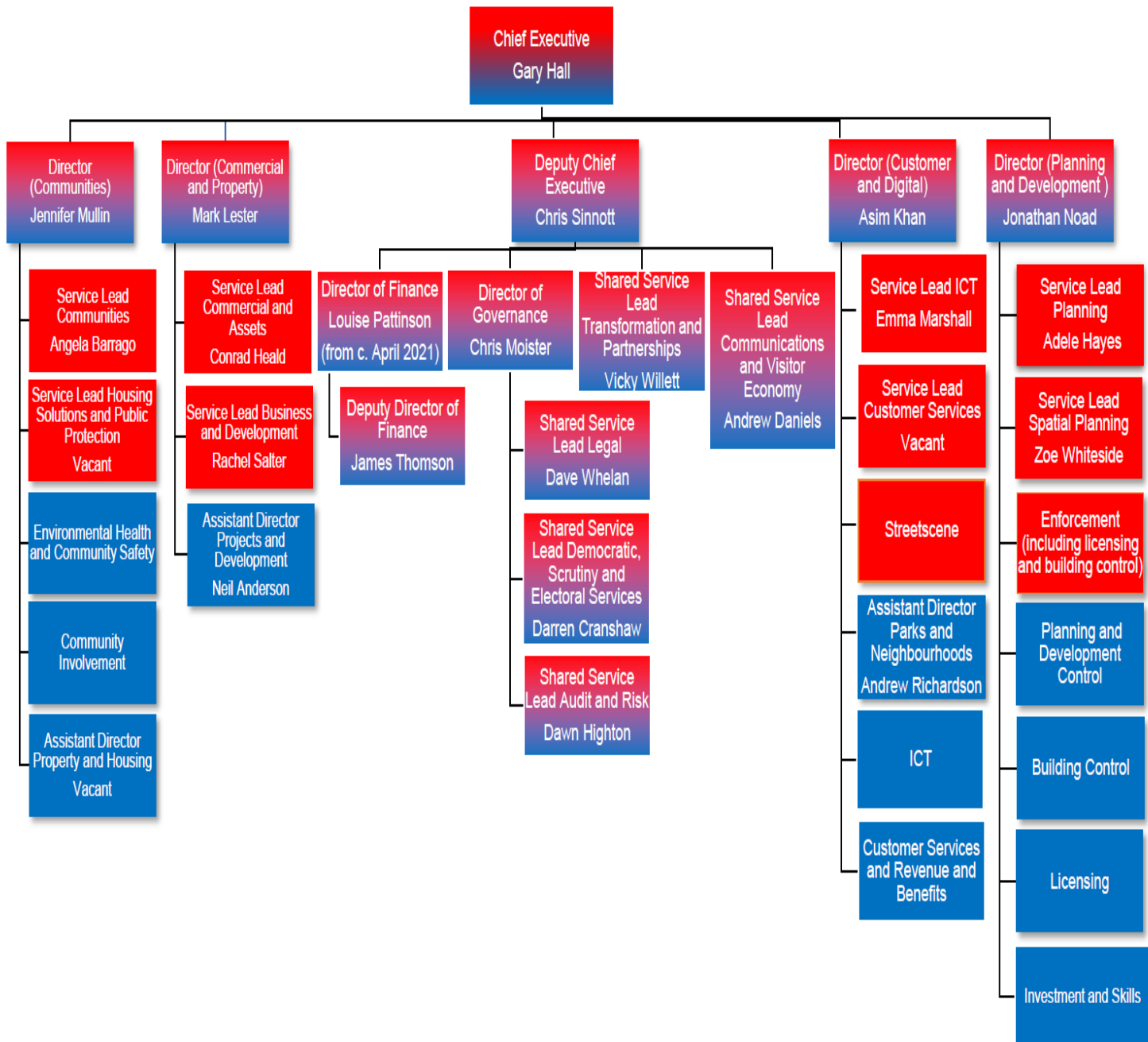
The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, and the amounts of those allowances:

<b>BODY</b>	<b>OFFICE*</b>	<b>ALLOWANCE</b>
		£
Council	Leader	15104.50
Council	Deputy Leader	4,863.63
Cabinet (5 Members)	Member	6,301.99
Scrutiny Committee	Chairman	3,689.16
Planning Committee	Chairman	5,401.24
Standards Committee	Chairman	562.70
Licensing and Public Safety Committee	Chairman	3431.79
My Neighbourhood Area Forum (5)	Chairman	3,689.16
Governance Committee	Chairman	3,689.16
Minority Group	Leader of largest Opposition Party	4,863.62

(\*When a member holds more than one of the offices under the existing scheme, he or she is entitled to receive the allowance for each of the offices held.)

# Agenda Item 1

## Part Seven – SENIOR MANAGEMENT ARRANGEMENTS



This page is intentionally left blank