



# **CONSTITUTION**

## **Cabinet**

**May 2021**

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A. Part A

# **PART A**

## **INTRODUCTION**

### **Summary and Explanation**

#### **The Council's Constitution**

South Gloucestershire Council has agreed a constitution which sets out how the Council operates and how decisions are made and the procedures which are followed. Some of these processes are required by the law, while others are a matter for the Council to choose.

#### **How the Council Operates**

The Council is composed of 61 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Sub-Committee is responsible for training and advising them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policy framework and set the budget each year. After each full council election, the Council elects the Leader of the Council. The Leader appoints the members of the Executive (the Cabinet) and allocates portfolio responsibilities to these executive councillors.

The Council appoints a Scrutiny Commission to be responsible for overview and scrutiny, and for being the principal means of holding the Executive to account.

Various non-executive committees are appointed by the Council to make decisions on those matters which cannot be the responsibility of the Executive (eg development control, licensing and public rights of way).

Members of the public may make statements, ask questions or present petitions at any Council meeting.

Members of the Council may present petitions on behalf of their constituents, ask questions of executive councillors or submit motions for debate at a meeting. They may also contribute views during the course of a meeting on a matter being discussed.

#### **How Decisions are made**

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader of the Council (elected by the

Council) and between 2 and 9 executive councillors (appointed by the Leader). Together they form the Executive or Cabinet. When decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. If these decisions are to be discussed with council officers and decided at a meeting of the Cabinet, this will generally be open for the public to attend except where confidential or exempt matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Decisions can also be made by individual executive councillors on matters within their "portfolio" of responsibilities. Decision-making needs are also published in the Executive's forward plan in so far as they can be anticipated. Proposed decisions by executive councillors are published at least five clear working days before they are made.

Delegated powers are also given to Council officers to make operational or more routine decisions in relation to the services they manage for the Council.

### **Overview and Scrutiny**

Overview and scrutiny is undertaken by a Scrutiny Commission which supports the work of the Executive and the Council as a whole. It allows a greater say in Council matters by holding inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. The Scrutiny Commission also monitors the decisions of the Executive. Any five members of the Council can 'call-in' a decision which has been made by the Cabinet or by an executive councillor but not yet implemented. Decisions "called-in" are reviewed by the Scrutiny Commission, which may recommend that the decision-taker reconsider the decision. The Scrutiny Commission may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

### **Community Engagement Forums**

#### **Purpose**

The purpose of Community Engagement Forums is to provide a place where local needs, issues and projects can be discussed by local residents, community groups, town & parish councils and public sector organisations in order to help shape future activity.

#### **The Council's Employees**

The Council employs staff to give advice, implement decisions and manage and deliver services. Some staff have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between employees and members of the council.

## **Protection of Children**

As part of the Council's commitment to the protection of children, all councillors are expected to participate in the Disclosure & Barring Service (DBS) checking process immediately after initial election and subsequently every four years.

Councillors without a satisfactory current standard DBS after three months of taking office, or after each four year period, will not be able to remain in positions of special responsibility, or as members of council committees where they relate to services for children and young people.

## **Corporate Parenting**

All members of the Council share collective responsibility for children in the Council's care. This involves corporate responsibility for providing the best possible care and protection for the children concerned. Given the importance of this role, all councillors are required to undertake appropriate training.

## **Citizens' rights**

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

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

Citizens have the right to:

- Vote at local elections if they are registered;
- Contact their local councillor about any matters of concern to them;
- Inspect the Council's Constitution (free of charge) or obtain a copy at a charge.
- Attend meetings of the Council, its committees and the Cabinet, except where exempt or confidential matters are being discussed;
- Find out, from the Executive's forward plan, what decisions are to be discussed and decided by the Cabinet or executive councillors, and when;
- Attend formal meetings of the Cabinet where decisions are being discussed or decided;
- Inspect agendas, reports and background papers, for any formal council body and any record of decisions made;
- Complain to the Council about the delivery of council services (our complaints

procedure is available from all Council offices)

- Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- Inspect the Council's accounts and make their views known to the external auditor.

### **Citizens' responsibilities**

Citizens must not be violent, abusive or threatening to councillors or council employees and must not wilfully harm things owned by the council, councillors or employees.

### **Financial management and Contracts**

The management of the Council's financial affairs will be conducted in accordance with the financial regulations. Every contract made by the Council will comply with the Standing Orders relating to contracts.

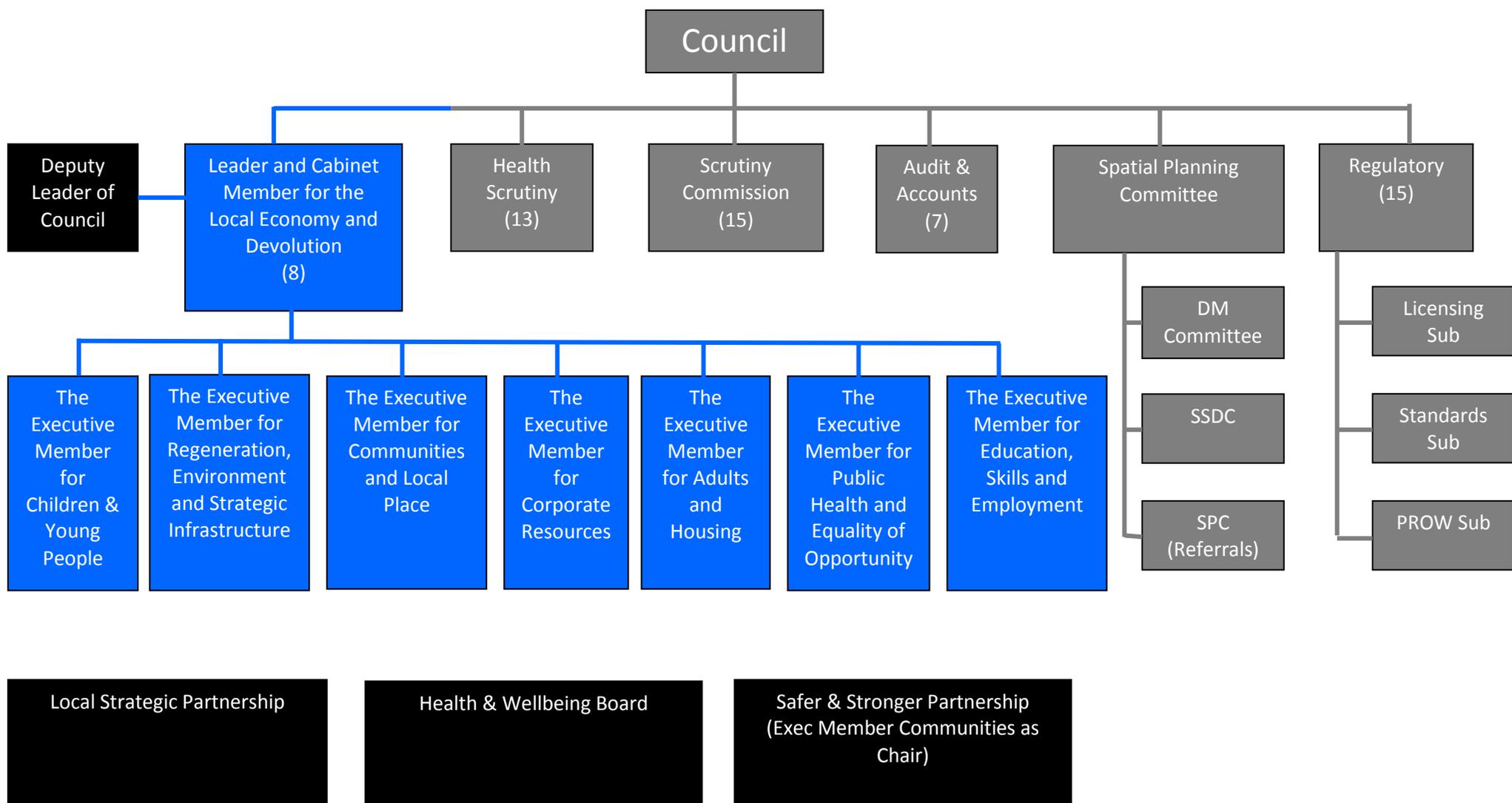
### **Training**

In order to ensure that Councillors undertake their functions and make decisions in an informed and lawful manner the council will require councillors to undertake certain training activities during their term as a Councillor. The following training shall be provided by the Council and shall be undertaken by each Councillor on election or on re-election and subsequently every four years thereafter:-

- Corporate Parenting
- Equalities
- Data Protection
- Planning Law (prior to any member participating at DC Committee)
- Public Rights of Way (prior to any member participating at Public Rights of Way Committee)
- Standards (prior to any member participating at Standards Sub-Committee)
- Licensing (prior to any member participating at a Licensing Sub-Committee)

Further training may be identified by the Cabinet or Committees. The requirement to undertake such training will not require an amendment to the Constitution.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Natalie Carr (tel 01454 868198) or e-mail: [natalie.carr@southglos.gov.uk](mailto:natalie.carr@southglos.gov.uk)



## SUMMARY OF COUNCIL BODIES

<b>Body</b>	<b>Councillors (&amp; other members)</b>	<b>Membership Ratio 68 Committee seats Con: LD: Lab 37:19:12</b>	<b>Access to Information Category</b>
<b>Council</b>	61	33:17:11	1
Cabinet	8	8:0:0	1
Scrutiny Commission	15	8: 4: 3	1
Regulatory	15	8: 4: 3	1
Health Scrutiny	13	7: 4: 2	3
Spatial Planning Committee	18	10:5: 3	1
Audit & Accounts	7	4: 2:1	1

Health and Wellbeing [Board] Committee	3	Executive Members for CYP, Adults and Housing and Public Health and Equality of Opportunity	1
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<b>Sub Committees</b>		<b>Membership Ratio 59 Sub-Committee seats Con: LD: Lab 34:15:10</b>	
Joint Consultative Committee (sub of Cabinet)	7	4:2:1	3
Appointments and Employment	7	4:2:1	1*
Appointments Panel (of the Appointments and Employment sub Committee)	5 for chief officer posts 3 for JNC 2 <sup>nd</sup> tier posts	Any	1*
Licensing Sub-Committee (sub of Regulatory)	3	1 Co-Chair plus 2 members of the Regulatory committee	1*
Public Rights of Way and Commons Registration (sub of Regulatory)	7	4:2:1	1
Standards (sub of Regulatory)	3	Any 3 members of the Regulatory committee	1
Development Management Committee	9	5:2:2	1
Strategic Sites Delivery Committee	9	5:2:2	1
Spatial Planning Committee (Referrals up)	7	4:2:1	1
<b>Policy Advisory Groups</b> (of Committees or sub committees)		Task and finish groups constituted as required on a case by case basis – must be approved by Cabinet	3

<b>Joint Committees / Arrangements</b>			
Joint Health Scrutiny Committee (BNSSG) (Strategic Transformation Plan)	7	4:2:1	1
Police and Crime Panel (PCP)	2	Party to nominate will be stipulated by the Joint Selection Committee	1
Avon Pension Fund Committee	1	1:0:0	1
South West European Partnership Office	1	Executive Member for Communities and Local Place	1
Avon Fire Authority	5	3:1:1	1

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<b>FORUMS</b>			
Environment and Resource Group	6	2:2:2	1
Governors Consultative Forum	3 members of Council		3
Schools Forum	1	Executive Member for Education, Skills and Employment	2
Community Engagement Forums		Ward Councillors for the area	1

<b>PANELS AND GROUPS</b>			
Adoption / Permanence Panel	1	1:0:0	3
Fostering Panel	1	1:0:0	3
Corporate Parenting Board	4-5	Executive Member for Children and Young People + 2:1:1	3
SACRE	3		3
Complaints Panel	3	Any	3
Employee Appeals Panel	3	Any	3

<b>STRATEGIC PARTNERSHIP BODIES</b>			
South Gloucestershire Partnership (Local Strategic Partnership)	3	Council Leader	1
Safer and Stronger Communities Strategic Partnership	4	Executive Members for Communities and Local Place and Public Health and Equality of Opportunity	1

<b>OTHER PARTNERSHIPS</b>			
Learning Difficulties Partnership Board	1	Executive Member for Adults and Housing	3
Cotswold AONB Partnership (statutory outside body)	1	Any	2
Local Enterprise Partnership (LEP)	1	Council Leader	3
Children, Young People and Families Partnership	1	Executive Member for Children and Young People	1

<b>OTHER BODIES</b>			
South Gloucestershire Traded Services Limited	3	1:1:1	3
Merlin Housing Society Customer Assembly	3	1:1:1	3
West of England Combined Authority	1	Leader of the Council (or one of the two nominated substitutes)	1
West of England Combined Authority Overview & Scrutiny	3	2:1:0	1
West of England Combined Authority Audit Committee	3	2:1:0	1

## **Access to Information Categories**

### **Category 1**

Bodies which the public are welcome to attend (unless they are excluded during consideration of exempt or confidential business)

\* An asterisk indicates that decision-making is normally likely to be carried out in confidential or exempt session.

### **Category 2**

Bodies for which there is no statutory right of public attendance but where public attendance rights have been given.

### **Category 3**

Bodies to which the members of the public are not normally admitted, unless by specific invitation

# **TERMS OF REFERENCE OF COMMITTEES AND COUNCIL BODIES**

# TERMS OF REFERENCE

## General Points

- Political Group Leaders will be ex officio, non-voting members of all Committees and sub committees unless indicated otherwise. Political lead members of each Committee will be ex officio on sub committees (with the exceptions of Regulatory sub committees). The non-voting provision does not apply if the ex officio member is substituting for another member or is actually appointed to a committee.
- Parent Committees have the power to deal with any matter delegated to a sub-committee if required.

## COUNCIL

To be the principal debating forum for major policy issues of significance to the Council and the people of South Gloucestershire

- All functions vest in Council and Council is responsible for adopting and changing the constitution
- Creation of committees and delegation of functions to committees through setting Terms of Reference
- To appoint the Committees Chairs and Vice Chairs, lead members and vice lead members for specific functions.
- To make appointments to outside bodies
- Receiving and considering reports from committees or officers.
- The adoption of member and officer codes of conduct and protocols;
- Setting of the Medium Term Financial Plan and budget
- Setting the Council Tax
- To promote and maintain high standards of conduct by members and co-opted members of the council
- Changing the name of the area or conferring the title of honorary alderman
- Confirming the appointment of the head of paid service
- Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills

### **Matters reserved by statute to Council:**

- Annual library plan Section 1(2) of the Public Libraries and Museums Act 1964
- Crime and disorder reduction strategy Sections 5 and 6 of the Crime and Disorder Act 1998
- Development plan documents Section 15 of the Planning and Compulsory Purchase Act 2004
- Licensing authority policy statement Section 349 of the Gambling Act 2005
- Local transport plan Section 108(3) of the Transport Act 2000
- Plans and alterations which together comprise the Development Plan Part 2 of, and schedule 8 to, the Planning and Compulsory Purchase Act 2004

- Sustainable community strategy Section 4 of the 2000 Act
- Youth justice plan Section 40 of the Crime and Disorder Act 1998
- The approval for the purpose of its submission to the Secretary of State or any Minister of the Crown for approval, of any plan or strategy, referred to above (whether or not in the form of a draft) of which any part is required to be so submitted.
- The approval or adoption of a plan or strategy for the control of the local authority's borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision; and
- The function of amending, modifying, varying or revoking any plan or strategy referred to above (whether approved or adopted before or after the coming into force of these Regulations 2012 / 1020).
- The point above does not apply to any amendment, modification, variation or revocation which:-
  - (a) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for approval, or to any part submitted; or
  - (b) is authorised by a determination made by the local authority:-
    - in pursuance of arrangements made for the discharge of functions under section 101 of the 1972 Act; and
    - at the time when the local authority approves or adopts the plan or strategy, as the case may be.
- The making of a members' allowance scheme authorised or required by Regulations under section 18 (schemes for basic, attendance and special responsibility allowances for local authority members) of the 1989 Act or of amending, revoking or replacing any such scheme
- The functions of the determination of:-
  - (a) the amount of any allowance payable under:-
    - subsection (5) of section 3 (chairman's expenses) of the 1972 Act;
    - subsection (4) of section 5 (vice chairman's expenses) of that Act;
  - (b) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989 or the rates at which payments, by way of any such allowance, are to be made.
- The function of making a request to the Local Government Boundary Commission for England under section 57 (requests for single-member electoral areas) of the Local Democracy, Economic Development and Construction Act 2009 for single-member electoral areas.
- The function of passing a resolution to change a scheme for elections under sections 32(1), 37(1) or 39(1) (resolutions for schemes of elections) of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act")
- The function of making an order giving effect to recommendations made in a community governance review under section 86 (reorganisation of community governance) of the 2007 Act
- The function relating to the voting rights of co-opted members of an overview and scrutiny committee under regulation 11
- The functions relating to the Local Authorities (Standing Orders) (England) (Amendment) Regulation 2015
- The approval of salary packages offered in respect of new appointments within salary range, the top of which is £100,000 or above
- To approve the process to be adopted for the appointment of external auditors

## **CABINET PORTFOLIOS AND SCRUTINY ARRANGEMENTS**

### **1. Leader of Council and Cabinet Member for the Local Economy and Devolution**

- To discharge the statutory functions of the Leader of South Gloucestershire Council (SGC)
- Act as the principal spokesperson and advocate for SGC
- Promote the reputation and interests of South Gloucestershire locally and nationally
- Act as the lead member for emergency planning (working with the CEO)
- To represent SGC as the member appointed to the West of England Combined Authority (WECA) Western Gateway and other strategic outside bodies (national, sub-regional and local) and to decide member representation on WECA Boards
- Strategic responsibility for the Economy, Climate Emergency and Tourism/Destination Management
- Implementation of the Council Plan and all relevant plans and strategies
- Development of the medium-term financial plan and budget development
- To appoint members from time to time to act as “Champions” for particular interests both within the Council and outside, subject to such guidance, protocols and support as the Leader deems necessary for the effective operation of the roles
- In the absence of an Executive Member(s) to exercise any of the functions of the Executive Member(s)

**2. Deputy Leader of Council  
(Role to be discharged by one of the Cabinet Portfolio holders)**

- To assist the Leader of Council with budget development and policy co-ordination
- In the absence of an Executive Member(s) to exercise any of the functions of the Executive Member(s)
- To be lead member for the transition period after Brexit
- To deputise for the Leader of Council when required
- Lead the relationship with the Voluntary Community Social Enterprise sector (with the Public Health and Equality of Opportunity portfolio holder)

### **3. Adults and Housing**

- Delivery of relevant adult social care services
- Work with the Safeguarding Adults Board
- Relationship with local NHS Clinical Commissioning Group and Healthier Together Partnership
- Delivery of operational housing functions where required, including operational elements of housing, in particular, the HomeChoice service and the assessment of housing need, homelessness and temporary accommodation provision
- Working with the Learning Difficulties Partnership Board
- Development of capital schemes within Portfolio

#### **4. Children and Young People**

- Children's social care
- Ensure SGC acts as a Corporate Parent as appropriate
- 0 to 25 Service
- Work with the South Gloucestershire Children's Partnership
- Lay review panel, Fostering Panel, Adoption Panel and Governors Consultative Panel
- Operational elements of housing as they relate to children and young people
- Development of capital schemes within Portfolio

## **5. Education, Skills and Employment**

- LEA Education services and Early Years provision
- Employment & Skills, including relevant elements of Devolution agreement
- Relationship with Ofsted and Regional Schools Commissioner
- Relationship with Further Education and Higher Education sector
- Development of capital schemes within Portfolio

## **6. Regeneration, Environment and Strategic Infrastructure**

- Leading the strategic place-based narrative including:
  - o Strategic regeneration (area wide master planning)
  - o Strategic planning, including leading on Local Plan
  - o Environment
  - o Capital schemes (above £5m) within Portfolio
- Housing delivery and strategic employment sites
- Sustainable development
- Supporting the Transport Authority
- Functions of the Highways Authority
- Develop CPO for major schemes within Portfolio
- Development of capital schemes within Portfolio

## **7. Communities and Local Place**

- Delivering services specific to community and place
- Leisure
- Libraries
- Arts, Heritage and cultural services
- Publicly accessible open spaces
- StreetCare services
- Building control
- Community safety and anti-social behaviour
- Enforcement Services
- High Streets and local place delivery
- Implement the Sustainable Community Strategy through the Council Plan
- Develop major schemes (over £5m) for the capital programme including the consultation required for major schemes within portfolio
- Work with the Safer and Stronger Communities Strategic Partnership (with the Public Health and Equality of Opportunities portfolio holder)
- Develop CPO for major schemes within Portfolio
- Waste management
- Development of capital schemes within Portfolio
- Work with Prevent and Channel – working with the Prevent Board to ensure that the Prevent and Channel duties are properly met

## **8. Corporate Resources**

- Power to deal with any matters related to departments at an operational level
- Implement corporate strategies
- Stewardship of the allocation of the council's resources
- Delivery of capital programme
- Development of capital schemes within Portfolio
- Integra Services
- Provision of corporate services to the council, including:-
  - o ICT
  - o Human Resources
  - o Legal
  - o Governance and Democratic Services
  - o Finance
  - o Property, including acquisition in line with relevant strategies
- Corporate Communications
- Lead on the Digital Transformation
- Setting fees and charges

## **9. Public Health and Equality of Opportunity**

- Leading on the following agendas:
  - o Public Health agenda
  - o Promoting positive equality of opportunity for all
  - o Strategic lead working with all Executive Members to promote reducing the inequality gap
- Working with the HWBB driving the population health management agendas
- Working with the Voluntary Community Social Enterprise sector (alongside the Deputy Leader), including decision-making on grant funding
- Work with the Safer and Stronger Communities Strategic Partnership (with the Communities and Local Place portfolio holder)
- Lead on Armed Forces Covenant
- Development of capital schemes within Portfolio

## 10. Joint Consultative Sub-Committee, Appointments and Employment Sub-Committee and Appointments Panel

### JOINT CONSULTATIVE SUB COMMITTEE

#### Membership

Employer's	7 Members
Trade Union	As nominated by the Trades Unions
Ex officio membership:	Group Leaders

#### Terms of Reference

1. To provide a forum for the exchange of views between elected Members and Trades Unions on matters affecting employees.
2. To consider specific matters affecting employees that are referred to it by the Council Members, the Unions and officers.
3. To provide a forum for:
  - consulting on developing and reviewing the Council's health and safety policies and procedures and monitoring their effectiveness
  - considering how new national advice/regulations affect the council
  - receiving annual reports on accident and sickness absence rates and related statistics
  - considering reports on significant major accidents or incidents which have corporate implications
4. On the basis that departmental issues should be resolved at department level (in Health and Safety Committees, Departmental Consultative Committees or other ad hoc management / trade union meetings) they should only be raised at the CHSC if they have:
  - already been raised and discussed at departmental level and have not been satisfactorily resolved
5. Unless agenda items are of matters of extreme urgency they need to be supported by a written report.

### APPOINTMENTS AND EMPLOYMENT SUB COMMITTEE

#### Membership

<b>Membership</b>	<b>7</b>
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(Note: All Members of the Committee are expected to undertake equalities training. All Members who serve on the Appointments Panel are expected to undertake fair selection and recruitment training.)

## Terms of Reference

1. To determine the employment policies and terms and conditions on which Council employees hold office as required by Section 112, Local Government Act 1972.
2. Power to appoint officers for particular purposes (appointment of “proper officers” (Section 270(3), Local Government 1972).
3. Duty to designate officer as the head of the authority’s paid service, and to provide staff (Section 4(1), Local Government & Housing Act 1989).
4. Duty to designate officer as the monitoring officer, and to provide staff (Section 5(1), Local Government & Housing Act 1989).
5. Duty to make arrangements for the proper administration of financial affairs etc. (Section 151, Local Government Act 1972).
6. Functions relating to local government pensions (Regulations under Sections 7, 12 and 24 of the Superannuation Act 1972).
7. Functions under the Firefighters Pension Scheme etc. as respects persons employed as members of fire brigades maintained pursuant to section 4 of the Fire Services Act 1947.
8. To determine issues relating to The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015
9. To undertake and determine (through an Appointments Panel constituted on an appointment-by-appointment basis with membership appropriate to the appointment) all aspects of the process for the recruitment, selection of chief officers and JNC 2<sup>nd</sup> tier posts. Posts with a salary range, the top of which is £100,000 or above, require the approval of full Council

## APPOINTMENTS PANEL (of the Appointments sub Committee)

### Membership

For Chief Officer posts	5 Members (Any)
For other 2 <sup>nd</sup> tier JNC posts	3 Members, (Any)
Ex officio membership	None

### Terms of Reference

To undertake and determine all aspects of the process for the recruitment and selection of chief officers and JNC 2<sup>nd</sup> tier posts.

Posts with a salary range, the top of which is £100,000 or above, require the approval of full Council.

## **11. Health Scrutiny**

### **Terms of Reference**

- Undertake all or any functions associated with the broad purpose and terms of reference of the Committee
- Responsibilities for all strategies associated with the committee portfolio area not reserved for council
- The ability to establish Advisory Groups as required to consider matters and report to the Committee
- To respond, as appropriate, on behalf of the Council to Government consultation in respect of policy and/or legislation affecting Health Scrutiny

### **Scrutiny Role**

- To advocate for the best possible health services for the residents of South Gloucestershire;
- To hold the NHS and other providers of health services to account through robust Overview and Scrutiny.

## 12. Health and Wellbeing Board

### Preamble

The Health and Wellbeing Board (HWB) is constituted pursuant to S.194 of the Health and Social Care Act 2012 (the Act) and operates as a formal Committee of the Council (pursuant to S.102 LGA 1972) as from the 1 April 2013.

### Purpose and Aims

- The Board will provide leadership to achieve, for all ages, improvement to the health and wellbeing of the local population, including children young people and vulnerable adults.
- Although a statutory committee of the council the Board functions as a partnership board and its work will inform and be part of the Local Strategic Partnership and the Sustainable Community Strategy.
- The Board will work at a local 'place' level with the South Gloucestershire Integrated Care Partnership (ICP) to ensure that high quality, person centred integrated care and support is a reality for the population of South Gloucestershire including but not limited to children's care, mental health, and learning disability as well as elderly care. The Board will have regard to and challenge commissioners to work collaboratively, align priorities with each other and with the Joint Strategic Needs Assessment (JSNA) and Joint Health & Wellbeing Strategy (JHWS), and be evidence based.
- The Board will work (with the neighbouring Bristol and North Somerset HWBs) at a system level with the Healthier Together Bristol, North Somerset and South Gloucestershire (BNSSG) Integrated Care System (ICS) and Health and Care Partnership to develop shared priorities and strengthen the HWB voice.

### Functions

The Board will:

- Identify needs and priorities across South Gloucestershire and publish and refresh the South Gloucestershire Joint Needs Assessment (JSNA) and the Pharmacy Needs Assessment (PNA).
- Prepare and publish the Joint Health and Wellbeing Strategy (JHWS) that identifies the priority issues emerging from the JSNA requiring a whole system response.
- Ensure that JHWS collective actions have a named Board member lead and shared delivery arrangements are put in place to ensure that the Board works collectively to improve health and wellbeing in South Gloucestershire.
- Ensure that the JHWS has regard to the national outcome frameworks for health and social care; in particular, for those outcomes where the requirement is for a system response wider than single organisation delivery.
- Prepare and submit the Better Care Fund Plan that sets out the local vision for health and care services.
- Structure the HWB Forward Plan so that each meeting has a theme and the preceding Development Session agenda provides an introduction to the topic, with invitations extended to relevant groups/stakeholders so that they can add breadth to the discussion.

- Provide ‘place’ leadership arrangements to improve population health and healthcare and tackle unequal outcomes and access in South Gloucestershire, including leadership for the developing South Gloucestershire Integrated Care Partnership (ICP) and the Bristol, North Somerset and South Gloucestershire (BNSSG) wide Healthier Together Integrated Care System (ICS)
- Establish joint seminars with Bristol and North Somerset HWBs on areas of common interest with the aim to agree shared priorities and strengthen the HWB voice in the ICS.
- Advocate and lead on the delivery of the Healthier Together Population Health, Prevention and Inequalities workstream in South Gloucestershire; and contribute to the development and oversight of a population outcomes framework for South Gloucestershire ICP and the BNSSG ICS.
- Report, via the Chair, on the work of the Board to the Health Scrutiny Committee.
- Maintain an overview and receive annual reports on the safeguarding system for children, young people and vulnerable adults.
- Ensure effective mechanisms are in place that enable all age active participation in planning for and improving the health and wellbeing of the local population.
- Ensure that effective linkages are maintained to both the aligned partnership bodies and to the wider Local Strategic Partnership configuration.
- Oversight of the South Gloucestershire Children’s Partnership, with a particular focus on the work of its three sub-groups: Best Start for Children with Complex Needs; Best Start for Vulnerable Children; and Best Start in Life. This will involve the receipt of reports and recommendations in relation to multi-agency working to improve the health and wellbeing outcomes for children and young people.
- Receive updates from the South Gloucestershire Health Protection Assurance Group Covid-19 function on controls and assurances against identified health protection risks and issues in the area.
- Members will comply with the South Gloucestershire Code of Conduct for Members, which is set out in the Council’s Constitution in Part C, Section 50, pages 253-258: [South Gloucestershire Council: \(southglos.gov.uk\)](http://southglos.gov.uk) or their own organisation’s code (where there is duplication).

<b>Voice and Vote Members Consisting of statutory members pursuant to s.194(2) (a)–(g)</b>	<b>Voice and No-vote Members</b>
Executive Member for Adults and Housing	Chief Executive, North Bristol NHS Trust
Executive Member for Children & Young People	Chief Executive, Sirona care & health
Executive Member for Public Health and Equality of Opportunity	Operations Manager, Avon & Wiltshire Mental Health Partnership NHS Trust
Director of Adult Social Services and Housing	Local Policing Area Commander – South Gloucestershire, Avon & Somerset Police
Director of Children and Young People	Chair, South Glos Integrated Care Partnership
Director of Public Health	Head of Locality (Integration), Bromford
South Glos Clinical Lead / nominated clinician, BNSSG CCG	Area Manager, Risk Reduction, Avon Fire & Rescue
Area Director for Bristol and South Glos, BNSSG CCG	County Commander BNSSG, South West Ambulance Service NHS Trust

Member, Healthwatch South Glos	Programme Director, Healthier Together BNSSG Integrated Care System (ICS)
Chief Executive, The Care Forum	Head of Community Support, South Glos Council
	Other VCSE

Meetings will be held 8 times per year (alternating between Board meetings (in public) and private development sessions).

- Agreement will normally be by consensus but if a vote is required, voting rights will be limited to voting members of the Board.
- The Board will elect a chair from its membership at the start of each civic year (which runs from May to April).

Meetings will be quorate if 5 members are present including at least one member from the CCG and the council.

**Review**

The Board will formally review these terms of reference every 12 months and make any recommendations to amend these to full Council

### **13. Scrutiny Commission**

15 member Scrutiny Commission with a Liberal Democrat/ Labour Co-Chair. The Scrutiny Commission cannot include executive members and is subject to political proportionality.

The Scrutiny Commission has a number of functions and will:

- agree issues to be considered by the Scrutiny Commission as part of a strategic work plan
- make recommendations to the Executive
- call in decisions
- monitor in year performance and budgets, and
- conduct in-depth reviews of particular issues of relevance through the establishment of informal and focused task and finish groups. Groups will be comprised of Scrutiny Commission and other members. Task and finish groups will carry out in-depth, focused, and potentially cross cutting pieces of work, which may take 3/6 months. It is anticipated that there may be 5/6 such reviews spread across the year.

## **14. Regulatory**

### **Terms of Reference**

- Undertake all or any functions associated with the broad purpose and terms of reference of the Committee.
- Duty to implement the Sustainable Community Strategy through the Council plan relevant to the Committee general portfolio.
- Responsibilities for all strategies associated with the committee portfolio area not reserved for council.
- Responsibility for setting fees and charges, for budget and performance management and risk management within terms of reference
- Ability to request permission from Policy and Resources committee to establish Advisory Groups as required to consider matters and report to the Committee.
- Engaging with the voluntary and community sector in respect of planning and delivery of services for Regulatory Services.
- To respond, as appropriate, on behalf of the Council to Government consultation in respect of policy and/or legislation affecting Regulatory Services.
- Licensing, Regulatory matters and specific functions relating to Election.
- Standards and determination of Standards complaints and approval of all relevant procedures to discharge these functions.
- Public Rights of Way and Commons Registration, Town and Village Green matters.
- Duties under the Regulatory investigatory Powers Act 2000.
- To recommend to Council such changes to the adopted Code of Conduct as are appropriate from time to time.
- To appoint independent persons / members as required by the Council subject to any relevant statutory requirements

### **Functions relating to Elections**

- Duty to appoint an electoral registration officer returning officer for local government elections.
- Functions relating to changes in community governance (parish) arrangements and parish reviews that are not reserved for Council.
- Power to alter the years of ordinary elections in parish councils.
- Duty to divide the constituencies into polling districts.
- Power to pay expenses incurred by electoral registration officer.
- Power to make temporary appointments to parish councils.
- Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.
- Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.

### **Miscellaneous Functions**

Functions relating to sea fisheries.

## **Functions Relating to Licensing**

The Regulatory Committee will carry out the Licensing function and powers of the authority unless reserved for council or delegated to officers. For clarity, power to set taxi fares including consideration of any objections and Sex Establishment fees and designated Public Places Order made pursuant to The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 are reserved for the Committee to decide

Matters reserved for Council are the approval of Gambling Act 2005 policies and Licensing Act 2003 policies.

### **i) Licensing Sub Committees**

The Licensing powers will be exercised through the licensing sub committee, as shown in the table below.

## Table of Delegations of Gambling Act Licensing Functions

Matter to be dealt with	Regulatory Committee or Sub Committee	Delegations of Functions to Director of Community Services
(a) Three year licensing policy (for full Council to decide)		
(b) Policy not to permit casinos (for full Council to decide).		
(c) Fee Setting – when appropriate.	Yes	
(d) Application for premises licenses	Where representatives have been received and not withdrawn.	Where no representatives received or representations have been withdrawn.
(e) Application for a variation to a licence.	Where representatives have been received and not withdrawn.	Where no representatives received or representations have been withdrawn.
(f) Application for a transfer of a licence.	Where representatives have been received from the Commission.	Where no representatives received from the Commission.
(g) Application for a provisional statement.	Where representatives have been received and not withdrawn.	Where no representatives received or representations have been withdrawn.
(h) Review of a premises licence	Yes	
(i) Application for club gaming/club machine permits	Where representatives have been received and not withdrawn.	Where no representatives received or representations have been withdrawn.
(j) Cancellation of club gaming/club machine permits	Yes	
(k) Applications for other permits		Yes
(l) Cancellation of licensed premises gaming machine permits		Yes
(m) Consideration of temporary use notice.		Yes
(n) Decision to give a counter notice to temporary use notice.	Yes	

<b>Licensing Sub-Committee</b>	<b>Any 3 members of the , Regulatory Committee</b>	<p><b>(a) Licensing Act 2003 determinations</b> To hear representations from applicants, licence holders, Responsible Authorities and Interested Persons and determine applications and notices made under the Licensing Act 2003 as follows:</p> <table border="1" data-bbox="922 293 1740 1224"> <thead> <tr> <th data-bbox="922 293 1332 376"><b>Functions to be dealt with by the Sub-Committee</b></th> <th data-bbox="1332 293 1740 376"><b>Circumstances</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="922 376 1332 424">Application for personal licence.</td> <td data-bbox="1332 376 1740 424">If a police objection is made.</td> </tr> <tr> <td data-bbox="922 424 1332 507">Application for personal licence, with unspent convictions.</td> <td data-bbox="1332 424 1740 507">If a police objection is made</td> </tr> <tr> <td data-bbox="922 507 1332 584">Application for premises licence/club premises certificate</td> <td data-bbox="1332 507 1740 584">If a relevant representation is made.</td> </tr> <tr> <td data-bbox="922 584 1332 660">Application for provisional statement.</td> <td data-bbox="1332 584 1740 660">If a relevant representation is made.</td> </tr> <tr> <td data-bbox="922 660 1332 772">Application to vary premises licence/club registration certificate.</td> <td data-bbox="1332 660 1740 772">If a relevant representation is made.</td> </tr> <tr> <td data-bbox="922 772 1332 849">Application to vary designated personal licence holder.</td> <td data-bbox="1332 772 1740 849">If a police objection is made.</td> </tr> <tr> <td data-bbox="922 849 1332 932">Application for transfer of premises licence.</td> <td data-bbox="1332 849 1740 932">If a police objection is made.</td> </tr> <tr> <td data-bbox="922 932 1332 1008">Application for Interim Authorities.</td> <td data-bbox="1332 932 1740 1008">If a police objection is made.</td> </tr> <tr> <td data-bbox="922 1008 1332 1120">Application to review premises licence/club premises registration.</td> <td data-bbox="1332 1008 1740 1120">All cases.</td> </tr> <tr> <td data-bbox="922 1120 1332 1224">Determination of a police objection to a temporary event notices.</td> <td data-bbox="1332 1120 1740 1224">All cases.</td> </tr> </tbody> </table>	<b>Functions to be dealt with by the Sub-Committee</b>	<b>Circumstances</b>	Application for personal licence.	If a police objection is made.	Application for personal licence, with unspent convictions.	If a police objection is made	Application for premises licence/club premises certificate	If a relevant representation is made.	Application for provisional statement.	If a relevant representation is made.	Application to vary premises licence/club registration certificate.	If a relevant representation is made.	Application to vary designated personal licence holder.	If a police objection is made.	Application for transfer of premises licence.	If a police objection is made.	Application for Interim Authorities.	If a police objection is made.	Application to review premises licence/club premises registration.	All cases.	Determination of a police objection to a temporary event notices.	All cases.	<p>In all other circumstances, delegation to the Director of Community Services</p>
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<p>Licensing Sub-Committee (continued)</p>		<p><b>(b) Gambling Act 2005 determinations (see details under the Committee delegations)</b></p> <p><b>(c) Other licensing determinations</b></p> <ol style="list-style-type: none"> <li>1. To determine any application for a license, registration or permit that relates to the functions of the Committee, to which an objection has been raised.</li> <li>2. To hear representations from licence holders, registration holders and applicants and determine applications that relate to the functions of the Committee.</li> <li>3. To grant, renew, transfer, vary or revoke sex establishment licences.</li> </ol>	<p>In all other circumstances, delegation to the Director of Community Services</p>
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**Scheme of Delegation of Functions under the Scrap metal Dealers Act 2013**

<b>Matter to be dealt with</b>	<b>Regulatory Committee</b>	<b>Licensing Sub-Committee</b>	<b>Officers</b>
Determination of fees	All fees		
Application for a Site Licence		If a relevant presentation is made	If no relevant representation is made
Application for a Collectors Licence		If a relevant presentation is made	If no relevant representation is made
Application to vary a Site Licence		If a relevant presentation is made	If no relevant representation is made
Application to vary a Collectors licence		If a relevant presentation is made	If no relevant representation is made
Revocation of a Site Licence or Collectors Licence		Where the revocation is contested	Where the revocation is not contested
Refusal to renew a licence		Where the refusal is contested	Where the refusal is not contested
Revocation of a Site Licence or Collectors Licence		Where revocation is contested	Where revocation is not contested
Refusal to vary a licence		Where the refusal is contested	Where the refusal is not contested
The inclusion of conditions on a licence		Where condition/s is contested	Where condition/s is not contested
Issue of a Closure Notice			All cases
Cancellation of a Closure Notice			All cases
Application for a Magistrates Closure Order			In conjunction with Legal Services

## **ii) PUBLIC RIGHTS OF WAY AND COMMONS REGISTRATION SUB COMMITTEE**

Note: members must be trained to sit on the Public Rights of Way committee

### **Terms of Reference**

To carry out all functions relating to:-

- the Council's role as commons registration authority in accordance with Part I of the Commons Act 2006 and the Commons Registration Act 1965.
- public rights of way as provided:-
  - (i) in the Highways Act 1980, and
  - (ii) in the Wildlife and Countryside Act 1981
  - (iii) in Parts i & ii of the Countryside and Rights of Way Act 2000
- the power to convert footpaths to cycle tracks as provided in the Cycle Tracks Act 1984.

## **iii) STANDARDS SUB COMMITTEE**

### **Membership**

The membership of the Standards Sub Committee will be drawn from the Regulatory Committee. A Standards Sub Committee will comprise of 3 members (1:1:1). All Sub Committee members shall undertake training as required.

### **Terms of Reference**

The Standards committee shall:

- Receive complaints made by any persons about elected and co-opted Councillors of South Gloucestershire Council and all parish and town council's within the district of South Gloucestershire.
- Assess the complaints and determine whether, having considered the adopted Code, a complaint requires further investigation.
- In accordance with the requirements of Sec 33 of the Localism Act 2011, to consult with the Independent Person.
- Instruct the Monitoring Officer to undertake an independent investigation of a complaint in accordance with procedures approved by the Regulatory Committee
- Receive investigation reports and to consider the same in accordance with procedures approved by the Regulatory Committee and to determine any appropriate penalty

- The Standards committee shall exercise (i) to (v) above in relation to the elected and co-opted councillors of the parish and town councils within the district of South Gloucestershire Council
- To determine applications made under the Localism Act 2011 for dispensations

**15. Spatial Planning Committee  
Strategic Sites Delivery Committee  
Development Management Committee**

**Roles applicable to all three committees**

All Town and Country Planning and development control functions on matters within the geographical area covered by the Committee.

To discharge the Council's town and country planning and development management functions on matters within the geographical area covered by the Committee.

Undertake all or any functions associated with the broad purpose and terms of reference of the Committee.

**Additional roles for the SPATIAL PLANNING COMMITTEE only**

To be the body from which the membership of the Development Management Committee and Strategic Sites Delivery Committee is drawn.

To be a body from which members are drawn to form a sub-committee to determine planning and related applications referred to it from the Development Management and Strategic Sites Delivery Committees

At the request of the Cabinet and/or the Executive Member for Planning, Transport and Strategic Environment, to provide views on spatial planning policy under development.

**Additional roles for the STRATEGIC SITES DELIVERY COMMITTEE only**

To determine:

Any application which first established the principle of development for more than 250 dwellings or 10 ha of employment development

Any application or matter which in the opinion of the Director will have a strategic impact or which raise issues of more than local importance

**Additional roles for the DEVELOPMENT MANAGEMENT COMMITTEE only**

To determine:

Any application or matter appearing on the Circulated Schedule which is properly referred by any Member of the Council, unless they fall to be determined by the SSDC by virtue of their location, type or scale

Any applications referred to the committee by the Director

**Terms of Reference for the Spatial Planning Committee, Development Management Committee and Strategic Sites Delivery Committee Development Control for the applications which fall to be determined by them**

- Power to determine application for planning permission.
- Power to determine applications to develop land with a variation to conditions previously attached.
- Power to grant planning permission for development already carried out.
- Power to decline to determine application for planning permission.
- Duties relating to the making of determinations of planning applications.
- Power to determine application for planning permission made by a local authority, alone or jointly with another person.
- Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
- Power to enter into agreement regulating development or use of land.
- Power to issue a certificate of existing or proposed lawful use or development.
- Power to serve a completion notice.
- Power to grant consent for the display of advertisements.
- Power to authorise entry onto land.
- Power to require the discontinuance of a use of land.
- Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice.
- Power to issue an enforcement notice.
- Power to apply for an injunction restraining a breach of planning control.
- Power to determine applications for hazardous substances consent, and related powers.
- 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.
- Power to require proper maintenance of land.
- Power to determine application for listed building consent, and related powers. Power to determine applications for conservation area consent.
- Duties relating to applications for listed building consent and conservation area consent.
- Power to serve a building preservation notice, and related powers.
- Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.
- Powers to acquire a listed building in need of repair and to serve a repairs notice.
- Power to apply for an injunction in relation to a listed building.
- Power to execute urgent works.
- Powers relating to the preservation of trees.
- Powers relating to the protection of important hedgerows.
- Power to make limestone pavement order.
- Power to authorise the stopping-up or diversion of a public right of way in connection with development.
- To undertake sites inspection visits.

## **16. Audit and Accounts**

The Audit committee is a key component of corporate governance. It should be a key source of assurance about the Council's arrangements for managing risk, maintaining an effective control environment and to provide independent scrutiny of financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment.

The Council has an Audit Charter which explains how our audit arrangements operate including purpose, authority, accountability and arrangements to ensure independence and objectivity.

These terms of reference are in line guidance on Audit Committees provided by the Chartered Institute of Public Finance and Accountancy (CIPFA) 2013.

### **Terms of Reference**

- Audit planning
- Review and approval of Statement of Accounts
- Undertake all or any functions associated with the broad purpose and terms of reference of the Committee.
- To agree the Council's external Audit Plan and proposed fees, within the budget agreed by the Council, and to monitor the delivery of that Plan;
- To approve the Internal Audit Charter in line with the Public Sector Internal Audit Standards;
- To agree the annual internal Audit Plan, within the budget agreed by the Council, to monitor its delivery and effectiveness and to consider and make recommendation on any significant matters arising from internal audit work;
- To approve the terms of reference for the External Assessment of Internal Audit and receive reports on the results of the assessment, as required by the Public Sector Internal Audit Standards;
- To receive annual information on the progress of the Internal Audit Quality Assurance and Improvement Plan to provide assurance that the service is self-assessing their performance, as required by the Public Sector Internal Audit Standards;
- To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promoted;
- To develop and recommend to Council and to monitor the operation of the Council's Code of Corporate Governance.
- To provide the formal response to the Annual Management Letter from the Council's external auditors.
- To receive progress reports and an annual assurance report from the Internal Audit Manager on the work conducted by the internal audit service, which includes a commentary on the status of the internal control environment;
- To ensure the internal audit services is able to provide an effective audit function in terms of its resources and skills and that its scope is not restricted;

- To consider and approve the Annual Governance Statement and action plan in accordance with the Accounts and Audit Regulations 2011 and any other legislation or statutory guidance;
- To consider any significant internal or external audit matters that are deemed by the Chief Financial Officer or Internal Audit Manager or the External Auditor to require member level consideration, including fundamental weakness reports;
- To seek assurance that significant external and internal audit recommendations are implemented by management;
- To be the custodian of the Council's anti-fraud and corruption strategy and to develop and monitor policies and protocols on this matter. To consider any significant issues in relation to detected fraud or corruption within the council. To consider the results from the biennial National Fraud Initiative and receive an annual report on counter fraud activity;
- To review and approve the annual statements of accounts, in accordance with the Accounts and Audit Regulations. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or audit that need to be brought to the attention of the Council;
- To consider the external auditor's report to those charged with governance on issues arising from the audit of accounts.
- To scrutinise the treasury management strategy and policies in accordance with CIPFA's Code of Practice for Treasury Management in public services.
- To consider and recommend to Council options for the appointment of external auditors in line with current guidance brought about by The Local Audit and Accountability Act 2014.

# **SOUTH GLOUCESTERSHIRE SAFER AND STRONGER COMMUNITIES STRATEGIC PARTNERSHIP**

## **TERMS OF REFERENCE 2020/21**

### **1 Purpose and Aims of the Partnership**

- 1.1 As its primary purpose, to establish a strategic direction; co-ordinate and help deliver actions that support the development of safer and stronger communities within South Gloucestershire.
- 1.2 To exercise the functions of the statutory Community Safety Partnership for South Gloucestershire.
- 1.3 In particular, to encourage, support and propose actions that will help achieve the agreed aims set out in the South Gloucestershire Community Strategy, namely: -
  - (i) To reduce crime, the harm caused by illegal drugs and alcohol and to reassure the public, reducing the fear of crime and anti-social behaviour and improve safety in homes and public spaces.
  - (ii) To empower local people to have a greater voice and influence over local decision-making and the delivery of services by increasing the strength, capacity and engagement of local communities to create local solutions.
  - (iii) To improve the quality of life for people in existing and new communities in greatest need through targeted service delivery.

### **2 Terms of Reference**

- 2.1 To promote and guide work that supports the development of sustainable safer and stronger communities.
- 2.2 To oversee, co-ordinate, inform and influence the development of policies, strategies and action plans relating to all of the work of the Partnership.
- 2.3 To secure, on behalf of the Local Strategic Partnership, the implementation of those aspects of the Sustainable Community Strategy that relate to 'Our Communities'.
- 2.4 To monitor progress of the Partnership and its strategies and action plans and ensure equality of opportunity has been addressed on a 6-monthly basis.
- 2.5 To ensure effective liaison and working with other strategic partnerships to achieve shared or related objectives, including making links with sub-regional partnerships.
- 2.6 To be responsible for securing co-ordination between partner agencies and resolution of potential disputes regarding the various strategies, funding and service delivery issues, to enable objectives to be secured.
- 2.7 To promote an understanding of the contribution and responsibilities of individual organisations, based on the shared commitments and aims of the Partnership.
- 2.8 To make recommendations to the Local Strategic Partnership, the Council and other partner organisations on matters relating to the achievement of Community Strategy objectives.

- 2.9 To deliver statutory obligations by forging a constructive partnership which assists in tackling the complex issues associated with crime, disorder, drug and alcohol misuse and influencing change.
- 2.10 To consider the outcome of significant inspections and reviews and advise on necessary changes to policy, strategy and action plans.
- 2.11 To develop and maintain links with community groups and to value the views expressed by voluntary, community and business interests.
- 2.12 To receive; comment upon; and recommend key strategies and policies.

### **3 Legal Status and Decision-Making**

- 3.1 When acting in its Community Safety Partnership capacity, the Partnership is exercising its statutory functions under the Crime and Disorder Act 1998 and the Police Reform Act 2002. The Partnership may make formal decisions to discharge its statutory Community Safety Partnership functions.
- 3.2 The Partnership shall not make executive decisions or exercise executive authority over constituent partner organisations. Neither may the Partnership or any Partnership Sub -Group have the power to make decisions that bind member organisations.
- 3.3 Proposals for the allocation of external funds held in the role of CSP will be made by the Senior Officer Group, for approval by the Strategic Partnership.
- 3.4 The Partnership may make recommendations to the South Gloucestershire Local Strategic Partnership, or where executive decisions are needed, to the Council or partner organisation that has responsibility for the function or activity concerned.

### **4. Membership of the Partnership**

4.1 The following organisations have formal spaces on the Strategic Partnership.

Avon and Somerset Police	• 1 member
Avon Fire and Rescue Service	• 1 member
Clinical Commissioning Group.	• 1 member
Community Engagement Forums	• 2 members (one from unparished area)
Community Rehabilitation Company	• 1 member
CVS South Gloucestershire	• 1 Member
National Probation service	• 1 member
Over 50s Forum	• 1 member
Police and Crime Commissioner	• 1 member
South Gloucestershire Race Equality Network	• 1 member
Southern Brooks Community Partnerships	• 1 member
Public Health	• 1 member
Registered Social Landlords	• 1 member
South Gloucestershire Council	• 2 elected Members and 2 observers
Town and Parish Council Forum	• 1 member

4.2 The Partnership shall have the power to co-opt other members as appropriate, e.g. to represent young people.

- 4.3 Each member of the Partnership shall nominate a Deputy who will attend in their absence.
- 4.4 Officers from organisations represented on the Partnership will be available to offer support and give guidance and advice as required.

## **5 Life of the Partnership**

- 5.1 The partnership shall be subject to review if there is no longer a legal requirement to have a Community Safety Partnership.

## **6 Convening and Conducting Meetings**

- 6.1 The Partnership shall meet at least 3 times a year with additional meetings to be arranged as agreed by Members.
- 6.2 The Chair and Vice Chair will be elected by the Partnership and serve for one year. For electing a chair and vice-chair, each partner representative has a vote, the outcome being achieved by simple majority of those present at the meeting.
- 6.3 Partnership meetings shall have a quorum of a minimum of a third of partner organisations being represented.
- 6.4 The Partnership should aim to reach its conclusions by consensus. Conclusions reached are not binding on partner organisations in respect of their own executive functions and responsibilities. Conclusions will be referred to the relevant partner organisations for consideration and decision. Outcomes will be reported back to the Partnership.
- 6.5 Secretariat and legal support will be provided by South Gloucestershire Council Legal and Democratic Services, to include: -
- Co-ordination of agenda preparation
  - Convening of meetings
  - Publication and circulation of agendas and supporting papers at least five clear (working) days prior to a meeting
  - Taking of minutes
  - Procedural and legal advice
  - Monitoring and progressing actions agreed by the Partnership.
- 6.6 Partners shall have the right to submit agenda items if they are received at least seven working days prior to the despatch of the agenda.
- 6.7 While recognising that some topics are required to remain confidential, wherever possible meetings will be open to the public and the agenda and minutes of meetings will be published.

## **7 Partnership Relationships and Linkages**

- 7.1 The South Gloucestershire Safer and Stronger Communities Partnership is responsible to the South Gloucestershire Local Strategic Partnership. Subject to the Local Strategic Partnership's agreement, the Safer and Stronger Communities Partnership has primary responsibility for representing the views of the LSP on issues within the Safer and Stronger Communities Partnership's terms of reference.
- 7.2 The Partnership will ensure that it supports work towards the related outcomes of any themes in the Sustainable Communities Strategy.

## **8 Probity and Accountability**

- 8.1 The Partnership will meet in public, with the same opportunities for public participation as apply to Council meetings generally. Meeting arrangements and agendas will be published so that the public may be aware of the Partnership's activities and the opportunities to engage with them.
- 8.2 In the interests of transparency and to ensure probity and public confidence in partnership working, all partner representatives at partnership meetings are expected to commit to the seven principles of public life set out in the first report of the Committee on Standards in Public Life as required by the Localism Act 2011 as follows:
- Selflessness
  - Honesty
  - Integrity
  - Accountability
  - Openness
  - Leadership
  - Objectivity
- and to abide by the Members' Code of Conduct of South Gloucestershire Council as amended from time to time
- 8.3 Partners who consider that they have an interest to declare are asked to: a) State the item number in which they have an interest, b) The nature of the interest, c) Whether the interest is a disclosable pecuniary interest, non-disclosable pecuniary interest or non-pecuniary interest. Any partner who is unsure about the above should seek advice from South Gloucestershire Council's Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

## **9 Scrutiny of Partnership**

- 9.1 The activities of the Partnership will be subject to scrutiny by the relevant committee of South Gloucestershire Council. This is currently the council's Scrutiny Commission. Scrutiny will be conducted in accord with the Protocol jointly agreed between the Strategic Partnership and South Gloucestershire Council.
- 9.2 As a minimum, an annual report of the Partnership will provide a basic opportunity for the scrutiny of partnership work to take place. However the Scrutiny Commission may wish to pursue additional and specific areas of scrutiny as it considers appropriate.

## **10 Risk Management**

- 10.1 Good risk management is integral to the delivery of successful partnership working. The Partnership will be guided by and take account of the document "Guidance for Managing Risk and Opportunities in Partnership" in developing aims and objectives and in all its activities.

## **17. Community Engagement Forums**

### **TERMS OF REFERENCE**

#### **Purpose**

The purpose of Community Engagement Forums is to provide a place where local needs, issues and projects can be discussed by local residents, community groups, town & parish councils and public sector organisations in order to help shape future activity.

#### **Objectives**

- To develop shared understanding of local priorities and needs
- To improve the quality of life of people in the local area by influencing local decision making and service delivery

#### **Membership**

There is no formal membership of Community Engagement Forums. All those who attend will be given equal status at meetings.

The chair will seek to ensure that those from minority and hard to reach groups are given full opportunity to express their views on behalf of those communities.

It is hoped South Gloucestershire Council, Town/Parish Councils, the Police, Fire and Rescue Service, local agencies, community organisations and residents will attend on a voluntary basis because they find value in doing so. Those attending the forum will be expected to represent their local community with integrity, objectivity, accountability, openness and honesty.

#### **Meetings**

There are 14 community engagement forums as shown in Appendix 1, each of which will meet three times a year.

Agenda items can be suggested in advance to the Chair, who will set the agenda in consultation with South Gloucestershire Council's Community Engagement Officer. In addition each agenda will contain a slot where local issues of immediate and urgent concern can be highlighted.

If topics of general interest across South Gloucestershire are discussed, the focus will be around the particular local dimension for the individual community engagement forum.

#### **Chairs**

Each forum will elect a Chair and Deputy Chair who will fill these roles for 2 years. Chairs and Deputy Chairs provide active leadership, manage meetings and are the main point of contact for forums between meetings.

The Chair should ensure that the views of minority and hard to reach groups are represented.

Chairs from all the forums should meet at least once a year to consider issues of joint interest such as:

- good practice in forum operation
- representation from community engagement forums on the Safer and Stronger Communities Strategic Partnership.

### **Communication**

Each forum will publicise its activities widely and ensure the local community is aware of its initiatives and is able to contribute to its future development.

## 18. OTHER BODIES

### 1. CORPORATE PARENTING BOARD

#### Terms of Reference

#### Membership: 5 (Executive Member for C&YP plus 2:1:1)

The Corporate Parenting Board oversees and drives forward corporate parenting activity across the Council. The Board is committed to championing the interests of children looked after and care leavers in South Gloucestershire.

The aim of the Corporate Parenting Board is to improve the lives of children and young people who are in the care of South Gloucestershire Council. Similarly the group aims to ensure that the whole Council and partner agencies have a joint commitment to corporate parenting in order to achieve continuing improvements in outcomes for looked after children and young people.

The role of the Corporate Parenting Board is

- To oversee the Corporate Parenting Service Development Plan to ensure outcomes fulfil the Council's pledge to looked after children;
- To oversee the development and achieve arrangements for securing effective consultation and engagement of children and young people and carers in the planning and delivery of services;
- To receive regular reports on the provision of services for children looked after and care leavers as required in legislation and enabled fulfilment of the purpose of monitoring and offering advice
- To offer advice and monitor
  - Plans, strategies or policies for looked after children, young people and care leavers to ensure performance a) realises the objectives of the Children and Young People's Plan and the Children in Care Implementation Plan, and b) fulfils statutory requirements.
  - The commissioning and use of placements outside the Council area for the accommodation and/or education of looked after children.
  - The outcome targets for educational attainment, health and other associated activities in relation to looked after children's achievement are achieved;
  - To ensure children looked after are able to participate in plans for their care and developments for service planning and delivery, with progress being reported on an annual basis.
- To oversee the implementation of the NICE Public Health Guidance to promote the quality of life of looked after children and young people

- To celebrate the achievement of the Council, partner agencies and their staff in the provision of quality services

The Board currently comprises of Councillors and Officers from Health, Education and Social Care, the Director, Head of Service and Lead Member of Children's Services. Future plans include a young ambassador for children and young people and a representative from South Gloucestershire's Foster Carers attending the Corporate Parenting Board. Steps are being taken to ensure that a representative from disabled children's services can become a member of the Board.

## **2. COMPLAINTS PANEL**

### **Membership**

3 Members (from trained members)  
Ex officio membership – none.

### **Terms of Reference**

To hear and determine complaints under the Council's Complaints Procedures which have not been resolved by chief officers.

## **3. EMPLOYEE APPEALS PANEL**

### **Membership**

3 trained Council members  
Ex officio membership – none.

### **Terms of Reference**

To hear and determine (1) appeals under Stage 4 of the Grievance Procedure and (2) appeals against the issue of a final warning or a decision to dismiss under the following procedures:-

- (a) Disciplinary
- (b) Capability
- (c) Sickness Absence and Ill Health

## **4. TOPIC FORUMS**

### **Membership**

6 Members of Council cross-party membership plus flexible representation from relevant organisations

Forums are free to develop their own constitutions.

The Lead Member will be appointed by the Topic Forum from amongst the Council's representatives

There is no ex officio membership.

### **Terms of Reference**

To develop and maintain a constructive dialogue between the Council and other public bodies, agencies, community, voluntary and business organisations as appropriate.

To provide advice and comments to Committees of the Council and all relevant stakeholders and promote "joined-up thinking" in relation to the topic.

## **5. FOSTERING PANEL**

### **Constituting a fostering panel**

The Council, as a fostering agency, must constitute a fostering panel to perform the functions of a fostering panel under the Fostering Services Regulations 2011.

### **Membership**

The fostering agency must maintain a list of persons who are considered by it to be suitable to be members of a fostering panel ("the central list"), including one or more social workers who have at least three years' relevant post-qualifying experience.

The agency must also appoint an independent person to chair the panel – this person must have the skills and experience necessary for chairing a fostering panel, and one or two persons who may act as chair if the person appointed to chair the panel is absent or that office is vacant ("the vice chair/s").

The fostering agency must ensure that the fostering panel has sufficient members, and that individual members have between them the experience and expertise necessary to effectively discharge the functions of the panel.

While there is no longer a legal requirement that a Councillor serves on the panel, it is considered good practice.

### **Adviser**

The agency may appoint an agency adviser to the panel – this person is not a member of the panel and their role is to advise the panel.

### **Terms of Reference**

1. To make recommendations to the agency decision maker (the Head of Integrated Children's Services or the Corporate Parenting Manager) about the following –

- the suitability of applicants to be approved as foster carers and the terms on which they should be approved or the termination of approval of a foster carer, and
  - consider referred reviews of approved foster carers.
2. The panel is intended to be a multi-disciplinary body with a considerable element of independence from the agency.
  3. The panel plays an important quality assurance role, providing objectivity and having the ability to challenge practice which is felt not to be in the interests of children or fall short of the Regulations or National Minimum Standards.

### **Terms of Office**

There is no longer a fixed length of tenureship for those on the central list, but each person on the central list, including the chair, is reviewed against performance objectives. The chair is reviewed by the agency decision maker.

Where it is identified that the chair or an individual on the central list is not performing to the required standard, perhaps as part of the review process, it should ensure that this is discussed promptly with the individual with the aim of addressing any development needs through advice and training. If, however, their performance remains below the required standard and the agency considers they should not remain on the central list, they should be informed that their services are no longer required. The individual must be given one month's notice of the agency's intention to remove their name from the central list. The notice should be in writing and include the reasons for the decision.

Those on the central list may also give notice in writing of their decision to withdraw from the central list.

## **6. ADOPTION/PERMANENCE PANEL**

### **Constituting an adoption panel**

The Council, as an adoption agency, must constitute an adoption panel to perform the functions of an adoption panel under The Adoption Agencies and Independent Review of Determinations (Amendment) Regulations 2011.

### **Membership**

The adoption agency must maintain a list of persons who are considered by it to be suitable to be members of an adoption panel ("the central list"), including one or more social workers who have at least three years' relevant post-qualifying experience, and the medical adviser to the adoption agency.

The agency must also appoint an independent person to chair the panel – this person must have the skills and experience necessary for chairing an adoption panel, and one or two persons who may act as chair if the person appointed to chair the panel is absent or that office is vacant ("the vice chair/s").

The adoption agency must ensure that an adoption panel has sufficient members, and that individual members have between them the experience and expertise necessary to effectively discharge the functions of the panel.

While there is no longer a legal requirement that a Councillor serves on the panel, it is considered good practice.

### **Advisers**

The agency must appoint an agency adviser and a legal adviser to the panel – they are not members of the panel and their role is to advise the panel.

### **Terms of Reference**

1. To make recommendations to the agency decision maker (the Head of Integrated Children's Services or the Corporate Parenting Manager) about the following –
  - whether a child should be placed for adoption
  - the suitability of prospective adopters or the termination of approval of a prospective adopter, and
  - whether a child should be placed for adoption with a specific prospective adopter.
2. They are intended to be multi-disciplinary bodies with a considerable element of independence from the agency.
3. The Panel plays an important quality assurance role, providing objectivity and having the ability to challenge practice which is felt not to be in the interests of children or fall short of the Regulations or National Minimum Standards. Panels are required to give regular feedback to the agency.
4. The panel can give advice to the agency (but it is not required to do so) on:
  - contact arrangements
  - whether an application for a placement order should be made
  - the number of children the prospective adopter may be suitable to adopt - their age range, sex, likely needs and background; and
  - the provision of adoption support.
5. The adoption/permanence panel also makes recommendations to the agency decision maker about the placement of children, under the age of 12.5 years, for whom the care plan is long-term fostering.
6. The agency must ensure that the adoption/permanence panel complies with the requirements of the Adoption Agencies Regulations and the Fostering Services Regulations 2011.

### **Terms of Office**

There is no longer a fixed length of tenureship for those on the central list, but each person on the central list, including the chair, is reviewed against performance objectives. The chair is reviewed by the agency decision maker.

Where it is identified that the chair or an individual on the central list is not performing to the required standard, perhaps as part of the review process, it should ensure that this is discussed promptly with the individual with the aim of addressing any development needs through advice and training. If, however, their performance remains below the required standard and the agency considers they should not remain on the central list, they should be informed that their services are no longer required. The individual must be given one month's notice of the agency's intention to remove their name from the central list. The notice should be in writing and include the reasons for the decision.

Those on the central list may also give notice of their decision to withdraw from the central list.

## **7. GOVERNORS' CONSULTATIVE FORUM**

### **Membership**

3 councillors – members of Council TBC

### **Terms of Reference**

1. To provide a communication mechanism for Governors to raise concerns, ask questions of and express views to Members and the Director for Children, Adults and Health.
2. To provide a consultative mechanism to enable Members and the Director for Children, Adults and Health to garner views from Governors on forthcoming policy and council decisions, including the annual budget consultation.
3. To hold the local authority to account on the filling of LA vacancies on Governing Bodies

## **8. SOUTH GLOUCESTERSHIRE SACRE**

The SACRE body will maintain its own Terms of Reference which is subject to review every four years and in the event of change requires approval by the Executive Member for CYP

SACRE is a statutory body that advises the local authority on matters related to the provision of Religious Education and Collective Worship in schools and to agree the local syllabus for Religious Education.

The membership of SACRE consists of representatives from Christian and other religious denominations, Church of England, Teachers' Association Representatives, Local Education Authority (3 Members), Co-options, including Higher & Further Education and a Humanist.

## **9. SCHOOLS FORUM**

The full terms of reference which will be held by the clerk to the Schools Forum

### **Membership**

Schools: Representatives of Headteachers, Governors and Academies.  
Non Schools: Representatives from the Diocese, 14-19 Partnership, pupil referral unit, and the voluntary and independent early years providers.

### **Terms of Reference**

The Local Authority has a statutory duty to consult with and consider the views of the Schools Forum with respect to:

- The scheme for the financing of schools
- The operation of the schools funding formula
- The deployment of the dedicated schools grant

## **10. SOUTH GLOUCESTERSHIRE EQUALITIES FORUM**

### **Roles**

Challenging and working to eliminate discrimination, promote equality of opportunity, build up good relations between diverse individuals and equalities communities of interest, the Council and other Partners and be inclusive of all equalities communities.

The Forum will deliver its aims and objectives by engaging in open meetings with its equalities communities of interest and will be coordinated by a group of strategic partners (the 'Partners Group')

### **Terms of Reference**

1. Establish a common understanding of the experience of discrimination, disadvantage and exclusion across all interests.
2. Build confidence and capacity among our equalities communities of interest to enable them to influence and participate in our public and civic life.
3. Provide a way for equalities communities of interest to raise issues of concern, provide advice on such issues and receive feedback.
4. Review strategic policy, service design and provision in relation to the application of legislation, guidance and inclusion.
5. Impact on the development of public policy and service delivery on issues of significance to communities, South Gloucestershire Council and other Partner organisations.
6. Monitor and review the performance of the Council and its Partners in the implementation of equalities duties, policies and practice.

### **i) EQUALITIES FORUM**

#### **Roles**

The Equalities Forum will meet twice a year.

### **Terms of Reference**

1. Provide a place for dialogue between members of equalities communities of interest and representatives from Partners organisations
2. Share the experience of life in South Gloucestershire for equalities communities and raise issues of concern.
3. Identify priorities for a work programme for the Partners Group
4. Receive progress reports and feedback from the Partners Group

### **ii) PARTNERS GROUP**

#### **Membership**

The SGEF Partners Group shall appoint a Chair and Vice Chair from a partner organisation and an equalities group.

#### **Roles**

The Partners Group is the strategic co-ordinating body for the Forum and is open to everyone who has committed themselves to engaging and acting. This will include individual and community representatives, public and voluntary community sector partners and Councillors and council officers. It will meet up to four times each year, and coordinate its diary with the Equalities Forum meetings (see below).

### **Terms of Reference**

1. Receive Partner requests for consultation and advise on consultation with equalities communities.
2. Decide which issues to pass to the Equalities Forum.
3. Establish working or task groups on specific issues if needed.
4. Take on issues arising from the Equalities Forum
5. Request and receive presentations on relevant issues from Partner organisations
6. Make presentations or represent the views of the Group or the Forum.
7. Appoint equalities representatives to sit on the South Gloucestershire Partnership and other groups.
8. Prepare an annual work programme
9. Plan Equalities Forum meetings



# Delegations

- A – Introduction**
- B – General Delegations to all Chief Officers**
- C – Specific Delegations to Chief Officers**
- D – Specific Delegations to Officers with Statutory Responsibilities**

## A INTRODUCTION

### DELEGATIONS TO OFFICERS

#### 1. Overall Basis

1.1 This scheme delegates functions of the Council to officers. These delegations should be interpreted widely rather than narrowly. The delegations are divided into the following sections:

- A – Introduction
- B – General Delegations to all Chief Officers
- C – Specific Delegations to Chief Officers
- D – Specific Delegations to Officers with Statutory Responsibilities

These sections inter-relate and should not be read in isolation.

1.2 In this scheme “officer” means the holder of any post named in this scheme as having delegated powers and duties.

1.3 This scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation.

1.4 This scheme operates under Sections 101, 151 and 270 of the Local Government Act 1972 and all other powers enabling the Council.

1.5 This scheme includes the obligation on officers to keep members properly informed of activity arising within the scope of these delegations.

#### 2. Overall Limitations

2.1 This scheme does NOT delegate to officers:-

- (a) Any matter reserved to full Council, Cabinet or Executive Member or within the terms of reference of a Committee or sub-Committee
- (b) Any matter which by law may not be delegated to an officer
- (c) Any matter expressly withdrawn from delegation by this scheme.

2.2 In each case the delegated authority to officers **excludes**

- (a) the taking of decisions which make, amend or are not in accordance with the budget and policy framework
- (b) the setting or changing of Council policy
- (c) the approval of service objectives
- (d) the consideration and approval of service delivery options
- (e) the approval of service or business plans
- (f) the approval of service standards

- (g) the review of performance
- (h) the setting of budgets
- (i) the making of compulsory purchase orders

2.3 Any exercise of delegated powers shall be subject to:-

- (a) Any statutory restrictions
- (b) The Council's Constitution
- (c) The Council's budget and policy framework
- (d) Any other policies

2.4 In exercising delegated powers officers shall:

- (a) not go beyond the provision in the revenue or capital budgets for their service or agree individual items of expenditure or virement beyond that permitted by Standing Orders relating to Contracts and Financial Regulations;
- (b) have regard to any report by the Head of the Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989 or of the Chief Financial Officer under Section 114 of the Local Government Finance Act 1988;
- (c) have regard to any report from the Council's internal and / or external auditors in relation to a fundamental weakness in management and financial controls.

### **3. Further Provisions**

- 3.1 In all cases delegated authority includes management of the human and material resources made available for their functions and departments within the limitations of this scheme and subject to specific delegations in this scheme or elsewhere to another officer.
- 3.2 In all cases delegated authority includes the power to issue and serve statutory and other notices, to institute formal cautions and to take default action under all legislation relevant to their functional area. Also to sign all necessary documents and authorise entry to land in pursuance of statutory powers.
- 3.3 To request the Monitoring Officer to institute legal proceedings before courts or tribunals, to authorise officers to appear on behalf of the Council in courts, tribunals, review boards and inquiries.
- 3.4 In all cases, delegated authority includes the power to determine applications, authorise payments and implement national agreements subject to any exclusions contained in this constitution
- 3.5 It shall always be open to an officer, Executive Member or Committee Chair to refer the matter to the appropriate decision making forum, including Cabinet or the relevant committee.

- 3.6 In exercising delegated powers, officers shall consult with such other relevant officers and shall have regard to any advice given.
- 3.7 This scheme includes the power for officers to further delegate in writing all or any of the delegated functions to other officers either fully or under the general supervision and control of the delegating officer. Sub-delegations shall be recorded in a register kept by the Monitoring Officer under Section 100G of the Local Government Act 1972. Sub-delegations may be made across departmental boundaries and to other Councils and their officers as appropriate.

(Any officer exercising powers or duties in pursuance of full sub-delegation will be politically restricted under Section 2(1) (g) of the Local Government and Housing Act 1989).

- 3.8 Officers shall devolve responsibilities for service delivery and management (whether or not involving sub-delegation under this scheme) to the nearest practical point to the service user and in a way which clearly identifies accountabilities.

## **B GENERAL DELEGATIONS TO ALL CHIEF OFFICERS**

**NOTE: the following delegations must be read in conjunction with the foregoing Section A which set out the overall basis, limitations, and further provisions which apply to this scheme of delegations.**

### **1. General Delegation:**

1.1 Authority to take all operational decisions for the delivery of services for which the Chief Officer has managerial responsibility, and which are within –

- (a) approved policies
- (b) approved budgets and virement rules
- (c) approved service plans

**and subject to the following exclusions –**

- (a) service reductions and developments, including closure, relocation or change of use of service establishments
- (b) setting of/changes to rents, fees, charges and concessions and related criteria
- (c) the award of grants over £1,000
- (d) the award of settlements arising from Ombudsman's recommendations over £5,000
- (e) decisions on permanent budget savings to achieve policy objectives

1.2 To take appropriate action which is necessary to ensure the efficient, equitable and effective delivery of services

### **2. Human Resources**

2.1 Authority to manage the human resources within their remit including appointment, health and safety, discipline, suspension and dismissal of staff, in accordance with the Council's HR Policies and procedures.

2.2 Subject to consultation with the relevant Executive Member, authority to make changes to organisational structures and staffing levels, including the creation and deletion of posts, or to purchase a service, or part of a service from other providers, always acting within the HR Policies and procedures and the financial regulations of the Council, except where any proposal:-

- (a) involves the probability of redundancies which results in financial implication beyond the budget, and/or cannot be implemented within existing budgets, and/or
- (b) results in major change in service delivery.
- (c) has significant effects on the employment of existing staff in that or any other Council department
- (d) involves the transfer of staff to another organisation

(Note: in relation to the above it remains the Council's policy to avoid compulsory redundancies where possible. Officer delegations can only be discharged within the Council's HR policies and procedures).

- 2.3 Authority to consider and approve, as appropriate, in consultation with the Head of Human Resources and the Chief Financial Officer (or deputy) in accordance with the provisions of the Local Government Pension Scheme and the Council's approved policy and criteria, the early retirement of staff (aged 50 or over) in the following circumstances:
- (a) in the interests of the efficiency of the service
  - (b) staff who request voluntary retirement

### **3. External Conferences attended by Members**

Authority to designate conference attendances as "approved" for allowances purposes, following consultation with the relevant Executive Member and subject to all conference fees, accommodation costs and out of council area travel costs, being met by service budgets. All such designations to be notified to the Monitoring Officer.

An approved conference is one where:

- (a) attendance is to represent the Council and participate on that basis.
- (b) attendance is to gain information or participate in discussion, in which case the persons attending will be appropriate to the conference content and normally not exceeding one person per political group plus relevant officers.

### **4. Response to Government Consultation**

- 4.1 The relevant chief officer in consultation with the relevant executive member(s) will respond to government consultation on behalf of the council and share the response with the relevant lead members following submission. For the avoidance of doubt, this delegation also applies to consultations relating to Nationally Significant Infrastructure Projects (NSIPs) which relate to or affect South Gloucestershire Council received from government, the Planning Inspectorate or Project Promoter.

### **5. General Matters**

The obtaining of particulars of persons interest in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

## **C SPECIFIC DELEGATIONS TO CHIEF OFFICERS**

**NOTE: the following delegations must be read in conjunction with the foregoing Sections A and B which set out the overall basis, limitations, and further provisions which apply to this scheme of delegations and also general delegations to all Chief Officers.**

### **1. CHIEF EXECUTIVE**

- 1.1 To be Head of Paid Service
- 1.2 To exercise corporate Council functions as appropriate (see Delegations to Director of Resources and Business Change)
- 1.3 To incur expenditure in the event of a civil emergency
- 1.4 In cases of urgency or emergency, to take any decision on behalf of the Council (after consultation with the Leader)
- 1.5 For the purposes of the Local Government (Contracts) Act 1997, authority for the Chief Finance Officer and any one of the following – Chief Executive, Director of Resources and Business Change, Monitoring Officer to sign each certificate given under the Act.
- 1.6 To the Chief Executive or Nominee (Head of Human Resources to make decisions on employee terms and conditions, (including procedures for dismissal), except those relating to:-
  - (a) Chief Officers
  - (b) changes to the Council's corporate pay grade structure;
  - (c) changes to employee terms and conditions which are the subject of contention with the trades unions;
- 1.7 To be responsible for Emergency Planning and Management Services with operational responsibility for the provision of these services being delegated to the Director of Public Health as Deputy to the Chief Executive in relation to this matter.
- 1.8 In consultation with the Leader of Council to represent South Gloucestershire Council Traded Services Limited's shareholder interests.
- 1.9 To participate at the Investment Awards Board
- 1.10 The responsible person for the purpose of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. This delegation shall read in conjunction with the delegation to the Director of Children, Adults and Health who is the Complaints Manager for the purposes of the Act (page A-72)

**Exclusions from these delegations:-**

See Section A, Introduction and Section B, General Delegations to Chief Officers.

## **2. DIRECTOR OF RESOURCES AND BUSINESS CHANGE**

- 2.1 To exercise corporate Council functions in relation to financial services, property services, HR services, legal, governance and democratic services, revenues and benefits, information management, digital, business support services, small holdings estate, travellers, Integra, traded services and commercialisation, performance management, audit, workforce development and the Local Government Pension scheme (and for any other corporate functions for which made responsible).
- 2.2 In the absence of the Chief Executive, to deputise and discharge his functions so far as they relate to the functions of the Director of Resources and Business Change
- 2.3 For the purposes of the Local Government (Contracts) Act 1997, authority for the Chief Finance Officer and any one of the following – Chief Executive, Director of Resources and Business Change, Monitoring Officer to sign each certificate given under the Act.

### **The following are to be exercised only following consultation with the relevant Executive Member**

- (a) Any transaction at a concession, subsidy or non-market value.
- (b) Joint Venture Developments
- (c) Modify residency covenants
- (d) Any lettings being offered on an assured shorthold tenancy basis on terms to be agreed.
- (e) The sale of land/buildings of more than 0.50 acres
- (f) Any sale of land/buildings where a prospective purchaser is a Member of Council, an employee or a relation of either, unless the sale is by public auction.
- (g) The Director of Resources & Business Change in consultation with the Leader of the Council shall approve any land, property or asset purchase / transfer with a value up to £500,000 and / or a lease which will cost up to £500,000 in rental over its life.

### **Exclusions from the above delegations**

- 1) The submission of any planning application which would materially conflict with or prejudice the implementation of the Core Strategy, or which is clearly inconsistent with an identified policy in an adopted local plan which is up to date.
- 2) The disposal of land/buildings of more than 0.50 acres unless in accordance with the Property Framework

- 3) Determination of applications for non-domestic rate relief on grounds of hardship over a limit of £10,000 per annum without virement authority from the Chief Financial Officer.

### **General Delegations**

- 1) Power to make payments of up to £5,000 or provide other benefits to a similar value in case of maladministration
- 2) Power to assign officers in relation to requisitions or the registration officer
- 3) Duty to provide assistance at all elections including Referendum, European, Parliamentary and local

See also Section A, Introduction and Section B, General Delegations to all Chief Officers

### **3. DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

To exercise the Council's powers and functions in relation to leisure services, libraries, arts and culture, open spaces, commons, cemeteries and crematoria, waste management, street care and direct services, public conveniences, street naming and numbering, consumer protection (e.g. food law enforcement, trading standards, product safety, animal health and feeding stuffs, metrology, communicable disease), environmental health, environmental protection (e.g. environmental pollution, nuisance, health and safety, licensing, home safety and safety of sports grounds), community development, economic development, European and International matters and economic and social well-being (including equalities, grants, parish liaison and economic development) and adult learning.

In the absence of the Chief Executive, to deputise and discharge his functions so far as they relate to the functions of the Director of Environment and Community Services

- 3.1 To be responsible for Safer South Gloucestershire and to exercise associated powers and functions.
- 3.2 To determine associated licence applications, subject to appeal to a members appeals panel.
- 3.3 To appoint public analysts, agricultural analysts and chief inspectors of weights and measures.
- 3.4 To authorise enforcement action in relation to regulatory functions exercised.
- 3.5 Street Lighting – completion of agreements for the monitoring and supply of electrical energy for street lighting.
- 3.6 Car Parking – service of excess charge enforcement notices in accordance with off street parking places orders made under the Road Traffic Regulation Act 1984.
- 3.7 To deliver streetcare and direct services, including:
  - Building Services
  - Civil Engineering Services (highways, street lighting, grounds maintenance and street cleaning).
  - The Council's provision of Transport Services
- 3.8 To authorise the calculation, levying, collection and enforcement of the Community Infrastructure Levy in accordance with the Community Infrastructure Regulations 2010 (as amended)
- 3.9 To respond to consultations, in consultation with the Executive Member for PT&SE
- 3.10 To submit funding bids, in consultation with the Executive Member for PT&SE

- 3.11 To vary the transport capital programme (adding schemes in or removing them) within approved budgets, in consultation with the Executive Member for PT&SE
- 3.12 To vary the budgets for individual schemes within the capital programme provided this is within the overall budget for the capital programme, in consultation with the Executive Member for PT&SE
- 3.13 To approve capital scheme detailed design
- 3.14 To submit planning applications and all other statutory procedures for approved schemes
- 3.15 To approve the process of any size for approved schemes within the capital programme provided it is within the approved budget
- 3.16 To place orders and award contracts of any value for approved schemes within the capital programme provided it is within the approved budget
- 3.17 To secure land by negotiation for approved schemes within the capital programme provided it is within the approved budget
- 3.18 To determine objections to Traffic Regulation Orders and the making of Traffic Regulation Orders in support of approved policy
- 3.19 To make agreements with other statutory bodies for the progressing of approved schemes (within budget), eg. Network Rail, Highways Agency, Environment Agency, other Unitary Authorities, etc.

**Exclusions from these delegations:**

See Section A, Introduction and Section B, General Delegations to Chief Officers

## Functions relating to Licensing

Licensing	Trading Standards & animal Health	Env. Health	Legislation repealed	Other department/agency or unsure
<ol style="list-style-type: none"> <li>1. Power to issue licences authorising the use of land as a caravan site ("site licences").</li> <li>2. Power to license the use of moveable dwellings and camping sites.</li> <li>3. Power to license hackney carriages and private hire vehicles.</li> <li>4. Power to license drivers of hackney carriages and private hire vehicles.</li> <li>5. Power to license operators of hackney carriages and private hire vehicles</li> <li>6. Power to register pool promoters</li> <li>7. Power to grant track betting licences.</li> </ol>	<ol style="list-style-type: none"> <li>1. Duty to keep list of persons entitled to sell non-medicinal poisons.</li> <li>2. Power to license premises for the breeding of dogs.</li> <li>3. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.</li> <li>4. Power to license zoos.</li> <li>5. Power to license dangerous wild animals.</li> <li>6. Power to issue licences for the movement of pigs.</li> <li>7. Power to license the sale of pigs.</li> <li>8. Power to license collecting centres for the movement of pigs.</li> <li>9. Power to issue a licence to move cattle from a market.</li> </ol>	<ol style="list-style-type: none"> <li>1. Power to license performances of hypnotism.</li> <li>2. Power to license premises for acupuncture, tattooing ear-piercing and electrolysis.</li> <li>3. Power to license pleasure boats and pleasure vessels.</li> <li>4. Power to license dealers in game and the killing and selling of game.</li> <li>5. Power of register and license premises for the preparation of food.</li> <li>6. Power to issue, amend or replace safety certificates (whether general</li> </ol>	<ol style="list-style-type: none"> <li>1. Power to issue cinema and cinema club licences.</li> <li>2. Power to issue theatre licences. Power to issue Entertainments licences.</li> <li>4. Functions relating to licensing.</li> <li>5. Power to register door staff.</li> <li>6. Power to license night cafes and take-away food shops.</li> </ol>	<ol style="list-style-type: none"> <li>1. Power to issue fire certificates.</li> <li>2. Power to register animal trainers and exhibitors,</li> <li>3. Power to license knackers' yards.</li> <li>4. Power to license the employment of children.</li> <li>5. Power to approve premises for the solemnisation of marriages.</li> <li>6. Power to grant consent for the operation of a loudspeaker.</li> <li>7. Power to grant a street works licence.</li> <li>8. Power to license agencies for the supply of nurses.</li> <li>9. Power to grant permission for provision etc of services, amenities,</li> </ol>

<p>8. Power to license inter track betting schemes.</p> <p>9. Power to grant permits in respect of premises with amusements machines.</p> <p>10. Power to register societies wishing to promote lotteries.</p> <p>11. Power to grant permits in respect of premises where amusements with prizes are provided.</p> <p>12. Power to formulate policy for the Licensing of sex establishments and to set fees for this type of licence</p> <p>13. Power in accordance with Section 7(3) of the licensing act to discharge council's functions under the third schedule to the</p> <p>14. Local Government (misc provisions) Act 1982 (as amended)</p>		<p>or special) for sports grounds.</p> <p>7. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.</p> <p>8. Power to approve meat product premises.</p> <p>9. Power to approve premises for the production of minced meat or meat preparations.</p> <p>10. Power to approve Dairy establishments.</p> <p>11. Power to approve egg product establishments.</p> <p>12. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw</p>		<p>recreation and refreshment facilities on highway and related powers.</p> <p>10. Power to permit deposit of builder's skip on highway.</p> <p>11. A duty to publish notice in respect of proposal to grant permission under Section 115E of Highways Act 1980.</p> <p>12. Power to license planting, retention and maintenance of trees etc. in part of highway.</p> <p>13. Power to license works in relation to buildings etc. which obstruct the highway.</p> <p>14. Power to consent to temporary deposits or excavations in streets</p> <p>15. Power to dispense with obligation to erect hoarding or fence.</p> <p>16. Power to restrict the placing of rails,</p>
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<p>15. Power to license sex shops and sex cinemas.</p> <p>16. Power to license market and street trading.</p> <p>17. Power to license scrap metal dealers</p> <p>18. Power to license persons to collect for charitable and other causes.</p> <p>19. Power to regulate and register motor salvage operators.</p> <p>20. Power to license the sale by retail of alcohol.</p> <p>21. Power to license the supply of alcohol by or on behalf of a club, or to the order of, a member of a club.</p> <p>22. Power to license the provision of regulated entertainment.</p> <p>23. Power to license the provision of late night entertainment.</p> <p>24. Duty to keep a register of licensed premises (alcohol,</p>		<p>meat and selling or supplying both raw meat and ready-to-eat foods.</p> <p>13. Power to approve fish products premises.</p> <p>14. Power to approve dispatch or purification centres.</p> <p>15. Power to register fishing vessels on board which shrimps or molluscs are cooked.</p> <p>16. Power to approve factory vessels and fishery product establishments.</p> <p>17. Duty to keep register of food business premises.</p> <p>18. Power to register food business premises.</p> <p>19. Power to make closing order</p>		<p>beams etc. over highways.</p> <p>17. Power to consent to construction of cellars etc. under street.</p> <p>18. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.</p> <p>19. Power to sanction use of parts of buildings for storage of celluloid.</p> <p>20. Power to register auction and wholesale markets.</p>
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<p>entertainment and late night refreshment).</p> <p>25. Functions relating to the Gambling Act 2005.</p> <p>26. Powers under the Health Act 2006.</p>		<p>with respect of take-away food shops.</p>		
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## Public Rights of Way

<b>Highways Act 1980</b>	
Power to instruct the Monitoring Officer to enter into agreements to create footpaths or bridleways by agreement where this would be advantageous to the public rights of way network – this delegation does not apply to restricted byways	Section 25
Duty to keep register with respect to applications under sections 118ZA; 118C; 119ZA and 119C of the Highways Act 1980	Section 121B*
Duty to assert and protect the rights of public to use and enjoyment of public rights of way	Section 130
Duty to serve notice of proposed action in relation to obstruction of a public rights of way	Section 130A
Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7)
Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway	Section 135
Power temporarily to divert footpath or bridleway	Section 135A*
Functions relating to the making good of damage and removal of obstructions	Section 135B*
Power to authorise erection of stiles etc on public rights of way	
Powers relating to the removal of things so deposited on public rights of way as to be a nuisance	Section 149

<b>Wildlife and Countryside Act 1981</b>	
Duty to keep definitive map and statement under review	Section 53
Power to include modifications in other orders	Section 53A
Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B

## **Development Management**

- 1) Subject to the exceptions in 2 below, Officer Delegations will include power to discharge all the Council's development control and related functions and specifically, but not limited to: -
  - (a) All applications, where approval is deemed to be granted upon the expiry of a defined period.
  - (b) All applications to determine the lawfulness of a proposed or existing use of a site
  - (c) All applications for non-material amendments
  - (d) All applications to discharge planning conditions
  - (e) All applications solely required because of the removal of Permitted Development Rights or Article 4 direction
  - (f) Any footpath stopping up or diversion required to implement an approved scheme.
  - (g) Any application required to be placed on the Circulated Schedule of proposed decisions, as set out below, upon expiry of the consultation period, without the application being properly referred to either the DM or SSD committee by a Member
  
- 2) Exceptions to the exercise of officer delegations

### **2.1) The circulated schedule will always contain the following applications unless the application is required to be determined by Committee:-**

- (a) Any application submitted by, or jointly, or on behalf of the Council,
- (b) Any application submitted by or any matter directly affecting or involving any Member of the Council and any application(s) submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.
- (c) Any applications requiring a new planning agreement
- (d) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.
- (e) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.
- (f) Any applications, except those listed in Section 1 a) -f), where three or more representations from different individuals contrary to the Officer's recommendation are received within the notification period other than from officers of the council acting in their professional capacity.
- (g) Any applications, except those listed in Section 1 a) -f) where a representation is received within the notification period which is contrary to

the officer recommendation from the parish or town council within whose boundary the proposal lies wholly or in part.

- (h) Any applications, except those listed in Section 1 a) -f) where a representation is received within the notification period which is contrary to the officer recommendation from any member of South Gloucestershire Council
- (i) Any matter or application which is properly referred by members from the Circulated Schedule to Committee in accordance with (b) (1) below shall be referred to the relevant Committee for determination.

**2.2) The DM committee will always contain the following applications unless they fall to be determined by the SSDC by virtue of their location, type or scale:-**

- (a) Any application or matter appearing on the Circulated Schedule which is properly referred by any Member of the Council within 5 clear working days of the issue of the Circulated Schedule of proposed decisions and which relates to a matter which falls to be determined by the DM Committee.

To constitute a valid referral the following process must be used: -

- The written request must be submitted and received within 5 clear working days of the issue of the Circulated Schedule of proposed decisions
- The request must be made in writing
- The reasons for the referral, including why it would not be appropriate to permit the proposal to be determined under delegated arrangements, the issues that the proposal raises in relation to the relevant policy context, and the balanced consideration that has been given to the extra costs and delay of referral must be given
- Any such referrals will be subject to review and agreement by the relevant committee Chair, in consultation with the spokes of that committee, as appropriate, and having regard to the assessment criteria set out in Appendix 3 of the Members' Planning Code of Good Practice.

- (b) Any applications referred to the committee by the Director

**2.3) The SSD committee will always contain:-**

- (a) Any application which first established the principle of development for the whole or part of a Strategic Development Location as identified in the Development Plan
- (b) Any application which first established the principle of development for more than 250 dwellings or 10 ha of employment development
- (c) Any application or matter which in the opinion of the Director will have a strategic impact or which raise issues of more than local importance.

**3) Officer Delegations exercisable after a decision in principle, planning decision, or in the event of a planning appeal or legal challenge to a planning decision**

- (a) Modifications to a planning agreement following a decision in principle, or the issuing of a decision, on any application with a planning agreement, where in the opinion of the Director there is no detriment to the overall benefits to be secured in the public interest.
- (b) Modifications to the council's case, including the issues in dispute, grounds for refusal, and the terms of any proposed planning decisions or agreement, which in the opinion of the Director, having taken account of the council's legal advice, would be expedient in the interest of improving the effectiveness, and or efficiency of the process, and or exposure to costs.
- (c) To revoke, cancel and/or de-register agreements where the provisions of the agreement has been fully complied with.
- (d) In the event of delegations being exercised under a) or b) above, any such modifications made must be reported back at the earliest appropriate stage to members using the Circulated Schedule or Committee process as appropriate.

**Note: Members are to be notified of any major planning proposals being considered in their ward.) For residential proposals this equates to 10 houses or 0.5 hectares. For all other developments it is over 1,000 sqm or 1 hectare.**

**4) Building Control**

Regarding building control, to be the Council's designated proper officer and discharge Building Control functions, except in cases of applications for relaxations under the Building Regulations where the Director disagreed with the Fire Officer to refuse an application on the grounds of fire hazard, in which case the matter shall be referred to the relevant committee for determination.

**General Delegations**

- 1) The service of an abatement notice in respect of statutory nuisance Sec 80 (1) Environmental Protection Act 1990.
- 2) The inspection of the authority's area to detect any statutory nuisance. Section 79 of Environmental Protection Act 1990.
- 3) The investigation of any complaint as to the existence of a statutory nuisance.
- 4) The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interest in land.
- 5) Powers relating to complaints about high hedges.
- 6) Functions under any of the 'relevant statutory provisions' within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of Health and Safety at Work etc. Act 1974), to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

## **Exclusions from these delegations**

- 1) Preparation and approval of supplementary planning guidance, including concept statements, waste criteria etc.
- 2) Designation of conservation areas, areas of archaeological interest and nature reserves.
- 3) Removal of permitted development rights through Article 4 Directions.
- 4) Approval of mineral applications requiring Environmental Impact Assessment.
- 5) The addition of a scheme to active preparation programme under the Local Transport Plan.
- 6) Major Trunk Road and Major Motorway Improvement Schemes:
  - Council response to public draft line, side road and compulsory purchase orders.
- 7) Major Capital Transportation Proposals:
  - Choosing a preferred route or option following public consultation
  - Authorising the promotion of Compulsory Purchase and Side Road Orders
- 8) Passenger Transport Services:
  - Implementing area-wide reviews
- 9) Declaration of land surplus to highway requirements.
- 10) The making and confirmation of any permanent or experimental traffic orders, including cycle track orders.

## **Designation of principal roads**

- 11) New pedestrian crossings and conversion of existing traffic signal installations.
- 12) Creation of footpaths and bridleways by order.
- 13) Stopping up/extinguishment of footpaths and bridleways.
- 14) Permanent diversions of footpaths and bridleways.
- 15) Definitive Map modification orders arising from Review of the Definitive Map.
- 16) Reclassification orders in relation to roads used as public paths.
- 17) See also Sub-Section A, Introduction and Sub-Section B, General Delegations to Chief Officers.

## **Delegations of the Head of Safe and Strong Communities**

To chair the Channel Panel to improve outcomes for those identified individuals who are vulnerable to being drawn into terrorism.

To appoint a vice-chair to chair meetings of the Channel Panel in his / her absence.

To act in accordance with the requirements of the Counter Terrorism and Security Act 2015 (as amended) and the Channel Statutory Duty Guidance 2020 (or as may be amended)

#### **4. DIRECTOR OF CHILDREN, ADULTS AND HEALTH**

The Director of Children, Adults and Health is appointed as the Complaints Manager and person authorised by the Responsible Body to perform the functions of the Responsible Person in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. This delegation shall read in conjunction with the delegation to the Chief Executive who is the Responsible Person for the purposes of the Act.

In the absence of the Chief Executive, to deputise and discharge his functions so far as they relate to the functions of the Director of Children, Adults and Health.

##### **(i) Adults & Health**

To exercise the Council's powers and duties in relation to Adult Social Services including joint arrangements under s.75 NHS Act 2006 and Strategic Housing functions. Including power to constitute a panel of appropriate officers to consider guardianship matters.

##### **Exclusions from these delegations**

See Section A, Introduction and Section B, General Delegations to Chief Officers.

##### **The following specific decisions are to be taken only following consultation with the relevant Executive Member**

Commencement of Judicial Review Proceedings

##### **The following specific decisions will be referred to the Executive Member**

The issue of statutory notices of refusal, variation or cancellation of registration of:

Registered Persons or Managers of Residential Care Homes under Sections 9, 10 or 12 of the Registered Homes Act 1984 (as amended, Registered Homes Amendment Act 1991)

In respect of a), the authority to issue the necessary prior notices of intent, which in turn facilitate the hearing by Members of representations which may be made by the registered or prospective registered persons, rests with the Director in consultation with the Monitoring Officer.

The prosecution of Registered Persons in respect of failure to comply with requirements stipulated in any Regulation 20 Notice (Residential Homes Regulations 1984, as amended).

##### **Exclusions from these delegations**

- 1) The approval of the Council's Housing strategy.
- 2) The approval of the overall housing capital programme.
- 3) The approval of Private Sector Housing grants above £30,000.

- 4) See also Section A, Introduction and Section B, General Delegations to Chief Officers

## **(ii) Children & Education**

- 1) To exercise the Council's powers and duties in relation to children and young people and the delivery of traded and support services.
- 2) To determine, for school based staff, whether the Council will meet the financial implications for an early retirement on the grounds of redundancy or efficiency proposed by a School Governing Body.
- 3) To release severance payments to be made in exceptional circumstances on efficiency grounds to teachers under the age of 50, subject to prior consultation with the relevant Executive Member.
- 4) Power formally to appoint LEA governors to school governing bodies, on the nomination of political group, in accordance with the Council's policy on proportional allocation of nomination rights and following consultation with the relevant Executive Member.

**The following specific decisions are to be taken only following consultation with the Executive Member.**

Commencement of Judicial Review Proceedings

### **Exclusions from this delegation:-**

- 1) Significant variations to the Scheme for Financing Schools and any cases of a withdrawal of delegated powers.
- 2) Approval of the draft School Organisation Plan.
- 3) Decisions to publish statutory notices.
- 4) Decisions to consult on or pursue the amalgamation or closure of schools (all stages) or to open a new school.
- 5) Changes to admission arrangements and areas of prime responsibility.
- 6) The setting of school term dates.
- 7) The determination of SEN policy
- 8) Approval of Behaviour Support Plan and Associated policies.
- 9) Determination of appeals against refusal to make a maintenance grant or the level of the grant, or to make a School Access Fund allocation in respect of post 16 students.

The issue of statutory notices of refusal, variation or cancellation of registration of registered child minders and for day care providers for children. (Note: the authority to issue the necessary prior notices of interest, which may in turn facilitate the hearing by Members of representations which may be made by the registered or prospective persons, rests with the Director in consultation with the Monitoring Officer and Head of Legal, Governance and Democratic Services).

- 10) The prosecution of Registered Persons in respect of failure to comply with requirements stipulated in any Regulation 20 Notice (Residential Homes Regulations 1994, as amended).
- 11) The prosecution of unregistered Childminders and/or Day Care Providers under Part X, Section 78, Children Act 1989.
- 12) See also Section A, Introduction and Section B, General Delegations to Chief Officers.

## **5. DIRECTOR OF PUBLIC HEALTH**

### **Terms of Reference**

To be the Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984

To exercise the Council's powers and functions in relation to Public Health responsibilities

- 1) Commission mandatory public health services
- 2) Assure that local health promotion arrangements are robust and plan for and respond to emergencies presenting a risk to the public health in consultation with emergency planning officers
- 3) Produce and update the Joint Strategic Needs Assessment in consultation with Bristol, North Somerset and South Gloucestershire Clinical Commissioning Group
- 4) Lead and co-ordinate the development, production, publication and updates to the Joint Health & Wellbeing Strategy in consultation with the Bristol, North Somerset and South Gloucestershire Clinical Commissioning Group.
- 5) Publish the Director of Public Health statutory Annual Report on the health of the local population
- 6) Develop and implement systems for collecting and analysing data to deliver the Public Health Outcomes Framework
- 7) Provide the Council's public health response as Responsible Authority under the Licensing Act 2003
- 8) Lead and co-ordinate the Council's public health support to the Bristol, North Somerset and South Gloucestershire Clinical Commissioning Group
- 9) To act as Deputy to the Chief Executive with operational responsibility for Emergency Planning and Management Services

### **Exclusions from the above delegations**

See Section A (this is the overall basis, limitations and further provisions) and Section B (General Delegations to Chief Officers)

## **6. DIRECTOR OF ADULT SOCIAL SERVICES (DASS)**

To exercise the Council's powers and duties in relation to adult social services. To ensure that effective systems are in place for the following functions

- 1) Prevention, information and advice
- 2) Meeting needs for care and support
- 3) Meeting the support needs of carers
- 4) Safeguarding
- 5) Partnership working, including with the NHS, the police, the Care Quality Commission, voluntary and community organisations and the providers of social care services
- 6) Market shaping and effective commissioning, including workforce supply and development
- 7) Resource Management

The following legislation shapes the role of the DASS

- 1) The Care Act 2014
- 2) The Mental Capacity Act 2005 and Deprivation of Liberty Safeguards
- 3) The Mental Health Act 2007
- 4) The Human Rights Act 1998
- 5) The Domestic Violence, Crime and Victims Act 2004
- 6) The National Health Service Act 2006

## **D SPECIFIC DELEGATIONS TO OFFICERS WITH STATUTORY RESPONSIBILITIES**

### **MONITORING OFFICER AND HEAD OF LEGAL, GOVERNANCE AND DEMOCRATIC SERVICES**

#### **Functions of the Monitoring Officer**

- 1) All proper officer functions not allocated to other officers. Clerk to the Council. Solicitor to the Council.
- 2) Authority to affix the Common Seal of the Council.
- 3) Local Government Act 1972 Part V – General Provisions as to Members & Proceedings of Local Authorities
  - Section 83(1) to (4) – Witness and Receipt of Declarations of Acceptance of Office.
  - Section 84 – Receipt of Declaration of Resignation of Office.
  - Section 88(2) – Convening meeting to fill casual vacancy of Chairman.
  - Section 89(1)(b) – Receipt of Notices of Casual Vacancy.
  - Section 96(1) – Receipt of Notices of Pecuniary Interest.
  - Section 96(2) – Keeping Record of Disclosure of Pecuniary Interest under Section 94, and of Notices under Section 96(1).
  - Section 99 and Schedule 12 Paragraph 4(2)(b) – Signature of Summonses to Council Meetings.
  - Section 99 and Schedule 12 Paragraph 4(3) – Receipt of Notices regarding Addresses to which Summonses to Meetings to be sent.

#### Access to Information

- Section 100B(2) – Exclusion of exempt items from public access.
- Section 100B(7)C – Provision of copies of documents to newspapers.
- Section 100C(2) – Provision of written summary of exempt proceedings.
- Section 100D(1)(a) – Preparation of lists of background papers.
- Section 100D(5) – Identification of background papers to a report.
- Section 100F(2) – Identification of exempt information not to be disclosed.

#### General Provision – Documents and Notices etc

- Section 228(3) – Inspection of accounts.
- Section 229(5) – Certification of official documents.
- Section 231(1) – Receipt of Notices served on the Council.
- Section 233 – Service of Notices by the Council.
- Section 234(1) & (2) – Signing of Documents.
- Section 238 – Certification of bylaws.

#### Local Government Housing Act 1989

- Section 2(4) – Receipt of list of politically restricted posts.
- Section 19(1) – Receipt of general notice of pecuniary interests from Members.

#### 4) Local Government (Committees & Political Groups) Regulations 1990

- Regulation 8 – Receipt of notice of formation of political groups and changes in membership of political groups.

#### 5) Constitution (including Standing Orders)

- To exercise delegations as set out in the Constitution (including Standing Orders)

#### 6) Appointments

- (a) To appoint councillors/added or non-councillor members to committee seats allocated to political groups or nominating bodies (or to make changes, fill vacancies or give effect to temporary membership changes – “substitutions”) in accordance with the wishes of political groups or added-member nominating body.
- (b) To make appointments to outside bodies in accordance with the wishes of political groups in respect of the places allocated to them and also to fill casual vacancies in the same way.
- (c) To make formal appointments to the Severnside Valuation Panel (on the recommendation of the elected member on the Appointments Panel).
- (d) To constitute the membership of appeals and complaints committees and Council Tax/Benefit Revenue Boards from panels of trained members.

#### 7) Representing the Council in the courts, tribunals or at public inquiries

- (a) To authorise the institution, defence, withdrawal or compromise of any civil claims or legal proceedings, and or criminal, in consultation with the relevant chief officer, except where power to institute proceedings is delegated to specific officers.
- (b) To appear personally or authorise officers of the Council (or agents) to appear on the Council’s behalf in court proceedings or at any tribunal or public or local inquiry.
- (c) To engage counsel or, where appropriate, others with suitable rights of audience to represent the Council at any proceedings.
- (d) To defend and settle (subject to consultation with the relevant chief officer and the Head of HR) any Employment Tribunal proceedings, except where any cases involve policy or are of particular sensitivity, when decisions are subject to consultation with the appropriate Executive Member.

- 8) Applications under Section 53 of the Wildlife and Countryside Act 1981
  - (a) Authority to decide (using the guidelines contained in the legislation and any guidance issued by the authority) whether a claim is supported by sufficient evidence for an order to be made and (subject to circulation of details of such claims to Members of the Public Rights of Way Committee) to serve notice on applicants who have submitted insufficient evidence or not met the legal requirements that no order be made.
  
- 9) Pastoral Measure 1983
  - (a) Authority to determine the Council's response to any proposal received for consultation to alter ecclesiastical boundaries under the Measure, taking into account the views of ward councillors for the area and subject to any of these councillors being able to require the matter to be decided by the Committee.
  
- 10) Orders
  - (a) To make all statutory orders.
  
- 11) General
  - (a) The appointment of review boards under regulations under subsection (4) of Section 34 (determination of claims and reviews) of the Social Security Act 1998).
  - (b) The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.
  - (c) The making of arrangements pursuant to Section 94(1), (1A) and (4) of the 1998 Act (admission appeals).
  - (d) The making of arrangements pursuant to Section 95(2), the 1998 Act (children to whom section 87 applies: appeals by governing bodies).
  - (e) The making of arrangements under Section 200 (questions on police matters at council meetings) or the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.

#### Commons Act 2006

- (a) Power to grant or reject applications made under section 15(8) of the Commons Act 2006 (the voluntary dedication of land as a town or village green) in accordance with the statutory provisions

## **Head of Legal, Governance & Democratic Services**

- 1) Functions of Electoral Registration Officer.
- 2) Functions of Returning Officer.
- 3) Authority to set and annually update the Scale of Fees and Expenses for local elections having regard to the formula agreed by the Policy & Resources Committee, 24 June 1997 and revised by the Chief Executive under delegated powers on 15 January 2003 (following consultation with the Chief Executive).
- 4) To designate the Council's Statutory Scrutiny Officer under Section 31 of the Local Democracy, Economic Development and Construction Act 2009.
- 5) Duty of declare vacancy in office in certain cases and give public notice of casual vacancy.

## **Deputy to the Head of Legal, Governance & Democratic Services and Deputy Monitoring Officer**

- 1) Functions of the Proper Officer for Registration (Births, Marriages and Deaths under the Registration Acts).
- 2) Approval of applications for premises to be approved as venues for the solemnisation of civil marriages and civil partnerships.

## **Delegations of the Chief Financial Officer**

- 1) Delegated powers conferred on the Chief Financial Officer under Financial Regulations
- 2) To be the Officer with responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and meeting the requirement under Section 113 of the Local Government Finance Act 1988 to be a member of one of the recognised accountancy bodies.
- 3) To nominate a properly qualified member of staff to deputise should the Chief Financial Officer be unable to perform his duties under Section 114 of the Local Government Finance Act 1988.
- 4) To authorise (following consultation with the Monitoring Officer and Head of Legal, Governance and Democratic Services) the making of an ex-gratia payment up to £1,000 per event in circumstances where there is no legal liability.
- 5) For the purposes of the Local Government (Contracts) Act 1997, authority for the Chief Finance Officer and any one of the following – Chief Executive, Monitoring Officer and Head of Legal, Governance and Democratic Services, to sign each certificate given under the Act.

## **The following delegations shall be exercised in consultation with the Director of Resources and Business Change**

- 6) To facilitate and manage the co-ordination of medium term financial planning, annual budget planning, budget monitoring and the preparation of statutory and other accounts, associated grant claims and supporting records.
- 7) To manage the Council's financial affairs and services, including all matters relating to the Collection Fund, General Fund, treasury management, reserves and provisions, subsidiary accounts and all other funds established under statutory requirements.

- 8) To finance the capital programme in a way which safeguards and optimises the Council's resources, including the transfer and return of borrowing approvals to other local authorities.
- 9) To authorise the calculation, levying, collection and enforcement of the Community Infrastructure Levy in accordance with the Community Infrastructure Regulations 2010 (as amended)
- 10) To authorise virement of up to £10,000 from reserves in any financial year should discretionary rate relief within the Council's policy exceed the budget. Should this power be exercised, a report shall be made to the relevant Executive Member on the budgetary and policy implications.

**Exclusions from the above Delegations**

- 11) Determination of applications for mandatory and discretionary non-domestic rate relief outside the approved scheme.
- 12) The writing-off of irrecoverable debts over £10,000.

**The Council's Constitution**

**Standing Orders**

**Descriptions and Rules of Procedure**

**Note:** The prefix of an asterisk against any Standing Order indicates that it is a mandatory provision required by Law.

# Standing Orders

## CHAPTER 1 - DESCRIPTION OF PROVISIONS RELATING TO ALL MEETINGS

Para No:	Title	Click to View Document
SO.1	Dates and times of meetings	<a href="#">View document</a>
SO.2	Responsibility for convening meetings	<a href="#">View document</a>
SO.3	Time limit for meetings	<a href="#">View document</a>
SO.4	Political groups	<a href="#">View document</a>
SO.5	Appointment of members	<a href="#">View document</a>
SO.6	Appointments to outside bodies	<a href="#">View document</a>
SO.7	Agenda despatch	<a href="#">View document</a>
SO.8	Order of business	<a href="#">View document</a>
SO.9	Six month rule	<a href="#">View document</a>
SO.10	Items from the public	<a href="#">View document</a>
SO.11	Submissions from employees	<a href="#">View document</a>
SO.12	Confidential or exempt business	<a href="#">View document</a>
SO.13	Register of attendance	<a href="#">View document</a>
SO.14	Urgent business	<a href="#">View document</a>
SO.15	Chair's right to add to agenda	<a href="#">View document</a>
SO.16	Special meetings	<a href="#">View document</a>

# CHAPTER 1

## DESCRIPTION OF PROVISIONS RELATING TO ALL MEETINGS

### SO.1) DATES AND TIMES OF MEETINGS

The Annual Meeting of the Council will set dates and times for its meetings and for Committees [and Sub-Committees] throughout the council year. These dates can be changed by committees and sub-committees either at a meeting or where proposals are canvassed outside a formal meeting, provided that no member objects to the proposals.

### SO.2) RESPONSIBILITY FOR CONVENING MEETINGS

The Monitoring Officer is Clerk to the Council (proper officer) and is responsible for convening all Member meetings.

### SO.3) TIME LIMIT FOR MEETINGS

No meeting of any body of the Council will continue for more than 4 hours or beyond 11pm unless the meeting agrees to do so. If the meeting ends, any business will stand adjourned.

The meeting, or the Chair, or the Monitoring Officer will decide the date/time of the adjourned session. If the Monitoring Officer acts, they will consult with the relevant Chair for the meeting

### SO.4) POLITICAL GROUPS

For a political group to be recognised by the Council:

- The Monitoring Officer must receive a notice signed by at least 2 Councillors who wish to be treated as a political group. The notice must identify the name of the political group, and the name of the group's leader and any deputy group leader (each must sign the notice). All Members who wish to be regarded as members of the political group must sign the notice.

### SO.5) APPOINTMENT OF MEMBERS

Under this Standing Order, the Monitoring Officer is given delegated authority to appoint Members to committee seats allocated to political groups (or other nominating bodies) or give effect to temporary membership changes ("substitutions") in accordance with the wishes of those groups or nominating bodies.

### SO.6) APPOINTMENTS TO OUTSIDE BODIES

Council will make appointments (or nominations) to outside bodies. Council can delegate these appointments to committees. The appointing body shall have regard to Council policy on appointments and overall proportionality across all such appointments or successful nominations. The allocation of appointments shall be to

political groups, with the appointment of named individuals being by the Monitoring Officer in accordance with the wishes of the political group concerned under the delegated procedure set out above.

In determining nominations for consideration by an outside body for appointment to it, the appointing body need not have regard to overall proportionality. However, if any nominations are successful, they will be taken into account in subsequent calculations of overall proportionality.

#### **SO.7) AGENDA DESPATCH**

The items to be discussed at any meeting of the Council will be set down in the agenda. Agenda will be sent to Members at least 5 clear days before the meeting. This excludes Saturdays, Sundays, public holidays and other days on which the Council's main offices are closed. A 'clear day' is calculated from the day after the despatch of an agenda. The last 'clear day' is the day before the meeting.

The agenda and non-exempt papers become available to the public at the time of despatch to Members. This reflects the Council's ethos and commitment to giving the public rights to information and attendance at meetings which are more generous than the minimum legal requirements.

In the case of an emergency meeting a shorter period of notice may be given.

#### **SO.8) ORDER OF BUSINESS**

The Monitoring Officer will determine the initial order of the agenda. The meeting Chair or the meeting may decide to vary the order of business.

#### **SO.9) SIX MONTH RULE**

Meetings will not consider any matter which has already been considered within the previous six months. The exception to this is for Council on the receipt of a report of a committee or under the provisions for special meetings.

#### **SO.10) ITEMS FROM THE PUBLIC**

A member of the public is entitled to make a submission to a meeting of the Council, as detailed in the "Public Participation" Section.

In relation to Full council meetings, the total time allocated for public participation will not normally exceed 1 hour.

#### **SO.11) SUBMISSIONS FROM EMPLOYEES**

The Council has established procedures for consulting employees and listening to their views. Submissions from employees, in their capacity as private citizens, will be accepted under the public participation scheme but not if they relate to employment issues.

## **SO.12) CONFIDENTIAL OR EXEMPT BUSINESS**

It may be necessary for a meeting to move into confidential or exempt session when the public and press will be asked to leave the meeting. The agenda will state whether this course of action is being recommended. It will also state the legally defined categories of private information that apply to the item. The Monitoring Officer will advise the meeting as necessary.

In accordance with its commitment to openness, the Council will strive to keep the need to go into private session to a minimum.

## **SO.13) REGISTER OF ATTENDANCE**

Members will sign a Register of Attendance.

## **SO.14) URGENT BUSINESS**

There are occasions when an urgent decision is needed, or the matter cannot wait for the next ordinary meeting.

## **SO.15) CHAIR'S RIGHT TO ADD TO AGENDA**

When an urgent matter has arisen after the despatch of an appropriate agenda the following procedure applies:-

The Chair of the meeting has the authority to agree to take urgent items not on the agenda.

The Chair (with advice from the Monitoring Officer as appropriate) needs to be satisfied as to the need for urgency under the following criteria:-

- (a) the item has arisen between the compilation of the agenda and the date of the meeting. In all cases the reason for the urgency shall be clearly stated
- (b) the item requires an urgent decision in the public interest which cannot be dealt with by other means.

## **SO.16) SPECIAL MEETINGS**

A special meeting of any council body can be called. The urgent matter to be considered may mean that the meeting has to be convened with less than five clear days notice. Provision exists for this to happen under the Local Government Act 1972 (as Amended).

# Standing Orders

## CHAPTER 2 – DESCRIPTION OF PROVISIONS SPECIFIC TO COUNCIL MEETINGS

Para No:	Title	Click to View Document
SO.17	Annual meeting of council	<a href="#">View Document</a>
SO.18	Chair of the council and Vice Chair of the council	<a href="#">View Document</a>
SO.19	Special meetings	<a href="#">View Document</a>
SO.20	Quorum	<a href="#">View Document</a>
SO.21	Agenda content – Council Meetings	<a href="#">View Document</a>
SO.22	Reports of Committees	<a href="#">View Document</a>
SO.23	Matters referred to Council by Committees	<a href="#">View Document</a>
SO.24	Petitions from Members	<a href="#">View Document</a>
SO.25	Questions from Members	<a href="#">View Document</a>
SO.26	Motions from Members	<a href="#">View Document</a>
SO.27	Open Debates	<a href="#">View Document</a>

## **CHAPTER 2**

### **DESCRIPTION OF PROVISIONS SPECIFIC TO COUNCIL MEETINGS**

#### **SO.17) ANNUAL MEETING OF COUNCIL**

The Annual Meeting of the Council will be held on a date fixed in advance in May. In a year of ordinary elections, the Annual Meeting is held either on the 8th day after the day of retirement of Members or within the 21 days immediately following the day of retirement.

#### **SO.18) CHAIR OF THE COUNCIL AND VICE-CHAIR OF THE COUNCIL**

The first business at the Annual Meeting of the Council is to elect a Councillor to be Chair of the Council for the council year. The Annual Meeting will also elect a Vice-Chair of the Council.

#### **SO.19) SPECIAL MEETINGS**

Occasionally, it will be necessary to call a Special (or Extraordinary) meeting of the Council to deal with specific business only.

A special meeting may be called and a date and time set:

- by the Council
- by the Chair of the Council, at their own discretion or in response to a written request from 5 Members;
- by the Monitoring Officer after consultation with the Chair

The agenda papers will explain the reason for the meeting. When 5 Members give written notice of their wish to call a meeting, the Chair may:

- call a meeting within a reasonable time;
- refuse to call a meeting;
- take no action

If the Chair refuses to call a meeting within 7 days, or takes no action, the 5 named Members may require the Monitoring Officer to convene a meeting on a date which they will determine

#### **SO.20) QUORUM (minimum number of Councillors at a meeting)**

A meeting of the Council cannot, by law, take place unless at least one quarter of the whole number of its Members are present. The Quorum for meetings of the Council is 18 Members.

## **SO.21) AGENDA CONTENT– COUNCIL MEETINGS**

(AM) = Annual meeting of Council only

The Council will:

- (a) elect a person to preside if the Chair of Council is not present;
- (b) elect the chair of Council; (AM)
- (c) elect the vice chair of Council; (AM)
- (d) note the emergency evacuation procedure;
- (e) receive any declarations of interest
- (f) approve the minutes of the last meeting;
- (g) receive any announcements from the chair and/or head of the paid service;
- (h) in election years, receive details of those persons elected to the Council; (AM)
- (i) receive the annual business report (AM)
  - Formation of political groups (in ordinary election years)
  - Appointment of Committees, Sub Committees, Topic Forums and other bodies of the council and terms of reference
  - Appoint Chairs of Committees
  - Appointments to outside bodies, joint committees and partnerships
  - Constitutional changes
  - Scheme of delegation
  - Calendar of meetings
- (j) receive items from the public;
- (k) receive petitions, questions and motions from members;
- (l) consider any business set out in the agenda
- (m) consider any other business which the Chair accepts as urgent.

## **SO.22) REPORTS OF COMMITTEES**

The Council may receive reports from committees. Minutes of their meetings will not be submitted to Council.

## **SO.23) MATTERS REFERRED TO COUNCIL BY COMMITTEES**

The Council will receive reports from its committees or under the referencing-up procedure as set out in the Standing Orders.

## **SO.24) PETITIONS FROM MEMBERS**

- (a) **General** - A Member may present a petition (no minimum number of signatures).

There is no requirement to give prior notice, although it is helpful for the Monitoring Officer to be advised before the meeting starts.

The council will normally receive the petition and refer it without debate to the appropriate Member or officer. However, if the petition relates to a matter on the Council agenda, it will be referred for consideration with that item.

## SO.25) QUESTIONS FROM MEMBERS

A member may ask a written question of the Leader of the Council, any Group Leader, any Executive Member, a Committee Chair or chief officer, on any function of the Council. Questions must relate to the responsibilities of the person questioned. The question can include a short pre-amble to explain the context and purpose of the question. This must be submitted at the same time as the question. The responder may answer the question, ask an officer to answer it, offer a written response or decline to answer and may give reasons.

- (a) **Period of Notice** – The deadline for the submission of questions for Council is 5.00pm on the day before dispatch of the Council Agenda. Questions must be submitted in writing to the Monitoring Officer by this deadline.
- (b) **Urgent Question** – With the permission of the Chair, an urgent question may be asked, provided it has been notified to the Monitoring Officer by 5.00 pm on the day prior to the meeting. Any request for a mini-debate on an urgent question must also be submitted by this deadline.
- (c) **Circulation of Questions** – The answers to questions will be circulated to all councillors at least 1 hour before the start of the Council meeting.
- (d) **Supplementary Questions** - At the meeting itself, the Member who has asked the original question may ask one supplementary question which is relevant to the original question. When putting the supplementary question, the member may give a short explanation for the purpose of the question. The purpose of speaking at this time is to ask a supplementary question and therefore statements must be confined to a succinct and relevant explanation.
- (e) If a written response is promised at the meeting, it will be provided within one calendar month.
- (f) The total time allocated for questions and mini debates will not normally exceed 1 hour

## SO.26) MOTIONS FROM MEMBERS

A Member of the Council may bring a motion before the Council on any matter for which the Council has a responsibility or which affects the well-being of South Gloucestershire.

- (a) **Period of Notice** – Written notice of the motion must be received by the Monitoring Officer at least 10 clear days before the meeting.
- (b) **Urgent Motions** – With the permission of the Chair, an urgent motion may be presented, provided it has been notified to the Monitoring Officer by 5.00 pm on the day prior to Council. The motion may only be discussed if the Council considers that it has before it, all the information and advice necessary to make

a proper decision. The meeting may choose to defer the motion until the next meeting to be considered within the benefit of officer advice.

**SO.27) OPEN DEBATES**

The Council may have open debates on issues of significance to the area and encourage community participation in them. Normal debating rules apply.

# Standing Orders

## CHAPTER 3 – DESCRIPTION OF PROVISIONS SPECIFIC TO THE EXECUTIVE

Para No:	Title	Click to View Document
SO.28	Membership of the Executive	<a href="#">View Document</a>
SO.29	Portfolio Responsibilities	<a href="#">View Document</a>
SO.30	Who may make Executive decisions	<a href="#">View Document</a>
SO.31	Delegation by the Leader	<a href="#">View Document</a>
SO.32	Sub-delegation of Executive functions	<a href="#">View Document</a>
SO.33	The Council's Scheme of Delegation and Executive functions	<a href="#">View Document</a>
SO.34	Conflicts of Interest	<a href="#">View Document</a>
SO.35	Key Decisions	<a href="#">View Document</a>
SO.36	Publication of proposed decisions and decisions taken	<a href="#">View Document</a>
SO.37	Cabinet meetings – when and where?	<a href="#">View Document</a>
SO.38	Meetings of the Cabinet	<a href="#">View Document</a>
SO.39	Chair and Vice-Chair	<a href="#">View Document</a>
SO.40	Casual Vacancies	<a href="#">View Document</a>
SO.41	Quorum	<a href="#">View Document</a>
SO.42	Special (or Extraordinary meetings)	<a href="#">View Document</a>
SO.43	Ex-Officio Members	<a href="#">View Document</a>
SO.44	Substitution	<a href="#">View Document</a>
SO.45	Absence of Executive Councillors	<a href="#">View Document</a>
SO.46	Appointment of Committees	<a href="#">View Document</a>
SO.47	Appointment of ad hoc Advisory Panels	<a href="#">View Document</a>
SO.48	Appointment of Topic Forums	<a href="#">View Document</a>
SO.49	Advice from the Scrutiny Commission	<a href="#">View Document</a>

cont./....

SO.50	Call-In	<a href="#">View Document</a>
SO.51	Agenda Preparation	<a href="#">View Document</a>
SO.52	Agenda Despatch	<a href="#">View Document</a>
SO.53	Agenda Content / Order of Business	<a href="#">View Document</a>
SO.54	Urgent Agenda Business	<a href="#">View Document</a>
SO.55	Items from the Public	<a href="#">View Document</a>
SO.56	Items from Members and notice required	<a href="#">View Document</a>
SO.57	Advice on content of items from Members	<a href="#">View Document</a>
SO.58	Members attending Cabinet meetings	<a href="#">View Document</a>
SO.59	Matters referred by Council, Sub-Committees or Topic Forums	<a href="#">View Document</a>
SO.60	Reports of Officers	<a href="#">View Document</a>
SO.61	Confidential (or exempt business)	<a href="#">View Document</a>
SO.62	Casting Vote	<a href="#">View Document</a>
SO.63	Items from the Public	<a href="#">View Document</a>
SO.64	Items from Members	<a href="#">View Document</a>
SO.65	Rules of Debate	<a href="#">View Document</a>
SO.66	Decision Making	<a href="#">View Document</a>
SO.67	Matters referred to Council by the Cabinet	<a href="#">View Document</a>
SO.68	Officers speaking at Cabinet meetings	<a href="#">View Document</a>

## **CHAPTER 3**

### **DESCRIPTION OF PROVISIONS SPECIFIC TO THE EXECUTIVE**

#### **SO.28) MEMBERSHIP OF THE EXECUTIVE**

In the year of ordinary elections, the Annual Meeting of the Council will elect the Leader of the Council (the Executive Leader).

The Leader of the Council will appoint between 2 and 9 Executive Councillors.

The Leader and executive councillors comprise the Council's Executive.

Members of the Executive when meeting together form the Cabinet.

The Leader will appoint one of the executive councillors to be Deputy Leader of the Council.

#### **SO.29) PORTFOLIO RESPONSIBILITIES**

The Leader will allocate portfolio responsibilities and delegated powers to each member of the executive at his discretion.

The Leader of Council will determine any detailed interpretation needed at any time on the contents of portfolios.

#### **SO.30) WHO MAY MAKE EXECUTIVE DECISIONS?**

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

- i) the Executive as a whole, meeting as the Cabinet;
- ii) a committee of the Cabinet;
- iii) an individual member of the executive;
- iv) an officer;
- vi) joint arrangements; or
- vii) another local authority

#### **SO.31) DELEGATION BY THE LEADER**

The Leader is responsible for the discharge of all executive functions and may delegate responsibility to executive councillors, officers, cabinet committees or by other means.

The Council will receive a written record of delegations to be included in the Council's scheme of delegation as Part A to this Constitution. The document will contain the following information about executive functions:

- (i) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;
- (ii) the terms of reference and constitution of any executive committees.
- (iii) the nature and extent of any delegation of executive functions to any other authority or any joint or partnership arrangements; and
- (iv) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

**SO.32) SUB-DELEGATION OF EXECUTIVE FUNCTIONS**

- (i) Where the Cabinet, a committee of the Cabinet or an individual executive councillor is responsible for an executive function, they may delegate further.
- (ii) Even where executive functions have been delegated, that fact does not prevent the discharge of the delegated functions by the Leader.

**SO.33) THE COUNCIL'S SCHEME OF DELEGATION AND EXECUTIVE FUNCTIONS**

- (i) Subject to (ii) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council.
- (ii) If the Leader decides to delegate an executive function, written notice must be given to the Democratic Services Manager. The notice must set out the extent of the delegation, amendment to the scheme of delegation and whether it entails the withdrawal of a delegation from any person or body. The Democratic Services Manager will report the changes, for information, to the next ordinary meeting of the Council. [The Constitution will be amended to reflect the revised scheme of delegation to include the changes, which are effective from the date of the notice.]

#### **SO.34) CONFLICTS OF INTEREST**

- (i) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members.
- (ii) If every member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members.
- (iii) If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members.

#### **SO.35) KEY DECISIONS**

A key decision is a decision that requires expenditure of more than £500k or impacts on more than one ward and is of general significance to the Council area.

#### **SO.36) PUBLICATION OF PROPOSED DECISIONS AND DECISIONS TAKEN**

All proposed decisions will be published on the Forward Plan and all decisions taken will be published on Modern.Gov.

#### **SO.37) CABINET MEETINGS – WHEN AND WHERE?**

The Cabinet will meet at times and in locations agreed and published in advance.

#### **SO.38) MEETINGS OF THE CABINET**

As part of South Gloucestershire Council's commitment to openness in decision-making, all formal meetings of the Cabinet will be held in public (subject to the Access to Information Rules).

#### **SO.39) CHAIR AND VICE-CHAIR**

The Leader of the Council is the chair of the Cabinet. In his/her absence, the Deputy Leader will act as chair. In exceptional circumstances when both the Leader and Deputy Leader are absent, the meeting may appoint one of its number to act as chair for the duration of the meeting.

#### **SO.40) CASUAL VACANCIES**

When a vacancy arises on the Executive, the Leader will appoint a new executive councillor at the earliest opportunity, or reallocate portfolio responsibilities, at his/her discretion. Pending any new appointment, the Leader of the Council will allocate temporary responsibility for the vacant executive councillor's portfolio, to one or more of the remaining members of the Executive, or discharge the functions himself. The Leader will confirm this in writing to the Cabinet Secretary.

**SO.41) QUORUM**

A meeting of the Cabinet cannot take place unless at least 3 of the whole number of its Members are present.

**SO.42) SPECIAL (OR EXTRAORDINARY MEETINGS)**

A special (or extraordinary) meeting of the Cabinet may be called by the Leader of the Council signing a notice to the Democratic Services Manager setting out the business of the meeting and, if appropriate, the time scale in which the meeting is to be held.

The Democratic Services Manager will call the meeting as soon as reasonably practicable.

The Democratic Services Manager may also convene a special (or extraordinary) Meeting in consultation with the Leader. (Note: this is subject to the SO 4).

**SO.43) EX-OFFICIO MEMBERS**

There are no ex-officio members of the Executive.

**SO.44) SUBSTITUTION**

Executive Councillors are not able to appoint substitutes if they are unable to attend Cabinet meetings.

**SO.45) ABSENCE OF EXECUTIVE COUNCILLORS**

An executive councillor may be absent and unable to take a decision or be consulted by an officer. When this happens, the Leader of the Council (or in his/her absence the Deputy Leader) may designate any Member of the Executive to take temporary responsibility for the absent member's portfolio and for any associated decision-making. The arrangements made will be published by the Democratic Services Manager.

**SO.46) APPOINTMENT OF COMMITTEES**

The Cabinet may appoint committees to discharge any of its functions or to assist with policy development.

**SO.47) APPOINTMENT OF AD HOC ADVISORY PANELS**

The Cabinet may appoint (on a task and finish basis) informal ad hoc advisory panels comprising executive and non-executive councillors, officers and external participants to assist with policy development.

Participants will be selected by the Cabinet with regard to their personal contribution to the work to be undertaken.

#### **SO.48) APPOINTMENT OF TOPIC FORUMS**

The Cabinet may establish topic forums to promote dialogue and partnership working on broad areas of significance to the Council, the community and other organisations.

#### **SO.49) ADVICE FROM THE SCRUTINY COMMISSION**

The Cabinet will seek advice from the Scrutiny Commission on the development of the policies which comprise the Council's policy framework.

The Cabinet or individual executive councillors may seek advice from the Scrutiny Commission on any other matter of their choosing.

#### **SO.50) CALL-IN**

When a decision is made by the Cabinet, an individual executive councillor, committee of the Cabinet, the decision will be published in accordance with the Call-In Procedure Rules.

The Scrutiny Commission or any five members of Council are entitled to give notice to the Democratic Services Manager of their requirement for the decision to be called-in for review by the Scrutiny Commission under the Call-In Procedures.

In the case of urgent decisions, the call-in would be for post-implementation review.

Decisions "called-in" will be referred to the next meeting of the Scrutiny Commission for consideration. The action the Scrutiny Commission may take is set out in chapter 6. Any consequent report of the Scrutiny Commission will be submitted to the relevant decision-taker for consideration.

### **PREPARATION FOR CABINET MEETINGS**

#### **SO.51) AGENDA PREPARATION**

Prior to the agenda being finalised, Officers will brief the Leader and Deputy Leader of the Council on matters coming to the meeting for consideration.

#### **SO.52) AGENDA DESPATCH**

The items to be considered at a meeting will be set down in the agenda. The agenda and supporting papers will be dispatched 5 clear days before the meeting.

The agenda and non-exempt papers become available to the public at the time of despatch to Members.

In the case of an emergency meeting of the Cabinet, a shorter period of notice may be given.

### **SO.53) AGENDA CONTENT/ORDER OF BUSINESS**

The agenda content and order of business at a meeting of the Cabinet will be as follows:

- summons to the meeting
- any declarations of interest from Members in relation to items on the agenda
- minutes of previous meetings
- items from the public (petitions, questions and statements)
- items from Members (petitions, questions and statements)
- reports from the Scrutiny Commission
- matters referred by the Council or the Scrutiny Commission
- reports of Chief Officers
- urgent business
- exempt business (in private session)

the order of business may be varied by the Chair.

### **SO.54) URGENT AGENDA BUSINESS**

The Chair may agree to take at the meeting, urgent items not on the agenda providing:-

- the item has arisen between the compilation of the agenda and the date of the meeting; or
- the item requires an urgent decision in the public interest which cannot be dealt with by other means.

### **SO.55) ITEMS FROM THE PUBLIC**

Any Member of the public is entitled to make a submission to or participate at a meeting of the Cabinet as detailed in the Public Participation scheme.

### **SO.56) ITEMS FROM MEMBERS AND NOTICE REQUIRED**

Any Member of the Council may, in relation to meeting of the Cabinet:-

- Present a petition (no notice required)
- Make a submission on any matter, whether or not it is a meeting agenda (no prior notice required);
- Ask a question of the Leader or any executive councillor (no prior notice required);
- participate and contribute views during the course of the meeting on matters under consideration at the discretion of the chair.

Notice (where required) to be given to the Democratic Services Manager.

**SO.57)       ADVICE ON CONTENT OF ITEMS FROM MEMBERS**

The Democratic Services Manager will have the right to give advice to a Member about the content of any proposed items referred to above.

**SO.58)       MEMBERS ATTENDING CABINET MEETINGS**

Any Member of Council has the right to attend a meeting of the Cabinet and participate and contribute views at the discretion of the chair.

When the Council receives a petition or a motion from a Member and refers it to the Cabinet for consideration, the Member concerned will have the right to attend and address any meeting which considers the matter.

**SO.59)       MATTERS REFERRED BY COUNCIL, SCRUTINY COMMISSION OR TOPIC FORUMS**

The Cabinet will receive reports on matters referred by Council or the Scrutiny Commission.

**SO.60)       REPORTS OF OFFICERS**

Reports to the Cabinet will be in the name of the relevant Chief Officer. The report will indicate the contact officers within the lead Department(s) for advice or information about the issues raised in the report.

**SO.61)       CONFIDENTIAL (OR EXEMPT BUSINESS)**

The public will only be excluded from a meeting when matters relating to confidential or exempt information are considered.

**SO.62)       CASTING VOTE**

In law, the Chair is entitled to vote a second time in order to obtain a decision from equality of voting “for” and “against”.

By convention in this Council, the Chair does not exercise a second or casting vote at meetings, although to do so will not invalidate the decision.

**SO.63)       ITEMS FROM THE PUBLIC**

**(a)    Petitions**

The Chair will invite the person presenting the petition to address the meeting for no more than 5 minutes.

The Cabinet may either ask an executive councillor/officer to consider the matter and respond to the petitioner or report on the matter to a future meeting or, if the matter relates to an item already on the agenda for the meeting, defer consideration of the petition until that item is reached.

## **(b) Questions**

The person will be asked to address his/her question to the Leader or relevant executive councillor.

No speech will be allowed and the person must put the specific question.

The person asked the question may:

- answer the question;
- ask an Officer to answer it;
- offer a written answer; or
- decline to answer the question and may give reasons.

## **(c) Statements**

The person (or people) making the statement will be invited to address the meeting for normally no more than 5 minutes.

Members of the Cabinet may ask questions of the presenter of the statement to clarify points made or to establish facts.

At the chair's discretion, statements may be made at the beginning of any agenda item to which they relate. This is an alternative to them being made at an earlier part of the meeting.

The meeting may (1) ask an executive councillor/officer to consider the matter and respond to the person concerned or report to the next, or next following, meeting on the issues raised in the submission; or (2) agree to note the submission; or (3) if it relates to a matter on the meeting's agenda, to defer consideration until that item is reached.

## **(d) Time Limit**

The Chair will exercise discretion on the overall time allowed for public participation either at the beginning of the meeting or in connection with any particular item. This will take into account the issues people wish to raise and the other business of the meeting.

## **SO.64) ITEMS FROM MEMBERS**

The following rules explain how items from, and general participation by, Members of the Council are dealt with at meetings.

### **(a) Petitions**

The Chair will invite each Councillor to present the petition by briefly reading it or summarising the issue.

The meeting may either ask an executive councillor/officer to consider the matter and respond to the petitioner or report on the matter to a future meeting or, if the matter relates to an item already on the agenda for the meeting, defer consideration of the petition until that item is reached.

**(b) Questions**

The Chair will call in turn each Councillor giving notice to ask his/her question. The person asked the question may:

- answer the question;
- ask an officer to answer it;
- offer a written answer; or
- decline to answer it and may give reasons.

**(c) Urgent Questions**

The Chair will call the Councillor giving notice to ask his/her question, and will explain to the meeting the reason why he/she has accepted the question as urgent.

**(d) Submissions**

The Chair will call the Councillor to make a statement on an item on the agenda and speak for no more than 5 minutes.

At the chair's discretion, submissions may be made at the beginning of any agenda item to which they relate. This is an alternative to them being made at an earlier part of the meeting.

The meeting may (1) ask an executive councillor / officer to consider the matter and respond to the member or (2) report to the next, or next following, meeting on the issues raised in the submission; or (3) agree to note the submission; or (4) if it relates to a matter on the meeting's agenda, to defer consideration until that item is reached.

**(e) Contribute views during the course of the meeting.**

The chair will give Members of Council the opportunity during each item on the agenda to contribute their views on the matter being discussed.

**(f) Time Limit**

The chair will exercise discretion on the overall time allowed for members participation. This will take into account the issues Members wish to raise and the other business of the meeting.

**SO.65) RULES OF DEBATE**

Formal rules of debate are generally not appropriate in Cabinet meetings. An informal discussion-based approach will be guided by the Chair.

**SO.66) DECISION-MAKING**

Decisions will be carried by a simple majority of members present and voting.

**SO.67) MATTERS REFERRED TO COUNCIL BY THE CABINET**

The Council will receive reports from the Cabinet-

- (1) making recommendations on the policies which comprise the budget and policy framework.
- (2) informing the Council of key matters of significance (in exceptional circumstances).

The relevant executive councillor or the Leader of the Council will present the report to the Council on behalf of the Cabinet.

**SO.68) OFFICERS SPEAKING AT CABINET MEETINGS**

Officers will be entitled to offer advice and guidance at meetings.

# Standing Orders

## CHAPTER 4 – URGENT BUSINESS OF THE EXECUTIVE

Para No:	Title	Click to View Document
SO.69	Urgent Executive decisions	<a href="#">View Document</a>
SO.70	Urgent decisions outside the budget or policy framework	<a href="#">View Document</a>

## CHAPTER 4

### URGENT BUSINESS OF THE EXECUTIVE

**There are occasions when an urgent decision is needed, or the matter cannot wait for the next ordinary meeting of the Executive or sub-committee having delegated powers.**

#### **SO.69) URGENT EXECUTIVE DECISIONS**

An executive decision may be taken by an executive councillor, the Cabinet, Cabinet Committee on an urgent matter provided:-

- (1) the matter is urgent and implementation cannot await the full publication process;
- (2) the decision is within the Council's Budget and Policy Framework or any other relevant policy;
- (3) the decision is published under the publication procedure and is subject to post-implementation review under the Call-In Procedure Rules.
- (4) **General Exception Provision**

Where it is impracticable to meet the 28 days' notice publication on the Forward Plan and the matter would be a key decision that decision shall only be made after the Co-Chairs of the Overview and Scrutiny Commission have been informed by notice in writing, of the matter about which the decision is to be made. A copy of that notice to be published on the website. After 5 clear days have elapsed that decision may be taken. The notice should explain why non-compliance with the 28 days' notice.

#### (5) **Special Urgency Provisions**

Where it is impracticable to meet the 28 days' notice and it is also not possible to achieve the 5 days General Exception provisions then special urgency provisions may apply. The use of this provision requires the agreement\_of the Co-Chairs of the Scrutiny Commission that the making of the decision is urgent and cannot reasonably be deferred.

- (i) Such a notice must be published on the website setting out the reasons that the decision is urgent and cannot be deferred.
- (ii) If the Chair of the Overview and Scrutiny Committee does not agree with the Special urgency then the 5 days General Exception Provision applies.

- (6) the call-in procedure set out in Standing Order 106 below shall not apply where the decision has been taken as an Urgent Decision in accordance with (4) or (5) above, Standing Order 107 shall apply

In all cases, a report will be submitted by the Chief Executive or chief officer to the relevant executive councillor, the Leader and to the Scrutiny Commission chair (or Chair of Council) under cover of a completed "Urgent Executive Decision" sheet. The reason(s) for urgency will be given.

All urgent Executive decisions taken will be published by the Democratic Services Manager on the Executive Decisions Schedule.

**SO.70) URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

Such decisions are subject to the Budget and Policy Framework Rules.

# Standing Orders

## CHAPTER 5 – DESCRIPTION OF PROVISIONS SPECIFIC TO NON-EXECUTIVE COMMITTEE MEETINGS

Para No:	Title	Click to View Document
SO.71	Powers and duties of committees	<a href="#">View Document</a>
SO.72	Chair	<a href="#">View Document</a>
SO.73	Lead members	<a href="#">View Document</a>
SO.74	Appointment of Lead members	<a href="#">View Document</a>
SO.75	Quorum	<a href="#">View Document</a>
SO.76	Special (or extraordinary meetings)	<a href="#">View Document</a>
SO.77	Ex-officio members	<a href="#">View Document</a>
SO.78	Substitution	<a href="#">View Document</a>
SO.79	Joint meetings	<a href="#">View Document</a>
SO.80	Appointment of sub-committees	<a href="#">View Document</a>
SO.81	Agenda meeting (with the exception of Development Control)	<a href="#">View Document</a>
SO.82	Development Control agenda meeting	<a href="#">View Document</a>
SO.83	Agenda content	<a href="#">View Document</a>
SO.84	Petitions, questions and motions from members	<a href="#">View Document</a>
SO.85	Petitions, questions and motions – action by committee	<a href="#">View Document</a>
SO.86	Members attending committee meetings	<a href="#">View Document</a>
SO.87	Matters referred to Council by Committee	<a href="#">View Document</a>
SO.88	Matters referred to Council by Members	<a href="#">View Document</a>
SO.89	Matters referred from Council or other committees	<a href="#">View Document</a>
SO.90	Officers speaking at committees	<a href="#">View Document</a>

## **CHAPTER 5**

### **DESCRIPTION OF PROVISIONS SPECIFIC TO COMMITTEE MEETINGS**

#### **SO.71) POWERS AND DUTIES OF COMMITTEES**

The Council sets terms of reference which delegates specified functions to committees.

#### **SO.72) CHAIR**

The chair of each committee is appointed by the Council and the presumption is that the Chair will serve for the Council term of office. However Council can review Chair appointments should the need arise. The chair responsible for leading and guiding the work of the Committee and for the conduct of meetings

#### **SO.73) LEAD MEMBERS**

The Chair is the principal spokesperson and the lead member for the committee. Other political groups will appoint one of their committee members to be their lead member.

Lead members have a co-ordination role within their groups.

#### **SO.74) APPOINTMENT OF LEAD MEMBERS**

Appointments or subsequent changes will be effective immediately once the Monitoring Officer has received written notification from the political group leader.

#### **Vacancies**

Vacancies which occur on committees will be filled on behalf of the Council by the Monitoring Officer using delegated powers. .

#### **SO.75) QUORUM (Minimum numbers of Councillors at a meeting)**

A meeting of a committee cannot take place unless at least one third but not less than 3 of the whole number of its Members who have voting rights are present.

#### **SO.76) SPECIAL (OR EXTRAORDINARY MEETINGS)**

A special (or extraordinary) meeting may be called by at least one quarter of the committee (or sub-committee) membership signing a notice to the Monitoring Officer, setting out the business of the meeting and the timescale in which the meeting is to be held. The Monitoring Officer will call the meeting as soon as reasonably practicable.

The Monitoring Officer may also convene a special (or extraordinary) meeting in consultation with the relevant committee Chair.

### **SO.77) EX-OFFICIO MEMBERS**

The Political Group leaders of the Council shall be ex officio, non-voting members of all committees except those dealing with appeals, complaints or appointments and consultative bodies (this does not apply when the Member has been appointed to serve on a committee by name).

Executive members for Planning, Transportation and Strategic Environment and Housing Delivery and Public Health shall be ex-officio members of the Development Control Committees (East and West).

Ex officio members may participate fully in a meeting, including proposing or seconding motions and amendments. However, they cannot vote unless acting as a substitute or sitting as a full member of the committee.

### **SO.78) SUBSTITUTION (Temporary membership change)**

Where any member of a meeting (whether voting, ex-officio, added, co-opted etc) is unable to attend, a political group (or in the case of non-councillor members, the appropriate nominating body), may request the Monitoring Officer to use delegated powers to effect a temporary membership change ("substitution") for the duration of the meeting.

Any temporary membership change ("substitution") made under this Standing Order shall continue for the duration of the meeting except when the meeting is adjourned to a different date. However, if the meeting adjourned without completing an item, no membership change is permissible until that item is completed.

If a lead member is absent, the political group to whom they belong may nominate a substitute to carry out the full roles and responsibilities of the lead member for the duration of that meeting. If that substitute is already a member of the committee, then a further temporary appointment may be made to fill that persons normal place on the committee as a non-lead member.

### **SO.79) JOINT MEETINGS**

Committees may have joint meetings with other committees to discuss matters of mutual interest and make decisions.

The joint meeting will appoint (by simple majority of all Members voting) from amongst its number a chair for the meeting. Any decision-making must be by the committee responsible for the decision and be recorded appropriately. If necessary, the joint meeting may need to adjourn to enable the constituent bodies to elect their own chair and make their decisions. A single set of minutes will be taken of the joint meeting and any decisions taken by its constituent committees

## **SO.80) APPOINTMENT OF SUB-COMMITTEES**

Committees can recommend the creation of sub-committees to the Council. Sub-committees may be given powers to act on the committee's behalf or make recommendations to the committee.

Council will decide the size and proportionality of seats among political group members on sub committees.

## **SO.81) AGENDA MEETING (WITH THE EXCEPTION OF DEVELOPMENT CONTROL\*)**

Prior to the agenda being finalised, officers will brief the chair on matters coming to the meeting for consideration. Political group leaders and political group assistants can attend any agenda meeting which will be chaired by the committee chair.

## **SO.82) \*DEVELOPMENT CONTROL AGENDA MEETING**

No later than 10 clear days prior to the Committee meeting, a list of the applications to be brought forward to the next committee will be circulated electronically to all Members in order to give advanced notice of the forthcoming agenda and prompt Councillors to discuss with officers whether sufficient information will be contained within the committee report and to ensure that all options are addressed.

No less than 3 working days prior to the Committee meeting a full briefing will be held with the Chair and lead members on the full agenda. Officers will brief the chair and lead members on matters coming to the meeting for consideration. Political Group Leaders may attend. The meeting will be chaired by the chair of the committee.

### **Purpose of Agenda Meeting**

The purpose of the agenda meeting is to:

- (a) To enable the chair and lead members to be briefed on the agenda for a forthcoming meeting of a committee or sub-committee.
- (b) To raise and agree with the chair and lead members any particular points relating to the meeting itself (conduct, procedural issues, nature of paperwork).
- (c) As appropriate to consider whether sufficient information is contained and all options are addressed in the officer report.
- (d) To review as appropriate action taken on matters decided at the last meeting.
- (e) To enable the chair and lead members to be advised, as appropriate, of outstanding, forthcoming and possible urgent items.

## **SO.83) AGENDA CONTENT**

The agenda content at a committee will include:

- (a) evacuation procedure
- (b) any declarations of interest from Members in relation to items on the agenda
- (c) Minutes of previous meetings of the committee

- (d) Minutes of urgency sub-committee or site visiting meetings
- (e) items from the public
- (f) items from members (petitions, questions and motions)
- (g) updates from members appointed to outside bodies
- (h) reports from sub-committees (on matters requiring approval)
- (i) matters referred by the Council or other committees
- (j) reports of chief officers
- (k) urgent business
- (l) exempt or confidential business.

The order of business may be varied by the chair with the consent of the meeting itself. Sub-committee minutes do not get reported to committees.

#### **SO.84) PETITIONS, QUESTIONS AND MOTIONS FROM MEMBERS**

Any Member of the Council may, in relation to a meeting of a committee, attend, speak and ask oral questions of the committee at the discretion of the Chair. They may also:

- (a) present a petition and speak to it at the meeting (no notice required);
- (b) ask a written question of the committee chair or chief officer; (the question is required by noon 3 clear days before the start of the meeting)
- (c) with the chair's consent, ask a written question on an urgent matter (notice required by 5.00pm the previous day);
- (d) submit a written motion for inclusion on the committee's agenda (10 clear days notice required)
- (e) with the chair's consent, submit an urgent written motion (notice required by 5.00pm the previous day)
- (f) contribute views during the course of the meeting on matters under consideration.

Notice (where required) to be given to the Monitoring Officer who will have the right to give advice to a Member about the content of any proposed item.

Where written questions are submitted, they will be circulated to committee members, relevant officers and published under Items from Members in the agenda papers (if the questions are submitted after the publication of main agenda papers, then they will be published as a supplement).

#### **SO.85) PETITIONS, QUESTIONS AND MOTIONS – ACTION BY COMMITTEE**

##### **QUESTIONS**

The person who has been asked the question may answer the question, ask an officer to answer it, offer a written answer; or decline to answer it and may give reasons.

If a written answer is promised at the meeting, it will be provided within one calendar month.

## **Motions**

The chair will call the councillor who has given notice to propose the motion. A seconder is required before it is open for discussion

The meeting may (1) decide the issue at the meeting - only provided that the meeting considers that it has before it all the information and advice necessary to make a proper decision: or (2) ask for an officer's report to the next, or subsequent meeting.

### **SO.86) MEMBERS ATTENDING COMMITTEE MEETINGS**

Any Member of Council has the right to attend a meeting and make a submission on an item on the agenda.

### **SO.87) MATTERS REFERRED TO COUNCIL BY COMMITTEE**

The Council will receive reports from its committees asking the Council to decide issues which, although within the powers of the committee to deal with, are referred to the Council by Standing Order.

### **SO.88) MATTERS REFERRED TO COUNCIL BY MEMBERS**

*This standing order is dis-applied to the decisions of the Spatial Planning Committee, the Strategic Sites Delivery Committee and the Development Management Committee.*

Once a vote has been taken on a matter for which a committee or sub-committee has power to act, a decision is made.

If the committee chair or a simple majority of the committee present and voting so indicate, the decision (or specified part of it) is suspended and stands referred to the next available meeting of Council for determination. The request must be made before the meeting moves on to the next item of business. It is not possible to exercise any reference up until the end of the consideration of the agenda item concerned.

The committee or sub-committee's report to the Council meeting will set out the resolution, decision or lack of decision which has been referred up and a neutral recommendation simply asking Council to determine the matter. The report will be presented by the Chair or one of the members responsible for the referral.

The report considered by the committee or sub-committee together with the minute of the meeting will be included in the Council agenda paperwork. The Chair of the committee, sub-committee, or one of the members responsible for the referral will introduce the item by providing a factual summary of the item and the decisions reached by the committee. The member referring the item will not make a political speech or move a proposal. The member referring the item will then take their seat and the debate will commence under the control of the Chair of the Council meeting.

Before a matter is reported to Council for determination, the Chair or the members responsible for the referral can decide that the matter can be considered by another

committee or sub-committee if it is felt appropriate that they consider the matter. Any advice of those committees or sub-committees shall be included as part of the Council report.

In the event of an item being referred up to Council by a Committee under standing orders, if Council meeting is not scheduled within 4 weeks from the date of referral, a special meeting may be called to consider the matter being referred if the Leader of the Council considers that it is appropriate.

**SO.89)           MATTERS REFERRED FROM COUNCIL OR OTHER COMMITTEES**

The Council may refer a matter to a committee.

**SO.90)           OFFICERS SPEAKING AT COMMITTEES**

Officers will be entitled to introduce reports and offer advice and guidance to meetings.

# Standing Orders

## CHAPTER 6 – DESCRIPTION OF PROVISIONS SPECIFIC TO OVERVIEW AND SCRUTINY

Para No:	Title	Click to View Document
SO.91	Work Programme	<a href="#">View Document</a>
SO.92	Policy review and development	<a href="#">View Document</a>
SO.93	Reports from the Scrutiny Commission	<a href="#">View Document</a>
SO.94	Making sure that the Scrutiny Commission reports are considered by the Executive	<a href="#">View Document</a>
SO.95	Cabinet response to Scrutiny Commission reports	<a href="#">View Document</a>
SO.96	Party Whip	<a href="#">View Document</a>
SO.97	Submissions from the public	<a href="#">View Document</a>
SO.98	Submissions from Members	<a href="#">View Document</a>
SO.99	Members attending the Scrutiny Commission	<a href="#">View Document</a>
SO.99.1	Members and officers giving account	<a href="#">View Document</a>
SO.100	Submissions from the public and Members	<a href="#">View Document</a>
SO.101	How meetings are conducted and conclusions reached	<a href="#">View Document</a>

## **CHAPTER 6**

### **DESCRIPTION OF PROVISIONS SPECIFIC TO OVERVIEW AND SCRUTINY**

#### **(HEALTH SCRUTINY IS SUBJECT TO SEPARATE ARRANGEMENTS AND IS OUTSIDE THE REMIT OF THE COMMISSION)**

##### **SO.91) WORK PROGRAMME**

The Scrutiny Commission will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on the commission who are not members of the largest political group on the Council. The Scrutiny Commission can establish scrutiny working groups comprised of its members or any non-executive member of the Council.

There is an expectation that members who ask for a specific item to be added to the work programme participate personally in the group(s) which undertake that specific piece of work.

##### **SO.92) POLICY REVIEW AND DEVELOPMENT**

- (a) The role of the Scrutiny Commission includes policy review and development
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Scrutiny Commission may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference. They may also agree requests from the Executive for advice on the development of such policies.
- (c) The Scrutiny Commission may hold enquiries and investigate the available options for future direction in policy development. The Scrutiny Commission may ask witnesses to attend to address them on any matter under consideration.

##### **SO.93) REPORTS FROM THE SCRUTINY COMMISSION**

- (a) Once it has formed recommendations on proposals for policy development or other matters, the Scrutiny Commission members will prepare a formal report. This will normally be submitted to the Cabinet for consideration.
- (b) The Cabinet shall consider the report of the Scrutiny Commission at the next available meeting.

##### **SO.94) MAKING SURE THAT SCRUTINY COMMISSION REPORTS ARE CONSIDERED BY THE EXECUTIVE**

- (a) Once a Scrutiny Commission report on any matter which is the responsibility of the Executive has been completed, it shall be included on the agenda of the next available meeting of the Cabinet. The Cabinet may refer the Scrutiny Commission report to an executive councillor for consideration and response.

- (b) If for any reason the Cabinet (or an executive councillor) does not consider the Scrutiny Commission report within 3 months or a time scale acceptable to it, then the matter will be referred to Council for review at its next available meeting. The Council will consider the report and make a recommendation to the Cabinet.
- (c) The Scrutiny Commission will in any event have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Scrutiny Commission following a consideration of possible policy/service developments, the commission will at least be able to respond in the course of the Executive's consultation process in relation to any key decision.
- (d) The Scrutiny Commission's Chair has the right to attend any meeting of the Cabinet which considers a report, and to present the report to the Cabinet.

#### **SO.95) CABINET RESPONSE TO SCRUTINY COMMISSION REPORTS**

The Cabinet is required to respond to all reports submitted to it by the Scrutiny Commission. The response will be minuted and reported back to the Scrutiny Commission within 3 months.

The Cabinet may respond in the following ways:-

- (a) to accept the report and indicate how it proposes to implement its contents;
- (b) to accept the report in part, giving reasons why parts are not accepted;
- (c) to disagree with the report and give reasons;
- (d) to receive the report for further consideration by an executive councillor and/or officer, or by the Cabinet itself and for the outcome of that consideration to be reported back to the Scrutiny Commission within 3 months. The outcome of the consideration given will be in any of the ways set out in (a) to (c) above.

#### **SO.96) PARTY WHIP**

When considering any matter in respect of which a member of the Scrutiny Commission or a scrutiny working group 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 commission's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

("Definition of "party whip" – 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.")

## **SO.97) SUBMISSIONS FROM THE PUBLIC**

A member of the public is entitled to make a submission to or participate at a meeting as detailed in the “Public Participation” Scheme at Chapter 11.

## **SO.98) SUBMISSIONS FROM MEMBERS**

A Member of the Council may make an oral or written submission to a meeting on any matter on an agenda.

## **SO.99) MEMBERS ATTENDING THE SCRUTINY COMMISSION**

When the Council refers any matters raised by a Member to the Scrutiny Commission for consideration, the Member concerned will have the right to attend and address, but not vote, at any meeting which considers the matter, unless he/she is a named Member of the Scrutiny Commission.

### **SO.99.1) MEMBERS AND OFFICERS GIVING ACCOUNT**

Subject to the provisions of SO.107 (provisions relating to Urgency), the Scrutiny Commission may scrutinise and review decisions made or actions taken in connection with the discharge of any Executive function. As well as reviewing the documentation, in fulfilling its scrutiny role, it may require any Cabinet Member or officer, to attend before it to explain and answer questions in relation to matters within their remit.

Following a formal resolution of the Commission, the Commission shall require the attendance at a meeting of either the Commission or a Task and Finish Group of Cabinet Members or officers. The resolution of the Commission shall set out the details the Commission or Task and Finish Group require the Cabinet Member or Officer to address.

Alternatively, a written request unanimously approved by Lead Members at the Scrutiny Commission agenda briefing would have the same effect.

Following a resolution of the Commission or the unanimous approval of the Scrutiny Commission Lead Members to require attendance, the Statutory Scrutiny Officer will inform the Cabinet Member or officer in writing of the request, giving at least 10 clear days’ notice. The request shall specify who is being invited and in what capacity; the date of the meeting they are requested to attend and specific details of which topic(s) they will be invited to address.

Where, in exceptional circumstances, the Cabinet Member or officer is unable to attend on the requested date then the Commission shall, in consultation with the Cabinet Member or officer, arrange an alternative date for attendance or the attendance of a substitute member/officer if appropriate.

## **SO.100) SUBMISSIONS FROM THE PUBLIC AND MEMBERS**

The chair will invite the person wishing to make a submission to address the meeting for no more than 5 minutes (per issue).

An oral submission may be confirmed in writing.

The Scrutiny Commission may ask questions of clarification. Submissions made will be received and taken into consideration by the commission in pursuing its work programme or in considering any Executive decision called in under the Council's call-in arrangements.

At the chair's discretion, the submission may be made either at an early part of the meeting or when the relevant item on the agenda is reached.

#### **SO.101) HOW MEETINGS ARE CONDUCTED AND CONCLUSIONS REACHED**

Normal Standing Orders of debate are not relevant to the work of the Scrutiny Commission.

The chair will ensure that, at all times, meetings are conducted in a constructive and positive manner and in the best interests of the Council.

The chair will suggest to the meeting the most appropriate way of considering the business of the meeting and the contributions to be asked of any witnesses.

Investigations will be conducted fairly and all members of the committee shall be given the opportunity to ask questions of attendees and to contribute and speak.

Those assisting the committee by giving evidence will be treated with respect and courtesy.

Investigations will be conducted so as to maximise the efficiency of the investigation or analysis.

Conclusions and recommendations should ideally be reached by consensus. However, if necessary, they may be decided by majority vote.

# Standing Orders

## CHAPTER 7 – DESCRIPTION OF PROVISIONS SPECIFIC TO TOPIC FORUMS

Para No:	Title	Click to View Document
SO.102	Membership and Constitution	<a href="#">View Document</a>
SO.103	Conduct of Meeting	<a href="#">View Document</a>

## **CHAPTER 7**

### **DESCRIPTION OF PROVISIONS SPECIFIC TO TOPIC FORUMS**

Topic Forums are established by the Cabinet and provide an opportunity to promote dialogue and partnership working on areas of significance to the Council, the community and other organisations also. They report back to Cabinet to promote “joined-up” thinking on the topic.

#### **SO.102) MEMBERSHIP AND CONSTITUTION**

The Cabinet will appoint members of Council (on a cross-party basis) to be the Council’s members of the forum. Topic Forums are free to develop their own constitutions and invite relevant organisations to be part of its membership. Topic forums must be outward looking in their work and actively encourage the participation from relevant organisations active in their community.

#### **SO.103) CONDUCT OF MEETING**

Within a broadly agreed structure, forums are free to develop the structure of their meetings in whatever way they consider appropriate.

# Standing Orders

## CHAPTER 8 – CALL-IN PROCEDURES

<b>Para No:</b>	<b>Title</b>	<b>Click to View Document</b>
SO.104	Scope	<a href="#">View Document</a>
SO.105	Publication of Executive decisions	<a href="#">View Document</a>
SO.106	Call-in	<a href="#">View Document</a>
SO.107	Call-in of urgent decisions	<a href="#">View Document</a>
SO.108	Withdrawal of call-in notice	<a href="#">View Document</a>
SO.109	Consideration by the Scrutiny Commission	<a href="#">View Document</a>
SO.110	Action by the Scrutiny Commission	<a href="#">View Document</a>
SO.111	Action by the decision taker	<a href="#">View Document</a>
SO.112	Response to Scrutiny Commission	<a href="#">View Document</a>

## **CHAPTER 8**

### **CALL-IN PROCEDURES**

#### **SO.104) SCOPE**

Subject to the exceptions set out below, all decisions of the Cabinet and individual executive councillors are subject to these Rules.

A decision may not be called in if it:

- (a) relates to a budget or policy framework matter which the Cabinet is recommending to the Council;
- (b) relates to a decision which replaces a previous decision called-in and considered by the Scrutiny Commission

#### **SO.105) PUBLICATION OF EXECUTIVE DECISIONS**

All decisions of the Cabinet, or decisions of individual executive councillors, or committees of the Cabinet, will be published by Democratic Services.

Unless justifiable reasons for urgency exist, no executive decision will be implemented until the expiry of 5 clear days after the date of publication.

#### **SO.106) CALL-IN**

Within 5 clear days of publication, at least 5 councillors may signify in writing to the Democratic Services Manager their wish for a specified decision to be called-in. Reasons must be given.

The effect of this notice is to defer implementation until either:

- (a) the matters of concern have been resolved to the satisfaction of the persons signing the notice and they have signified in writing to the Democratic Services Manager their wish to withdraw their call-in; or
- (b) the decision has been reviewed by the Scrutiny Commission and has been supported without qualification or comment by that commission; or
- (c) the decision has been reviewed by the Scrutiny Commission, which has either made adverse comment or proposed modification(s) for consideration by the decision-taker.

#### **SO.107) CALL-IN OF URGENT DECISIONS**

On rare occasions decisions will need to be implemented so urgently that pre-implementation call-in is not appropriate. This will be made clear when decisions are published and an explanation given as to why the decision was treated with such urgency.

In these circumstances, within 5 clear days of publication, at least 5 councillors may signify in writing to the Democratic Services Manager their wish for a specified urgent decision to be called in for post-implementation review. Reasons must be given.

In these circumstances, call-in has no effect on the implementation of the urgent decision and relates to reviewing the nature of the decision and circumstances behind it. The outcome of Scrutiny Commission consideration will be reported to the decision-taker.

#### **SO.108) WITHDRAWAL OF CALL-IN NOTICE**

If the reasons for the members calling-in the decision are resolved to their satisfaction, and provided they signify in writing to the Democratic Services Manager that they wish to withdraw the call-in, the decision will not be referred for consideration by the relevant Scrutiny Commission.

#### **SO.109) CONSIDERATION BY THE SCRUTINY COMMISSION**

Decisions called-in will be considered within 10 clear days either by a special or scheduled meeting of the Scrutiny Commission. The members who signed the call-in notice have the right to attend the meeting to explain their concerns.

#### **SO.110) ACTION BY THE SCRUTINY COMMISSION**

Having considered the decision called-in, the Scrutiny Commission will either:

- (a) Support the decision without qualification or comment (in which case it can be implemented immediately without being considered again by the decision-taker); or
- (b) make adverse comments regarding the process or other circumstances relating to the decision, but no adverse view on the decision itself (in which case it can be implemented immediately, with the commission's comments being set out in a report and considered by the decision-taker); or
- (c) propose modifications to the decision or an alternative to the decision to achieve the same effect (in which case implementation is delayed until the decision-taker has received and considered a report of the Scrutiny Commission); or
- (d) requests that Full Council at its next meeting reviews or scrutinises a decision where the Scrutiny Commission considers that it is contrary to the policy framework or contrary to or not wholly in accordance with the budget, having taken written advice from the Chief Financial Officer and/or the Monitoring Officer prior to reaching its decision that the item being scrutinised is contrary to policy framework or contrary to or not wholly in accordance with the budget.

#### **SO.111) ACTION BY THE DECISION-TAKER**

Decisions are taken by the Cabinet, individual executive councillors and committees of the Cabinet (if these exist). Any report of the Scrutiny Commission will be submitted to the relevant decision-taker for consideration.

The decision-taker will consider the views of the Scrutiny Commission and either:

- (a) confirm the decision without modification; or
- (b) confirm the decision with modification; or
- (c) rescind the decision and (if considered appropriate) propose a new one.

In each case, reasons must be given, particularly if the action is not as proposed by the Scrutiny Commission.

The outcome of the decision-taker's consideration of the views of the Scrutiny Commission will be published.

#### **SO.112)      RESPONSE TO SCRUTINY COMMISSION**

The decision-taker's response will be reported to the next available meeting of the Scrutiny Commission. Any reaction of the Scrutiny Commission to the response will be recorded in the minutes.

# Standing Orders

## CHAPTER 9 – BUDGET AND POLICY FRAMEWORK RULES

Para No:	Title	Click to View Document
SO.113	The Framework for Executive decisions	<a href="#">View Document</a>
SO.114	Process for developing the budget and policy framework	<a href="#">View Document</a>
SO.115	Decisions outside the budget or policy framework	<a href="#">View Document</a>
SO.116	Urgent decisions outside the budget or policy framework	<a href="#">View Document</a>
SO.117	Budgetary management and flexibility	<a href="#">View Document</a>
SO.118	In-year changes to policy framework	<a href="#">View Document</a>
SO.119	Call-in decisions outside the budget or policy framework	<a href="#">View Document</a>
SO.120	Treasury management	<a href="#">View Document</a>

## **CHAPTER 9**

### **BUDGET AND POLICY FRAMEWORK RULES**

#### **SO.113) THE FRAMEWORK FOR EXECUTIVE DECISIONS**

The Council will be responsible for the adoption of its budget and policy framework. Once the budget or a policy framework policy or strategy is in place, it will be the responsibility of the Executive (Cabinet) to implement it.

#### **SO.114) \*PROCESS FOR DEVELOPING THE BUDGET AND POLICY FRAMEWORK**

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

- (a) The Cabinet will publicise by including in the Forward Plan and by other methods, 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 chair of Scrutiny Commission will also be notified. The consultation period shall wherever possible be maximised to allow as full a response as possible but in each instance will be not less than 4 weeks.
- (b) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If the Scrutiny Commission wishes to respond in that consultation process then it may do so. As Scrutiny Commission has responsibility for fixing their own work programme, it is open to the Scrutiny Commission to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from a committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by the Scrutiny Commission and consultees and the Cabinet's response.
- (c) Once the Cabinet has approved the firm proposals, they will be referred 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 will be made on the basis of a simple majority of votes cast at the meeting.
- (f) The decision will be publicised and a copy shall be given to the Leader.
- (g) Within 5 clear days of receiving notice of the Council's decision, the Leader, on behalf of the Cabinet may:-

- (i) inform the Council of any disagreement that the Cabinet has with any of the Council's objections or amendments and the reasons for any such disagreement; or
  - (ii) submit a revised plan, strategy or budget as amended by the Cabinet, with reasons for the amendments, to the Council for consideration.
- (h) If no response is received from the Leader within the 5 clear days set out above any 'in-principle' decision of the Council will automatically become effective.
- (i) If a response is received from the Leader within the 5 clear days set out above, the Monitoring Officer and Head of Legal and Democratic Services will call a Council meeting within a further 10 clear days or sooner to meet statutory deadlines. The Council will take into account the Leader's response and (by simple majority) either:
- (i) approve the Cabinet's original recommendations; or
  - (ii) approve the Cabinet's amended recommendations (if any are made); or
  - (iii) confirm the Council's 'in principle' decision; or
  - (iv) approve a different decision which does not accord with the Cabinet's recommendations or disagreement with the Council's 'in principle decision' or objections."
- (j) The decision shall then be made public, and shall be implemented immediately.
- (k) Standing Orders 119 and 120 below specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet. Any other changes to the policy and budgetary framework are reserved to the Council, unless the Council extends the basic provisions of Standing Orders 119 and 120 when approving budget and policy framework matters.

**SO.115) DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- (a) Subject to the provisions of Section 119 (virement) the Cabinet, committees of the Cabinet, individual executive members and any officers, or joint arrangements discharging executive 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 116 below.
- (b) If the Cabinet, committees of the Cabinet, individual executive members and any officers, or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget.

If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be

referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 116 (urgent decisions outside the budget and policy framework) shall apply.

#### **SO.116) URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

(a) The Cabinet, a committee of the Cabinet, an individual executive member or officers, 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 chair of the Scrutiny Commission and the Leader of Council and group leaders agree with the reason for urgency and that the decision may reasonably be regarded as urgent in the circumstances.

The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the chair of the Scrutiny Commission and the Leader of Council and group leaders to the decision being taken as a matter of urgency, must be noted on the record of the decision. In the absence of the chair of a Scrutiny Commission the consent of the Chair of Council or in the absence of both, the vice-chair of Council is to be obtained.

(b) The **Chief Financial Officer** may approve revenue or capital expenditure not provided for within the latest approved budget if satisfied that:

- (i) The expenditure is wholly reimbursable to the Council; or
- (ii) Compensatory savings have been identified; and
- (iii) There are no significant full year effects

(c) The **Chief Financial Officer** may also approve revenue or capital expenditure not provided for within the latest approved budget if satisfied that it is incurred as a result of a major incident or emergency. In such a case there could be a significant full year effect and/or may need to be funded from General Fund balances.

(d) In all circumstances, the expenditure must be consistent with the Corporate Plan and should be reported to the next **Cabinet** meeting.

(e) If either members or officers wish to make a decision which is contrary to the Budget and Policy Framework, then that decision may only be taken by **Full Council**, with the advice of the **Head of Legal, Governance and Democratic Services** and the **Chief Financial Officer**. Decisions contrary/not wholly in accordance with the total budget approved by **Full Council** may only be made if they are in accordance with the Budget and Policy Framework.

(f) If the decision is a matter of urgency, and it is not practical to convene a quorate meeting of the **Full Council**, and if the **Chair of Scrutiny Commission** is in

agreement that the decision meets the definition of urgent within the **Council's** constitution, the decision may be made by **Cabinet**.

- (g) Following the decision, a full report must be provided to the next available **Council** meeting explaining the decision, the reasons for it and why the decision was treated as matter of urgency.

#### **SO.117) BUDGETARY MANAGEMENT AND FLEXIBILITY**

- (a) The Council at its budget setting meetings will agree the overall level of the revenue budget. The Council will also normally approve the allocation of budgets to policy budget heads which shall be used for virement and budgetary control purposes, but may authorise the Cabinet or the relevant Executive Member(s) to do this if circumstances justify such action.
- (b) The Council will also approve the overall value of the Capital Programme and the share of resources to be allocated to each service area. The Council will normally approve the programme of schemes to be funded from the resources allocated, but may authorise the Cabinet or the relevant Executive Member(s) to do this if circumstances justify such action.
- (c) The Cabinet will be responsible for regular budget monitoring of both Revenue and Capital expenditure and income and for taking measures to prevent unplanned under or overspendings.
- (d) The Cabinet, a committee of the Cabinet, an individual executive member, or joint arrangements discharging executive functions to implement Council policy must not knowingly incur expenditure in excess of approved budgets except in an emergency as set out below.
- (e) The rules for budget management, including moving monies (virement) between revenue budget allocations, capital budget allocations, contingencies, earmarked reserves, provisions and general reserves are set out in the Council's Financial Regulations (Section 3.42 – 3.55). This includes provision for the Chief Financial Officer to vire between policy budget heads to reflect changes and transfer of functions of a technical accounting nature ("technical adjustments").
- (f) If additional expenditure is needed on one policy budget head and corresponding savings can be identified on another, virement up to £100,000 can be approved by the Chief Officers subject to the rules set out in Financial Regulations (up to £10,000 for Heads of Service).
- (g) The Cabinet may approve virement between policy budget heads in excess of £100,000 provided that:-
  - (i) it does not result in a change to the policy framework other than the Revenue budget
  - (ii) there is no outstanding report under S114 of the Local Government Finance Act 1998
  - (iii) it considers the advice of the Chief Financial Officer including the

- implications for future years
  - (iv) policy budget heads in the relevant department are not overspent in total. If so the first call on any underspending within that department is to rectify overspending and policy virements within that department will only be permitted in order to address the overspending
  - (v) it does not increase the use of general reserves approved by the Council by more than £100,000 in the relevant financial year and the minimum level of general reserves approved by the Council is maintained
  - (vi) it does not increase the ongoing commitment in any future year's net budget by more than £100,000
- (h) Subject to Financial Regulations (3.62 – 3.63), the Chief Financial Officer may approve a request for an underspending on revenue up to £50,000 to be carried forward. The Cabinet may similarly authorize a carry-forward exceeding £50,000. The Cabinet may also require any overspending at year-end to be carried forward.
- (i) The exception to these rules is if virement is required in response to a major emergency as defined by the Council's Emergency Planning Procedures or as authorized by the Chief Executive as detailed in Financial Regulations 3.57. The expenditure should be reported to the next Cabinet meeting. Where this requires virement from reserves above £100,000 or where the virement would reduce the approved minimum level of reserves, the next full Council meeting must consider a report of the Cabinet (incorporating advice of the Chief Financial Officer) and determine what action should be taken to restore the approved minimum level of reserves before any further virements or carry forwards can be approved.
- (j) Capital expenditure shall only be incurred in accordance with the capital programme approved by the Council (or by the Cabinet where the Council has authorised the Cabinet to decide schemes to be funded in accordance with clause (b) above), and subject to the following:-
- (i) The Chief Financial Officer is responsible for defining whether expenditure is classified as capital or revenue expenditure
  - (ii) Should additional capital resources be available or a scheme or schemes are delayed after the Council agrees the capital programme, the Cabinet may advance a scheme approved for future years or advance a scheme from a reserve list of capital schemes approved by the Council, but only if sufficient finance is available or can be identified in future years with a sufficient certainty in the opinion of the Chief Financial Officer to fund the capital programme, including the delayed schemes
  - (iii) Where additional resources arise from approved bids and are specific to schemes (such as specific grants or specific borrowing approvals) which are not in the approved capital programme or reserve list, the Cabinet may add such schemes to the capital programme without the approval of Council provided that these additional capital resources are sufficient to fund the proposed Scheme and provided that future revenue costs can be met from existing resources or future year's resources identified in the Medium Term Financial Forecast (Financial Regulations 2.22)
  - (iv) Variations in the costs of approved schemes may be addressed by Capital

virement under delegated powers as set out in Financial Regulation 3.52 – 3.55

- (v) All other variations or enhancements to individual schemes or programmes within the approved capital programme must be reported to the Cabinet so that the implications for the overall programme can be taken into account
  - (vi) The Cabinet may reprioritise the approved capital programme to meet urgent health and safety requirements in accordance with paragraph 120 below. If this requires the deletion or delay of a major scheme or programmed works (over £100,000) this must be reported to the next full Council
  - (vii) If, as part of budget monitor, the Chief Financial Officer advises that capital resources are likely to be insufficient to maintain the approved capital programme in total or between financial years, the Cabinet shall decide which schemes are to be delayed from the firm capital programme and placed into a different financial year or on a reserve list in accordance with paragraph 120 below. If this requires the deletion or delay of a major scheme or programmed works (over £100,000) this will be reported to the next full Council
- (k) Outside these rules and those in Financial Regulations, approval to any virement or transfer across budget heads shall require the approval of the full Council.

#### **SO.118) IN-YEAR CHANGES TO POLICY FRAMEWORK**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, an individual executive councillor or officers or joint arrangements discharging executive 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:-

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) 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.
- (d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.
- (e) Which are allowed by Financial Regulations and virement rules (see paragraph 117(e)).

#### **SO.119) CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- (a) Where a Scrutiny Commission is of the opinion that an executive decision is, or

if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.

- (b) In respect of functions which are the responsibility of the 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 report and to prepare a report to Council in the event that the monitoring officer or the Chief Financial Officer conclude that the decision was a departure, and to the Scrutiny Commission if the Monitoring Officer or the Chief Financial Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny Commission may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 28 days of the request by the Scrutiny Commission. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer.
- (d) The Council may either: -
  - (i) endorse a decision or proposal of the Executive 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 Executive 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.
  - 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 Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer.

## **SO.120) TREASURY MANAGEMENT**

By these Standing Orders, the Council adopts the key recommendations of CIPFA's Treasury Management in Public Services: Code of Practice (the Code)

- (a) This Council will create and maintain, as the cornerstones for effective treasury management:
  - (i) A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities;
  - (ii) Suitable treasury management practices, setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities
- (b) The Council will receive reports on its treasury management policies, practices and activities including an annual strategy and plan in advance of the year, a mid year review and an annual report after its close, in the form prescribed in its treasury management practices
- (c) The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Cabinet, and for the execution and administration of treasury management decisions to the Chief Financial Officer, who will act in accordance with the Council's policy statement, treasury management practices and CIPFA's Standard of Professional Practice on Treasury Management
- (d) The Council nominates the Audit and Accounts Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

# Standing Orders

## CHAPTER 10 – PROCEDURES AT ALL MEETINGS

Para No:	Title	Click to View Document
SO.121	Suspension of standing orders or procedures	<a href="#">View Document</a>
SO.122	Recording of meetings	<a href="#">View Document</a>
SO.123	Chair – conduct of meeting	<a href="#">View Document</a>
SO.124	Powers and duties of chair	<a href="#">View Document</a>
SO.125	Members to address the chair	<a href="#">View Document</a>
SO.126	Speeches – relevance and length	<a href="#">View Document</a>
SO.127	Member to speak once in debate	<a href="#">View Document</a>
SO.128	Point of order	<a href="#">View Document</a>
SO.129	Personal explanations	<a href="#">View Document</a>
SO.130	Rulings of the chair	<a href="#">View Document</a>
SO.131	Motions	<a href="#">View Document</a>
SO.132	Amendment	<a href="#">View Document</a>
SO.133	Right of reply	<a href="#">View Document</a>
SO.134	Procedural motions without notice	<a href="#">View Document</a>
SO.135	Interruption of debate	<a href="#">View Document</a>
SO.136	Closure of debate	<a href="#">View Document</a>
SO.137	Proceed to next business	<a href="#">View Document</a>
SO.138	Adjournment of the debate	<a href="#">View Document</a>
SO.139	Voting – procedure	<a href="#">View Document</a>
SO.140	Voting – recording	<a href="#">View Document</a>
SO.141	Voting on appointments	<a href="#">View Document</a>
SO.142	Disorderly conduct	<a href="#">View Document</a>
SO.143	Disturbance in the public gallery	<a href="#">View Document</a>
SO.144	Adjournment or suspension of the meeting	<a href="#">View Document</a>

## **CHAPTER 10**

### **PROCEDURES AT ALL MEETINGS**

#### **SO.121) SUSPENSION OF STANDING ORDERS OR PROCEDURES**

It is open to any meeting to suspend one or more Standing Order. Standing Orders required by Law (those marked with an \*) cannot be suspended. A majority of Members must agree to suspend the Standing Order.

#### **SO.122) RECORDING OF MEETINGS**

Anyone wishing to take photographs, make live broadcasts or recordings at a meeting may do so provided this is done unobtrusively from the public gallery. The Committee Chair conducting the meeting may at their discretion instruct a recording to be stopped if it causes proceedings to be disrupted

#### **SO.123) CHAIR – CONDUCT OF MEETING**

The Chair is responsible for conducting the meeting. In this they will be advised by the Monitoring Officer or the Chief Executive (or their representative) and will be guided by the Constitution.

#### **SO.124) POWERS AND DUTIES OF CHAIR**

These are as follows:

- (a) to ensure that members of the public are able to follow proceedings;
- (b) to act as the focal point for debate;
- (c) to preserve order and ensure the proper and efficient conduct of the meeting;
- (d) to confine discussion to the issue under consideration and decide the amount of time allowed for submissions from members or the public
- (e) to ensure all Members have an opportunity to participate;
- (f) to decide whether proposals put to the meeting are in order;
- (g) to decide procedural matters;
- (h) to conduct voting and to declare the result;
- (i) to sign the Minutes of the previous meeting as a correct record when the meeting authorises it, NB: there should be no discussion other than on matters of accuracy
- (j) to decide whether urgent items should be added to the agenda;
- (k) to adjourn the meeting if circumstances justify such action;
- (l) to declare the meeting closed when its business has been completed.

#### **SO.125) MEMBERS TO ADDRESS THE CHAIR**

When speaking at the meeting, Members will address the Chair. Members do not have to stand but may choose to do so.

It is the responsibility of the Chair to maintain order and to ensure the proper conduct of the meeting. Debate will be subject to the Chair's rulings (but see provisions below regarding challenges to Chair's rulings).

### **Participation of Chair in Debate**

In relation to Council meetings, the Chair will not normally take part in debate at a Council meeting. If, in respect of a specific matter, the Chair is a local Member, or in other special circumstances agreed by the meeting, they may speak in debate.

In relation to committee and sub-committee meetings, the Chair may participate fully in the discussion of matters at a committee or sub-committee meeting.

### **SO.126) SPEECHES - RELEVANCE AND LENGTH**

A Member's speech must relate to the business under discussion. A mover of a motion or amendment may speak for no more than 10 minutes. All other speeches may not exceed 5 minutes. A member should make it clear at the beginning of their speech if they are going to move a motion or amendment.

In relation to full council meetings, a member's speech in a mini-debate on a Council question may last for no more than two minutes.

### **SO.127) MEMBER TO SPEAK ONCE IN DEBATE**

A Member may only speak once in a debate on a motion unless:-

- (a) exercising a right of reply. This applies to those who move motions and, where remarks are reserved, to the seconder of a motion
- (b) raising a point of order
- (c) raising a point of personal explanation
- (d) moving an amendment
- (e) moving a procedural motion
- (f) they have the consent of the Chair

### **SO.128) POINT OF ORDER**

At any time during the meeting, a Member may draw to the meeting's attention a matter of law, procedure or practice which he/she thinks has been broken. Such a 'point of order' will be immediately heard and the relevant point must be identified to the meeting.

### **SO.129) PERSONAL EXPLANATIONS**

A Member may consider that a point made by them in the debate may have been misunderstood. They may therefore wish to clarify the matter with a personal explanation. Any Member raising a 'point of personal explanation' is heard immediately. The point of personal explanation must relate to the debate in progress.

## **SO.130) RULINGS OF THE CHAIR**

Any ruling made by the Chair of a meeting stands.

However:

- The person who moved an amendment ruled to be out of order, or that person's group leader, may request the chair to reconsider their ruling (immediately after it has been made). A reason must be given. When this happens, the Chair will consider the reason given and decide whether or not to confirm the ruling.
- Any Member may move a motion to challenge the ruling. A vote must be taken immediately following debate and will be carried by a simple majority. If such a vote is carried, the ruling will be overturned. This does not apply to a decision of the Chair to include on an agenda an urgent item.

When the Chair indicates their intention to make a ruling, the meeting (including the Member making the speech) will be silent.

### **No Confidence Motion in the Chair**

Members may move a motion declaring 'no confidence' in the Chair, at any time during the meeting. A vote must be taken immediately following debate and will be carried by a simple majority. If such a vote is carried, the chair will be taken by the another member for the remainder of the meeting.

### **"Casting Vote"**

In law, the Chair is entitled to vote a second time in order to obtain a decision from an equality of voting "for" and "against". If the Chair decides not to exercise a second or casting vote and the voting remains equal, the motion is not carried and deemed to have been lost.

By convention of this Council, the Chair of any meeting does not exercise a second or casting vote, although to do so will not invalidate the decision.

## **SO.131) MOTIONS**

A motion is a proposal from a Member at the meeting aimed at opening a debate on an agenda item. It does not have to be in writing.

The Member "moves" (ie puts forward) the motion.

This usually takes the form of a proposal to adopt a course of action based on a recommendation in a report. It can be a different proposal to what is recommended in the Report. This is not an amendment.

Any motion is only able to be discussed once a second Member has endorsed it.

A Member seconding a proposal may speak to it straight away or may reserve remarks until later in the debate

In relation to full Council meetings, a motion cannot be proposed during a mini-debate on a Council question. This is because there are separate opportunities for Members to include motions on Council meeting agendas under Standing Order 26.

### **SO.132) AMENDMENT**

An amendment is a proposal by another Member to change the words of a motion which has been moved and seconded. It does not have to be in writing.

An amendment must not (a) be a direct negative of a motion nor (b) seek to introduce a wholly new issue, unrelated to the terms of the motion. An amendment will only be ruled out of order by the chair of a meeting when it is clearly a direct negative of the motion it seeks to amend or clearly involves a wholly new issue. The general presumption is that the Council wishes to foster debate, with all political groups being encouraged to put their point of view.

#### **Order of Amendments**

If an amendment is carried, the original motion as amended becomes the substantive motion to which further amendments may be moved. If an amendment is lost then other amendments to the original motion may be moved. When an amendment has been moved and seconded, no other amendment can be moved until the first amendment has been voted upon.

### **SO.133) RIGHT OF REPLY**

At the end of a debate about an amendment, the Member who proposed the amendment has a right to reply to the points raised in the debate.

Once all amendments have either been declared "carried" or "lost", the meeting returns to debating the original or "substantive" motion (in its amended form). When an amendment is successfully moved, if the proposer of the original motion votes against the amendment, the right to sum up at the end of the debate passes to the mover of the amendment. **The Chart in Appendix 1 at the end of this section sets out the motion and amendment process.**

### **SO.134) PROCEDURAL MOTIONS WITHOUT NOTICE**

It is open to any Member to propose at any time a course of action which will enable the Council meeting to reach a decision or to allow the meeting to proceed with its business. No new material is to be introduced in putting forward such a proposal. It is not necessary for advance notice to be given.

Procedural motions include:

- (a) to elect a Chair of a meeting when the Chair and the Vice-Chair are absent;
- (b) motions relating to the accuracy of the Minutes;

- (c) to propose the closure or adjournment of the meeting, move to next business or that the order of business be varied;
- (d) to receive or approve a report of a committee or to adopt a recommendation.
- (e) that leave be granted to withdraw a motion;
- (f) to amend a motion;
- (g) to exclude representatives of the media and the public in accordance with the Access to Information Legislation.
- (h) to exclude the public in the event of conduct of a disorderly nature;
- (i) to give the consent of the meeting, where it is required by this Constitution;
- (j) to suspend a Procedural Standing Order;
- (k) to propose that a Member named be not further heard on the subject under discussion or that the Member named be excluded from the meeting;
- (l) to challenge the ruling of the Chair; or propose no confidence motions in the Chair
- (m) to propose a motion for consideration without introducing new material when as a result of debate there is no proposal which commands a majority of support, relating to an item on the Agenda. [Note: this motion would normally be moved when there is no agreement but there is a deadline to meet.]
- (n) to propose a motion relating to a report of a Committee, where that Committee has failed to reach agreement and has referred the matter to the Council without specific recommendation(s).

#### **SO.135) INTERRUPTION OF DEBATE**

A Member may propose without notice, a motion to adjourn or terminate the debate by one of the forms below. Providing the motion is seconded, there will be no debate and a vote will be taken immediately.

A Member can only move closure of the debate if he/she has not already spoken in the debate.

#### **SO.136) CLOSURE OF DEBATE**

To move the closure of a debate means to move "that the vote be taken" ie if voted upon and carried that discussion shall end and the vote on the matter being considered be taken without delay. The mover of the original motion can first sum up.

#### **SO.137) PROCEED TO NEXT BUSINESS**

If it is carried "that the meeting move to the next business", the discussion and any motions before the meeting shall be abandoned and not put to the meeting. If an amendment is under discussion, the discussion shall be abandoned, and the meeting shall return to discussion of the motion in its original form. Further amendments can be moved

#### **SO.138) ADJOURNMENT OF THE DEBATE**

If carried a motion to adjourn the debate shall have the effect of postponing the item of business under consideration until another time (either fixed or indefinite).

## **VOTING**

### **SO.139) VOTING – PROCEDURE**

The chair shall ask members 'For', 'Against' and 'Abstentions' and will declare the item carried or lost. An equality of votes means the matter falls but further motions may be moved

### **SO.140) VOTING – RECORDING**

At the request of the Chair, any 6 Members for Council meetings or one third of the membership for all other meetings (signified by their rising from their seats or by raising their hands) a detailed named vote will be taken by the Monitoring Officer.

Sometimes the law requires special voting procedures (for example a named vote is required when voting on the Annual Budget) and sets down required numbers of votes. The Monitoring Officer will inform the meeting when these are required.

Immediately after a vote is taken, any Member may ask to have the way they voted recorded in the Minutes.

### **SO.141) VOTING ON APPOINTMENTS**

Where there are more than two persons nominated for any appointment or position to be filled, a decision may be arrived at using the single transferable vote ballot system, unless the meeting decides otherwise.

### **SO.142) DISORDERLY CONDUCT**

The Chair will rule on whether a Member is conducting him/herself in a disorderly or disruptive manner. If that ruling is made, and agreed by the Council upon a successful motion from the Chair, the Member concerned will leave the meeting for its duration so that the Member cannot be heard. There is no debate on the motion.

### **SO.143) DISTURBANCE IN THE PUBLIC GALLERY**

The Chair may order the removal of people from the public gallery if, in his/her opinion, there is, or likely to become, behaviour which disrupts the meeting.

### **SO.144) ADJOURNMENT OR SUSPENSION OF THE MEETING**

If at any time the Chair feels that the meeting cannot continue with its business, they have the right to adjourn the meeting to a time of their choosing (taking into account any statutory deadlines).

In all but very exceptional circumstances involving disruption and disturbance, the chair will only adjourn the meeting with its consent.

# Standing Orders

## CHAPTER 11 – PUBLIC PARTICIPATION AT MEETINGS

<b>Para No:</b>	<b>Title</b>	<b>Click to View Document</b>
SO.145	General	<a href="#">View Document</a>
SO.146	Who can use the scheme?	<a href="#">View Document</a>
SO.147	What are the opportunities for participation at meetings?	<a href="#">View Document</a>
SO.148	Items from the public	<a href="#">View Document</a>
SO.149	Overall time limit	<a href="#">View Document</a>
SO.150	Written copies of submission	<a href="#">View Document</a>
SO.151	What falls outside the scheme	<a href="#">View Document</a>
SO.152	Public participation at Development Control committee meetings	<a href="#">View Document</a>
SO.153	Public participation at committees exercising quasi-judicial functions	<a href="#">View Document</a>

# CHAPTER 11

## PUBLIC PARTICIPATION AT MEETINGS

### **SO.145) GENERAL**

The Council is democratically elected by the people of South Gloucestershire to serve the whole community.

The Council encourages all residents to participate in local affairs and democracy. The Council will give everyone (whether individuals or local organisations) the opportunity to tell councillors directly at meetings about things that concern them and to contribute their views on matters under discussion.

### **SO.146) WHO CAN USE THE SCHEME?**

The scheme is open to any resident of South Gloucestershire or person affected by decisions to be taken by South Gloucestershire Council.

The scheme is also open to a representative of a business or voluntary organisation operating in South Gloucestershire.

### **SO.147) WHAT ARE THE OPPORTUNITIES FOR PARTICIPATION AT MEETINGS?**

There is considerable choice available to people who want to make submissions or participate in meetings.

In deciding which meeting is the most appropriate, people should bear in mind the roles exercised by the Council itself and its subsidiary bodies. Full details are set out in the Council's constitution, and advice is always available from Democratic Services.

The agenda for each meeting will provide an opportunity at the beginning of the meeting for items from the public to be heard. However, the Chair of the meeting has the discretion to allow submissions to be made at the beginning of the relevant agenda item.

### **SO.148) ITEMS FROM THE PUBLIC**

The following Standing Orders explain how items from the public are dealt with at Council, Committee and Sub-committee meetings. No prior notice is required but it is helpful if you make contact with the Democratic Services Officer named on the agenda. Help and support will be provided at the meeting if required.

#### **(a) PETITIONS**

A person may present a petition on any matter on the agenda or of community interest or concern relating to the meetings areas of interest.

The person presenting the petition may speak to the meeting for no more than 5 minutes. Members will be allowed to ask factual questions only of the person making the submission. No debate or comment will be allowed.

### **Petitions - Action by the Council**

The meeting may (1) refer the petition to a committee or (2) if it is about an item already on the Council agenda, defer consideration of the petition until that item is reached or (3) note the petition

### **Petitions - Action by committees and Sub-committees**

The meeting may either ask an officer to report on the matter to a future meeting or, if the matter relates to an item already on the agenda for the meeting, defer consideration of the petition until that item is reached.

The Council places importance on the opportunity offered by petitions, to seek solutions and agreement to issues identified by petition organisers. If this can be accomplished then the Council may seek agreement with the petition organiser to withdraw the relevant petition.

Should a petition be submitted which is better directed to a partner organisation or another public service provider, we will contact the petition organiser to help them consider which options may best suit their needs.

Petition may be submitted either in writing electronically through the e-petitions facility or by email. In every case a lead petitioner must be identified.

A petition must:-

- Include a clear statement of concerns and what you want the authority to do.
- Not be a duplicate or near duplicate or a similar petition received or submitted under 12 months ago.

An ePetition will remain open for signatures for a maximum of 90 days but the lead petitioner will be able to set a shorter timeframe when establishing the petition should they chose to do so.

### **Petitions for Debate**

If requested a petition containing at least 2,500 signatories will be debated at a meeting of Council or if more appropriate a committee responsible for the function. However petitions for parishing arrangements or mayoral petitions will not be debated.

Under normal circumstances, the Council will expect to provide the petition organiser with a response detailing its intentions within 28 calendar days of receipt or debate as appropriate.

The lead petitioner or someone on their behalf will have the right to speak about the petition at the meeting if it is being debated. The Chair of Council will decide upon the amount of time to allow for the debate on the petition.

In relation to time allowed to debate petitions, the Chair shall have regard to the provisions of SO.10 – Items from Members of the Public.

## **(b) QUESTIONS**

A person can ask a question of a committee chair or lead member. This provision does not apply to DC meetings.

In relation to Council meetings, a question can also be asked of political group leaders.

You should allow at least one clear day's notice to enable an answer to be provided at the meeting. The Chair will invite the person to put the question. No speech will be allowed. Members may ask factual questions only.

### **Questions – Action at any meeting**

The committee chair or lead member whom is asked a question may answer the question, refer the question to an officer to provide a written answer or decline to answer the question and may give reasons.

The questioner will be allowed to ask one supplementary question on the same subject.

## **(c) STATEMENTS**

The person making the statement may speak for up to 5 minutes. Members will be allowed to ask factual questions only of the person making the submission.

### **Statements - Action by any meeting**

At the Council meeting, the council may ask a Committee to consider the matters raised in the submission and respond to the petitioner.

In relation to all meetings, if it is about a matter on the meetings agenda the meeting can defer consideration until that item is reached, or note the points raised.

**(d) To contribute views** on matters under discussion during the course of the meeting (at the discretion of the chair of the meeting).

## **SO.149) OVERALL TIME LIMIT**

No individual submission will normally be allowed more than 5 minutes time at a meeting. The Chair of a meeting will exercise discretion on the overall time allowed for public participation.

## **SO.150) WRITTEN COPIES OF SUBMISSION**

Also to assist understanding, those making statements to meetings may wish to provide a written text or summary of the points mentioned. This should be passed to the clerk to the meeting.

## **SO.151) WHAT FALLS OUTSIDE THE SCHEME**

If the submission is made on a matter of community concern or interest which is not a responsibility of the Council, the matter will be referred to the relevant responsible body for consideration. The person who made the submission will be informed of the outcome of the consideration given.

There are some matters that fall outside the scope of this scheme. These are:

- an individual's circumstances where it would be inappropriate for details to be aired in public;
- applications for legal consents where alternative procedures exist;
- contractual matters;
- matters which are, or should be, subject to established appeals procedures or which have been decided by an appeal hearing (eg complaints, school admission appeals etc);
- matters from employees connected with their employment
- allegations against individual councillors or officers (in such cases the Council's complaints or code of conduct procedures must be used).
- no defamatory, frivolous or offensive submissions will be allowed.

## **SO.152) PUBLIC PARTICIPATION AT DEVELOPMENT CONTROL COMMITTEE MEETINGS**

Representations are limited to those items relating to any planning application on the agenda for the meeting. Items withdrawn from the agenda will not be open to representation. Representations should comprise only written or verbal statements to the committee, not questions to either councillors or other interested parties. There will be a time limit of 5 minutes for each group of speakers with supporters presenting their case first and objectors to the proposal following [ie a maximum of 5 minutes for those 'against' the proposal and a maximum of 5 minutes for those 'for' the proposal]. This will ensure a maximum of 10 minutes on any one item on the schedule, whatever the number of speakers. Speakers will have the opportunity to speak at the beginning of the meeting or immediately before the relevant agenda item.

Those wishing to make representations on an item will be heard in the order that they contacted the Monitoring Officer up until the 5 minutes has expired. In practice those wishing to make representations may get together to present their joint case by appointing a spokesperson. Speakers will have the opportunity to speak at the beginning of the meeting, in agenda item order, or immediately before the relevant agenda item.

**SO.153) PUBLIC PARTICIPATION AT COMMITTEES EXERCISING QUASI-JUDICIAL FUNCTIONS**

Committees which exercise quasi-judicial functions may need to operate revised public participation arrangements. The aim is to maintain the general principles of public participation at meetings, but to ensure that in the limited time available, a range of views may be expressed. This will help Members have the fullest possible appreciation of the views of members of the public before making decisions.

Specifically, separate provisions follow below for the PROW Sub Committee.

# Standing Orders

## CHAPTER 12 – PUBLIC RIGHTS OF WAY AND COMMONS REGISTRATION COMMITTEE

Para No:	Title	Click to View Document
SO.154	Public participation scheme	<a href="#">View Document</a>

## **CHAPTER 12**

### **PUBLIC RIGHTS OF WAY AND COMMONS REGISTRATION COMMITTEE**

REVISED PROCEDURES FOR DEALING WITH APPLICATIONS ETC UNDER  
WILDLIFE AND COUNTRYSIDE ACT 1981 (THE 1981 ACT)  
COMMONS REGISTRATION ACT 1965

#### **SO.154) PUBLIC PARTICIPATION SCHEME**

Anyone wishing to speak is required to submit a written statement or otherwise notify the Council of the nature of their representations 5 days in advance of the meeting to enable officers and the applicant, where appropriate, to consider the issues being raised. Members may at their sole discretion consider oral representations received without such notice provided they are satisfied that special circumstances have prevented compliance with the five day rule.

Papers for the Public Rights of Way Committee to be despatched 10 clear working days in advance of the meeting to facilitate the public participation process.

Opportunity for the applicants to present their views, followed by a person or group wishing to modify the status of a right of way in respect of the 1981 Act matters only followed by objectors to the proposed modification application.

Each group of speakers to be limited to one statement of five minutes. Some flexibility in this may be allowed by the Committee depending on the numbers and nature of speakers.

If in the opinion of the Committee, having considered the reports and any representations under the Public Participation Scheme, they feel the applicant reasonably requires more time to consider the objections, they shall adjourn to a later "special" meeting of the Sub Committee. Such meeting shall be arranged as quickly as possible subject to giving the applicant reasonable time to prepare.

At any such adjourned meeting the Committee will not receive any further representations from objectors and, if the applicant wishes to attend (rather than deal with his further representations by writing) will confine the applicant to dealing with those issues raised by objectors at the previous meeting and in connection with which further time was requested.

Having considered all the evidence (whether at a first or adjourned meeting) the Committee is of the view that there remains a significant conflict in the evidence, it may request oral evidence from the relevant parties (ie those whose evidence conflicts). Parties are under no obligation to attend, but greater weight is likely to be given to evidence given orally and subject to questioning.

At such oral hearing, the following procedure shall apply:

- Introductions
- The relevant Council officer shall identify the specific areas where the conflict of evidence arises
- The applicant shall speak to these issues (The 5 minute rule will not apply).
- The applicant may be questioned by any Member of the Committee.
- The objector(s) shall speak to the issues set out by the officer. (The 5 minute rule will not apply).
- The objector(s) may be questioned by any Member of the Committee.
- The Chair may allow applicant/objectors to raise questions of one another provided this is done calmly and fairly, and does not become confrontational etc. in which event the Chair will call a halt to the process.
- The applicant and the objector (or if more than one the nominated representative of the objectors) may sum up, if they wish to do so.
- The Committee will adjourn to consider all the evidence before them (reports to any previous meeting and the results of their oral hearing), and reach a decision.
- The Committee will reconvene and announce its decision.

# Standing Orders

## CHAPTER 13 – ACCESS TO INFORMATION PROCEDURES

Para No:	Title	Click to View Document
SO.155	Scope	<a href="#">View Document</a>
SO.156	Rights to attend meetings	<a href="#">View Document</a>
SO.157	Access to agenda and reports before the meeting	<a href="#">View Document</a>
SO.158	Access to minutes etc after the meeting	<a href="#">View Document</a>
SO.159	Background papers	<a href="#">View Document</a>
SO.160	Confidential Information – requirement to exclude public	<a href="#">View Document</a>
SO.161	Exempt information – discretion to exclude public	<a href="#">View Document</a>
SO.162	Meaning of confidential information	<a href="#">View Document</a>
SO.163	Meaning of exempt information	<a href="#">View Document</a>
SO.164	Exclusion of access by the public to reports	<a href="#">View Document</a>

## **CHAPTER 13**

### **ACCESS TO INFORMATION PROCEDURES**

#### **SO.155) SCOPE**

In the interests of openness and transparency, these Standing Orders apply to all formal meetings of the Council and its committees or other bodies.

#### **SO.156) RIGHTS TO ATTEND MEETINGS**

Members of the public may attend usually all formal meetings subject only to the exceptions in this Constitution or as detailed in the Council's annual meeting business report.

#### **SO.157) ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

In addition to the Forward Plan/Modern.Gov provisions at paragraph 36 above, the Council will give five clear days notice of meetings and make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting.

#### **SO.158) ACCESS TO MINUTES ETC AFTER THE MEETING**

The Council will make available copies of the following for six years after a meeting:

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

#### **SO.159) BACKGROUND PAPERS**

##### **List of Background papers**

Every report will contain a list of those documents which have been relied on to a material extent in preparing the report.

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

## **EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### **SO.160) CONFIDENTIAL INFORMATION – REQUIREMENT TO EXCLUDE PUBLIC**

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

### **SO.161) EXEMPT INFORMATION – DISCRETION TO EXCLUDE PUBLIC**

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

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.

### **SO.162) 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.

### **SO.163) MEANING OF EXEMPT INFORMATION**

Exempt information means information falling within the following 7 categories (subject to any condition):

<b>Category &amp; Description</b>	<b>Precis</b>
1. Information relating to any individual.	Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.	Info likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Person's financial or business affairs.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connections with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Labour relations.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Legal professional privilege applies.
<b>Category &amp; Description</b>	<b>Precis</b>
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.	Reveals enactment notice, order or direction.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Crime related matters.

Information falling within any of paragraphs 1 – 7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

**SO.164) EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

A meeting may exclude access by the public to reports which relate to items during which the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.



## **TEMPORARY CHANGES TO THE CONSTITUTION**

Pursuant to the Scheme of Officer Delegation, the Chief Executive is permitted to take decisions in the following circumstances:

*“In the case of urgency or emergency to take any decision on behalf of the Council (after consultation with the Leader)”*

On 23<sup>rd</sup> April 2020, the Chief Executive in exercising that delegation the Chief Executive took the following decision:

*“To approve the temporary amendments to Standing Orders relating to Cabinet meetings as set out in Appendix 1 and to apply the same principles to the Standing Orders relating to member and public participation to other meetings of the Council”*

The temporary amendments to the Constitution are contained in Chapter 14.

## CHAPTER 14

### STANDING ORDERS – PROVISIONS SPECIFIC TO VIRTUAL MEETINGS

#### Legislation

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings (England and Wales) Regulations 2020 (the Regulations) came into force on 4<sup>th</sup> April 2020. The Regulations remain in force until 7<sup>th</sup> May 2021.

These Regulations make provision to enable local authorities to hold meetings remotely including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming. The Regulations modify existing legislative provisions to remove the requirement for local authorities to hold annual meetings, and to enable requirements for public and press access to local authority meetings and associated documents to be complied with through remote means and website access.

The changes to Standing Orders implement the provision contained in the Regulations and are temporary in nature expiring on or before 7<sup>th</sup> May 2021. The revisions to Standing Orders are therefore temporary in nature and they will be kept under regular review.

#### Management of Meetings

It is recognised that the operation of Virtual Meetings is not without risks, the Council will be operating in a new forum and the engagement with members and the public needs to be amended to enable the efficient running of meetings. With that in mind, it is recommended that at the outset of each meeting, the Chair should appoint a Vice Chair (and Assistant Vice Chair) to assume the management of the meeting in the event of the Chair of the meeting losing connectivity during the meeting.

#### Application of This Chapter

The application of the Regulations apply regardless of any prohibition or restriction contained in the current Standing Orders that govern meetings.

This Chapter contains the Standing Order to enable member and public participation at virtual meetings of the Council, Cabinet, Committees and Sub-Committees.

For the purposes of the Regulations the Standing Orders below supersede Standing Orders elsewhere in the Constitution.

## **Standing Orders Relating to Cabinet Meetings**

### **Chapter 1 – Description of Provisions Relating to All Meetings**

#### **SO13VM Attendance**

For the purposes of remote attendance a member is deemed to be in attendance if at the time of the meeting:

1. The member can hear (and where possible see) and can be heard (and where possible seen) by other members of the committee in attendance, and;
2. The member can hear (and where possible see) and can be heard (and where possible seen) by any members of the public who are accessing the meeting remotely and who have given notice to speak at the meeting, and;
3. The member can hear (and where possible see) and can be heard (and where possible seen) by any other member of the public or press entitled to be present at the meeting.

Members will not be required to sign a register of attendance. Attendance and absence of members will be recorded by the committee clerk in the minutes by way of a roll call immediately following the opening of the meeting by the Chair.

### **Chapter 3 Description of Provisions Relating To the Executive**

The following SO are amended: SO55, S056, S063 and SO64  
The following SO's continue to apply: SO28-SO54, SO57-62 and SO65-68

#### **SO55VM Items from the Public**

The Public Participation Scheme shall (unless and until amended) require all submissions from members of the public to meetings of the Executive to be made in writing and submitted to the Democratic Services Manager not less than 24 hours prior to the commencement of the meeting\*.

Submissions from the Public include Petitions, Statements and Questions

(\*for the purposes of calculating the 24 hour period, weekends and bank holidays are excluded)

#### **SO56VM Items from Members and Notice Required**

Any Member of the Council may:-

- i) Present a petition,
- ii) Make a submission on any matter, whether or not it is a meeting agenda item
- iii) Ask a question of the Leader or any Executive Councillor

**PROVIDED THAT** the Member shall have submitted their Petition and/or Submission and/or Question in writing to the Democratic Services Manager not less than 24 hours prior to the commencement of the meeting.\*

(\*for the purposes of calculating the 24 hour period, weekends and bank holidays are excluded)

**SO63VM      Items from the Public**

In accordance with SO55VM all submissions from members of the public to meetings of the Executive require to be submitted in writing not less than 24 hours prior to the commencement of the meeting.

The Democratic Services Manager shall circulate all submissions duly received to Members of the Executive prior to the commencement.

Unless and until these Standing Orders are further amended, there shall be no verbal public/member participation at meetings of the Executive.

**SO64VM      Items from Members**

In accordance with SO56VM Petitions, Submissions and/or Questions from Members to meetings of the Executive require to be submitted in writing not less than 24 hours prior to the commencement of the meeting.

The Democratic Services Manager shall circulate all submissions duly received to Members of the Executive prior to the commencement.

Unless and until these Standing Orders are further amended, there shall be no verbal Member participation at meetings of the Executive save for the following exception:

- i)      The Leaders of the Opposition Groups will be permitted to ask questions of the Executive without the requirement to give 24 hours' notice.

**Debate process**

**Main Motion**

Proposer

Secunder

Debate Open

Secunder speaks if not yet spoken

Proposer Sums up

Vote on Motion

**Amendment**

Proposed

Secunder

Debate on amendment open

Secunder speaks if not yet spoken

Proposer sums up

Vote on amendment

Carried – becomes part of substantive motion now available for debate

Lost – return to original motion for debate

## B. Part B - Financial Regulations

## FINANCIAL REGULATIONS

### 1. Introduction

Financial Regulations govern the way the Council undertakes medium term financial planning, annual budget setting, budget monitoring and closing of the accounts – setting out the responsibilities of **Council, Cabinet, Audit & Accounts Committee, Scrutiny Commission, the Chief Financial Officer, the Director of Resources & Business Change, the Monitoring Officer, Chief Officers and Heads of Service**. These aspects are set out in Part 1 (Financial Management). Where these regulations refer to Chief Financial Officer or the Monitoring Officer this is to be read as applying to the Deputy Chief Financial Officer and Deputy Monitoring Officer unless specifically stated otherwise. In the absence of the **Chief Financial Officer** or the **Monitoring Officer**, non-statutory delegations can be read as applying to the **Director of Resources & Business Change**.

Financial Regulations also govern the way day to day financial administration is conducted and financial controls are exercised. These aspects are set out in Part 2 (Financial Administration).

Financial Regulations are supported by other elements of the Council's Constitution, in particular:-

- Contract Standing Orders
- Scheme of Delegation
- Budget & Policy Framework Rules

These need to be read together.

### 2. Status of Financial Regulations

Financial regulations apply to every member and officer of the Council and anyone acting on its behalf, with the exception of schools who operate under the Scheme for the Financing of Schools.

The regulations identify the financial responsibilities of the **Council, Cabinet and Executive Members, the Chief Executive, the Monitoring Officer, the Chief Financial Officer** and other **Chief Officers**.

The Regulations shall not override any statutory provisions that apply.

Where applicable consultants or agencies acting for the Council will be bound by these procedures and it should be a condition of their employment or engagement that they do so. However, where the council operates a shared arrangement with another council the regulations of each party should apply to its own operation.

**Chief Officers** must maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where

responsibilities have been delegated or devolved to other responsible officers' reference to the chief officer in the regulations should be read as referring to them. Substantial breaches of Financial Regulations shall be reported to the **Chief Financial Officer** by the relevant **Chief Officer** and may be treated as disciplinary offences. The **Chief Financial Officer** is responsible for reporting any significant breaches to Audit & Accounts Committee.

No report having financial implications shall be submitted to **Council** or **Cabinet** or **other decision making committee** without adequately timed prior consultation with the **Chief Financial Officer** and/or officers delegated to undertake such functions by him/her.

These procedures shall be reviewed regularly by the **Chief Financial Officer** but at least every 3 years. The **Council** should approve all amendments and summaries of changes resulting from reviews of codes of best practice, procedures or explanatory notes.

All members and staff have a general responsibility for taking reasonable action to provide for the security of assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

### 3. Responsibilities

#### **Full Council**

The **Full Council** is responsible for adopting the authority's constitution and members' code of conduct and for approving the policy framework and budget within which the Cabinet operates. It is also responsible for approving and monitoring compliance with the authority's overall framework of accountability and control. The framework is set out in its constitution.

The **Full Council** is also responsible for monitoring compliance with the agreed policy and related Cabinet decisions through its committees.

The **Full Council** is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the council and its committees. These delegations and details of who has responsibility for which decisions are set out in the constitution.

#### **CABINET**

The **Cabinet** is responsible for proposing the policy framework and budget to the **Full Council**, and for discharging Cabinet functions in accordance with the policy framework and budget.

**Cabinet** decisions can be delegated to a committee, an individual **Executive Member**, an officer or a joint committee.

The **Cabinet** is responsible for establishing protocols to ensure that individual **Executive Members** consult with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

## **COMMITTEES**

### **Scrutiny Commission**

The **Scrutiny Commission** is responsible for scrutinising Cabinet decisions before or after they have been implemented and for holding the Cabinet to account.

The **Scrutiny Commission** is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the authority.

### **Audit & Accounts Committee**

The **Audit & Accounts Committee** is responsible for providing independent assurance to the Council:

- a) on the effectiveness of the Council's governance arrangements, risk management framework, treasury management and the internal control environment;
- b) on the effectiveness of the Council's financial and non-financial performance to the extent that it might impact on the system of internal control;
- c) in the agreement and monitoring of the audit plans of External and Internal Audit;
- d) in the review and approval of the annual statement of accounts.

As part of its responsibilities, the **Audit & Accounts Committee** may require Chief Officers to account for their actions or those of their staff in respect of the above. It has right of access to all the information it considers necessary and can consult directly with internal and external auditors in meeting its responsibilities.

### **Standards Sub- Committee**

The **Standards Sub-Committee** is established by the Full Council and is responsible for promoting and maintaining high standards of conduct amongst councillors. In particular, it is responsible for advising the council on the adoption and revision of the members' code of conduct, and for monitoring the operation of the code.

## **Other Regulatory Committees**

Planning, conservation and licensing are not Cabinet functions but are exercised through the multi-party planning and licensing committee under powers delegated by the Full Council. The planning and licensing committee reports to the Full Council.

## **STATUTORY AND CHIEF OFFICERS**

### **Chief Executive (Head of Paid Service)**

The **Chief Executive** is responsible for the corporate and overall strategic management of the authority as a whole. He or she must report to and provide information for the Cabinet, the Full Council, the Scrutiny Commission and other committees.

He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Chief Executive is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the Full Council's decisions (see below).

### **Chief Financial Officer**

The **Chief Financial Officer** has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- a) Section 151 of the Local Government Act 1972;
- b) The Local Government Finance Act 1988;
- c) The Local Government and Housing Act 1989;
- d) The Accounts and Audit Regulations 2015.

The **Chief Financial Officer** is responsible for:

- a) The proper administration of the Council's financial affairs;
- b) Setting and monitoring compliance with financial management standards;
- c) Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- d) Providing financial information;
- e) Preparing the revenue budget and capital programme;
- f) Treasury management.

A formal deputy officer will be nominated by the **Chief Financial Officer** to act in his or her stead where necessary (known as the Deputy Chief Financial Officer).

Section 114 of the Local Government Finance Act 1988 requires the **Chief Financial Officer** to report to the Full Council, Cabinet and external auditor if the Council or one of its officers:

- a) Has made, or is about to make, a decision which involves incurring unlawful expenditure;
- b) Has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority;
- c) Is about to make an unlawful entry in the authority's accounts.

Section 114 of the 1988 Act also requires:

- a) The **Chief Financial Officer** to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally.
- b) The Council to provide the **Chief Financial Officer** with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

### **Monitoring Officer**

The **Monitoring Officer** is responsible for promoting and maintaining high standards of overall conduct and therefore provides support to the Standards Sub-Committee.

The **Monitoring Officer** is also responsible for reporting any actual or potential breaches of the law or maladministration to the Full Council and/or to the Cabinet, and for ensuring that procedures for recording and reporting key decisions are operating effectively.

The **Monitoring Officer** must ensure that Cabinet decisions and the reasons for them are made public. He or she must also ensure that council members are aware of decisions made by the Cabinet and of those made by officers who have delegated Cabinet responsibility.

The **Monitoring Officer** is responsible for advising all councillors and officers about who has authority to take a particular decision.

The **Monitoring Officer** is responsible for advising the Cabinet or Full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.

The **Monitoring Officer** in conjunction with the Director of Resources & Business Change is responsible for advising the Cabinet or Full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget.

The **Monitoring Officer** is responsible for maintaining an up-to-date constitution.

### **Chief Officers Management Team**

**Chief Officers Management Team** (COMT) comprises the Chief Executive and Chief Officers, and is attended by the Monitoring Officer and Chief Financial Officer. It acts as the senior officers' body and its role is to:

- a) Instigate policy proposals;
- b) Provide strategic leadership to the organisation;
- c) Consider corporate policy proposals;
- d) Engage in the preparation of the medium term financial plan, the asset management strategy and the Council Strategy and;
- e) Direct and monitor the performance of the organisation in applying approved policies.

## **CHIEF OFFICERS**

**Chief Officers** are responsible for:

- a) Directing the delivery of services in compliance with the Scheme of Delegation, the Financial Regulations and the Procurement Framework, and in accordance with all statutory requirements, the Council's approved policy and performance framework, and their service budget allocations;
- b) Developing and proposing policy changes for service delivery;
- c) Ensuring that Executive Members (and where relevant other decision makers) are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Financial Officer through the designated officers within the Corporate Finance team.
- d) Signing contracts on behalf of the Council.

It is the responsibility of **Chief Officers** to consult with the Chief Financial Officer and their Departmental Finance Representatives and seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.

## 1. MEDIUM TERM FINANCIAL PLAN

- 1.1. The Council's constitution sets out how decisions are made including setting the Council's Budget. Whilst the Council's Budget sets out what those decisions are the Medium Term Financial Plan determines the underlying principles behind them and is key in driving the delivery of the Corporate Plan.
- 1.2. The Medium Term Financial Plan indicates future years' budgets and potential council tax levels. Those indications are based on the current available information and provide the starting point for future year's budgets. It requires a planning cycle in which managers develop their own plans within the specified budget framework. As each year passes, another future year will be added to the medium-term plan. This ensures that the authority is always preparing for events in advance.
- 1.3. The Medium Term Financial Plan sets out the **Cabinet's** approach to a range of issues, including:
  - The way in which corporate priorities are considered as part of the Council's capital and revenue budget processes;
  - The delivery and development of the council's saving programme;
  - The level of balances and reserves (based on advice from the **Chief Financial Officer**);
  - The approach to bidding for external funding;
  - The setting of fees and charges and;
  - The management of financial risks.
- 1.4. The **Chief Financial Officer** is responsible for ensuring that a revenue budget is prepared on an annual basis and a Medium Term Financial Plan covering a 10 year period, or as may be otherwise determined, is prepared and updated on an annual basis for consideration by the Cabinet, before submission to Full Council so that the Council may set the budget and determine the Council Tax before the statutory deadline. Full Council may amend the budget in principle as set out in the Budget and Policy Framework or ask the Cabinet to reconsider it before approving it.
- 1.5. The **Chief Financial Officer** is responsible for preparing and submitting reports on budget prospects for the Cabinet, including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate. The **Chief Financial Officer** determines the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Full Council, and after consultation with the Cabinet and Chief Officers.
- 1.6. The **Chief Financial Officer** is responsible for preparing and submitting reports to the **Cabinet** on the aggregate spending plans of departments and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax to be levied. He or she must also advise on the medium-term implications of spending decisions. Their role is to encourage the best use of resources and value for money by working with **Chief Officers** to

identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

- 1.7. The **Chief Financial Officer** must advise the Full Council on Cabinet proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.
- 1.8. It is the responsibility of **Chief Officers** to advise members of the any material implications on finances and/or service performance arising from the Medium Term Financial Plan and to ensure they are available to the Cabinet within the timetable set. **Chief Officers** must also provide information to Cabinet where, in their opinion, the service plan does not meet statutory or central government requirements.
- 1.9. **Chief Officers** are responsible for preparing estimates of income and expenditure, in consultation with the **Chief Financial Officer**, to be submitted to the **Cabinet**. **Chief Officers** are responsible for preparing a balanced budget for the next financial year and sustainable budgets in the future that are consistent with any relevant cash limits, with the authority's annual budget cycle and with guidelines issued by the **Cabinet**. The format should be prescribed by the **Chief Financial Officer** in accordance with the authority's general directions.
- 1.10. **Chief Officers** should integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures and when drawing up draft budget requirements, should have regard to:
  - a) spending patterns and pressures revealed through the budget monitoring process
  - b) legal requirements
  - c) policy requirements as defined by the Full Council in the approved policy framework
  - d) initiatives already under way, and future service demand and other projections.
- 1.11. The key controls for budgets and medium-term planning are:
  - a) specific budget approval for all expenditure
  - b) **budget managers** are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the **Cabinet** for their budgets and the level of service to be delivered
  - c) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

## PART 1 – Financial Management

Ref:	Title	Click to View Document
2	<b>Annual Budget Setting</b>	
	Responsibilities	<a href="#">View Document</a>
	Policy Framework	<a href="#">View Document</a>
	Budget Format	<a href="#">View Document</a>
	Resource Allocation	<a href="#">View Document</a>
	Guidelines	<a href="#">View Document</a>
	Preparation of the Capital Programme	<a href="#">View Document</a>
	Definition of Capital Expenditure	<a href="#">View Document</a>

## 2. ANNUAL BUDGET SETTING

### Responsibilities

- 2.1. **Full Council** is responsible for agreeing the authority's policy framework and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:
- a) the policy framework (which is defined as all matters reserved for the Full Council);
  - b) the Medium Term Financial Plan, including the annual revenue budget and council tax;
  - c) the Capital Programme, and;
  - d) the Council Strategy.

### Policy Framework

- 2.2. The Council's agreed policy objectives will inform the overall policy framework and service plans. **Full Council** is responsible for approving procedures for agreeing variations to approved budgets, plans and strategies which form the policy framework.
- 2.3. The budget is the financial expression of the authority's plans and policies.
- 2.4. The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the **Full Council**. Budgets (spending plans) are needed so that the authority can plan, authorise, monitor and control the way money is allocated and spent. It is ultra vires for an authority to set a deficit budget for the forthcoming year.
- 2.5. **Full Council** is responsible for setting the level at which the **Cabinet** may re-allocate budget funds within the current year revenue budget, the Medium Term Financial Plan, or the Capital Programme. The **Cabinet** is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by Full Council.
- 2.6. The **Cabinet** is responsible for ensuring the policy framework is prepared for approval by **Full Council** and that it is consistently applied.

### Budget Format

- 2.7. The general format of the budget will be approved by the **Full Council** and proposed by the **Cabinet** on the advice of the **Chief Financial Officer**. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.
- 2.8. Proposals on the annual revenue budget submitted by **Cabinet** to **Full Council** should include details of the allocation of resources to different departments, the options for alternative taxation levels, and the nature and level of contingency funds and reserves. The **Cabinet** is also required to set the Prudential Code

limits, in particular the statutory borrowing limit under the Local Government Act 2003 and this has been delegated by **Cabinet** to the **Audit & Accounts Committee** who onward recommend to **Full Council**.

## **Resource Allocation**

- 2.9. The **Chief Financial Officer** is responsible for determining a process to identify on an annual basis the resource constraints which limit the financing and those which are available to meet the Medium Term Financial Plan and Capital Programme. The process must also identify all opportunities for optimising funding arrangements without impacting adversely on the delivery of the plans.
- 2.10. Chief Officers are responsible for working within budget limits and utilising resources allocated in the most efficient, effective and economic way to achieve the council's objectives. Chief officers are responsible for identifying opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery,
- 2.11. The key controls for resource allocation are:
- a) resources are acquired in accordance with the law and using an approved authorisation process;
  - b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;
  - c) resources are securely held for use when required;
  - d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

## **Guidelines**

- 2.12. The **Chief Financial Officer** is responsible for issuing guidelines to **Chief Officers** on the preparation of the Medium Term Financial Plan and the Capital Programme. The guidelines, where relevant, will take account of:
- Legal requirements;
  - The approved policy framework and service delivery targets;
  - Medium term financial planning prospects;
  - Available resources;
  - Members' agreed political objectives and targets;
  - Spending pressures;
  - Service performance measures;
  - Other relevant Government guidelines;
  - Cross cutting issues (where relevant);
  - The finding of external inspections (where relevant) and;
  - Risk.

## Preparation of the Capital Programme

- 2.13. The **Chief Financial Officer** is responsible for ensuring that a Capital Programme covering a 3-5 year period, or as may otherwise be determined, is prepared / updated on an annual basis for consideration initially by **Cabinet**, before recommended to **Full Council** for approval.
- 2.14. The Capital Programme sets out the principles to be followed which demonstrate how new capital investment, together with active management of existing assets, contributes to achieving the Council's approved policies, objectives and targets. The Capital Programme is supported by plans for each major area of capital investment.
- 2.15. These plans will include details of individual schemes, and where relevant the impact of each on the planned level of service outputs / outcomes, together with the means of financing those proposals before commitments are made. Investment proposals are, as appropriate, summarised in the draft Capital Programme. Financing will consider forecasts of capital receipts and grants, and the affordability of prudential borrowing over the period of the Medium Term Financial Plan.
- 2.16. The Asset Management Plan sets out the Capital Programme priorities for 10 years.
- 2.17. The **Full Council** may amend in principle the proposed Capital Programme, or ask the **Cabinet** to reconsider areas of detail within the proposal.
- 2.18. Schemes are approved within the Capital Programme on an individual basis or at a generic level for a specific activity (e.g. general asset maintenance) and the approval relates to the total spending on the scheme, irrespective of when the payments are made; virements or approval are permitted within limits set by the **Full Council**.
- 2.19. The provision of loans for service / operational reasons i.e. outside of the Investment parameters set as part of the Treasury Management Policy, are to be agreed by **Cabinet** following advice from the **Chief Financial Officer**.
- 2.20. If a capital project involves bidding for funds from any external body the relevant **Chief Officer** in consultation with the **Chief Financial Officer** shall be required to agree in principle to the scheme and its revenue and capital impact before any formal bid is made to any relevant body for any schemes requesting more than £500,000 of external funding.
- 2.21. If a capital project involves bidding for funds of less than £500,000 from any external body the relevant **Head of Service** in consultation with the **Chief Financial Officer** shall be required to agree in principle to the scheme and its revenue and capital impact before any formal bid is made to any relevant body for any schemes. Should the bid be successful, the scheme will need to be added to the capital programme through the normal approval process.

2.22. The **Cabinet** shall have the power to increase gross capital spending during the course of a financial year, providing it can also identify corresponding funding sources (except the use of the Council's general fund balances) such as a new grant, s106 agreement, capital receipt, or specific borrowing approvals and after having taken advice from the **Chief Financial Officer** and relevant **Chief Officer(s)** and the future revenue costs can be met from existing resources or future year's resources identified in the Medium Term Financial Forecast. .

2.23. The key controls for capital programmes are:

- a) Specific approval by the Full Council for the programme of capital expenditure,
- b) Expenditure on capital schemes is subject to the approval of the **Chief Financial Officer**
- c) A scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for approval by Cabinet.
- d) Proposals for improvements and alterations to buildings must be approved by the appropriate **Chief Officer**, in consultation with the **Head of Property Services**.
- e) Schedules for individual schemes within the overall budget approved by the Full Council must be submitted to the Cabinet for approval (for example, minor works), or under other arrangements approved by Full Council or Cabinet.
- f) The development and implementation of asset management plans.
- g) Accountability for each proposal is accepted by a named manager.
- h) Monitoring of progress in conjunction with expenditure and comparison with approved budget.

2.24. **Cabinet** approval is required where a **Chief Officer** proposes to exercise additional borrowing approval not anticipated in the capital programme. This is because the extra borrowing may create future commitments to financing costs.

2.25. **Chief Officers** are responsible for complying with guidance concerning capital schemes and controls issued by the **Chief Financial Officer** and ensuring that all capital proposals have undergone a project appraisal in accordance with guidance issued upon request by the **Chief Financial Officer**.

2.26. **Chief Officers** are responsible for preparing regular reports reviewing the capital programme provisions for their services. They should also prepare a quarterly return of estimated final costs of schemes in the approved capital programme for submission to the **Chief Financial Officer** and ensure that adequate records are maintained for all capital contracts.

2.27. **Chief Officers** should only proceed with projects when there is adequate provision in the capital programme and with the agreement of the **Chief Financial Officer**, where required. **Chief Officers** should ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the **Chief Financial Officer** and, if applicable, approval of the scheme through the capital programme.

## **Definition of Capital Expenditure**

- 2.28. Section 16 of the Local Government Act 2003 and Regulation 25 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 provide a definition of capital expenditure.
- 2.29. Capital expenditure is principally in respect of acquiring, constructing or enhancing physical assets (including buildings, land and immovable equipment) which provide benefits over several years. In this instance, enhancement relates to works which are intended to lengthen the useful life of an asset, increase the open market value of the asset or substantially increase the extent to which an asset can be used in the delivery of services.
- 2.30. Capital is also defined more widely for example expenditure on computer software and on the making of loans or grants for capital expenditure by another body.
- 2.31. The Government places strict controls on the financing capacity of the authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

## PART 1 – Financial Management

Ref:	Title	Click to View Document
3	<b>Budget Management &amp; Monitoring</b>	
	Financial Management	<a href="#">View Document</a>
	Budget Management	<a href="#">View Document</a>
	Budget Monitoring	<a href="#">View Document</a>
	Maintenance of Reserves	<a href="#">View Document</a>
	Virements and Supplementary Estimates	<a href="#">View Document</a>
	Revenues Budget Changes and Transfers	<a href="#">View Document</a>
	Capital Budget Changes and Transfers	<a href="#">View Document</a>
	Urgent Decisions Outside the Budget or Policy Framework	<a href="#">View Document</a>
	Carry Forwards	<a href="#">View Document</a>
	Treatment of Year End Balances	<a href="#">View Document</a>
	Accounting Policies	<a href="#">View Document</a>
	Accounting Records and Returns	<a href="#">View Document</a>
	The Annual Statement of Accounts	<a href="#">View Document</a>
Audit & Accounts Committee	<a href="#">View Document</a>	

### 3. BUDGET MANAGEMENT & MONITORING

#### Financial Management

- 3.1. All staff and members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.
- 3.2. The key controls and control objectives for financial management standards are:
  - a) their promotion throughout the authority
  - b) a monitoring system to review compliance with financial standards, and
  - c) regular comparisons of performance indicators that are reported to Cabinet.
- 3.3. The **Chief Financial Officer** is responsible for ensuring the proper administration of the financial affairs of the authority, setting the financial management standards and monitoring compliance with them.
- 3.4. The **Chief Financial Officer** shall ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the authority. The **Chief Financial Officer** shall advise on the key strategic controls necessary to secure sound financial management and ensure that financial information is available to enable accurate and timely monitoring and reporting.
- 3.5. **Chief Officers** shall promote the financial management standards set by the **Chief Financial Officer** in their departments and to monitor adherence to the standards and practices, liaising as necessary with the **Chief Financial Officer**.
- 3.6. **Chief Officers** shall promote sound financial practices in relation to the standards, performance and development of staff in their departments.

#### Budget Management

- 3.7. Once agreed by **Council**, those revenue budgets delegated to **Chief Officers** may be spent and income collected by **Chief Officers** without further reference to **Cabinet**, or **Council** or any other political decision making body, subject to the Council's decision and policy making framework and subject to other aspects of these Financial Regulations and Contract Standing Orders.
- 3.8. Budget management ensures that once the budget has been approved by the **Full Council**, resources allocated are used for their intended purposes and are properly accounted for in line with the relevant Codes of Practice.
- 3.9. Budgetary control is a continuous process, enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

- 3.10. By continuously identifying and explaining variances against budgetary targets, the authority can identify changes in trends and resource requirements at the earliest opportunity. The authority itself operates within an annual cash limit, approved when setting the overall budget.
- 3.11. To ensure that the authority in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.
- 3.12. The key controls for managing and controlling the revenue budget are:
- a) **budget managers** should be responsible for income and expenditure within their service areas
  - b) there is a nominated **budget manager** for each cost centre heading
  - c) **budget managers** accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities
  - d) **budget managers** follow an approved certification process for all expenditure
  - e) income and expenditure are properly recorded and accounted for
  - f) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.
- 3.13. The **Chief Financial Officer** shall establish an appropriate framework of budgetary management and control that ensures that:
- a) budget management is exercised within annual cash limits (including approved reserves) unless the **Full Council** agrees otherwise
  - b) each **Chief Officer** has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
  - c) expenditure is committed only against an approved budget head
  - d) all officers responsible for committing expenditure comply with relevant guidance, and the financial regulations
  - e) each cost centre has a single named manager, determined by the relevant **Chief Officer**. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
  - f) significant variances from approved budgets are investigated and reported by **budget managers** regularly.
- 3.14. **Chief Officers** shall be responsible and accountable for the control of revenue and capital budgets allocated by the **Council** to them to keep within the budget limit set.
- 3.15. **Chief Officers** may delegate day to day responsibility for the budget to a named responsible officer under their line management. They should keep a written record of any such delegations and ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the chief officer (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned to firstly the responsible budget holder,

secondly the Head of Service cost centre level and finally within that as closely as possible to the decision-making level that commits expenditure.

- 3.16. **Chief Officers** should ensure that their budget managers do not enter into commitments before satisfying themselves there is sufficient approved budget provision.
- 3.17. **Chief Officers** should ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- 3.18. **Chief Officers** should ensure that an effective monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively. They should prepare and submit to the **Cabinet** reports on the service's projected expenditure compared with its budget, in consultation with the **Chief Financial Officer**.
- 3.19. **Chief Officers** should ensure prior approval by the Full Council or Cabinet (as appropriate) for new proposals, of whatever amount, that:
  - a) create financial commitments in future years
  - b) change existing policies, initiate new policies or cease existing policies
  - c) materially extend or reduce the authority's services.
- 3.20. **Chief Officers** should ensure compliance with the scheme of virement and agree with the relevant impacted **Chief Officer** where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or **Chief Officer's** level of service activity.

### **Budget Monitoring**

- 3.21. The **Chief Financial Officer** is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations and report to the **Cabinet** on the overall position on a regular basis.
- 3.22. The **Chief Financial Officer** is responsible for providing appropriate financial information to enable **Chief Officers**, acting as 'summary budget holders' to effectively monitor their budgets.
- 3.23. **Chief Officers** are responsible within their own service areas for controlling income and expenditure against their budgets and for monitoring their service delivery and financial performance targets. **Chief Officers** must take any action necessary to avoid exceeding their financial allocation; this may, in exceptional circumstances, include the seeking of additional budget allocations where available.
- 3.24. The **Chief Financial Officer** is responsible for monitoring the performance of Departments in controlling income and expenditure against their budget

allocations and he or she must report details of variances on a regular basis to Cabinet.

- 3.25. **Chief Officers** must provide the **Chief Financial Officer** with details of the progress against their capital and revenue budgets to enable him or her to report to **Cabinet** on a quarterly basis. The report will include:
- a) **Chief Officers'** proposals for containing spending within their allocations;
  - b) Details of spending pressures in excess of those allocations and if these relate solely to the current financial year or need to be addressed in the Medium Term Financial Plan as well, and;
  - c) In respect of the Capital Programme, details of the continued availability of resources to fund the programme.
- 3.26. The report will also seek, where appropriate within these regulations, approval from **Cabinet** or **Council** to any variations to the annual revenue budget or the Capital Programme, identifying the impact of those variations on the level of planned service outputs.
- 3.27. The **Chief Financial Officer** is responsible for advising the **Cabinet** and the **Council** on compliance with the CIPFA Prudential Code (Local Government Act 2003 and associated regulations).
- 3.28. The treatment of any in-year underspend will be considered by the relevant **Executive Member** and where the intention is to utilise this on a growth in service (quality or size) or the provision of a new service, this will be determined by **Cabinet**, where the **Council** is projecting to be in deficit at any time over the following four years.
- 3.29. **Chief Officers** are required to notify the **Chief Financial Officer** of all underspends, over-recovery of income and windfall benefits arising within their revenue and capital budgets. Where these occur it should be assumed that in the first instance such funds be returned to general non-earmarked reserves, unless regulations specify restrictions on their use which make this inappropriate, or the underspend, additional income or windfall is to be used to offset uncontrollable overspends elsewhere within the Department. Where these exceptions occur, the **Chief Officer** is responsible for seeking approval from the **Chief Financial Officer**.
- 3.30. Some services or projects within the Council's budget and capital programme may be wholly or partly funded by time-limited external funding. As soon as there is a possibility of expenditure slipping past the funding deadline is forecast, the nominated budget holder must notify the Chief Financial Officer immediately and provide options for reducing expenditure and/or identifying alternative funding.
- 3.31. The **responsible officer** for each budget shall monitor any decisions with a financial impact and the consequence for spending against the budget and project annual spending to keep within the budget limit set. The **responsible officer** shall report any projected variance to the relevant **Chief Officer** as soon as a judgement can be made.

- 3.32. Each **Head of Service** and **Chief Officer** is responsible for the control of income and expenditure within their service areas, and to monitor performance, taking account of information provided by the **Chief Financial Officer**. **Chief Officers** should report to **COMT** on variances within their own areas, and take any action to avoid exceeding their budget allocation. **Heads of Service** may delegate detailed control over cost centres within their service areas to designated cost centre managers.
- 3.33. Each estimate head in the approved revenue budget shall be the responsibility of a designated **cost centre manager**. It shall be the responsibility of those officers to ensure that any probable overspending of expenditure, or shortfall in income, increased income or underspending in excess of £10,000 is reported directly to the **Chief Officer**.
- 3.34. **Chief Officers** must ensure that **Responsible Budget Holders** annually complete a Registration of Responsible Budget Holder record, to certify their understanding of Financial Regulations, Contracting Rules and have undertaken appropriate training as required.
- 3.35. Any identified overspending or budget shortfalls in excess of £100,000 shall be reported through quarterly budget monitoring reports to **Cabinet**.
- 3.36. Where overspending or budget shortfalls can be compensated from savings elsewhere within the budget for the relevant service, revenue or capital budget transfers may be approved in accordance with the table below, except where any virement, of whatever amount, is proposed to move between Departments. In such cases these must be reported to **Cabinet** as part of the quarterly budget monitoring report for approval.

### **Maintenance of Reserves**

- 3.37. It is the responsibility of the **Chief Financial Officer** to advise the **Cabinet** and **Full Council** on prudent levels of reserves for the authority.
- 3.38. The setting up of a new reserve, or changing the purpose of an existing reserve, must be approved by the **Chief Financial Officer**, including the delegated authority for accessing that reserve. Each proposal for a new reserve must be supported by a statement of its purpose and a **nominated officer** responsible for the funds. This officer will be required to review the balance of the reserve and to confirm its continuing need annually.
- 3.39. In advance of the annual budget being set, **Chief Officers** must confirm each reserve is still required, the estimated call on or increase in the reserve and its projected year-end balance.
- 3.40. Following the financial year end the **Chief Financial Officer** will report the balance on each reserve within the Outturn Report to **Cabinet**. This will include statement on any new reserves created where the purpose has changed or old reserves closed. The **Chief Financial Officer** will set and maintain the

Management of Reserves policy. The usage of reserves will be the responsibility of the relevant **Chief Officer**, in line with the statement of its purposes agreed with the **Chief Financial Officer** and the management of reserves policy.

- 3.41. The **Chief Financial Officer** can approve in year transfers to and from earmarked reserves to support the activities of the council (in accordance with the Budget and Policy Framework).

### **Virements and Supplementary Estimates**

- 3.42. **Full Council** is responsible for agreeing procedures for the transfer of approvals (virement) between budget headings and supplementary estimates where available.
- 3.43. The **Cabinet** is responsible, on the basis of advice from **COMT**, for taking in-year decisions on reallocating resources in order to deliver the budget policy framework within the financial limits set by the **Council**.
- 3.44. The **Chief Financial Officer** is responsible for administering the scheme of virement.
- 3.45. In addition, **Heads of Service** are responsible for agreeing in-year virements which are within delegated limits and in line with approved policy framework, which includes consulting with the relevant **Chief Officers** and the **Chief Financial Officer**.
- 3.46. **Chief Officers** are responsible for agreeing in-year virements within delegated limits, in consultation with the **Chief Financial Officer** where required.
- 3.47. Transfers between policy budget headings can take place provided that they do not fall outside of the Budget and Policy Framework and do not involve an increasing commitment in future years that cannot be contained within existing approved budget allocations. All virement requests must specify whether the virement is for the current year only or whether it applies to subsequent years as well, and if the latter, that it can be managed within future projected budget planning totals.

### **Revenue Budget Changes and Transfers**

- 3.48. The **Chief Financial Officer** can approve virements between policy budget heads to reflect changes and transfers of functions of a technical accounting nature. These are referred to as technical adjustments.
- 3.49. Virements of existing budgets under the responsibility of a single **Chief Officer** are permissible provided the gross revenue expenditure budget of the **Council** is not increased and subject to the following limitations:
- **Heads of Service** can approve virements from or to any one policy budget head up to the value of £10,000 in agreement with the departmental finance representative;

- **Chief Officers** can approve virements from or to any one policy budget head up to a value of £100,000 in consultation with the relevant **Executive Member(s)** and the **Chief Financial Officer**; and
  - The **Cabinet** can approve virements from or to any one policy budget head above £100,000.
- 3.50. Reallocating a budget between Chief Officers shall be permissible provided the gross revenue expenditure budget of the council is not increased and subject to the following limitations:
- The **Chief Financial Officer** in consultation with the relevant **Executive Member(s)** can approve virements up to a limit of £100,000 between Departments; and
  - The **Cabinet** can approve virements above £100,000.
- 3.51. Virements to increase the Council's gross revenue budget by bringing in funding from additional new external sources or reserves shall be permissible provided that the net revenue budget of the council is not increased and subject to the following limitations:
- **Chief Officers** in consultation with the **Chief Financial Officer** can approve virement up to the value of £100,000; and
  - The **Cabinet** can approve virements above £100,000.

### **Capital Budget Changes and Transfers**

- 3.52. Reallocations of existing capital budgets between approved schemes under the responsibility of a single **Chief Officer** are permissible subject to the advice of the **Chief Financial Officer** on any required changes to funding and subject to the following limitations:
- **Chief Officers** can approve transfers between budgets to a maximum of £100,000; and
  - The **Cabinet** can approve virements above £100,000.
- 3.53. Reallocations of existing capital budgets between approved schemes between **Chief Officers** are permissible subject to the advice of the **Chief Financial Officer** on any required changes to funding and subject to the following limitations:
- The **Chief Financial Officer** in consultation with the relevant **Executive Member(s)** can approve virements up to a limit of £100,000 between Departments; and
  - The **Cabinet** can approve virements above £100,000.
- 3.54. Increases or changes to capital schemes as a result of budget variances or new sources of funding are permissible subject to the advice of the **Chief Financial Officer** on any required changes to funding and subject to the following limitations:

- The **Chief Financial Officer** in consultation with the relevant **Executive Member(s)** can approve changes up to £100,000; and
- The **Cabinet** can approve changes above £100,000.

3.55. **Cabinet** approval is required for the re-profiling across years of a capital scheme's budget, or for a carry forward of capital budgets at the end of the financial year.

### **Urgent Decisions Outside of the Budget or Policy Framework**

3.56. The **Chief Financial Officer** may approve revenue or capital expenditure not provided for within the latest approved budget if satisfied that:

- The expenditure is wholly reimbursable to the Council; or
- Compensatory savings have been identified; and
- There are no significant full year effects.

3.57. The **Chief Financial Officer** may approve revenue or capital expenditure not provided for within the latest approved budget if satisfied that it is incurred as a result of a major incident or emergency as defined by the Council's Emergency Planning Procedures or authorised by the Chief Executive. In such a case there could be a significant full year effect and/or may need to be funded from General Fund balances.

3.58. In all circumstances, the expenditure must be consistent with the Corporate Plan and should be reported to the next **Cabinet** meeting.

3.59. If either members or officers wish to make a decision which is contrary to the Budget and Policy Framework, then that decision may only be taken by **Full Council**, with the advice of the **Monitoring Officer** and the **Chief Financial Officer**. Decisions contrary/not wholly in accordance with the total budget approved by **Full Council** may only be made if they are in accordance with the Budget and Policy Framework.

3.60. If the decision is a matter of urgency, and it is not practical to convene a quorate meeting of the **Full Council**, and if the **Chair of Scrutiny Commission** is in agreement that the decision meets the definition of urgent within the **Council's** constitution, the decision may be made by **Cabinet**.

3.61. Following the decision, a full report must be provided to the next available **Council** meeting explaining the decision, the reasons for it and why the decision was treated as matter of urgency.

### **Carry Forwards**

3.62. With the prior written approval of the **Chief Financial Officer**, at the request of the departmental finance representative, an underspending on revenue up to £50,000 may be carried from one financial year to another. Any carry forward exceeding £50,000 requires approval of **Cabinet**, who may also require any overspend to be carried forward. Only delayed spending as a result of factors beyond management control may normally be carried forward.

3.63. Carry forwards are not allowed in the following circumstances:

- a) If it results in a policy change which members have not approved;
- b) If it commits additional ongoing expenditure, or reduces income, in future years;
- c) If it involves loan charges, capital expenditure, apportioned central charges;
- d) If the underspending arises from a reduced volume of service, or lower unit cost than anticipated when the budget was set;
- e) If the department's total budget is or is projected to be overspent – the first call on any underspending is to rectify departmental overspending;
- f) If the total budget is or is projected to be overspent – if so, the first call on any underspending will be rectify overall overspending.

### **Treatment of Year End Balances**

3.64. The rules below cover arrangements for the transfer of resources between accounting years, i.e. a carry-forward. For the purposes of this scheme, a budget heading is a line in the budget setting report.

3.65. The **Chief Financial Officer** should ensure appropriate accounting procedures are in operation to ensure that carried-forward totals are correct and that the **Council** as a whole is not overspent.

3.66. The **Chief Financial Officer** should administer the scheme of carry-forward within the guidelines outlined in 3.59 and 3.60 of the Financial Regulations and report all over-spending and under-spending on service estimates carried forward to the **Cabinet** and to the **Full Council**.

3.67. All internal business unit surpluses shall be retained for the benefit of the authority and their application shall require the approval of the Cabinet.

### **Accounting Policies**

3.68. The **Chief Financial Officer** is responsible for selecting accounting policies and ensuring that they are applied consistently.

3.69. The **Chief Financial Officer** is responsible for the preparation of the authority's statement of accounts by the due date, in accordance with proper practices as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC), for each financial year ending 31 March.

3.70. The key controls for accounting policies are:

- a) systems of internal control are in place that ensure that financial transactions are lawful
- b) suitable accounting policies are selected and applied consistently
- c) proper accounting records are maintained

- d) financial statements are prepared which present fairly the financial position of the authority and its expenditure and income.

3.71. The **Chief Financial Officer** must select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared as of 31 March each year, and covers such items as:

- separate accounts for capital and revenue transactions
- the basis on which debtors and creditors at year end are included in the accounts
- details on substantial provisions and reserves
- fixed assets
- depreciation
- capital charges
- work in progress
- stocks and stores
- deferred charges
- accounting for value added tax
- government grants
- leasing
- pensions
- related responsibilities associated with external audit of accounts and the public inspection.

3.72. **Chief Officers** should adhere to the accounting policies and guidelines approved by the **Chief Financial Officer**.

### **Accounting Records and Returns**

3.73. The **Chief Financial Officer** is responsible for determining the accounting procedures and records for the authority.

3.74. Maintaining proper accounting records is one of the ways in which the authority discharges its responsibility for stewardship of public resources. The **Council** has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year.

3.75. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resources.

3.76. The key controls for accounting records and returns are:

- all members, finance staff and budget managers operate within the required accounting standards and timetables

- all the authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis
  - procedures are in place to enable accounting records to be reconstituted in the event of systems failure
  - reconciliation procedures are carried out to ensure transactions are correctly recorded
  - prime documents are retained in accordance with legislative and other requirements.
- 3.77. The **Chief Financial Officer** should determine the accounting procedures and records for the authority. Where these are maintained outside the finance department, the **Chief Officer** should consult the **Chief Financial Officer**.
- 3.78. The **Chief Financial Officer** should arrange for the compilation of all accounts and accounting records under his or her direction and comply with the following principles when allocating accounting duties:
- separating the duties of providing information about sums due to or from the authority and calculating checking and recording these sums from the duty of collecting or disbursing them;
  - employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- 3.79. The **Chief Financial Officer** should make proper arrangements for the audit of the authority's accounts in accordance with the Accounts and Audit Regulations 2015 and ensure that all claims for funds including grants are made by the due date.
- 3.80. The **Chief Financial Officer** should prepare and publish the audited accounts of the authority for each financial year, in accordance with the statutory timetable and with the requirement for the **Audit & Accounts Committee** to approve the statement of accounts before 30 September (and from the financial year 2017/18 onwards before 31 July).
- 3.81. The **Chief Financial Officer** administers the authority's arrangements for under- and overspendings to be carried forward to the following financial year and ensures the proper retention of financial documents in accordance with the requirements set out in the authority's document retention schedule.
- 3.82. **Chief Officers** should consult and obtain the approval of the **Chief Financial Officer** before making any changes to accounting records and procedures and comply with the principles outlined in paragraph 3.75 when allocating accounting duties.
- 3.83. **Chief Officers** should maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements and supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the **Chief Financial Officer**.

## The Annual Statement of Accounts

- 3.84. The **Chief Financial Officer** is responsible for ensuring that the annual statement of accounts is prepared in accordance with CIPFA's Code of Practice on Local Authority Accounting in the United Kingdom: The Code of Practice, and other legal requirements, for approval by the **Audit & Accounts Committee**
- 3.85. The **council** has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. The **Audit & Accounts Committee** is responsible for approving the statutory annual statement of accounts.
- 3.86. The key controls for the annual statement of accounts are:
- the authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this authority, that officer is the **Chief Financial Officer**.
  - the authority's statement of accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom (the Code).
  - The Code sets out the proper accounting practices required by section 21 (2) of the Local Government Act 2003. These proper practices apply to statements of accounts prepared in accordance with the statutory framework under the Accounts and Audit Regulations 2015 and the audit of those accounts.
- 3.87. The **Chief Financial Officer** should select suitable accounting policies and to apply them consistently and make judgements and estimates that are reasonable and prudent.
- 3.88. The **Chief Financial Officer** must comply with the Code of Practice on Local Authority Accounting in the UK and sign and date the statement of accounts, stating that it presents fairly the financial position of the authority at the accounting date and its income and expenditure for the year ended 31 March.
- 3.89. The **Chief Financial Officer** should draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.
- 3.90. **Chief Officers** should comply with accounting guidance provided by the **Chief Financial Officer** and to supply the **Chief Financial Officer** with information when required

## PART 1 – Financial Management

Ref:	Title	Click to View Document
4	<b>Risk Management and Control of Resources</b>	
	Introduction	<a href="#">View Document</a>
	Risk Management	<a href="#">View Document</a>
	Internal Control	<a href="#">View Document</a>
	Preventing Fraud and Corruption	<a href="#">View Document</a>
	Assets	<a href="#">View Document</a>
	Treasury Management	<a href="#">View Document</a>
	Staffing	<a href="#">View Document</a>

## 4. RISK MANAGEMENT AND CONTROL OF RESOURCES

### Introduction

- 4.1. It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

### Risk Management

- 4.2. The **Cabinet** is responsible for approving the **Council's** risk management policy statement and strategy and for reviewing the effectiveness of risk management. The **Cabinet** is responsible for ensuring that proper insurance exists where appropriate.
- 4.3. The **Chief Executive** is responsible for preparing the **Council's** risk management policy statement, for promoting it throughout the authority and for advising the **Cabinet** on proper insurance cover where appropriate.
- 4.4. **Chief Officers** are responsible for complying with the risk management strategy in respect of their service areas.
- 4.5. The **Director of Resources & Business Change** is responsible for advising COMT, initially, and subsequently the **Audit & Accounts Committee** on any significant non-compliance to the approved Risk Management Strategy by a **Chief Officer**. He or she is also responsible for providing advice on and effecting the appropriate insurance arrangements.

### Internal Control

- 4.6. Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the **Council's** assets and interests are safeguarded.
- 4.7. The **Director of Resources & Business Change** is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- 4.8. It is the responsibility of **Chief Officers** to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

## **Audit Requirements**

- 4.9. The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit function to evaluate the effectiveness of its risk management, control and governance processes after taking into account public sector internal auditing standards and guidance.
- 4.10. The **Council** is responsible for agreeing the process for appointing the external auditor in line with national statutory procedures. The basic duties of the external auditor are governed by statute.
- 4.11. The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenues & Customs, who have statutory rights of access.
- 4.12. To fulfil their responsibilities, Internal and External Auditors must be allowed automatic and full access to all records (however held) relating to any transaction carried out or on behalf of the **Council** and to any of the **Council's** premises or land. They may seek and obtain any explanations they need to conduct their work, or require any employee to produce Council assets under their control, wherever located.
- 4.13. The **Audit Manager** can report independently direct to the **Chief Executive**, any **Chief Officer**, the **External Auditor**, the **Council** or any **committee** of the Council on matters concerning fraud, management and financial control.

## **Preventing Fraud & Corruption**

- 4.14. The **Chief Executive** is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

## **Assets**

- 4.15. **Chief Officers** are responsible for ensuring that all financial records, physical assets and supporting documentation used in the provision of their services are accurate, properly maintained, securely held and, in respect of physical assets, suitably recorded.
- 4.16. **Chief Officers** must ensure that sound contingency plans for the security of those assets and for the continuity of service provision in the event of a disaster or other major system failure are in place, and that those arrangements are regularly tested.

## **Treasury Management**

- 4.17. South Gloucestershire Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 4.18. All money in the hands of the authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in

these regulations as the **Director of Resources & Business Change** or **Chief Financial Officer**.

- 4.19. The **Council** will create and maintain a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities.
- 4.20. The **Council** will create and maintain suitable treasury management practices, setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 4.21. The **Council** will receive reports on its treasury management policies, practices and activities, including as a minimum, and annual strategy and plan in advance of the financial year, a mid-year review and an annual report after its closes, in the form prescribed in its treasury management practices.
- 4.22. The **Council** delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the **Audit & Accounts Committee**, 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, treasury management practices and CIPFA's Standard of Professional Practice on Treasury Management.
- 4.23. The **Council** is responsible for approving the treasury management policy statement. The draft policy is prepared on an annual basis by the **Director of Resources & Business Change** and proposed to the **Council** by the **Audit & Accounts Committee**.
- 4.24. The **Audit & Accounts Committee** has delegated responsibility for implementing and monitoring the treasury management policy statement. All decisions on borrowing, investment or financing shall be delegated to the **Chief Financial Officer** to act in accordance with the policy statement in regard to CIPFA's Code of Practice for Treasury Management in Local Authorities and the Prudential Code.

## **Staffing**

- 4.25. The **Chief Executive** is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
- 4.26. **Chief Officers** are responsible for controlling total staff numbers by: advising the **Cabinet** on the budget necessary in any given year to cover estimated staffing levels, adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs, the proper use of appointment procedures.

## PART 1 – Financial Management

Ref:	Title	Click to View Document
5	<b>Systems and Procedures</b>	
	Introduction	<a href="#">View Document</a>
	General	<a href="#">View Document</a>
	Income & Expenditure	<a href="#">View Document</a>
	Payments to Employees and Members	<a href="#">View Document</a>
	Taxation	<a href="#">View Document</a>
	Trading Units/Business Units	<a href="#">View Document</a>

## 5. SYSTEMS AND PROCEDURES

### Introduction

- 5.1. Sound systems and procedures are essential to an effective framework of accountability and control.

### General

- 5.2. The **Chief Financial Officer** is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. **The Chief Financial Officer**, in consultation with **COMT**, can enforce the use of corporate financial systems where there are financial or other benefits to be gained from doing so.
- 5.3. Any changes made by **Chief Officers** to the existing financial systems or the establishment of new systems must be approved by the **Chief Financial Officer**. However, **Chief Officers** are responsible for the proper operation of financial processes in their own departments.
- 5.4. **Chief Officers** must seek the prior approval of the **Chief Financial Officer**, who, if appropriate, will seek the approval initially of **COMT** and subsequently **Cabinet**, to any proposed change to the **Council's** instructions or procedural notes on financial matters which are required to meet their own specific service needs.
- 5.5. **Chief Officers** must ensure that, where financial management arrangements are undertaken within their departments, whether under formal decentralised arrangements or not, their staff receive appropriate financial training and operate to these financial regulations and professional standards.
- 5.6. **Chief Officers** must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation.
- 5.7. **Chief Officers** must ensure that staff are aware of their responsibilities under freedom of information legislation.

### Income and Expenditure

- 5.8. It is the responsibility of **Chief Officers** to ensure that a proper scheme of delegation has been established within their area and is operating effectively.
- 5.9. The scheme of delegation should identify staff authorised to act on the **Chief Officer's** behalf, in respect of payments, income collection and placing orders, together with the limits of their authority.
- 5.10. The **Council** is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

5.11. The authority required to write-off individual general debt is as follows:

<b>Debt Limits</b>	<b>Authorisation to Write Off</b>
Debts up to £10,000	Authorised by <b>Chief Financial Officer</b> on the recommendation of the <b>Chief Officer</b> .
Debts over £10,000	Authorised by the <b>Executive Member for Corporate Resources</b>

5.12. Individual debts over £10,000 may be written off by the **Chief Financial Officer** without approval of the **Executive Member for Corporate Resources** where:

- a) The debtor is bankrupt or in liquidation and an independent written statement has been received indicating that no dividend will be paid to the Council.
- b) Legal action has been taken and the debt has been remitted by a court.
- c) The debtor no longer resides in this country.

5.13. A record of all irrecoverable debts must be maintained within departments.

### **Payments to Employees and Members**

5.14. The **Chief Financial Officer** is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members and all relevant expenses.

### **Taxation**

5.15. The **Chief Financial Officer** is responsible for advising **Chief Officers**, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.

5.16. The **Chief Financial Officer** is responsible for maintaining the authority's tax records directly, or where appropriate, ensuring that **Chief Officers** maintain taxation records; and for making all tax payments, receiving all tax refunds and submitting tax returns by their due date as appropriate.

### **Trading Accounts & Business Units**

5.17. It is the responsibility of the **Chief Financial Officer** to advise on the establishment and operation of trading accounts and business units. The **Director of Resources & Business Change** is responsible for the establishment and operation of business units.

## PART 1 – Financial Management

Ref:	Title	Click to View Document
6	<b>External Arrangements</b>	
	Introduction	<a href="#">View Document</a>
	Partnerships	<a href="#">View Document</a>
	External Funding	<a href="#">View Document</a>

## 6. EXTERNAL ARRANGEMENTS

### Introduction

- 6.1. The **Council** provides a distinctive leadership role for the community and brings together the contributions of various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

### Partnerships

- 6.2. The **Cabinet** is responsible for approving the operational framework for the **Council's** participation in all strategic partnerships or joint working arrangements with other local public, private, voluntary and community sector organisations; this includes the arrangements for delegation to officers and the detailed arrangements for the provision of both financial and physical resources by South Gloucestershire Council.
- 6.3. In the same way, **Chief Officers** are responsible for approving the operational framework of all other partnerships, joint working arrangements with other local public, private, voluntary and community sector organisations which affect their service areas.
- 6.4. The **Cabinet** can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the authority's constitution. Where functions are delegated, the **Cabinet** remains accountable for them to the Full Council.
- 6.5. The **Chief Executive** represents the authority on partnership and external bodies, in accordance with the scheme of delegation.
- 6.6. The **Monitoring Officer** and **Chief Financial Officer** are responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the council. Should the council enter into partnerships or shared arrangements where it is not the lead financial authority, the responsible **Chief Officer** must satisfy themselves that equivalent or proportionate financial standards are in place.
- 6.7. The **Chief Financial Officer** must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory and is responsible for:
- a) Advising **Chief Officers** on the need for and, if appropriate, for appraising and approving the relevant **Chief Officers'** risk assessment of the proposal before any commitment is made for the **Council** to participate in a partnership or joint working arrangement/scheme; and
  - b) Specifying the accounting and internal / external auditing arrangements to be adopted and approving the overall corporate governance arrangements when, under the approved arrangements, South Gloucestershire Council is the lead financial authority.

6.8. **Chief Officers** are responsible for:

- a) Ensuring that before committing the **Council's** participation in a partnership or joint working arrangement/scheme, or before seeking the approval of the **Cabinet** to such participation, they consult with the **Director of Resources & Business Change** on the need to prepare a risk assessment of the proposal, and if appropriate obtaining his or her approval;
- b) Ensuring that the approval of **Cabinet** is obtained before any negotiations are concluded where the **Council's** participation is of a material nature;
- c) Ensuring that all agreement and arrangements are properly documented, including details of the **Council's** financial and physical commitment to the arrangements which are to be in accordance with procedures specified by the **Chief Financial Officer**.
- d) **Chief Officers** are responsible for ensuring they have proportionate arrangements in place to ensure grants provided to third parties are spent on the purposes for which the grants were given, and appropriate accounting arrangements and evidence is held by the third party.
- e) Observing the **Council's** standard of conduct whilst having due regard to the partnership or joint working arrangement's governance framework;
- f) Ensuring that the body or person maintaining the accounting and auditing arrangements do so to a standard acceptable by the **Chief Financial Officer** in those case where, under the approved arrangements, the Council is not to be the lead authority but the **Council's** participation is of a material nature; and
- g) Providing appropriate information to the **Chief Financial Officer** to enable him or her to include relevant details in the Council's Statement of Accounts by specified dates, and other financial statements and returns by the due date.

### **External Funding**

6.9. The **Chief Financial Officer** is responsible for providing specific guidance to **Chief Officers** upon request to enable them to account properly for funding receivable from work for third parties.

6.10. The **Chief Financial Officer** is responsible for providing specific guidance to **Chief Officers** upon request in respect of contractual arrangements for the provision of services to third parties or external bodies. **Chief Officers** have a duty to consult the **Chief Financial Officer** on such issues.

6.11. All external revenue and capital funding bids from any external body requires approval before applying for funding. The officer seeking approval will be required to complete the Approval to Seek External Funding form assessing the revenue and capital impact. Bids for funding exceeding £500,000 requires approval from the relevant **Chief Officer** and **Chief Finance Officer**. Bids for funding up to £500,000 requires approval from the relevant **Head of Service** and the **Chief Finance Officer**.

- 6.12. **Chief Officers** and **Heads of Service** must not commit expenditure on projects requiring matched funding contributions until the external funding has been confirmed, unless approval has been given by the **Chief Financial Officer**.
- 6.13. **Chief Officers** and **Heads of Service** must advise the **Chief Financial Officer** of all grant and subsidy notifications as soon as they are received. Where the amount notified is greater than the budget, the excess will be deemed windfall and should in the first instance be returned to the general reserves unless regulations specify restrictions on their use which make this inappropriate or the windfall is to be used to offset uncontrollable overspends elsewhere within the Department. Where the amount is less than the budget, the **Chief Officer** or **Head of Service** must notify the **Chief Financial Officer** of options for containing any potential variance.
- 6.14. Where external funding is applied for it is the responsibility of the **Chief Officer** or **Head of Service** to ensure that the monies are received from the paying body and, wherever possible, received ahead of the planned expenditure being incurred by the **Council**.
- 6.15. **Chief Officers** and **Heads of Service** must advise the **Chief Financial Officer** of the grant terms and conditions as soon as they are received.
- 6.16. **Chief Officers** and **Heads of Service** must ensure that all conditions associated with external funding are met and that information and evidence required to complete grant and subsidy claims are provided on time and in sufficient detail to satisfy the requirements of the **Chief Financial Officer** and the external funding body.

## PART 2 – Financial Administration

Ref:	Title	Click to View Document
1	Introduction	<a href="#">View Document</a>
2	Financial Systems	<a href="#">View Document</a>
3	Internal Audit	<a href="#">View Document</a>
4	External Audit	<a href="#">View Document</a>
5	Preventing Fraud, Bribery & Corruption	<a href="#">View Document</a>
6	Risk Management	<a href="#">View Document</a>
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## 1. INTRODUCTION

- 1.1. These Financial Regulations apply to all financial transactions of the **Council** with the exception of schools who operate under the Scheme for the Financing of Schools.
- 1.2. They are designed to safeguard the interests of the **Council** and individual officers by setting out clear procedures to be followed under the various sections.
- 1.3. This should be used in conjunction with other points of the constitution, legal requirements and other codes of practice which may be issued under 1.5 of this section.
- 1.4. The **Chief Financial Officer** or **Internal Audit Manager**, after discussion with the relevant **Chief Officer**, may report a significant breach of the financial regulations to the **Cabinet**.
- 1.5. These financial regulations may be supplemented at any time by other codes of practice or instructions issues by the **Chief Financial Officer**.

## 2. FINANCIAL SYSTEMS

### Why-is this important?

- 2.1. Departments have many systems and procedures relating to the control of the authority's assets, including purchasing, costing and management systems. Departments are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- 2.2. The **Chief Financial Officer** has a professional responsibility to ensure that the authority's financial systems are sound and should therefore be notified of any new developments or changes.

### Key Controls

- 2.3. The key controls for systems and procedures are:
  - a) basic data exists to enable the authority's objectives, targets, budgets and plans to be formulated
  - b) performance is communicated to the appropriate managers on an accurate, complete and timely basis
  - c) early warning is provided of deviations from target, plans and budgets that require management attention
  - d) operating systems and procedures are secure.

### Responsibilities of the Chief Financial Officer

- 2.4. To make arrangements for the proper administration of the authority's financial affairs, including to:
  - a) issue advice, guidance and procedures for officers and others acting on the authority's behalf
  - b) determine the accounting systems, form of accounts and supporting financial records
  - c) establish arrangements for audit of the authority's financial affairs
  - d) approve any new financial systems to be introduced
  - e) approve any changes to be made to existing financial systems.

### Responsibilities of Chief Officers

- 2.5. To ensure that accounting records are properly maintained and held securely.
- 2.6. To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the **Chief Financial Officer**.
- 2.7. To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- 2.8. To incorporate appropriate controls to ensure that, where relevant:

- a) all input is genuine, complete, accurate, timely and not previously processed
  - b) all processing is carried out in an accurate, complete and timely manner
  - c) output from the system is complete, accurate and timely.
- 2.9. To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- 2.10. To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- 2.11. To ensure that systems are documented and staff trained in operations.
- 2.12. To consult with the **Chief Financial Officer** before changing any existing system or introducing new systems.
- 2.13. To establish a scheme of delegation identifying officers authorised to act upon the chief officer's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- 2.14. To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 2.15. To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- 2.16. To ensure that relevant standards and guidelines for computer systems issued by the chief officer are observed.
- 2.17. To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 2.18. All purchases of significant ICT software and hardware should be done so in consultation with the **Head of ICT**.
- 2.19. To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
- a) only software legally acquired and installed by the authority is used on its computers
  - b) staff are aware of legislative provisions
  - c) in developing systems, due regard is given to the issue of intellectual property rights.

### 3. INTERNAL AUDIT

- 3.1. The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit function to evaluate the effectiveness of its risk management, control and governance processes after taking into account public sector internal auditing standards and guidance
- 3.2. The **Council** is responsible for agreeing the process for appointing the external auditor in line with national statutory procedures. The basic duties of the external auditor are governed by statute.
- 3.3. The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenues & Customs, who have statutory rights of access.
- 3.4. To fulfil their responsibilities, **Internal and External Auditors** must be allowed automatic and full access to all records (however held) relating to any transaction carried out or on behalf of the **Council** and to any of the Council's premises or land. They may seek and obtain any explanations they need to conduct their work, or require any employee to produce **Council** assets under their control, wherever located.
- 3.5. The **Internal Audit Manager** can report independently direct to the **Chief Executive**, any **Chief Officer**, the **External Auditor**, the **Council** or any **committee of the Council** on matters concerning fraud, management and financial control.

#### Why is this important?

- 3.6. The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities "make arrangements for the proper administration of their financial affairs". The Accounts and Audit Regulations 2015 require a relevant authority to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance.
- 3.7. Accordingly, internal audit is an independent and objective appraisal function established by the authority for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

#### Key controls

- 3.8. The key controls for internal audit are:
  - a) that it is independent in its planning and operation
  - b) the **Internal Audit Manager** has direct access to the **Head of Paid Service**, all levels of management and directly to elected members
  - c) the internal auditors comply with the Public Sector Internal Audit Standards.

## Responsibilities of the Chief Financial Officer

- 3.9. To ensure that internal auditors have the authority to:
- a) access authority premises at reasonable times;
  - b) access all assets, records, documents, correspondence and control systems;
  - c) receive any information and explanation considered necessary concerning any matter under consideration;
  - d) require any employee of the authority to account for cash, stores or any other authority asset under his or her control access records belonging to third parties, such as contractors, when required;
  - e) directly access the **Chief Executive**, the **Cabinet** and the **Audit & Accounts Committee**.
- 3.10. To approve the strategic and annual audit plans prepared by the **Internal Audit Manager**, which take account of the characteristics and relative risks of the activities involved.
- 3.11. To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

## Responsibilities of Chief Officers

- 3.12. To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- 3.13. To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 3.14. To consider and respond promptly to recommendations in audit reports.
- 3.15. To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 3.16. To notify the **Chief Financial Officer** immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources.
- 3.17. Pending investigation and reporting, the **Chief Officer** should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- 3.18. To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the head of internal audit prior to implementation.

## 4. EXTERNAL AUDIT

### Why is this important?

- 4.1. The external auditor has rights of access to all documents and information necessary for audit purposes.
- 4.2. The authority's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts 'presents fairly' the financial position of the authority and its income and expenditure for the year in question and complies with the legal requirements.

### Key controls

- 4.3. The Local Audit and Accountability act 2014 brought the Audit Commission to a close and established transitional arrangements for the appointment of external auditors for local government through the establishment of Public Sector Audit Appointments Limited (PSAA). Up to 31<sup>st</sup> March 2018, PSAA appointed the council with an external auditor.
- 4.4. Since 1<sup>st</sup> April 2018, the **Council** appoints its own external auditor although has the ability to opt into a sector led body (PSAA) to negotiate a national contract under a collective procurement exercise.

### Responsibilities of the Chief Financial Officer

- 4.5. To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- 4.6. To ensure there is effective liaison between external and internal audit.
- 4.7. To work with the **External Auditor** and advise the **Full Council, Cabinet** and **Chief Officers** on their responsibilities in relation to external audit as relevant.

### Responsibilities of Chief Officers

- 4.8. To ensure that **External Auditors** are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
- 4.9. To ensure that all records and systems are up to date and available for inspection.

## 5. PREVENTING FRAUD, BRIBERY AND CORRUPTION

### Why is it this important?

- 5.1. The authority will not tolerate fraud, bribery and corruption in the administration of its responsibilities, whether from inside or outside the authority.
- 5.2. The authority's expectation of propriety and accountability is that members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- 5.3. The authority also expects that individuals and organisations (eg suppliers, contractors, service providers) with whom it comes into contact will act towards the authority with integrity and without thought or actions involving fraud and corruption.

### Key controls

- 5.4. The key controls regarding the prevention of financial irregularities are that:
  - a) the authority has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption
  - b) all members and staff act with integrity and lead by example senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt
  - c) high standards of conduct are promoted amongst members by the standards committee
  - d) the maintenance of a register of interests in which any hospitality or gifts accepted or declined must be recorded
  - e) whistle blowing procedures are in place and operate effectively
  - f) legislation including the Public Interest Disclosure Act 1998 and the Criminal Finance Act 2017 is adhered to.

### Responsibilities of the Chief Financial Officer

- 5.5. To develop and maintain an anti-fraud and anti-corruption policy and maintain adequate and effective internal control arrangements.
- 5.6. To ensure that all suspected irregularities are reported to the **Internal Audit Manager**, the **Chief Executive**, the **Cabinet** and the **Audit & Accounts committee** as relevant.

### Responsibilities of Chief Officers

- 5.7. To ensure that all suspected irregularities are reported promptly to the **Audit Manager**.
- 5.8. To instigate the authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- 5.9. To ensure that where financial impropriety is discovered, the **Chief Financial Officer** is informed, and action is taken in line with the Council's Anti-Fraud and Corruption Policy.
- 5.10. To maintain a departmental register of interests.

## 6. RISK MANAGEMENT

### Why is this important?

- 6.1. All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk.
- 6.2. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively
- 6.3. It is the overall responsibility of the **Cabinet** to approve the authority's risk management strategy, and to promote a culture of risk management awareness throughout the authority.

### Key controls

- 6.4. The key controls for risk management are:
  - a) procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the authority;
  - b) a monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis;
  - c) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives;
  - d) provision is made for losses that might result from the risks that remain;
  - e) procedures are in place to investigate claims within required timescales;
  - f) acceptable levels of risk are determined and insured against where appropriate;
  - g) the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

### Responsibilities of the Director of Resources & Business Change

- 6.5. To prepare and promote the authority's risk management policy statement.
- 6.6. To develop risk management controls in conjunction with other **Chief Officers**.
- 6.7. To include all appropriate employees of the authority in a suitable fidelity guarantee insurance.
- 6.8. To offer insurance cover to schools in accordance with Fair Funding arrangements.
- 6.9. To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where necessary.

## Responsibilities of Chief Officers

- 6.10. To notify the **Director of Resources & Business Change** immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the **Director of Resources & Business Change** or the authority's insurers.
- 6.11. To take responsibility for risk management, having regard to advice from the **Director of Resources & Business Change** and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
- 6.12. To ensure that there are regular reviews of risk within their departments.
- 6.13. To notify the **Director of Resources & Business Change** promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- 6.14. To consult the **Director of Resources & Business Change** and the head of legal services on the terms of any indemnity that the authority is requested to give.
- 6.15. To ensure that employees, or anyone covered by the authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.
- 6.16. It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.
- 6.17. The **Cabinet** is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The **Cabinet** is responsible for ensuring that proper insurance exists where appropriate.
- 6.18. The **Chief Executive** is responsible for preparing the Council's risk management policy statement, for promoting it throughout the authority and for advising the **Cabinet** on proper insurance cover where appropriate.
- 6.19. **Chief Officers** are responsible for complying with the risk management strategy in respect of their service areas.
- 6.20. The **Director of Resources & Business Change** is responsible for advising **COMT**, initially, and subsequently the **Audit & Accounts Committee** on any significant non-compliance to the approved Risk Management Strategy by a **Chief Officer**. The **Monitoring Officer** is also responsible for providing advice on and effecting the appropriate insurance arrangements.

## 7. INTERNAL CONTROL

- 7.1. Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the **Council's** assets and interests are safeguarded.
- 7.2. The **Director of Resources & Business Change** is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- 7.3. It is the responsibility of **Chief Officers** to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

### Why is this important?

- 7.4. The authority is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.
- 7.5. The authority has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- 7.6. The authority faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- 7.7. The system of internal controls is established in order to provide measurable achievement of:
  - a) efficient and effective operations
  - b) reliable financial information and reporting
  - c) compliance with laws and regulations
  - d) risk management.

### Key controls

- 7.8. The key controls and control objectives for internal control systems are:
  - a) key controls should be reviewed on a regular basis and the authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively;
  - b) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities;

- c) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems;
- d) an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Auditing Practices Board's auditing guideline Guidance for Internal Auditors, Public Sector Internal Audit Standards and with any other statutory obligations and regulations.

### **Responsibilities of the Director of Resources & Business Change**

- 7.9. To assist the authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

### **Responsibilities of Chief Officers**

- 7.10. To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- 7.11. To review existing controls in the light of changes affecting the authority and to establish and implement new ones in line with guidance from the **Director of Resources & Business Change**.
- 7.12. **Chief Officers** should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- 7.13. To ensure staff have a clear understanding of the consequences of lack of control.

## 8. TREASURY MANAGEMENT & BANKING ARRANGEMENTS

### Why is this important

- 8.1. Many millions of pounds pass through the authority's books each year. This led to the establishment of codes of practice. These aim to provide assurances that the authority's money is properly managed in a way that balances risk with security, liquidity and yield, but with the overriding consideration being given to the security of the authority's capital sum.

### Key controls

- 8.2. That the authority's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management and with the authority's treasury policy statement.

### Responsibilities of the Chief Financial Officer

- 8.3. To arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the authority's treasury management policy statement and strategy.
- 8.4. To report three times a year on treasury management activities to the **Audit & Accounts Committee** and to **Full Council**.
- 8.5. To operate bank accounts as are considered necessary – opening or closing any bank account shall require the approval of the **Chief Financial Officer** in the name of the Council (or such persons as he/she notifies to the bank) in writing to the bank.
- 8.6. To approve the necessary arrangements made to safeguard the council against losses, where payments are to be transmitted electronically. Requests for electronic transfers through the on-line Banking system must be made to the Corporate Finance (Treasury Management team) in writing by an authorised signatory.
- 8.7. The Treasury Management team must be given as much advance warning as possible when such transfers are required. Agreement will then be reached as to the most appropriate method of electronic transfer (CHAPS or Faster Payment, or by BACS via Accounts Payable) dependent upon urgency, amount and the authority's forecast cash flows.

### Responsibilities of Chief Officers

- 8.8. To follow the instructions on banking issued by the **Chief Financial Officer**.

## 9. INCOME COLLECTION, ISSUING INVOICES & CASH HANDLING

### Why is this important?

- 9.1. Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the authority's cash flow and also avoids the time and cost of administering debts.

### Key controls

- 9.2. The key controls for income are:
- a) all income due to the authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed
  - b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery
  - c) all money received by an employee on behalf of the authority is paid without delay into the authority's bank account, and properly recorded.
  - d) The responsibility for cash collection should be separated from that:
    - i. for identifying the amount due
    - ii. for reconciling the amount due to the amount received
  - e) effective action is taken to pursue non-payment within defined timescales
  - f) formal approval for debt write-off is obtained
  - g) appropriate write-off action is taken within defined timescales
  - h) appropriate accounting adjustments are made following write-off action
  - i) all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule
  - j) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

### Responsibilities of the Chief Financial Officer

- 9.3. To agree arrangements for the collection of all income due to the authority and to approve the procedures, systems and documentation for its collection and to apply the appropriate rate of VAT.
- 9.4. To order and supply to departments all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control.
- 9.5. To agree the write-off of bad debts up to an approved limit in each case and to refer larger sums over £10,000 to the Executive Member for Corporate Resources.
- 9.6. To approve all debts to be written off in consultation with the relevant **Chief Officer** and to keep a record of all sums written off up to the approved limit.
- 9.7. To ensure that appropriate accounting adjustments are made following write-off action.
- 9.8. To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts not paid promptly.

## Responsibilities of Chief Officers

- 9.9. To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies.
- 9.10. To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- 9.11. To issue official receipts or to maintain other documentation for income collection.
- 9.12. To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.
- 9.13. To hold securely receipts, tickets and other records of income for the appropriate period.
- 9.14. To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.
- 9.15. To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.
- 9.16. To ensure income is not used to cash personal cheques or other payments.
- 9.17. To supply the **Chief Financial Officer** with details relating to work done, goods supplied, services rendered or other amounts due, to enable **the Chief Financial Officer** to record correctly the sums due to the authority and to ensure accounts are sent out promptly. To do this, **Chief Officers** should use established performance management systems to monitor recovery of income and flag up areas of concern to the **Chief Financial Officer**.
- 9.18. **Chief Officers** have a responsibility to assist the **Chief Financial Officer** in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the authority's behalf and supporting its legal recovery where necessary. Only up to approved levels of cash as authorised as part of the Council's insurance schedules can be held on the premises.
- 9.19. To keep a record of every transfer of money between employees of the authority. The receiving officer must sign for the transfer and the transferor must retain a copy.
- 9.20. To recommend to the **Chief Financial Officer** all debts to be written off and to keep a record of all sums written off up to the approved limit. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- 9.21. To obtain the approval of the **Chief Financial Officer** when writing off debts in excess of the approved limit, and the approval of the Cabinet where required.

- 9.22. To notify the **Chief Financial Officer** of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the **Chief Financial Officer**.
- 9.23. To comply with guidance on money laundering regulations.

## 10. PETTY CASH & IMPREST ACCOUNTS

### Responsibilities of the Chief Financial Officer

- 10.1. To provide employees of the authority with cash or bank imprest accounts to meet minor expenditure on behalf of the authority and to prescribe rules for operating these accounts.
- 10.2. Minor items of expenditure should not exceed the prescribed amount.
- 10.3. To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.
- 10.4. To reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.
- 10.5. Requests for purchasing cards must be made to the **Accounts Payable**.

### Responsibilities of Chief Officers – imprest accounts

- 10.6. Petty cash reimbursements must be below £500 to comply with HMRC's making tax digital legislation. All VAT-able transactions on an accounting system in excess of £500 must show a corresponding invoice/prime documentation on the system in order for VAT to be reclaimed by the local authority. As full petty cash reimbursement claims will comprise multiple transactions this is not feasible for petty cash claims, therefore full reimbursement claims for VAT-able items must be below the £500 threshold in order for VAT to be reclaimed by the Council. This can be achieved for larger petty cashes in one of three ways:
  - (a) Increased use of Corporate Purchasing Cards (the preferred option);
  - (b) Splitting the full reimbursement claim into two for VAT-able and non VAT-able items – there is no threshold for non VAT-able items;
  - (c) Putting in only one claim but claiming more frequently, ensuring the total does not exceed £500.

## 11. INVESTMENTS, BORROWING AND TRUST ACCOUNTS

### Investments and Borrowing

#### Responsibilities of the Chief Financial Officer

- 11.1. To ensure that all investments of money are made in the name of the authority or in the name of nominees approved by the **Full Council**.
- 11.2. To ensure that all securities that are the property of the authority or its nominees and the title deeds of all property in the authority's ownership are held in the custody of the appropriate chief officer.
- 11.3. To effect all borrowings in the name of the authority.
- 11.4. To act as the authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the authority.

#### Responsibilities of Chief Officers

- 11.5. To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Cabinet, following consultation with the **Chief Financial Officer**.

### Trust Funds and Funds Held for Third Parties

#### Responsibilities of Chief Officers

- 11.6. To arrange for all trust funds to be held, wherever possible, in the name of the authority.
- 11.7. All officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the **Chief Financial Officer**, unless the deed otherwise provides.
- 11.8. To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the **Chief Financial Officer**, and to maintain written records of all transactions.
- 11.9. To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

## **12. INTELLECTUAL PROPERTY**

### **Why is this important?**

- 12.1. Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property and are deemed the property of the council.
- 12.2. Certain activities undertaken within the authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

### **Key controls**

- 12.3. In the event that the authority decides to become involved in the commercial exploitation of inventions, the matter should proceed following legal advice regarding protecting the council's intellectual property.

### **Responsibilities of Chief Officers**

- 12.4. To ensure that controls are in place to ensure that staff do not carry out private work in council time and that staff are aware of an employer's rights with regard to intellectual property.

## 13. RESERVES

### Why is this important?

- 13.1. The **Council** must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

### Key controls

- 13.2. To maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC) and agreed accounting policies.
- 13.3. For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- 13.4. Authorisation and expenditure from reserves by the appropriate **Chief Officer** in consultation with the **Chief Financial Officer**.

### Responsibilities of the Chief Financial Officer

- 13.5. To advise the **Cabinet** and/or the **Full Council** on prudent levels of reserves for the authority, and to take account of the advice of the external auditor in this matter and to report at least annually to **Cabinet** on reserves and balances.

### Responsibilities of Chief Officers

- 13.6. To ensure that resources are used only for the purposes for which they were intended.

## 14. TAXATION

### Why is this important?

- 14.1. Like all organisations, the authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

### Key Controls

- 14.2. The key controls for taxation are:
- a) budget managers are provided with relevant information and kept up to date on tax issues
  - b) budget managers are instructed on required record keeping
  - c) all taxable transactions are identified, properly carried out and accounted for within stipulated timescales
  - d) records are maintained in accordance with instructions
  - e) returns are made to the appropriate authorities within the stipulated timescale.

### Responsibilities of the Chief Financial Officer

- 14.3. To complete all HMRC returns regarding PAYE.
- 14.4. To complete a monthly return of VAT inputs and outputs to HMRC.
- 14.5. To provide details to HMRC regarding the construction industry tax deduction scheme, apprenticeship levy.
- 14.6. To maintain up-to-date guidance for authority employees on taxation issues in the accounting manual and the tax manual and to act as a point of reference within the council.

### Responsibilities of Chief Officers

- 14.7. To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HMRC regulations.
- 14.8. To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- 14.9. To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- 14.10. To follow the guidance on taxation issued by the **Chief Financial Officer** in the authority's accounting manual and VAT manual and to act as a point of reference.

## 15. ASSETS

### Why is this important?

- 15.1. The authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

### Key controls

- 15.2. The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software, intellectual rights/assets and information are:
- a) resources are used only for the purposes of the authority and are properly accounted for
  - b) resources are available for use when required
  - c) resources no longer required are disposed of in accordance with the law and the regulations of the authority so as to maximise benefits
  - d) an asset register is maintained for the authority, assets are recorded when they are acquired by the authority and this record is updated as changes occur with respect to the location and condition of the asset
  - e) all staff are aware of their responsibilities with regard to safeguarding the authority's assets and information, including the requirements of the Data Protection Act and software copyright legislation
  - f) all staff are aware of their responsibilities with regard to safeguarding the security of the authority's computer systems, including maintaining restricted access to the information held on them and compliance with the authority's computer and internet security policies.

### Responsibilities of the Chief Financial Officer

- 15.3. To ensure that an asset register is maintained in accordance with good practice for all fixed assets in line with the council's accounting policies. The function of the asset register is to provide the authority with information about fixed assets so that they are:
- a) safeguarded
  - b) used efficiently and effectively
  - c) adequately maintained.
- 15.4. To receive the information required for accounting, costing and financial records from each **Chief Officer**.
- 15.5. To ensure that assets are valued at appropriate intervals in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC).

### Responsibilities of Chief Officers

- 15.6. The appropriate **Chief Officer** shall maintain appropriate asset databases for all properties, plant and machinery and moveable assets currently owned or used by

the authority under their responsibility. Any use of property by a department or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.

- 15.7. To ensure that lessees and other prospective occupiers of council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the **Chief Officer** in consultation with the **Chief Financial Officer**, has been established as appropriate.
- 15.8. To ensure the proper security of all buildings and other assets under their control.
- 15.9. To pass relevant title deeds to the appropriate **Chief Officer** who is responsible for custody of all their title deeds.
- 15.10. To ensure that no authority asset is subject to personal use by an employee without proper authority.
- 15.11. To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the authority.
- 15.12. To ensure that the department maintains a register of moveable assets in accordance with any arrangements defined by the **Chief Financial Officer**.
- 15.13. To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- 15.14. To consult the **Chief Financial Officer** in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 15.15. To ensure cash holdings on premises are kept to a minimum.
- 15.16. To ensure that keys to safes and similar receptacles are kept secure at all times; loss of any such keys must be reported to the **Chief Financial Officer** as soon as possible. Double key systems can use suitable key safes when approved by line management.
- 15.17. To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the **Chief Financial Officer**, the Cabinet agrees otherwise.
- 15.18. To arrange for the valuation of assets for accounting purposes to meet requirements specified by the **Chief Financial Officer**.
- 15.19. To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the authority in some way and is strictly enforced by the Information Commissioner.

## **16. ASSET DISPOSAL**

### **Why is this important**

- 16.1. Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the authority, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.
- 16.2. It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law with attention paid to environmental and data security issues, and the regulations of the authority.

### **Responsibilities of the Chief Financial Officer**

- 16.3. To issue guidelines upon request representing best practice for disposal of assets.
- 16.4. To ensure appropriate accounting entries are made to remove the value of disposed assets from the authority's records and to include the sale proceeds if appropriate.

### **Responsibilities of Chief Officers**

- 16.5. To seek advice from their respective procurement hub and where appropriate from the corporate procurement team.
- 16.6. To ensure that income received for the disposal of an asset is properly banked and coded.

## 17. LAND & PROPERTY PURCHASES

- 17.1. All land and property purchases or capitalised leases shall have the necessary capital programme approvals before the purchase or lease is completed.
- 17.2. The **Director of Resources & Business Change** in consultation with the **Leader of the Council** shall approve any land, property or asset purchase / transfer with a value up to £500,000 and / or a lease which will cost up to £500,000 in rental over its life.
- 17.3. The **Cabinet** shall have the power to purchase any land, property or asset or agree any lease with a life value above £500,000 and shall be advised by the **Director of Resources & Business Change**.
- 17.4. Sales and transfers are set out under Cabinet and Officer Delegations in the Constitution.
- 17.5. When land and property purchases or transactions are made in accordance with the Property Investment Strategy the requirements of paragraphs 17.1 to 17.4 above do not apply and will be superseded by the regulations within the Property Investment Strategy.

## 18. INSURANCE

- 18.1. The **Chief Executive** shall agree an Insurance and Risk Management Policy for the Council which shall include the approach to be adopted by the Council to insuring against potential risk.
- 18.2. The **Monitoring Officer** shall set out procedures for **Chief Officers** to ensure that risks are notified promptly and shall respond to those notifications by insuring against such risks as appropriate within the Insurance and Risk Management Policy.
- 18.3. The **Monitoring Officer** shall be responsible for all central insurance arrangements including arranging insurance cover, maintaining records, paying premiums, holding policy documents and handling claims.
- 18.4. **Chief Officers** will notify the **Monitoring Officer** of any potential, likely or actual claim on the insurance as soon as they are aware of such claims; no admission shall be made in any circumstances.

## 19. MINOR ASSETS, IT AND OTHER EQUIPMENT

### Responsibilities of Chief Officers

- 19.1. To maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery above £1,000 in value.
- 19.2. To carry out an annual check of all items on the inventory in order to verify location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras, mobile phones, smart phones, tablets and video recorders should be identified with security markings as belonging to the authority.
- 19.3. To make sure that property is only used in the course of the authority's business, unless the **Chief Officer** concerned has given permission otherwise.
- 19.4. The **Chief Financial Officer** is responsible for authorising or writing off the disposal of redundant minor assets, IT and equipment. Procedures for the disposal of such minor assets, IT and equipment should be by competitive quotations or auction, unless, the open market value of the assets for disposal is less than £5,000. In all other cases, the **Cabinet** may decide an alternative disposal method.

## 20. INVENTORIES, STOCKS AND STORES

### Responsibilities of Chief Officers

- 20.1. To make arrangements for the care and custody of stocks and stores in the department.
- 20.2. To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- 20.3. To investigate and remove from the authority's records (ie write off) discrepancies as necessary, or to obtain Cabinet approval if they are in excess of £10,000.
- 20.4. To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless the open market value is less than £5,000, or following consultation with the **Chief Financial Officer**, the **Cabinet** decides otherwise in a particular case
- 20.5. To seek **Cabinet** approval to the write-off of redundant stocks and stores in excess of £10,000.

## 21. ORDERING OF SUPPLIES, WORKS & SERVICES

### Why is this important?

- 21.1. Public money should be spent with demonstrable probity and in accordance with the authority's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the authority's Contracting Rules and the Employees Code of Conduct.

### General

- 21.2. Every officer and member of the authority has a responsibility to declare any links or personal interests that they may have with potential purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with appropriate codes of conduct.
- 21.3. Goods and services may only be ordered through the Council's electronic purchase ordering system. The system will be made available through the council's intranet home page and access will be limited to staff with purchasing responsibility. The e-purchasing system will allow users to access electronic request forms and place orders with suppliers held on the central database.
- 21.4. All transactions must be made in accordance with the **Chief Financial Officer's** instructions. Official orders must be issued for all work, goods or services to be supplied to the authority, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the **Chief Financial Officer** or delegated officer. Purchase cards are to be used within financial limits and authorisations.
- 21.5. Staff who have been issued with a Corporate Purchasing Card will follow the procedures laid out in the Purchasing Card Scheme.
- 21.6. Apart from petty cash, schools' own bank accounts and other payments from advance accounts, the normal method of payment from the authority shall be by BACs, drawn on the authority's bank account by the **Chief Financial Officer**. The use of direct debit from a council bank accounts shall require the prior agreement of the **Chief Financial Officer**.
- 21.7. Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of authority contracts.

### Key controls

- 21.8. The key controls for ordering and paying for work, goods and services are:
- a) all goods and services are ordered only by appropriate persons and are correctly recorded
  - b) all goods and services shall be ordered in accordance with the authority's Contracting rules and the Employee Code of Conduct.
  - c) goods and services received are checked to ensure they are in accordance with the authorised order.

- d) payments above £500 are not made unless goods have been received by the authority to the correct price, quantity and quality standards
- e) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method
- f) all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule
- g) all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected
- h) in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.
- i) The use of corporate purchasing contracts is compulsory, the Council's Contracting Rules stipulate that purchases must not be made with other suppliers if the Council has a contract in place.
- j) Electronic requests to pay refunds or grant payments will generate an email request to the designated authoriser for online approval. All such requests to be approved before payment is made.
- k) Where purchase contracts have been negotiated with chosen suppliers, the system may direct users to an online electronic catalogue of goods and services on offer.
- l) Users of the purchasing system will be required to specify an expenditure code against which the costs of purchases are to be charged. Only cost centres that the user is authorised to use will be available.
- m) Requesters will be able to authorise their own requests for orders below £400. If an Official Order exceeds £400 an e-mail will be generated and issued to the designated Authoriser. Orders over £5,000 are separately authorised.
- n) Purchases cannot be made without an order number and all orders should be raised electronically on the councils system unless specifically exempted from doing so by the **Chief Financial Officer**.

### **Responsibilities of the Chief Financial Officer**

- 21.9. To maintain a system to ensure that the authority's financial systems and procedures are sound and properly administered.
- 21.10. To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- 21.11. To approve the form of official orders and associated terms and conditions.
- 21.12. To make payments from the authority's funds on the **Chief Officer's** authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- 21.13. To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- 21.14. To make payments to contractors on the certificate of the appropriate chief officer, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- 21.15. To provide advice and encouragement on making payments by the most economical means.

- 21.16. To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

### **Responsibilities of Chief Officers**

- 21.17. To ensure that they comply with the corporate purchasing system.
- 21.18. To ensure that orders are only used for goods and services provided to the department directorate. Individuals must not use official orders to obtain goods or services for their private use.
- 21.19. To ensure that they comply with the corporate purchasing system. If over the OJEU threshold then they must follow EU competition requirements. If over £200k prior member approval is required.
- 21.20. To authorise the e-purchasing system and wider orders to maintain an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best value principles should underpin the authority's approach to procurement. Value for money should always be achieved.
- 21.21. To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the order. Appropriate entries should then be made in inventories or stores records.
- 21.22. To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:
- a) receipt of goods or services
  - b) that the invoice has not previously been paid
  - c) that expenditure has been properly incurred and is within budget provision
  - d) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices
  - e) correct accounting treatment of tax
  - f) that the invoice is correctly coded
  - g) that discounts have been taken where available
  - h) that appropriate entries will be made in accounting records.
- 21.23. To ensure that two authorised members of staff are involved in the ordering, receiving and payment process. If possible, a different officer from the person who signed the order, and in every case, a different officer from the person checking a written invoice, should authorise the invoice.
- 21.24. To ensure that the department maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the **Chief Financial Officer**.

- 21.25. To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice. Any instances of these being rendered should be reported to the **Internal Audit Manager**.
- 21.26. To encourage suppliers of goods and services to receive payment by the most economical means for the authority with BACs being our preferred method unless inappropriate. It is essential, however, that payments made by direct debit have the prior approval of the **Chief Financial Officer**.
- 21.27. To ensure that the department obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the best practice guidelines issued by the **Chief Financial Officer**, which are in line with best value principles and contained in the authority's Contracting Rules and Employee Code of Conduct.
- 21.28. To utilise the central purchasing procedures established by the **Chief Financial Officer** in putting purchases, where appropriate, out to competitive quotation or tender. These will comply with the **council's** Contracting Rules and Employee Code of Conduct and will cover:
- a) authorised officers and the extent of their authority
  - b) advertisement for tenders
  - c) procedure for creating, maintaining and revising a standard list of contractors
  - d) selection of tenderers
  - e) compliance with UK and EC legislation and regulations
  - f) procedures for the submission, receipt, opening and recording of tenders
  - g) the circumstances where financial or technical evaluation is necessary
  - h) procedures for negotiation
  - i) acceptance of tenders
  - j) the form of contract documentation
  - k) cancellation clauses in the event of corruption or bribery
  - l) contract records, tender portal and transparency rules.
- 21.29. To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the **Chief Financial Officer**. This is because of the potential impact on the authority's borrowing powers, to protect the authority against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
- 21.30. To notify the **Chief Financial Officer** of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by Corporate Finance.
- 21.31. With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the **Chief Financial Officer** upon request the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- 21.32. To notify the **Chief Financial Officer** immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.

21.33. To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule.

## 22. PAYMENTS TO EMPLOYEES AND MEMBERS

### Why is this important?

22.1. Staff costs are the largest item of expenditure for most authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that members' allowances are authorised in accordance with the scheme adopted by the Full Council

### Key controls

22.2. The key controls for payments to employees and members are:

- a) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
  - i. starters
  - ii. leavers
  - iii. variations
  - iv. enhancements
  - v. and that payments are made on the basis of timesheets or claims
- b) frequent reconciliation of payroll expenditure against approved budget and bank account
- c) all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule
- d) that HMRC regulations are complied with.

### Responsibilities of the Chief Financial Officer

22.3. To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.

22.4. To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.

22.5. To make arrangements for payment of all travel and subsistence claims or financial loss allowance.

22.6. To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

### Responsibilities of Chief Officers

22.7. To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available.

22.8. To notify the **Chief Financial Officer** of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the **Chief Financial Officer**.

- 22.9. To ensure that adequate and effective systems and procedures are operated, so that:
- a) payments are only authorised to bona fide employees
  - b) payments are only made where there is a valid entitlement
  - c) conditions and contracts of employment are correctly applied
  - d) employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- 22.10. To send an up-to-date list of the names of officers authorised to sign records to the **Financial Management Support Manager**, together with specimen signatures. The payroll provider should have signatures of HR officers and officers authorised to sign timesheets and claims.
- 22.11. To ensure that payroll transactions are processed only through the payroll system. **Chief Officers** should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis, specific consideration of IR35 rules should be given. HMRC applies a tight definition for employee status, and in cases of doubt, direction should be sought from the **Chief Financial Officer** and **Head of Human Resources**.
- 22.12. To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the **Chief Financial Officer** is informed where appropriate.
- 22.13. To ensure that the **Chief Financial Officer** is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- 22.14. To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

### **Responsibilities of Members**

- 22.15. To submit claims for members' travel and subsistence allowances on a monthly basis and, in any event, within one month of the year end.
- 22.16. To maintain receipts of such expenses.
- 22.17. To be paid by BACs.

## 23. STAFFING STRUCTURES

### Why is this important?

23.1. In order to provide the highest level of service, it is crucial that the authority recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

### Key controls

23.2. The key controls for staffing are:

- a) an appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched
- b) procedures are in place for forecasting staffing requirements and cost
- c) controls are implemented that ensure that staff time is used efficiently and to the benefit of the authority
- d) checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

### Responsibilities of the Chief Financial Officer

23.3. To ensure that budget provision (net of turnover budgets) exists for all existing and new employees.

23.4. To act as an advisor to **Chief Officers** on areas such as National Insurance and pension contributions, as appropriate.

### Responsibilities of Chief Officers

23.5. To produce an annual staffing budget.

23.6. To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).

23.7. To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.

23.8. To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.

23.9. To ensure that the **Head of Human Resources** and the **Chief Financial Officer** are immediately informed if 24.3 the staffing budget is likely to be materially over- or underspent.

## **24. PARTNERSHIPS AND SHARED SERVICES**

### **Why is it important?**

- 24.1. Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities work in partnership with others - public agencies, other councils, private companies (including arms-length 100% Council owned companies) community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.
- 24.2. Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations and share staff under agreed appointment arrangements. Local authorities will be measured by what they achieve in partnership with others.

### **General**

- 24.3. The main reasons for entering into a partnership are:
- a) the desire to find new ways to share risk
  - b) the ability to access new resources/expertise
  - c) to provide new and better ways of delivering services
  - d) to forge new relationships and better service
  - e) to enable the realisation of economies of scale and efficiencies.
- 24.4. A partner is defined as either:
- a) an organisation (private or public) undertaking, part funding or employing authority for a shared resource or participating as a beneficiary in a project; or
  - b) a body whose nature or status give it a right or obligation to support the project
- 24.5. Partners participate in projects by:
- a) acting as a project deliverer or sponsor, solely or in concert with others
  - b) acting as a project funder or part funder
  - c) being the beneficiary group of the activity undertaken in a project
- 24.6. Partners have common responsibilities:
- a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation
  - b) to act in good faith at all times and in the best interests of the partnership's aims and objectives
  - c) be open about any conflict of interests that might arise
  - d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors
  - e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature
  - f) to act wherever possible as ambassadors for the project.

## Key controls

24.7. The key controls for authority partners are:

- a) if appropriate, to be aware of their responsibilities under the authority's financial regulations, contracting rules and the employee code of conduct.
- b) to ensure that risk management processes are in place to identify and assess all known risks.
- c) to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise
- d) to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences
- e) to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.
- f) to take legal advice on all new projects.
- g) to ensure that for joint appointments where the council is not the employing body, the officer is bound by the council's code of conduct and financial regulations when acting on behalf of the council, to delegate the authority to act as appropriate by the relevant chief officer in order to execute their duties.

## Responsibilities of the Chief Financial Officer

24.8. To advise on effective controls that will ensure that resources are not wasted.

24.9. To advise on the key elements of funding a project. They include:

- a) a scheme appraisal for financial viability in both the current and future years
- b) risk appraisal and management
- c) resourcing, including taxation issues
- d) audit, security and control requirements
- e) carry-forward arrangements.
- f) recovery of appropriate shares of any financial balances and other assets at the end of the project.

24.10. To ensure that the accounting arrangements are satisfactory.

## Responsibilities of Chief Officers

24.11. To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the **Chief Financial Officer**.

24.12. To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the **Chief Financial Officer**.

24.13. To ensure that such agreements and arrangements do not impact adversely upon the services provided by the authority.

24.14. To ensure that all agreements and arrangements are properly documented.

24.15. To provide appropriate information to the **Chief Financial Officer** to enable a note to be entered into the authority's statement of accounts concerning material items and, as appropriate, inclusion in group accounts.

## **25. EXTERNAL FUNDING**

### **Why is this important?**

- 25.1. External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery or National/ Regional bodies provide additional resources to enable the authority to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the authority's overall plan.

### **Key controls**

- 25.2. The key controls for external funding are:
- a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood
  - b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Full Council
  - c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

### **Responsibilities of the Chief Financial Officer**

- 25.3. To ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.
- 25.4. To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- 25.5. To ensure that audit requirements are met.

### **Responsibilities of Chief Officers**

- 25.6. To ensure that all claims for funds are made by the due date.
- 25.7. To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

## 26. WORK FOR THIRD PARTIES

### Why is this important?

- 26.1. Current legislation enables the authority to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise.
- 26.2. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

### Key controls

- 26.3. The key controls for working with third parties are:
  - a) to ensure that proposals are costed properly in accordance with guidance provided by the **Chief Financial Officer**
  - b) to ensure that contracts are drawn up using guidance provided by the **Chief Financial Officer** and that the formal approvals process is adhered to
  - c) to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

### Responsibilities of Chief Financial Officer

- 26.4. To issue guidance upon request with regard to the financial aspects of third party contracts and the maintenance of the contract register.

### Responsibilities of Chief Officers

- 26.5. To ensure that the approval of the **Cabinet** is obtained before any negotiations are concluded to work for third parties which could have material resource implications on the council.
- 26.6. To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the **Chief Financial Officer**.
- 26.7. To ensure that appropriate insurance arrangements are made.
- 26.8. To ensure that the authority is not put at risk from any bad debts or litigation.
- 26.9. To ensure that no contract is subsidised by the authority.
- 26.10. To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- 26.11. To ensure that the department/unit has the appropriate expertise to undertake the contract.
- 26.12. To ensure that such contracts do not impact adversely upon the services provided for the authority.
- 26.13. To ensure that all contracts are properly documented.

- 26.14. To provide appropriate information to the **Chief Financial Officer** to enable a note to be entered into the statement of accounts.
- 26.15. To monitor and report where required the position of any wholly owned trading company both in shadow form and in live operation.

**FINANCIAL REGULATIONS**

**CONTRACTING RULES**

## **1. The purpose of these contracting rules**

### **1.1. Contracting procedures must:-**

- provide value for money and make sure public money is spent properly;
- achieve fair competition;
- protect members and officers; and
- promote best value.

## **2. Definitions**

- 2.1. 'Contract' - an agreement for supplying goods, services or work, including placing an official order (other than under a framework contract) or a series of related orders or transactions. However, it does not, for the purpose of these Rules, include contracts for selling land or an interest in land. A grant is not a contract.
- 2.2. 'Framework agreement' – an agreement which sets the terms under which contracts ('call-offs') may be made, but which does not in itself constitute a contract.
- 2.3. 'Grant' – financial assistance without an obligation to provide any work or service in return
- 2.4. 'In writing' - includes by fax, e-mail or any other electronic format.
- 2.5. 'The Public Procurement Regulations' - the statutory and regulatory framework (including EU directives and regulations) governing local authorities' contracts.

## **3. Keeping to these rules**

### **What the rules cover**

- 3.1. Subject to Rule 3.3 every contract (including choosing subcontractors or suppliers) made by or on behalf of the Council must keep to these Rules. If anyone becomes aware that these Rules have been broken, they should contact their line manager or director first, or the Monitoring Officer

### **Working together**

- 3.2. If the Council is working with others (a joint venture), any contracts made by or on behalf of the joint venture must keep to these Rules unless the partners agree otherwise. In these cases, the principles set out in Rule 1, must still be achieved.

### **Legal framework**

- 3.3. If a contract is affected by the Public Procurement Regulations or any other legislation, and if their requirements are different to these Rules, the legislation or regulations will take priority, for example, EU rules override these

contracting rules

*Note: See the Corporate Procurement intranet for further information on when the Regulations apply.*

### **Guidance and policy**

- 3.4. Anyone involved must take account of any procurement policies and guidance issued by the Council or the Chief Financial Officer. Particular attention is drawn to the requirements for publishing contract opportunities and awards on electronic procurement portals and current policy on the use of internal providers and corporate contracts.

*Note: Corporate contracts are defined as framework agreements or other purchasing arrangements with external suppliers which have been put in place for use by all departments. Not all Frameworks established by others and approved under Rule 11 are corporate contracts. The Corporate Procurement intranet has an up-to-date list of corporate contracts.*

### **Limits and values**

- 3.5. The financial limits (and contract descriptions associated with them) in Rules 4 and 14.1 may only be changed by resolution of the Council. The estimated values do not include VAT and are worked out by taking account of the value over the full term of the contract (including any potential extensions).

*Note: having regard to the full possible term of the contract may take the value over the threshold(s) under the Public Procurement Regulations.*

*Note: Where the Council has a requirement for several contracts of a similar nature over a given period (eg a financial year) their respective values shall be aggregated (unless an appropriate exception applies) for the purposes of the Public Procurement Regulations. Contracts must not be split up in order to avoid or minimise the application of these contracting rules or the Public Procurement Regulations*

### **Amendments**

- 3.6. The Chief Financial Officer may amend these rules:-

- if the law changes;
- if government guidance is issued;
- to correct mistakes;
- to improve presentation; or
- to add notes for guidance.

In all other cases, amendments can only be made by the Council.

## Exceptions

- 3.7. Exceptions from these Rules can only be made by a resolution of the Council or Cabinet.

*Note: Members must take account of the relevant codes of practice*

## When the rules do not apply

- 3.8. These Rules will not apply to any dealings on the money market by Corporate Finance, or where selling or buying by auction

## Delegating (passing on) responsibility to officers

- 3.9. Directors or Executive Members can (subject to the Council's General Scheme of Delegation) delegate any matter (other than decisions under Rule 3.7) to any officer.

*Note: If responsibility is passed on in this way, others must follow the General Scheme of Delegation.*

## 4. Deciding on the most appropriate contracting procedure

- 4.1. If the estimated value or amount of a proposed contract is below £75,000 Rule 5 (quotations) will apply, unless
- a) the director decides to follow Rule 6, 7, 8, or 10, or
  - b) the Council has in place:-
    - a framework arrangement approved under Rule 11 which may be used; or
    - a corporate contract for goods or services of the type required, in which case this must be used.
- 4.2. If the estimated value or amount of a proposed contract is £75,000 or more Rule 6 (open tendering ) will apply, unless:-
- a) the director decides to follow Rule 7, 8, 9 or 10, or
  - b) the Council has in place:-
    - a framework arrangement approved under Rule 11 which may be used; or
    - a corporate contract for goods or services of the type required, in which case this must be used.
- 4.3. If the estimated value or amount of a proposed contract is more than £200,000, the contracting procedure must not commence without the prior approval of the appropriate Executive Member. Where multiple separate contracts for the same service maybe let within a year, the Executive Member may at his/her discretion give approval for those works, subject to annual review. Any

procurement over £200,000 which is covered by the Property Framework Policy and is included in the Capital Programme, does not require Executive Member approval.

## **5. Quotations**

- 5.1. At least three written quotations must be sought from relevant suppliers, and the director will keep a written record of the responses received. For contracts below £5,000 in value at least one written quotation will be required.
- 5.2. A quotation will not be accepted unless it is in writing.
- 5.3. If a quotation other than the lowest is accepted a written record of the decision must be kept.
- 5.4. This procedure will follow the guidance on using quotations in the tender guidance.

*Note; Where a supplier does not submit a quotation, the Director shall seek to ascertain and record the reasons why*

## **6. Open tendering**

- 6.1. This procedure applies where it is decided that tenders will be sought for a contract using the open procedure.

This will be appropriate where the subject-matter of the contract is clear and specific. In these cases, the procedure will follow the tender guidance

## **7. Tender using standing or approved lists**

- 7.1. This procedure applies if it has been decided to limit any invitations to tender for a contract to those people or organisations whose names are included in either a list which the Council has put together (council list), or one which is held by some other external agency we have approved for these purposes (agency list).
- 7.2. All lists maintained by external agencies need to be approved by the Chief Financial Officer.
- 7.3. The procedure for operating standing lists is in the tender guidance

## **8. Negotiated contracts**

- 8.1. Tenders need not be invited under Rules 6, 7 or 9 and instead may be negotiated directly with a single contractor, or a limited number of contractors provided:-
  - the budget for the relevant spending exists; and
  - consideration has been given to using Rule 5 (quotations) or Rule 10

- (competitive tendering with negotiation; and
- the Director confirms that one or more of Rules 8.2 to 8.11 apply.

8.2. The contract is urgent and

- a delay would be likely to lead to financial loss, personal injury or damage to property; or
- adopting tendering arrangements would have a negative effect on services delivered (taking account of relevant policies).

8.3. The estimated time and cost of tendering or seeking quotations (as the case may be) is out of proportion to the value of the contract (if you take account of the likely benefits or the circumstances surrounding the contract arising from a tendering exercise).

8.4. The contract is of such a special nature that no reasonable alternative is available and no advantage would be gained by inviting competitive tenders.

*Note: For the purpose of this rule, "special nature" may include the need for compatibility with an existing product, relationship to a previous contract or the nature of the market for such services.*

8.5. There is no effective competition for the contract because:-

- payment is fixed by law;
- the subject matter is a patented article or governed by exclusive rights or is available from only one source and no realistic alternative is available; or
- the Council has (for whatever reason, including a service user's legal rights to choose) to get the contract from a specific contractor (for example, when providing social care and special educational needs).

8.6. The contract is for a continuation of or an extension to an existing contract - but it depends on being either:-

- no more than either 50% of the original contract term; or
- of a value no more than 50% of the original contract value, and
- the contractor's performance on the existing contract having been satisfactory; and
- there is evidence that the continuation or extension represents the most economically advantageous option.

*Note: The original contract documents should make clear that the Council may extend the contract in this way. Extensions or continuations outside these limits will require approval under Rule 3.7 (exceptions)*

8.7. The Monitoring Officer is:-

- employing a barrister to give advice or to deal with any proceedings

- (before any court, tribunal or inquiry);
- instructing or briefing a barrister generally on any matter whenever it is in the Council's interest to do so; or
- employing, (after consulting the appropriate director or their representative) appropriate expert witnesses in any proceedings.

8.8. Where using a consortium or buying organisation under Rule 10.

8.9. Where buying (but not commissioning) works of art (of any description).

8.10. Where paying grants

8.11. Where selling goods, materials or services

## **9. Restrictive and selective tendering for social care, health and related services and minor works**

9.1. This procedure only applies if invitations to tender for a contract are restricted to some or all of the people who respond to a contract opportunity advertised by public notice or electronically, and Rule 9.2 or Rule 9.3 applies. In these cases the procedure will follow the tender guidance.

9.2. The contract is for social care, health services or other specific services listed in Schedule 3 to the Public Contracts Regulations 2015 ("light-touch" services) and the estimated value or amount of the proposed contract is above £164,175

9.3. The contract is a works contract and the estimated value or amount of the proposed contract is above £181,301 but below £4,551,413

## **10. Competitive tendering with negotiation**

10.1. This Rule will only apply where the Director has confirmed that one or more of Rules 10.1 to 10.4 will apply. In this procedure the contract opportunity will be advertised by public notice or electronically on a procurement portal, and there is no restriction on who may submit a tender.

10.2. The contract is complex, for example because of its technical requirements, need for innovative solutions or risks involved, and so cannot be awarded without negotiations with tenderers

10.3. The contract is a works contract

10.4. Other tendering procedures have been used (and the documents have been kept as evidence) but unacceptable or irregular tenders were received or none received

10.5. The procedure will follow the tender guidance

## **11. Framework Agreements and Consortia**

- 11.1. The requirement to ask for several prices (by quotation or tender) may not apply to contracts arranged under a framework agreement that has been either:-
- established by the Council through a valid procurement process, or
  - established by an external consortium or other purchasing organisation or agency approved by the Chief Financial Officer.
- 11.2. The relevant director must however make sure prices stay competitive, and that departmental procedures meet relevant legal and policy requirements.
- 11.3. Contracts under a framework agreement must be arranged in accordance with the terms of the framework. In the case of frameworks with multiple suppliers, this may require selection based on further competition.

*Note: For current approved Frameworks see the Corporate Procurement Intranet. Approval is dependent on meeting requirements in connection with competition, EU compliance etc – see the tender guidance*

## **12. Opening and accepting tenders**

- 12.1. The opening and processing of tenders will be governed by the tender guidance.
- 12.2. Depending on 12.3, 12.4 and 12.5 below, a director may accept the tender.
- 12.3. A tender can only be accepted if a budget is set aside for the contract (either specifically or within a larger project or programme) and the tender is within that budget limit. In all other cases, approval from the appropriate committee is needed.

*Note - where an overall budget has been set aside for a project which identifies estimates for each phase or element (including consultancies) significant departure from these estimates shall be discussed with the appropriate Executive Member*

- 12.4. A tender can only be accepted after a proper technical and commercial assessment is made, in line with the tender guidance.
- 12.5. Where acceptance of a tender is likely, in the view of the director, (and regardless of value) to raise issues of a sensitive nature, or where the value of the contract is over £200,000, the director shall consult with the appropriate Executive Member before reaching his or her decision, save for the provisions of 4.3 above.

*Note - the tender guidance explains what "sensitive" means for this purpose.*

- 12.6. Directors must keep records of tenders received and accepted and the basis of their decisions

### **13. Negotiations after a tender is received**

- 13.1. Negotiations after receiving a tender can only be carried out in line with the requirements in the tender guidance or Rule 10 applies.

### **14. Contract documents**

#### **In writing**

- 14.1. All contracts must be in writing. The following contracts must be 'executed as a deed' (that is sealed and signed by the relevant officer):-
- work contracts worth more than £100,000.
  - where the Monitoring Officer decides that the limitation period will should be 12 years.
  - if, after consultation, the Monitoring Officer otherwise decides that a contract must be.
- 14.2. Every other contract must be signed by the relevant director or any officer authorised by him or her
- 14.3. When contracts over £25k are signed, they must be entered on the corporate contracts register
- 14.4. All original signed documents must be lodged at the Council's Records Office
- 14.5. Contract and tender documents (including those in respect of unsuccessful tenders) shall be kept in accordance with Councils Document Retention policies.

#### **The start of the contract**

- 14.6. All the formalities of the contract must be finished (including security for performance being in place) before work or services begin. Usually this means all contract documents must be in place and the agreement signed or sealed. In appropriate cases (which the Monitoring Officer will decide) you may send a "letter of intent" or "letter of acceptance" before the agreement is signed.

*Note: Security for performance includes getting a bond, or parent company guarantee, or any other arrangement which protects the Council if the contractor fails to deliver.*

#### **General terms and conditions**

- 14.7. If the Monitoring Officer has approved or prepared standard terms and conditions of tender or contract these will be used unless agreed otherwise.

*Note - The current list of contracts is available on the Corporate Procurement intranet*

**Security for performance (bonds, parent company guarantees)**

14.8. The principles set out in the tender guidance will apply.

C. Part C

## South Gloucestershire Council Code of Conduct for Members

### 1 Application

This Code of Conduct applies to you whenever you are acting in your capacity as a member of South Gloucestershire Council, including –

- 1.1 at formal meetings of the Council, its Committees and Sub-Committees,
- 1.2 when acting as a representative of the authority
- 1.3 in taking any decision as a Ward Councillor
- 1.4 in discharging your functions as a ward Councillor
- 1.5 at briefing meetings with officers and
- 1.6 at site visits
- 1.7 when corresponding with the authority other than in a private capacity

### 2 General Conduct

As a member or co-opted member of South Gloucestershire Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

As a Member of South Gloucestershire Council, my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority's area or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Not bullying or harassing any other person.

[Bullying and harassment means any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. It is not necessarily always obvious or apparent to others.

Bullying or harassment can be between two individuals or it may involve groups of people. It might be obvious or it might be insidious. It may be persistent or an isolated incident. It can occur as a result of any form of contact, (verbal or written) examples of how bullying or harassment might occur includes via written communications, by phone, email, via social media or face-to-face .

Examples of bullying / harassing behaviour could include:

- spreading malicious rumours, or insulting someone
- exclusion or victimisation
- unfair treatment
- deliberately undermining a competent worker by constant criticism].

The above are examples of how bullying or harassment may occur and of what may constitute bullying or harassment. The examples are not exhaustive.

- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

### **3 Disclosable Pecuniary Interests (DPIs)**

You must -

- 3.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- 3.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 3.3 make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent and leave the room for the duration of the debate and the vote on the item of business which affects or relates to the interest.
- 3.4 “Meeting” means any meeting organised by or on behalf of the authority, including –
  - 3.4.1 any meeting of the Council, or a Committee or Sub-Committee of Council
  - 3.4.2 any meeting of the Cabinet and any Committee of the Cabinet
  - 3.4.3 in taking a decision as a Ward Councillor
  - 3.4.4 at any briefing by officers; and

3.4.5 at any site visit to do with business of the authority

#### **4 Other Interests**

- 4.1 In addition to the requirements of Paragraph 3, if you attend any meeting which includes Council, Committee, Sub-Committee or Joint Committee of Council (but which for the avoidance of doubt does not include informal meetings with officers or member briefings) at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent and leave the room for the duration of the debate and the vote on the item of business which affects or relates to the interest.
- 4.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –
- 4.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person or body with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
- 4.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

For the avoidance of doubt a report by a Member to Council, Committee, Sub Committee on the activities of an outside body to which they are appointed by Council, will not constitute a breach of the Code of Conduct, provided that the report does not require a decision that affects the wellbeing or financial position of that organisation

#### **5 Gifts and Hospitality**

- 5.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 or totalling £100 over a year from a single source which you have accepted as a member from any person or body other than the authority.
- 5.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 5.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

**Disclosable Pecuniary Interests (DPIs)**

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
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 the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. 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 the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant 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 the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the 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 the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“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;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M 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.

**MEMBERS' PLANNING**  
**CODE OF GOOD PRACTICE**

Updated July 2020

## **1. Purpose of the Code**

This code has been being prepared for the guidance of Officers and Councillors in their dealings with planning matters. This includes decision-making meetings of Council which exercise the planning function of the planning authority or less formal occasions such as meetings with officers or the public or consultative meetings. It applies equally to planning enforcement or sites specific policy issues as it does to planning applications.

The Code has the following objectives:-

To guide and protect Members in dealing with planning related matters from criticism and challenge.

To inform potential developers and members of the general public of the standards adopted by South Gloucestershire Council and the performance of its planning function.

To ensure that, in the planning process, there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

## **2. Key Principles**

Planning decisions made by Councils can have a considerable effect on the value of land, the nature of its development and on the lives and amenities of people living in the vicinity. The process of arriving at decisions on a planning matter must be open and transparent and the involvement of both Officers and Members must be clearly understood. The main principles which Members should have clear regards for are:-

- The key purpose of planning is to deliver sustainable development which effectively balances economic, social and environmental interests and takes relevant local circumstances into account
- Your overriding duty as a Councillor is to the whole local community, and in relation to planning issues to help ensure that the council's planning policies are achieved.
- Your role as a member of the planning authority is to make planning decisions openly, impartially, with sound judgement, and for justifiable reasons
- Whilst you may be strongly influenced by the views of others and of your party in particular it is your responsibility alone to decide what view to take on any question which councillors have to decide
- The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act requires you to take planning decisions in accordance with the provisions of the development plan unless material considerations indicate otherwise. You should ensure that all decisions that you make have regard to proper planning considerations and are made impartially and in a way which does not give rise to public suspicion or mistrust.

- The Code applies to all decisions of the Council on planning related matters. This includes Members involvement in any planning application, whether or not it is reported to a committee, all applications determined by any committee discharging planning functions
- When acting in your capacity as a Councillor you must have regard to the Council's adopted Code of Conduct

### **3. Relationship to the National Code of Conduct**

The Code of Conduct sets out the standards of behaviour expected of Councillors and the requirements in relation to the declaration of interests in the Members Register of Interests and at meetings. Not only should impropriety be avoided but also any appearance or ground for suspicion of improper conduct. When considering any planning matter you should have primary regard for the Code, and particularly the requirement to properly declare all interests:-

- **Do** comply with the requirements of the adopted Code of Conduct first
- **Do** then apply the rules in this Planning Code of Practice

### **4. Development Proposals and the Declaration of Members' Interests**

When considering planning matters Members may find that they need to

- Declare interests in accordance with the requirements of the adopted Code of Conduct or
- Indicate that they have come to a view prior to the meeting (i.e. are pre-determined)

The existence and nature of any interest should be disclosed in accordance with adopted Code and at all relevant meetings.

#### **Where you have an interest that must be disclosed**

- **Do Not** participate or give the appearance of trying to participate in the making of any decision on the matter by the planning authority.
- **Do Not** get involved in the processing of the application and direct any queries or technical matters to the relevant officer.
- **Do Not** seek or accept any preferential treatment or place yourself in a position that could lead the public to see that you are receiving preferential treatment because of your position as a Councillor. This would include using your position to discuss any proposal with Officers or Members when other members of the public would not have the same opportunity to do so. You may need to identify another local member who is prepared to represent local interests.

## Pre-determination

The allowance made for Councillors to be predisposed to a particular view is a practical recognition of

- the role played by party politics in Local Government
- the need for Councillors to inform constituents of at least an initial view on a matter as part of their public role
- the structure of local government which ultimately requires the same Councillors to make decisions

It is therefore particularly important for elected Councillors to have a clear understanding about the implications of expressing a strong opinions or views on planning matters

**If you make up your mind on how you will vote on any planning matter prior to formal consideration of that matter at the meeting of the planning authority, prior to the hearing of the Officers presentation and evidence and arguments on both sides, you may be seen to have predetermined the issue.**

Section 25 of the Localism Act 2011 introduces provisions for dealing with allegations of bias or pre-determination ie. where the decision maker(s) had or appeared to have a closed mind (to any extent) when making the decision.

The decision maker is not to be taken to have had a closed mind “just because” the decision maker had previously done anything relevant to the decision that directly or indirectly indicated what view the decision maker took or would or might take in relation to a matter.

The provisions in the Localism Act do not involve a change in law. In a situation where a member said something like “over my dead body” in respect of voting a particular way on an issue, the provisions in relation to pre-determination in the Localism Act might be useful in giving councillors confidence about making their views on a particular issue known, it does not change the legal position that is if a member can be shown to have approached a decision with a closed mind, that could affect the validity of the decision.

Equally, if a member has expressed views on a particular issue but could show that when taking the decision, they had approached this with an open mind and taken account of all the relevant information, they could reasonably participate in a valid decision.

However, Councillors are able to represent their community and engage with developers and the public to discuss proposed developments without fear of 'fettering' their discretion. A Member can campaign either in support or against a proposal and this will not automatically be taken as proof that he is not open-minded

Members will need to be mindful that if they have expressed particularly extreme views, it will be more difficult in practice to be able to get away from the impression that the member would have approached the decision with a closed mind.

The current case law recognises that politicians will have views on and may well have expressed them about issues of public interest locally. *R(Island Farm Development Ltd) V Bridgend CBC* clarified that "it would be impossible to make decisions by elected members ..if their observation could disqualify them because it might appear that they had formed a view in advance" The case goes on to say that members must approach their decision making with an open mind in the sense that they must have regard to all material considerations and must be prepared to change their views if persuaded that they should.

In addition the case has clarified that the "evidence of a political affiliation or of the adoption of policies towards a planning purpose will not for these purposes by itself (emphasis added) amount to an appearance of the real possibility of predetermination ... something more is required, something that goes to the appearance of a predetermined, closed mind in the decision making itself"

In conclusion, expressing a view, even a strong view does not automatically lead to the conclusion that a member is pre-determined, however the stronger and more forceful the view the greater risk of their being an appearance of real bias. Each case will need to be considered on its own facts. Care still needs to be taken when expressing clear and forceful views on a particular matter in respect of which the member expressing those views will form part of or be the decision maker.

In conclusion the Localism Act provisions in relation to predetermination still require a planning committee member to have an open mind when determining a planning application. However, proof of previous campaigning against a proposed planning application would not in itself be proof that the member had a closed mind.

## **5. Contact with Applicants, Developers and Objectors**

Local Authorities are to enter into pre-application discussions with potential applicants. There will also be discussions and meetings on strategic plans for the Council (e.g. matters arising from the local plan or major development sites). Such strategic discussions lie within the remit of the Cabinet/Executive Member(s) and may be distinguished from discussions on specific planning applications, and therefore not subject to the caveat set out below. In addition negotiations and discussions are likely to be ongoing after an individual application has been submitted. Such discussions can often be interpreted by the public (and especially objectors) as prejudicing the planning decision-making process. In order to allay such perceptions all discussions should take place within clear guidelines.

One particular aspect of application discussions relates to lobbying. Lobbying is a normal part of the political process. However, it can lead to impartiality being brought into question and accordingly there is a need to declare publicly that an approach of this nature has taken place. Lobbying can take place by professional agents as well as un-represented applicants/landowners and community action groups.

- **Do** take advice from the Monitoring Officer if you are invited to attend meetings with applicants, developers or groups of objectors if you are a member of The Spatial Planning Committee, Development Management Committee or the

Strategic Sites Delivery Committee and therefore likely to be part of the decision-making process. You will then be in a position to make a decision about your attendance having taken proper count of the issues relating to pre-determination.

- **Do** refer those who approach you for planning procedural or technical advice to officers.
- **Do** report to the Development Manager any significant contact with the applicant and other party, explaining the nature and purpose of the contacts and your involvement in them and ensure that this is recorded on the planning file
- **Do** attend presentations that have been organised by Officers. These may be differentiated from major public presentations when members may seek information
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application and that this will be carried out by the appropriate Committee of the planning authority
- **Do** be aware that a presentation is a form of lobbying and if you express a view, you will need to carefully consider if you have pre-determined the matter prior to the vote
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** explain to those lobbying or attempting to lobby you that whilst you can listen to what is said it prejudices your impartiality and may affect your ability to participate in the Committees decision-making to express an intention to vote one way or another, or such a firm point of view which amounts to the same thing
- **Do** remember that your overriding duty is to the whole community not just the people in your local area
- **Do not** accept gifts or hospitality from any person involved in or effected by a planning proposal. If a degree of hospitality is entirely unavoidable ensure that it is of the minimum and its acceptance is declared as soon as possible (remembering to register any gift as required by the adopted Code of Conduct.
- **Do** copy or pass on any lobbying correspondence you receive to the Development Manager at the earliest opportunity as this will enable proper officer advice to be given in the report and avoid the situation where officers are asked to respond to new information at the meeting itself, leading to deferral or decisions made on partial advice
- **Do** promptly refer to the Development Manager any offers made to you of planning gain or constraint of development
- **Do** inform the Monitoring Officer where you feel that you have been exposed to

undue or excessive lobbying or approaches

- **Do** note that you will not have pre-determined a matter or breached this Planning Code of Good Practice through
  - listening or receiving view points from residents or other interested parties
  - making comments to residents, interested parties, other members or appropriate officers providing they do not consist of or amount to prejudging the issue and you make clear that you are keeping an open mind
  - seeking information through appropriate channels or
  - being a vehicle for the expression of opinion or speaking at the meeting as a ward member provided you explain your actions at the start of the meeting or item and make it clear that having expressed the opinion or ward view you have not committed yourself to vote in accordance with those views and you will make up your own mind having heard all of the facts and listened to the debate.

## 6. Ward Interests

The Local Government Association report recognises that a Development Control Committee Member who represents a ward affected by a particular application is in a difficult position particularly if it is a controversial application around which a lot of lobbying takes place. There is a balance to be struck between the duty to be an active ward representative and the overriding duty as a Councillor to the whole local community. In these circumstances:-

- **Do not** lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Do not** decide or discuss how to vote on any application at any sort of political group meeting or lobby any other member to do so. Political group meetings should never dictate how Members should vote on a planning issue.
- **Do** of course join general interest groups which reflect your areas of interest or which concentrate on issues beyond particular planning proposals (such as your local civic society) but make sure that you disclose any interest in accordance with the adopted Code of Conduct where that organisation has made representations on a particular proposal and ensure that you retain the ability to be persuaded by other arguments.

## 7. Development Proposals Submitted by Councillors of the Council (the advice in this section applies to both planning applications and Development Plan Policy matters)

Members may in law advocate on behalf of a proposal or act as an agent on behalf of a specific proposal. However, it is likely that you will then have an interest which must be declared in accordance with the adopted Code of Conduct and which will prevent you from taking part in the decision. Where Members are likely to do this on a regular basis they should not accept membership of any Planning Committee. Should any

Member connected with the planning service submit their own proposals to the Authority they should declare the interest in accordance with the Code of Conduct and take no part in the processing. Any such proposal/application will be reported to on the Circulated Schedule.

## **8. The Decision-Making Process**

A decision on a planning application cannot be made before the committee meeting until all of the relevant information is to hand, any political group meeting prior to a Committee meeting should not be used to decide how Councillors should vote. Accordingly Agenda Briefing meetings and any pre-Committee meetings will solely be for the purpose of enabling an exchange of briefing material between Officers and Members on planning issues of concern in relation to particular applications, and will be open to Members of all political groups. All applications considered by the relevant Planning Committee or by a report on the Circulated Schedule shall be the subject of written reports and clear recommendations. If the recommendations are contrary to the provisions of the Development Plan the material considerations which justify this shall be clearly stated. If in the view of the officer the matter is finely balanced the report will say so. The recommendations put forward by officers and the decision by members are separate parts of the same process which should be justified by the report and debate respectively. The conduct of the meeting will be in accordance with the protocol at Appendix 1.

- **Do not** put pressure on officers to put forward a particular recommendation (this does not prevent you from asking questions or submitting views to the Development Manager which may be incorporated in to any Committee report)
- **Do** discuss individual applications with the case officer.
- **Do** recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with the Councils Code of Conduct for Officers and their professional Code of Conduct. As a result planning officers views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence which may on occasions be at odds with the views, opinions or decisions of the Committee or its Members.
- **Do** have regard to the Councils Member/Officer Protocol which governs the working relationships that you have with officers. This is a relationship based on mutual trust and courtesy, and all meetings should be guided by this principle.
- **Do** come to meetings with an open mind and demonstrate that you are open minded
- **Do** comply with the Sections 38(1) and 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise

- **Do** come to your decision only after due consideration of all the information reasonably required upon which to base a decision.
- **Do** not vote or take part in the meeting's discussions on a proposal unless you have been present to hear the debate including the officers introduction to the matter
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan that you clearly identify and the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and must be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any appeal or challenge.
- **Do** not allow members of the public to communicate with you during the committee's proceedings (or in writing) other than through the scheme for public speaking
- **Do** ensure that you comply with the Councils procedures in respect of public speaking

## 9. Training

Training on planning matters will be made available at convenient times for all Members of the Council, and in particular those serving on the Planning Committee. All Members serving on a Planning Committee and/or who have any decision making role on planning matters shall agree to be trained in planning procedures prior to serving on the Committee and will be required to attend before taking part at Committee .

- **Do not** participate in decision-making at meetings dealing with planning matters if you have not attended the planning training prescribed by the Council
- **Do** endeavour to attend any other of the specialised training sessions provided since these will be designed to extend your knowledge of planning law regulations, procedures, codes of practice and the development plan beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively
- **Do** participate in the annual programme of planning training offered to Members.

## 10. Site Visits

Sites inspection by Committee members as a group can be helpful in reaching a decision on issues where site circumstances are clearly fundamental to that decision. This is true particularly when the issues concern visual impact, the character of an historic building or the effect of development on local amenities. Site visits should be held when inspection of the site is relevant to the material considerations.

The decision on whether to agree a site visit lies with the Committee, unless directly referred by the Director ECS. The reasons relating to the above criteria must be stated and will be minuted and will form the basis of the inspection. The inspection will not itself be a committee meeting, and the decision on any application which is the subject of a site inspection will only be made at a committee meeting.

The criteria for holding site inspections are as follows:-

- The character or appearance of the development itself is a fundamental planning consideration
- A judgement is required on visual impact
- Setting and surroundings are fundamental to the determination or to the conditions being considered.
- **Do not** request a site visit unless you feel it is strictly necessary because particular site factors are significant in terms of the weight attached to them relative to other factors, or the difficulty of their assessment in the absence of a site inspection, or there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site
- **Do** ask the Officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection
- **Do** attend site visits if you are a member of the relevant Committee that has resolved to hold a site inspection.
- **Do** ensure that the Sites Inspection Meeting is conducted in accordance with the Sites Inspection procedures attached as Appendix
- **Do not** enter a site unless it is part of an official site visit or with the express permission of the site owner, and remember at all times that if you are part of the decision making body you will need to retain an open mind about how you will ultimately vote on the matter

## 11. Sanctions

The purpose of this Code is to provide guidance to Members in relation to the performance of the Councils planning function. The application of and adherence to the Code is intended to build public confidence in the Councils planning system and to produce a strong platform for planning decision-making. The Code does not remove the responsibility of Members to exercise their statutory discretion to determine the merits of individual applications or proposals.

A failure to adhere to the Code gives rise to potential consequences to the Council and individual Members. Councillors may make a reputation in their community not only for their beliefs but also for their general conduct. Consistency and fairness are important qualities in the public eye and they are vital to the conduct of the Planning Committee. Beyond the normal democratic process a number of specific consequences can be identified.

### **Appeals to the Secretary of State**

An applicant who has been refused planning permission has a right of appeal to the Secretary of State. If an appeal is successful and it shown that the Councils conduct in dealing with the matter was unreasonable the appellants costs may be awarded against the Council.

### **Judicial review**

If objectors are convinced that the Council in determining to grant an application did not observe their statutory observations to carry out all necessary procedures, base their decision on the development plan and take in to account all representations they may apply for Judicial Review of the decision which might result in the decision being quashed. In such circumstances it would be normal for the costs of the applicant to be awarded against the Council.

### **Powers of the Secretary of State**

The Secretary of State possesses a range of powers which could be exercised where a Local Planning Authority appears to make inconsistent decisions or decisions which are seriously in conflict with national and Development Plan Policies. This could involve the greater use of the power to call in applications whereby an application will be determined by the Secretary of State following a Public Inquiry. Where permission has already been granted by the Council powers exist to revoke or modify permissions or to require discontinuance of a land use which if exercised would give rise to a liability to compensate on the part of the Council.

### **The Adopted Code of Conduct**

The Council's adopted Code of Conduct will set out the sanctions that may be applied to a councillor in the event that it has been determined that a councillor has breached the adopted Code.

**Protocol for Committees Discharging Planning Functions**

All Committee meetings shall be conducted in a professional, courteous and transparent manner. It is recognised that Planning Committees often have to weigh the balance of material considerations in determining applications and it is particularly important that in exercising its decision making powers the reasons for decisions are clear to all concerned. The following protocol for committee meetings will apply:

1. Meetings will commence with an explanation to visitors as to how committee will operate
2. During public speaking, the chair will ensure no comments of a personal or offensive nature are made
3. The chair will seek to ensure debates on applications are structured and managed to ensure a coherent, transparent decision making process and that the business of the meeting is conducted in an efficient and professional manner. The arrangement of business will be at the discretion of the chair.
4. The chair will seek to ensure members and officers are treated in accordance with the Council's agreed protocol for working arrangements between members and officers, with particular regard to:
  - The political neutrality of officers
  - The independence of officers
  - Mutual respect, courtesy, civility and professionalism with respect for differing views
5. Officers will be invited to briefly introduce each item and where appropriate they will:
  - Highlight the key points on the decision to be made
  - Verbally update on late responses/amended plans etc
  - Refer to any specific comments made in the public speaking session
6. The chair will seek to ensure debates are kept to those planning and transportation matters of relevance to the decision seeking to avoid repetition or irrelevant debate
7. When members do not intend to follow officer advice, members will be asked to present clear justification for the decisions they intend to take so that full reasons may be recorded in the minutes. .
8. If the Strategic Sites Committee passes a resolution that is contrary to the officer recommendation, the decision of the Committee will be automatically deferred for consideration and determination by the Spatial Planning Committee. Officers will provide the Spatial Planning Committee with an updated report which takes account of the reasons given by the relevant committee for reaching its decision.

The Officer report will include all relevant professional advice to the Spatial Planning Committee which will make the final decision.

9. If the Developmental Management Committee passes a resolution that is contrary to the officer recommendation on a major planning application, as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any subsequent amendments), the decision of the Committee will be automatically deferred for consideration and determination by the Spatial Planning Committee. Officers will provide the Spatial Planning Committee with an updated report which takes account of the reasons given by the relevant committee for reaching its decision. The Officer report will include all relevant professional advice to the Spatial Planning Committee which will make the final decision.
10. If the Development Management Committee passes a resolution to determine any application which is not a major application, as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any subsequent amendments), in a manner contrary to the officer recommendation, that resolution will stand without the requirement for that application to be automatically referred to the Spatial Planning Committee.
11. Officers will provide general advice and assistance to the Committee on procedural or other issues.

**Guidance to be taken into account by the Committee Chairs in considering whether a proposed member referral from the Circulated Schedule to committee should be agreed is set out in Appendix 3.**

**Sites Inspection Procedure**

1. Site visits will be conducted in an organised, professional, courteous, fair and transparent manner.
2. The Committee members, local members and Parish/Town Council will be advised at the time of an individual site inspection. Such notification will make clear the purpose of the site visit.
3. The Chair of the meeting will commence with an explanation to all those attending site visit as to how the visit will be conducted
4. The visit will follow a structured format as follows:-
  - If the Committee has referred the application for an inspection, officers will highlight those issues identified by the Committee which made the referral
  - If the Director in accordance with the Scheme of Delegation has referred the matter for inspection, the case officer will highlight the specific issues for consideration
  - The Local Member(s) and the Parish or Town Council representative will then be invited to make any comments not exceeding 3 minutes (such comments to be limited to observations and information specific to the site)
  - Members may then ask officers any questions for the purpose of clarification. There will be no debate. All questions will be directed through the Chair of the site visit
  - There will be no debate about the merits of the application and no decision will be made during the site inspection.
  - Officers will prepare an action note of the inspection and include the detail in an updated committee report.
  - No hospitality will be accepted.

## CRITERIA FOR ASSESSING MEMBER REFFERALS FROM THE CIRCULATED SCHEDULE TO COMMITTEE

### REFERRAL ASSESSMENT CRITERIA

Matters which the Chair, in consultation with the Spokes may wish to take into consideration when assessing whether to accept a referral request.

- 1. Are the reasons why it would not be appropriate to permit the proposal to be determined under the delegated arrangements clear and relevant?**

Is this application more than locally significant? If it is only locally significant, in your opinion is it sufficiently controversial or unique to warrant consideration by the committee?

- 2. Are the issues raised by the referral relevant to the policy context of the application?**

Are the issues raised by the referral identified as being significant in the officer report? How relevant are they as planning considerations in your view?

- 3. Does it appear that the issues under consideration are clear cut in policy terms or finely balanced, and would therefore benefit from consideration by the committee?**

Does it appear to you to be a clear-cut decision in policy terms? Do the policy assessment and technical officer advice point one way? Has the decision framework already been clearly set (e.g. an outline decision having already been made, or policy/design framework set), and how might the scope for a different decision be limited by this? Are the issues balanced and there would be value in the committee listening to both sides and debating the weight to be given to the issues? what additional evidence might be needed to justify the committee coming to a different conclusion?

- 4. Is there evidence of a balanced assessment of the benefits of the referral taking account of the extra costs and delay to the referral?**

### SITES INSPECTION

If a sites inspection been requested, the Chair, in consultation with the Spokes should assess whether to recommend to the Director ECS that the sites inspection takes place before the application is first debated by the committee.

- 1. Are the reasons for the sites inspection request clear and relevant to the material considerations and is the benefit clear and substantial?**

What are the specific special characteristics of the site, its surroundings or the nature of the proposals which would justify a site inspection?

**2. Could these issues be addressed without a site inspection?**

(e.g. further information in the report, additional presentational material, video etc)

**3. Should the Director ECS be requested to consider referring the application to sites inspection, ahead of consideration by the committee?**

(balancing the issues of the benefits of reducing 'double handing' and delay, against the public interest benefits of a committee debate informing any decision to undertake a site inspection)

**PROFORMA TO BE USED TO RECORD THE DECISION OF THE CHAIR**

**DECISION OF THE CHAIR TO CONFIRM IF AN APPLICATION IS TO BE REFERRED TO COMMITTEE**

REQUESTED REFERRAL		INITIALS OF CHAIR	REQUEST AGREED? Y OR N	REASON (IF NOT AGREED) 1-reasons for referral not clear 2-reasons not significant / relevant 3-desion does not appear finely balanced 4-other (state)	SITE VISIT PRIOR TO COMMITTEE RECOMMENDED?
APPLN NO.	ADDRESS				

**DEFINITIONS OF MAJOR, MINOR COMMERCIAL AND HOUSEHOLDER APPLICATIONS**

The Town and Country Planning (Development Management Procedure) (England) Order 2015, defines different planning application types as follows: -

**“Major development”** is defined as development involving any one or more of the following:-

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where:-
  - (i) the number of dwellinghouses to be provided is 10 or more; or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or (e) development carried out on a site having an area of 1 hectare or more;

**“Minor commercial application”** means:-

- (a) an application for planning permission for development of an existing building or part of a building currently in use for any of the purposes falling within Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987(a), or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development,

an application does not include a change of use, a change to the number of units in a building, or development that is not wholly at ground floor level or that would increase the gross internal area of a building,

**“Householder application”** means:-

- (a) an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or

- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development, but does not include an application for change of use or an application to change the number of dwellings in a building;

**MEMBER/OFFICER  
PROTOCOL**

# Member/Officer Protocol

## 1. INTRODUCTION

1.1 Councillors are democratically accountable and have political affiliations. Officers must serve the whole Council objectively. Together they must balance a complex range of obligations and competing interests. For this to be effective Members and officers must have mutual trust and respect for each other's requirements and duties. There must also be transparent consistency in every day working relationships.

1.2 The Council has formally adopted a Code of Conduct which sets out the minimum standards Councillors and co-opted members must observe. This Protocol operates within that framework and provides the Council's local ground rules.

1.3 Councillors, co-opted members and officers agree to observe the Code and this Protocol and to be guided by them in the interests of fair treatment and good government.

1.4 The Protocol is the Council's way of applying the following basic principles:

- **Members have a right to sufficient information and support to enable them to make informed decisions. At common law, this is referred to as "need to know".**

The need is so that they can perform their role as a Councillor. It can be limited by conflict of interest, confidentiality and practicality.

- **Officers must serve the whole Council objectively.**

They must therefore provide "unified advice" at all times. This is advice which is objective, consistent and points out all relevant factors. Different points of view between officers should be resolved or presented in a balanced way which helps Members to choose between them.

- **Political processes and different roles of Members are a legitimate part of local democracy**

Officers advice and support can be tailored accordingly. A party group is entitled to the confidentiality of officer advice on developing policies. The overall arrangements for officer advice must be transparent.

## **2. THE RELATIONSHIP: GENERAL POINTS**

- 2.1 Both Members and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council, Members, their committees and sub committees.
- 2.2 At the heart of the Code, and this Protocol, is the importance of mutual respect. Member/officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 2.3 Inappropriate relationships can be inferred from language/style. Therefore Members and officers should always seek to address each other with courtesy.
- 2.4 A Member should not raise matters relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. An officer has no means of responding to such criticism in public. If a Member feels she/he has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an officer, and fails to resolve it through direct discussion with the officer, she/he should raise the matter with the respective Head of Service. The Head of Service will then look into the facts and report back to the Member. If the Member continues to feel concern, then she/he should report the facts to the Director who heads the Directorate concerned, or if, after doing so, is still dissatisfied, should raise the issue with the Chief Executive who will look into the matter afresh. Any action taken against an officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary and Capability Procedures.
- 2.5 An officer should not raise, in public with a Member, matters relating to the conduct or capability of another officer or the internal management of a Section/Division/Directorate in a manner that is incompatible with the overall objectives of this Protocol. If such issues are raised by Members then the matter will be dealt with in accordance with the Employees' Code of Conduct and the Council's Disciplinary Rules and Procedures. Unwarranted criticism of officers by Members should be avoided, particularly when they cannot respond on equal terms such as at public Council meetings.
- 2.6 Where an officer feels that she/he has not been properly treated with respect and courtesy by a Member, she/he should raise the matter with his/her Head of Service or Director, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Head of Service or Director will take appropriate action either by approaching the individual

Member and/or Group Leader. The Director will inform the Chief Executive if the party Group Leader does become involved, or as the Director feels appropriate. If the matter cannot be resolved to the satisfaction of the employee concerned and their Director the matter will be treated as a grievance and dealt with under the Council's formal grievance and harassment procedures.

### **3. THE RELATIONSHIP: OFFICER SUPPORT TO MEMBERS: GENERAL POINTS**

- 3.1 Members are democratically accountable and have political affiliations. They have a clear role in providing leadership within the community and as Ward Councillors to represent their constituents. Officers are responsible for day-to-day managerial and operational decisions within the authority and provide services to the local community.
- 3.2 Certain statutory officers – the Chief Executive, the Monitoring Officer and the Chief Finance Officer – have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members.
- 3.3 The following key principles reflect the way in which the officer core generally relates to Members:
- all officers are employed by, and accountable to the authority as a whole;
  - support from officers is needed for all the authority's functions including Full Council, Committees Area Forums & individual Members representing their communities.
  - Members are responsible for providing leadership and direction on policy matters. Day to day managerial and operational decisions on the delivery of services should remain the responsibility of the Chief Executive and other officers.
- 3.4 On occasion, a decision may be reached which authorises named officers to take action between meetings following consultation with a Member or Members. It must be recognised that it is the officer, rather than the Member or Members, who takes the action and it is the Member who is accountable for it.
- 3.5 Finally, it must be remembered that officers within a Division or Directorate are accountable to their Head of Service and Director and that whilst officers should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Head of Service or Director.

#### **4. THE RELATIONSHIP: OFFICER SUPPORT: MEMBERS AND PARTY GROUPS**

- 4.1 It must be recognised by all officers and Members that in discharging their duties and responsibilities, officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council. However, political assistants appointed under the Local Government and Housing Act 1989 are not required to maintain political neutrality, since their role is to support the political group on whose behalf they have been engaged. Consequently such officers may be exempted from the constraints on officer neutrality set out below.
- 4.2 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- 4.3 Certain points must, however, be clearly understood by all those participating in this type of process, Members and officers alike. In particular:
- the observance of neutrality will be assisted if officers only attend party group meetings for specified business and officers withdraw from the meeting after briefing and any questions and before political discussion.
  - party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
  - similarly, where officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council relevant Committee or Sub-Committee when the matter in question is considered.
- 4.4 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers must be cautious about attending and/or giving advice to such meetings.
- 4.5 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.

- 4.6 Whilst any Member may ask a relevant Head of Service, Director or the Chief Executive for written factual information about a Directorate or service, such requests must be reasonable and not seek information relating, for instance, to case work of a confidential nature, eg Social Services, employment etc. Requests will be met subject to any overriding legal considerations (which will be determined by the Head of Legal and Democratic Services), or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Member requesting such information is dissatisfied by such a response, she/he should raise the matter in the first place with the relevant Director, and if still dissatisfied should raise the matter with the Chief Executive who will discuss the issue with the relevant Group Leader(s).
- 4.7 It must not be assumed by any party group or Member that any officer is supportive of any policy or strategy developed because of that officer's assistance in the formulation of that policy or strategy.
- 4.8 If any Member or officer experiences any particular case of difficulty or uncertainty in this area of officer advice to party groups they should raise the matter with the Chief Executive who will discuss them with the relevant Group Leaders.

## **5. SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS**

- 5.1 The only basis on which the Council can lawfully provide support services (eg stationery, typing, printing, photocopying, transport etc) to Members is to assist them in discharging their 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.

## **6. MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS**

- 6.1 Members have the ability to ask for information in accordance with their legal rights. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Head of Service or another senior officer of the Division concerned. In cases of doubt, Members should approach the Head of Legal and Democratic Services for assistance.
- 6.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 6.3 Members have a statutory rights to inspect any Council document which contains material relating to any business which is to be transacted by the Council. This right applies irrespective of whether the Member is a Member of the Committee or Sub-Committee concerned and extends not only to

reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear as a confidential (gold) item on the agenda for a meeting. The items in question are those which contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children and the vulnerable, contract and industrial relations negotiations, advice from Counsel and criminal investigations.

- 6.4 The common law rights of Members remains intact, are much broader and are based on the principle that any Member has a right to inspect Council documents so far as his/her access to the document is reasonably necessary to enable the Members properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the 'need to know' principle.
- 6.5 The exercise of this common law right depends therefore, upon an individual Member being able to demonstrate that she/he has the necessary 'need to know'. In this respect a Member has no right to 'a roving commission' to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. This question must initially be determined by the particular Head of Service whose Division holds the document in question (with advice from the Head of Legal and Democratic Services). In the event of dispute, the question falls to be determined by the Head of Legal & Democratic Services in association with the relevant Director.
- 6.6 In some circumstances (eg, a Committee Member wishing to inspect documents relating to the business of a Committee) a Member's 'need to know' will normally be presumed. In other circumstances (eg, a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms. Furthermore, there will be a range of documents which, because of their nature are either not accessible to Members.
- 6.7 Whilst the term 'Council document' is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a 'need to know' and therefore, a right to inspect, a document which forms part of the internal workings of another party group.
- 6.8 Further and more detailed advice regarding Members rights to inspect Council documents may be obtained from the Head of Legal and Democratic Services.
- 6.9 Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, ie in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

## **7. CORRESPONDENCE**

- 7.1 Correspondence between an individual Member and an officer should not normally be copied (by the officer) to any other Member without the consent of that Member. Correspondence includes both hard copy memoranda or letters and e-mail.
- 7.2 Most official letters on behalf of the Council will normally be sent in the name of the appropriate officer rather in the name of a Member, particularly when dealing with operational or service delivery matters. However it will be appropriate in certain circumstances (eg representations to Government) for correspondence to be sent in the name of Member or the Leader of Council. Letters which create legal obligations or give instructions on behalf of the Council and which are sent out in the name of a Member should always be agreed in consultation with the Chief Executive or the relevant Director, and on legal matters on advice from the Head of Legal & Democratic Services.

## **8. PUBLICITY AND PRESS RELEASES**

- 8.1 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors and rate-payers. In recent years, all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is to be welcomed.
- 8.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a code of Recommended Practice on Local Authority Publicity. The purpose of the Code is to set out such principles.

The Code affects the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government. The Code requires that all local authorities shall have regard to its provisions in coming to any decision on publicity.

- 8.3 Officers and Members of the Council will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, officers and/or Members should initially seek advice from the Corporate Communications Manager who will refer the matter to the Head of Legal and Democratic Services, if necessary/appropriate. Particular care should be paid to any publicity used by the Council around the time of an election. Particular advice will be given on this by the Head of Legal and Democratic Services as appropriate.

8.4 For the sake of clarity the Code does not apply to press releases and publicity that Members may arrange and distribute in their individual political capacity rather than through the Council. Members should not use council resources for party political purposes.

## **9. INVOLVEMENT OF WARD COUNCILLORS**

9.1 It is a fundamental principle that Ward Councillors should be consulted and provided with information on all matters to enable them to properly fulfil their role in representing their constituents. The Council's Standing Orders make specific requirements on officers to properly consult with Ward Members and in particular:

- Officers should always consider whether policy or briefing papers or other topics being discussed with another Member should be discussed with the relevant Ward Member. Officers should seek the views of the appropriate other Member as to with whom and when this might be done.
- Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should, as a matter of course, be invited to attend that meeting.
- Whenever the Council undertakes any form of consultative exercise of a local issue the Ward Member should be notified at the outset of the exercise and be offered full facilities to take part in the consultation exercise.

## **10. CONCLUSION**

10.1 Mutual understanding, openness on these sort of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and officers.

## **11. OFFICER/MEMBER PROTOCOL**

11.1 Copies of the Protocol will be issued to all Members as part of the Constitution upon election.

11.2 Questions of interpretation of this Protocol will be determined by the Head of Legal, Governance and Democratic Services.



# Media Protocol

May 2019

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## **1. Introduction**

- 1.1 The Council receives around 1,500 media enquiries every year and issues more than 500 news releases. It also organises hundreds of broadcast interviews and photo opportunities.
- 1.2 To make sure all activity is managed effectively, it is important that it is managed via a central point – the Strategic Communications team.
- 1.3 The only exceptions to this are: publicity of a political nature, which is handled by the individual political groups, and some publicity relating to schools. Academies are primarily responsible for their own communications although media support may be provided by the Strategic Communications team in times of crisis.
- 1.4 The purpose of this protocol is to clearly explain the roles and responsibilities of all officers and Members involved in dealing with the media and to outline the processes to be followed and constraints that apply.

## **2. The legal context**

- 2.1 This protocol reflects the guidance contained in the Code of Recommended Practice on Local Authority Publicity 2011 (as amended).
- 2.2 All publicity will be produced in line with the Council's equalities policies.

## **3. Our approach to media relations**

- 3.1 The media plays a key role in informing residents about what the Council does and how it spends their money. It is therefore vital that we communicate effectively with the media and carefully nurture effective relationships with journalists.
- 3.2 South Gloucestershire Council is committed to continuing to develop positive working relationships with the media as a vital channel of influence and reputation management. Wherever we can, we will take a positive approach to meeting media requests for information and interviews.
- 3.3 This approach will help us achieve the following objectives:
  - to ensure that the Council is recognised as one which is open, accountable, flexible, customer-focused, accessible and a Council which listens
  - to share and celebrate our successes
  - to help local people feel more informed about the Council's work
  - to handle negative issues clearly and decisively.

#### **4. The media**

- 4.1 Local – this sector covers stories relevant to people living and working in South Gloucestershire, or particular areas of South Gloucestershire. It includes newspapers such as the Bristol Post and the Gazette Series, as well as ultra-local publications including The Week In and The Voice. Other local media include radio stations such as BBC Radio Bristol, Heart FM and a local TV station Bristol TV.
- 4.2 Regional – this sector includes newspapers such as the Western Daily Press and the two regional television news stations – BBC (Points West) and ITV West (The West Today/Tonight).
- 4.3 National – this sector includes all national newspapers and TV stations (BBC, ITN, Channel 4, Sky and Channel 5 news) plus BBC Radio and Independent Radio News (IRN).
- 4.4 International – occasionally, local stories attract international interest and may be picked up by Sky TV and media outlets overseas.
- 4.5 Specialist – the Council generates information about a wide variety of subjects all of which have associated specialist publications. Examples of these include The Times Educational Supplement, Inside Housing, Community Care magazine, Municipal Journal and Local Government Chronicle.
- 4.6 Internet – all broadcasters and newspapers provide online news services and use our website and social media feeds as sources of information about the Council.
- 4.7 Social media – blogs, wikis, tweets and online forums are an increasingly important source of news and comment on the Council’s work.

#### **5. Identifying newsworthy items**

- 5.1 This is the responsibility of everyone working within the Council. However, the Administration, Chief Officers and Service Managers have particular responsibility for notifying the Strategic Communications team of items of interest or risk. This should be done as early as possible to enable media handling plans to be put in place.
- 5.2 Strategic Communications officers will attend, wherever possible, key meetings including Cabinet, Full Council and other relevant executive and non-executive committee meetings to identify items that may attract media interest.
- 5.3 The Strategic Communications team will offer advice about managing or promoting any communications issues and must be notified by staff of any potentially controversial policies, decisions or events well in advance.

## **6. Roles and responsibilities**

- 6.1 Strategic Communications team - coordinates and manages all corporate media relations including handling interview bids and producing news releases, statements and lines to the
- 6.2 Chief Officers - are responsible for sign-off of relevant news releases in conjunction with the Administration and ensuring that the Strategic Communications team has access to accurate information and support from staff within their departments. They will also be called upon (or asked to nominate) as media interviewees when appropriate. Chief Officers may also delegate sign-off for releases or media lines if they are content that the material covered is not controversial.
- 6.3 The Administration is responsible for signing off news releases and Member quotes relevant to the portfolio. The relevant Cabinet Member will act as media interviewee on matters of policy. Note: The term Cabinet Member includes the Leader of the Council for enquiries relating to their portfolio area.

## **7. Handling media enquiries**

- 7.1 When the protocol references consulting/liasing with the Administration, this means via the political researcher and the relevant Cabinet Member.

The Administration has the final decision on whether or not the Council offers a response to any press enquiry concerning an executive function. On a case-by-case basis, this can be discussed with the Strategic Communications team but in the event that a reply is not to be given, a reason for this will be supplied that may be used in an explanation to a journalist.

- 7.2 All responses to press enquiries, concerning an executive function, must be signed off by the Administration's political researcher – and in their absence, by the Leader of the Council – and by the relevant Cabinet Member in the case of a quote being provided on their behalf. If the relevant Cabinet Member is unavailable, the Strategic Communications team and researcher may agree to proceed with an officer/spokesperson response, particularly in cases of controversy.
- 7.3 The Strategic Communications team will coordinate all media enquiries and the Council's response. They will prioritise enquiries, arrange interviews and act as corporate spokespersons where appropriate. The Strategic Communications team will inform the Administration of media interest in high profile or controversial topics before responses are provided whenever this is practically possible without any significant impact on the issuing of a prompt response in order to manage the reputation of the Council.
- 7.4 The team will prioritise enquiries, identify appropriate spokespersons, arrange interviews and act as corporate spokespersons where appropriate. The team will always inform the Administration of media interest in high profile or controversial topics before responses are issued, provided this is practically possible without any significant impact on the issuing of a prompt response in order to manage the reputation of the Council.

- 7.5 Officers who are directly approached by the media, must not attempt to answer questions themselves. They should immediately refer the journalist to the Strategic Communications team, who will manage the response.
- 7.6 Members who are approached directly by the media, or via political researchers, should only respond in accordance with the guidance in this protocol. If they hold an office, such as a Cabinet role, they must be explicit when providing any statements to the media about the capacity in which they are speaking. Cabinet Members will be supported to provide statements reflecting the agreed position of the Council.
- 7.7 Simple, factual queries can be dealt with by the Strategic Communications team. Where enquiries are covered by pre-agreed lines, Strategic Communications officers need not seek further clearance from the Administration, Chief Officers, other senior officers or Members before responding to them. Strategic Communications officers will advise chief and senior officers and relevant Members of the Administration of media interest in issues of sensitivity, including where pre-agreed responses have been issued.
- 7.8 When seeking a response to an enquiry, Strategic Communications officers will advise other officers and Members of journalists' deadlines and strive to meet those deadlines wherever possible. Media enquiries are not the same as Freedom of Information requests and should not be treated as such. They are likely to have much shorter deadlines for response.
- 7.9 If the relevant officer or Member is unable to supply information for a response to a media enquiry within a journalist's stated deadline, the Strategic Communications team will issue statements which avoid detail, but which seek to protect the Council – for example 'The matter will be investigated'.
- 7.10 The Council will not normally comment on leaks, anonymous allegations or allegations about individual staff.
- 7.11 In all other circumstances, the phrase 'no comment' will not be used as a response to a media enquiry. The Council is open and accountable and should always explain if there is a reason why it cannot answer a specific enquiry.

## **8. Media releases**

- 8.1 Media releases are one of the key tools for publicising Council activities, decisions and achievements.
- 8.2 The Strategic Communications team will draft and issue all news releases on behalf of the Council.
- 8.3 All media releases will accurately reflect the corporate view of the Council and will be politically impartial and purely factual.
- 8.4 There is separate guidance in relation to political groups, which must be followed, in all cases, in section 11.
- 8.5 Where the Administration deems appropriate, it may request a corporate response to be formulated and issued on matters of importance to the

community, provided it complies with 8.3 and 8.6.

- 8.6 Media releases will not promote the views of specific political groups, publicise the activities of individual Members or persuade the general public to hold a particular view unless part of an agreed marketing campaign.
- 8.7 All releases concerning an executive function, must be signed off by the Administration's political researcher – and in their absence, by the Leader of the Council – and by the relevant Executive Member in the case of a quote being provided on their behalf.
- 8.8 All media releases will be published on the Council's website in the online newsroom by Strategic Communications at issue. As appropriate, they will also be promoted via the Council's social media channels.
- 8.9 Proposals for media releases should be discussed with the Strategic Communications team at the earliest opportunity. Strategic Communications officers will decide if a media release is appropriate and will prioritise as necessary taking resources into consideration. The Strategic Communications team will carry out all drafting of media releases.
- 8.10 The Strategic Communications team will liaise with the Administration to devise suitable attributable quotes to be included in corporate media releases.
- 8.11 Statements from Members other than Cabinet Members will be included when those Members are:
- undertaking duties in the role of Chair of the Council
  - commenting as the chair or South Gloucestershire representative of a partnership board or committee
  - representing an area affected by a major incident/emergency.
- 8.12 Proactive releases relating to Council decisions and services will normally include a Member quote and whenever practically possible the relevant Member will be given the opportunity to contribute a quote in consultation with the Administration. A relevant officer may be quoted if the purpose is to provide factual or technical information or if the appropriate Member is unavailable, but there will be a general presumption against officer-only media releases. The Strategic Communications team may also hold a media briefing to help journalists understand key issues or decision-making processes to which the appropriate Members will be invited to participate.
- 8.13 Approval will be sought only for the factual content of a release. Matters of style, presentation, punctuation, grammar etc are the responsibility of the Strategic Communications team.

## **9. Media interviews**

- 9.1 Any officer contacted by a journalist requesting information or an interview should immediately refer the journalist to the Strategic Communications team.
- 9.2 In the event of the Council's emergency plan being activated, Strategic Communications officers will follow the emergency media response plan.

- 9.3 As the public face of the Council, there will be a general presumption in favour of Members being put forward for media interviews.
- 9.4 Only officers and Members who are media trained will be put forward for media interviews.
- 9.5 All senior officers, Cabinet Members and the Chair of the Council are required to be media trained.
- 9.6 Potential interviewees will be agreed prior to a media release being issued, based on relevance and availability.
- 9.6.1 **Technical/factual information:** When providing information of a technical or factual nature (such as planning technicalities and benefits policies), it is appropriate for the interviewee to be an officer.
- 9.6.2 Officers should never give their opinion on specific Council policy but must keep to the corporate line and key messages. Their role is to provide expertise and factual knowledge only, in support of the Council's approved and agreed policies.
- 9.6.3 **Commenting on an issue:** Generally the Cabinet Member for that policy area will be put forward. If the Cabinet Member is not available/contactable for interview at the requested time, it may be appropriate for an officer to be delegated or another appropriate Member nominated by the relevant Cabinet Member, following the guidelines set out for officers in paragraphs 9.6.1 and 9.6.2 above. When acting in this formal capacity they will provide the Council's view, and not their personal view on an issue.
- 9.7 The Strategic Communications team will support interviewees preparing for media interviews. Support may include a verbal briefing or a written briefing note that includes background information, key lines to take and likely Q&As. The Strategic Communications team is also able to provide 'refresher' media training if required.

## **10. Media handling and Council meetings**

### **General guidance**

All Council papers, with the exception of exempt items, will be published on the Council's website and may be accessed by local and regional media.

- 10.1 Broadcast coverage of public meetings is permitted. Journalists may attend with TV and radio equipment. The Strategic Communications team will undertake all liaison with journalists.
- 10.2 Journalists are permitted to quote both officers and Members who speak at public meetings without seeking permission. They may also undertake interviews following meetings and those interviewed must make clear in what capacity they are speaking (i.e. in a private capacity, as a Member of

a political group, as the chair or as a Cabinet Member).

- 10.3 Journalists may approach officers for further information and/or interview following meetings. All such requests must be referred to Strategic Communications as described in 7.4 (above).

#### **Activity prior to meetings:**

- 10.4 Strategic Communications staff will attend, wherever possible, pre-agenda and agenda-setting meetings, to identify issues that may attract media interest, or which should be highlighted to the media prior to the meeting.
- 10.5 In addition, where possible, the Administration, Chief Officers and Service Managers should make the Strategic Communications team aware, at the earliest possible opportunity, of any potentially newsworthy items that are due to be considered.
- 10.6 When appropriate, the Strategic Communications team will issue a media release or statement, in consultation with the Administration whenever practically possible.
- 10.7 Quotes in any such releases should not express a view to a preferred outcome of a meeting or decision.
- 10.8 Information relating to Council reports will be embargoed until publication of meeting papers.
- 10.9 Petitions, motions and questions from individual Members will not be publicised by Strategic Communications.

#### **Council and Cabinet meetings**

- 10.10 The process and principles are the same for Council and Cabinet meetings.
- 10.11 Media releases confirming the decisions taken at key meetings will be issued by the Strategic Communications team as appropriate. Such releases will reflect the current position of the Council and Member quotes will not promote party political positions. Parties may issue their own media statements to clarify political positions on issues.
- 10.12 Cabinet Members will represent the agreed views/work of their portfolio to the media by being quoted in media releases and acting as the interviewee.
- 10.13 Corporate media releases and media activity will reflect the decisions made in an impartial and factual way.

#### **Call-In of Decisions**

- 10.14 The Strategic Communications team will be made aware by legal and democratic services at the time a call-in is made. The team will also be notified how and when any decision on the outcome of the call-in is made. The team should also be kept informed of the timescales of decisions subject to call-in in order to best inform the media and public.

## **Scrutiny Commission**

- 10.15 The basic process and principles are the same as for Council and Cabinet meetings.
- 10.16 The Chair of the Scrutiny Commission will represent the views/work of the scrutiny commission to the media. The post of chair has a non-political role when representing the views of the scrutiny commission.

### **11. Impartiality principle**

- 11.1 All media releases and other publicity material will be produced by the Strategic Communications team on behalf of the Council and will be impartial and non-political.
- 11.2 However, every political group has the right to issue its own media information through its own channels.
- 11.3 All news releases issued by individual groups or Members should be copied to the Strategic Communications team. These releases will be held in strict confidence and used only to inform corporate responses to media enquiries.
- 11.4 The Strategic Communications team will provide non-party political communications advice to all Members on request, but will not produce news releases for Members on individual ward or party political issues, or in advance of a decision of a properly constituted Council meeting.

### **12. Party political issues**

- 12.1 There are times when an issue becomes “party political”. In such cases an official Council response may be given in line with the corporate view of the council, and additionally as required under paragraph 18 (below) in order to correct inaccuracies, clarify facts, and establish the Council’s position on decisions which have been taken. Political groups can also comment directly as per 11.2.

### **13. Publicity in pre-election periods**

- 13.1 The rules governing publicity change when an election has been announced. In the period between the notice of an election and the election itself, all proactive publicity about candidates or other politicians is mandatorily halted. This applies to local, national and European elections.
- 13.2 During this period, Council publicity must not deal with controversial issues or report views, proposals or recommendations in a way that identifies them with individual Members or groups of Members. This is to make sure that no individual candidate or political party gains an unfair advantage by appearing in Council funded publicity.
- 13.3 In these circumstances, where a quote is required, the relevant officer may be quoted, in accordance with the guidelines in paragraph 8.3.

- 13.4 Proactive events arranged in this period must not involve Members likely to be standing for election.
- 13.5 However, the exception is during a major emergency situation. Members holding key political or civic positions will be able to comment in an emergency via the Strategic Communications team.
- 13.6 Advice on publicity during election periods is available from the Monitoring Officer as well as the Strategic Communications team.

#### **14. Schools**

- 14.1 This protocol also applies to schools staff who are employed by the Council and paragraphs 14.1 to 14.4 specifically apply to this group. Governors are encouraged to have regard to the protocol.
- 14.2 Maintained schools are encouraged to develop good relationships with their local media. They should be proactive and avoid conflict. Media releases can be issued directly by maintained schools, but should be copied to the Strategic Communications team. Alternatively, media releases can be issued on behalf of schools by the Strategic Communications team.
- 14.3 Schools should always alert the Strategic Communications team to any controversial issues at the earliest possible opportunity – preferably before journalists have picked up on the story. Information supplied in this way will be held in confidence and only used to inform future media statements or releases. The Strategic Communications team will actively support schools dealing with controversial issues and in these circumstances, will manage the media for them.
- 14.4 Media training is available to schools staff employed by the Council on request. Advice is always available by telephone during office hours. In an emergency, out of hours assistance is available through the Council's emergency procedures.
- 14.5 The Strategic Communications team may assist Academies in certain circumstances. This support may be chargeable.

## **15. Partnerships**

Where the Council is involved in issuing a media release as part of a partnership, the partnership's arrangements for who to quote must be followed. This would normally be the chair of the lead organisation. In the case of a media release being prepared on behalf of a number of partners, it may be appropriate to offer each partner an opportunity to be quoted. All partners should be given an opportunity to approve the release within a stated and realistic time-frame.

## **16. Non-Council related media activity**

16.1 Officers and Members of the Council who have contact with the media in a personal capacity or as members of non-Council related organisations must not refer to their Council posts and must make it clear to the journalist concerned that they are speaking in a personal capacity or on behalf of the non-Council related organisation. These provisions also apply to Members and officers using social media in a personal capacity.

16.2 Trade union officers who are employees of the Council and who have contact with the media in their trade union capacity must make clear that they are speaking as a union representative. If trade union officers have contact with the media in their capacity as a Council employee, then the relevant provisions of this protocol relating to Council officers will apply.

## **17. Managing negative issues**

17.1 From time to time, the Council has to respond to negative issues of interest to the media. It is important that Strategic Communications manages these situations so as to limit the potential for negative publicity.

17.2 Members, Chief Officers and Service Managers must alert the Strategic Communications team as soon as a potential negative issue that may attract media interest comes to light. They should not wait until contacted by the media.

17.3 Members, Chief Officers and Service Managers must be prepared to work with the Strategic Communications team to prepare holding statements and other materials, even if no media outlets have contacted the Council about an issue.

## **18. Correcting inaccurate reporting**

18.1 The Council will act promptly to correct significant inaccuracies or misrepresentations in media coverage. In such circumstances, the Strategic Communications team will lead discussions to determine the best course of action. This could be a conversation with the journalist concerned, a personal letter to the editor, a formal letter to the editor, or to seek legal advice.

18.2 Officers will act as the spokesperson on any factual inaccuracy and the appropriate Cabinet Member will be quoted when a comment is required.

18.3 In the case of minor inaccuracies, it will be at the discretion of the Strategic Communications team in consultation with the Administration, wherever practically possible, whether any action should be taken.

## **19. When the Council gets it wrong**

19.1 Occasionally, the Council will get something wrong and our good reputation depends on us being open and honest about such mistakes. In these circumstances, we will acknowledge our errors promptly, apologise as appropriate, and set out how we will put things right.

## **20. Leaked documents**

20.1 Many officers of the Council have access to internal documents which may be of interest to media organisations. If the unauthorised or inappropriate provision of information to the media is suspected, the Council will not normally comment on the issue.

20.2 The matter will be reported to the relevant Chief Officer for further investigation. Leaking confidential information may lead to disciplinary action.

## **21. Events**

21.1 The Council will often hold events to publicise capital investment projects and award ceremonies to highlight achievements, both of the Council and local people.

21.2 Invited attendees will be agreed in advance by event organisers in consultation with the Administration and in accordance with established protocols. Strategic Communications officers may offer advice to event organisers, but they will not issue invitations themselves.

21.3 Photographs commissioned by the Council for publicity purposes will normally feature the relevant Cabinet Member and/or Chair of the Council but local MPs and Councillors for the Ward may be invited to appear with Cabinet Members in photos and be mentioned in any associated press release.

21.4 The normal convention for Member quotes in the associated event media release applies.

## **22. Monitoring and evaluation**

22.1 The Strategic Communications team will continually monitor media coverage of the Council.

22.2 Current and archived news releases will be made available on the corporate website for Members and the public to refer to.

# Code of Corporate Governance

Approved May 2017

## **1. What is Corporate Governance?**

- 1.1 The Council has a key role in governing and leading our community. Effective local government on public confidence in elected councillors and officials. Effective systems of corporate governance underpin the credibility and confidence in public services.
- 1.2 Corporate Governance is a phrase used to describe how organisations direct and control what they do. For local authorities this includes how a council relates to the communities that it serves. Good Corporate Governance requires local authorities to carry out their functions in a way that demonstrates accountability, transparency, effectiveness, integrity and exclusivity. It also supports the business of the council is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.
- 1.3 South Gloucestershire Council is committed to being at the forefront of those local authorities that are able to demonstrate that they have the necessary Corporate Governance to excel in the public sector.
- 1.4 This Code is a public statement that sets out the way in which the Council will meet that commitment.

## **2. Why do we need a Local Code?**

- 2.1 Corporate Governance is important because it is crucial to:
- Providing high-quality public services. Nationally governance weaknesses have led to service failures and, on occasion, to tragedies. High performing organisations on the other hand, have effective governance arrangements.
  - Raising public trust. The public's trust is increased when the quality of services that they and their families experience is high, and when organisations are perceived to be open and honest in communicating their performance, and in learning from their mistakes.

2.2 The council has approved and adopted this code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government'. The Code is based upon seven Principles:

1. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
2. Ensuring openness and comprehensive stakeholder engagement.
3. Defining outcomes in terms of sustainable economic, social and environmental benefits.
4. Determining the interventions necessary to optimise the achievement of the intended outcomes
5. Developing the entity's capacity, including the capability of its leadership and the individuals within it.
6. Managing risks and performance through robust internal control and strong public financial management.
7. Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

2.3 Our Local Code of Corporate Governances sets out the means by which the Council will meet and demonstrate our commitment to good corporate governance in relations to these seven principles.

### **3. The Principles of Corporate Governance**

#### **Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.**

3.1 The Council will ensure that those charged with the governance of the Council behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisations. Chief Officers and Members will underpin their personal behaviour with ethical values and ensure this permeates all aspects of the Council's culture and operation, they will ensure a strong commitment to the rule of relevant laws and regulations. This will be achieved by:

- Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values, e.g. equalities policies
- Making and recording any declarations of interests at meetings
- Development and maintenance of both an employee and member code of conduct which sets out the expectations of the organisation
- Development and maintenance of a standards committee
- Maintenance of registers of interests, gifts and hospitality for both staff and members.
- Regular update and review of a robust Anti-fraud and corruption policy
- Effective whistleblowing procedures being in place
- A members planning code of good practice

## **Ensuring openness and comprehensive stakeholder engagement.**

3.2 The Council ensures an open culture through demonstrating, documenting and communication of the council's commitment to openness. The Council is committed to increasing public involvement in decision making and devolving power to individuals and local organisations. We will seek and respond to the views of stakeholders and the community. We will do this by:

- Forming and maintaining relationships with the leaders of other organisations
- Publishing a Forward Schedule of Key Decisions and report publishing dates that are strictly adhered to
- Having a policy on consultation and providing access to a range of consultation methods
- Using our citizens' panel, Viewpoint, to provide residents of South Gloucestershire the opportunity to give their views on council services and performance
- Encouraging and supporting the public to get involved in local review and decision making, in line with its Localism Framework
- Maintain and review an effective complaints procedure
- Member/officer protocol for communications.

## **Defining outcomes in terms of sustainable economic, social and environmental benefits**

3.3 We are committed to an ambitious strategy of achieving the best for our residents and their communities. We demonstrate this by publishing:

- Our Sustainable Community Strategy
- Our Council Plan
- An Annual Performance Report
- Our Improvement Programme

3.4 We will regularly review the Council's vision for the local community and its implications for the Council's governance arrangements.

3.5 The Council considers and balances the combined economic, social and environmental impact of policies, plans and decisions when taking decisions by:

- Defining impacts within decision reports to be provided to members
- Maintaining risk registers which will assess risks and provide mitigations associated with economic social and environmental impacts
- Undertaking consultations with residents where appropriate.

## **Determining the interventions necessary to optimise the achievement of the intended outcomes**

3.6 The Council will aim to deliver high quality services that make the best use of resources and are value for money. The Council has robust decision making mechanisms in place to ensure outcomes are optimised. The Council will do this by:

- Delivering services to meet the needs of the local community, and put in place processes to ensure that they operate effectively in practice.
- Determining local needs and targeting resources accordingly as per the Council Strategy.
- Developing effective relationships and partnerships with other public sector agencies and the private and voluntary sectors
- Responding positively to the findings and recommendations of external auditors and statutory inspectors and putting in place arrangements for the implementation of agreed actions.
- Developing a value for money strategy and an internal self-assessment to benchmark our services and test value for money.
- Considering feedback from citizens and service users when making decisions about service improvements.
- Engaging with all key stakeholders as appropriate.
- Considering and monitoring risks associated with decisions.

## **Developing the entity's capacity, including the capability of its leadership and the individuals within it**

3.7 The Council will ensure that those charged with the governance and leadership of the Council have the skills, knowledge and experience they need to perform well. The Council will do this by:

- Implementing a Member Development Strategy
- Developing leadership skills and capacity across the Council
- Developing our approach to workforce planning
- Maintaining and developing our Personal Development and Performance review systems
- Cascading regular information to Members and staff

## **Managing risks and performance through robust internal control and strong public financial management**

3.8 The Council will ensure that the decision making process includes a rigorous risk assessment including:

- Financial, legal and HR implications
- Sustainability implications
- Equalities and racial impact assessment
- Risks, mitigations and opportunities

3.9 The Council will manage risks and performance through a robust risk management and internal control framework. The Council will operate Risk Management strategy that enables the Council to manage and control risks in order to maximise quality of its service provision and uphold its reputation and achieve value for money. Assurance is provided by:

- An annual internal audit plan formulated on a risk basis taking into account materiality, inherent risk and previous audit knowledge
- Annual reviews of departmental and strategic risk registers and the risk management process
- Involving elected members in the risk management process
- Completion of an annual governance statement
- Risk assessments in decision reports to enable informed decision making
- Incorporating business continuity planning

### **Implementing good practices in transparency, reporting, and audit to deliver effective accountability**

3.10 The Council will be rigorous and transparent about how decisions are taken and reported and will have processes in place to ensure effective accountability. The Council will:

- Ensure Committees make decisions in an open and transparent way unless statutory rules say otherwise
- Record all decisions that are made by committees and officers
- Have rules and procedures which govern how decisions are made.
- Maintain an effective audit and accounts committee.
- Ensuring recommendations for corrective action made by external audit are acted upon.
- Ensuring an effective internal audit service with direct access to the Audit and Accounts Committee and Chief Officers is in place which proves assurance with regard to governance arrangements and recommendations are acted upon.
- Where appropriate welcome peer reviews and inspections

## **4. Monitoring and Review**

4.1 Good Corporate Governance requires the active participation of Members and employees across the authority. In order to ensure that our Code is effectively put into practice we will implement the following monitoring and review procedures.

4.2 The Corporate Governance Working Group is an officer working group that has responsibility for:

- Development, implementation and continuous improvement of the Council's corporate governance culture and supporting process framework

- Preparation, adoption and maintenance of an up-to-date local code of corporate governance, including arrangements for ensuring its implementation and ongoing application.
- Development, implementation and continuous improvement of the Council's risk management arrangements
- Co-ordination and review of the Council's Annual Governance Statement
- Promotion and celebration of best practice in corporate governance throughout the Council.

4.3 The Council has two Committees that have responsibilities for monitoring and reviewing the Council's Corporate Governance arrangements.

4.4 The Audit and Accounts Committee is responsible for the Council's arrangements relating to:

- Approving the Council's Accounts.
- External audit
- Internal Audit
- Risk Management
- Treasury Management
- Policies and practices that ensure compliance with statutory and other guidance

4.5 The Council has responsibility for providing an overview of the implementation of member and officer codes and protocols relating to probity and conduct.

4.6 Through these Committees the Council will ensure that these arrangements are kept under continual review by:

- The work of Internal Audit
- Reports prepared by managers with responsibility for aspects of this Code
- External Audit opinion
- Other review agencies and Inspectorates
- Opinion from the Council's Statutory Officers.

## **The Annual Governance Statement**

4.7 Each year the Council will publish an Annual Governance Statement. This will provide an overall assessment of the Council's Corporate Governance arrangements and an appraisal of the key controls in place to manage the Council's principal governance risks. The Statement will also provide details of where improvements need to be made.

4.8 The Annual Governance Statement will be approved by the Audit and Accounts Committee, for signing by the Leader of the Council and the Chief Executive.

4.9 The Statement will be published with the Council's Annual Statement of Accounts and will be audited by our External Auditors.

# **Code of Conduct for Employees**

# South Gloucestershire Council

## Code of Conduct for Employees

South Gloucestershire Council's Code of Conduct sets out the professional standards required of all employees.

The Code forms part of every employee's terms and conditions of employment and is reviewed annually by the Head of Human Resources.

Date created: June 2014

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## **Code of Conduct**

South Gloucestershire Council's Code of Conduct for Employees sets out the obligations and professional standards of conduct required of all employees.

The Code complies with employment legislation, the Council's Constitution and the Local Government Act 1972.

The public is entitled to expect the highest standards of conduct from all employees. In performing their duties, employees must act with integrity, honesty, impartiality and objectivity.

Activities carried out by employees acting as members of companies, voluntary organisations or other bodies are required to adhere to this code when acting in this capacity.

### **1. Standards**

Employees are required to:

- 1.1 provide the highest possible standard of service and provide appropriate, impartial advice.
- 1.2. to serve the whole of South Gloucestershire Council.
- 1.3. act in accordance with the obligations set out in this code, recognising the duty of all public sector employees to carry out public functions reasonably, efficiently and according to the law.
- 1.4 be courteous, efficient and impartial at all times when carrying out your work.
- 1.5. report any misconduct or poor standards including safeguarding issues using the appropriate council procedure as necessary e.g. [whistleblowing procedure](#).
- 1.6. any breach of this code, your statutory responsibilities, professional conduct, policies or procedures, may be treated as a conduct issue which could result in action or in more serious cases, dismissal for Gross Misconduct. Any disciplinary action will be taken in accordance with the [Managing Employee Procedure](#).

### **2. Equality**

- 2.1. Every employee must comply with relevant legislation, namely the Equality Act 2010 and Human Rights Act 1998, Data Protection Act 2004 and Freedom of Information Act 2000. All individuals and organisations have a right to be treated with fairness and equity and for their personal information to be managed appropriately at all times.

### **3. Political Neutrality**

- 3.1. Employees serve the whole of the council. We work with all councillors from all political groups and may be required to advise them in ways which do not compromise political neutrality.
- 3.2. Employees must not:-
  - 3.2.1. use their position for political gain either as an individual or for any political group.
  - 3.2.2. allow their own personal or political opinions to interfere with their work.
- 3.3. If you hold a politically restricted post, you must ensure you comply with the responsibilities/duties and statutory restrictions applicable to your post.
- 3.4. All employees must follow the council's policies and procedures.
- 3.5. Political Assistants appointed on a limited term contract in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 – 3.2. See [Politically Restricted Posts](#).

### **4. Disclosure of Information**

- 4.1. The council encourages a culture of openness and transparency. The law requires that certain information must be made available to councillors, auditors, government departments, service users and the public. Certain information may be confidential or sensitive and therefore not appropriate to be made public. You should make yourself aware of what information the council is open about and what it is not open about and follow the appropriate procedures when disclosing information.
- 4.2. All employees have a duty of confidentiality to the council and must act as required in accordance with 4.1 above to maintain confidentiality.
- 4.3. You must not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way.
- 4.4. All employees are under a duty to comply with the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOI). See [Information Governance](#).
- 4.5. All employees are required to undertake compulsory Data Protection training as required by the Director of Resources and Business Change as the Council's Senior Information Risk Owner (SIRO).
- 4.6. Employees should consult their manager or Departmental Complaints Representative (DCR) or Legal Services if there is any uncertainty regarding any type of information for which disclosure is sought.

## **5. Relationships with Councillors**

- 5.1. Mutual respect between employees and councillors is essential to good local government. Any personal relationship between employees and a councillor should be conducted in a professional manner at all times.
- 5.2. All relationships with councillors must be made known to your line manager e.g. where a relative or close personal friend becomes a councillor.
- 5.3. The declaration must be made using the [form](#) and submitted to:
  - Children, Adults & Health – Head of Business Support, Martin Dear
  - Environment & Community Services – Head of Operational Support, Janet Faire
  - Corporate Resources – Head of Legal, Governance & Democratic Services, John McCormack.

## **6. Commitments Outside of Work and Conflicts of Interest**

- 6.1. Some employees have conditions of service which require them to obtain the written consent of the council to take any additional employment outside of the council. All employees should be clear about their contractual obligations and should not take any additional employment, or take up any position in an organisation, which conflicts with the council's interests or their role in the council.
- 6.2. It is the employee's responsibility to raise any potential conflicts with their manager when undertaking work outside of their normal position (voluntary or paid).
- 6.3. Employees are not permitted to use any council material or information for personal gain when undertaking work (either paid or voluntary) outside of their job.

## **7. Personal and Financial Interests**

- 7.1. Councillors are subject to a local Code of Conduct which requires them to declare personal, financial and non-financial interests and to refrain from participating in any decisions which relate to those interests. Like councillors, all employees are required to undertake all of their responsibilities impartially and free from influence.
- 7.2. Employees must notify their manager and declare any financial or non-financial interests they consider could conflict with the council's interests. You can do so by completing the [form](#).
- 7.3. Where an employee's duties require them to deal with matters concerning outside organisations, bodies or individuals and where an employee is personally and/or directly or indirectly involved, e.g. they have a close personal relationship with an individual involved in one of these organisations or bodies, the employee must notify their manager of the relationship.

- 7.4. You must complete the [form](#) providing information about the nature of the relationship and provide this to your line manager who will determine in writing whether as a result of the relationship you can continue to undertake the specific work and/or place restrictions on your role.
- 7.5. Failure to disclose a relevant personal or financial interest or a failure to comply with the manager's decision following disclosure could jeopardise decisions made and could result in disciplinary action.
- 7.6. Any employee appointed or nominated by the council to serve on an external body is required to complete the [form](#) detailing the nature and capacity of their appointment, and should seek advice from the Monitoring Officer to ensure no conflicts of interest arise.

## **8. Use of Financial Resources**

- 8.1. Employees must ensure that all public funds are used in a responsible and lawful manner and in accordance with the council's financial standing orders. They should strive to ensure value for money and avoid any legal challenge to the council.
- 8.2. Any financial irregularities must be reported to the relevant Chief Officer, who must also notify the Director of Resources and Business Change.

## **9. Contracts and Contractors**

- 9.1. Relationships and awards of contracts.
  - 9.1.1. Orders and contracts must be awarded strictly in accordance with the requirements of the council's financial standing orders and procurement process. Orders and contracts must always be awarded on merit, by fair competition against other tenders and no preferential treatment should be shown to businesses run by, for example, friends, partners or relatives in the tender process or towards organisations/bodies with whom the employee is involved.
  - 9.1.2. An employee must make all appropriate declarations in accordance with Section 7 above: [Personal and financial interests](#).
- 9.2. Contractors and separation of roles during tendering.
  - 9.2.1. Employees involved in a tender process must ensure there is a separation of client and contractor roles within the council and no conflict of interests. Senior employees who have both client and contractor responsibility must ensure there is accountability and openness.
  - 9.2.2. Employees who are aware of confidential information on tenders or costs for either internal or external contractors must not disclose that information to any party or organisation.

- 9.2.3. Employees must ensure that no favour is shown to current or recent former employees, partners, close relatives or associates when awarding contracts.

## **10. Appointments, Employment and IT Matters**

- 10.1. Employees involved in the recruitment selection process must ensure appointments are made on the basis of merit.
- 10.2. Employees should not be involved in the recruitment process, decisions related to disciplinary procedures, promotion or pay adjustments where they are related to an applicant/employee, or have a close personal relationship with them.
- 10.3. Employee's must notify their line manager of any statutory illegality, that may affect their ability to carry out the duties of their post e.g. drivers who lose their driving license.
- 10.4. All employees must ensure that they comply with the IT security and use [policy](#) and [Social Media policy](#) including:-
- security requirements regarding mobile IT devices, e.g. laptops, mobile and landline phones, tablets, internet, etc.
  - not disclosing passwords.
  - not compromising the council's IT service with regard to phishing emails.
  - accessing illegal and inappropriate websites.
  - IT Security Policy.

## **11. Professional Misconduct**

- 11.1. Employees who are required as part of their employment to be members of a professional body must comply with the code of conduct and regulations of the applicable governing body.
- 11.2. Any breach of a professional code of conduct, may result in a referral to their professional body.

## **12. Court/Tribunal Proceedings**

- 12.1. All employees must adhere to the council's [time off work policy](#) with regard to attending court/tribunal proceedings that are unconnected to their role.
- 12.2. If an employee issues proceedings against the council in any capacity, the following applies:
- 12.2.1. any preparation must be done within the employees own time.
- 12.2.2. council property/equipment must not be used to prepare an employee's case.

- 12.2.3. any time off to attend any proceedings/hearing must be taken within the employees own time, using annual or flexi leave. If unpaid leave is required this must be approved by your Head of Service.

### **13. Gifts, Hospitality and Sponsorship**

- 13.1. Employees should only accept hospitality where there is a genuine need or in situations where the council should be represented. All gifts and hospitality must be authorised and recorded.
- 13.2. When receiving authorised hospitality employees should be sensitive to its timing in relation to any decisions the council may be taking which could affect those providing the hospitality.
- 13.3. Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable, where it is clear the hospitality is corporate rather than personal, where the council gives consent in advance and where the council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc, are required, employees should ensure the council meets the cost of such visits to avoid jeopardising the integrity of subsequent decisions.
- 13.4. Employees should not accept significant personal gifts from contractors, suppliers or other organisations. Small tokens e.g. pens and diaries can be retained.
- 13.5. Hospitality and/or gifts of any value offered, received or declined must be declared and recorded promptly by the recipient in the Departmental Register of Gifts and Hospitality.
- 13.6. If an external organisation is seeking to sponsor a council activity, the basic conventions concerning acceptance of gifts or hospitality apply.

### **14. Inventions, Patents and Intellectual Rights**

- 14.1. The intellectual rights and creation of an idea will become the property of the council provided that:
- 14.1.1. it has been made in the course of the employee's normal duties; or
- 14.1.2. where invention might be reasonably expected within the employee's specified duties; or
- 14.1.3. where a special obligation to further the interests of the council was in the course of the employees duties.
- 14.2. Normal duties are those described or inferred in the role profile or job descriptions, as well as any notified temporary changes to duties.

## 15. Bribery and Corruption

- 15.1. Employees must be aware that it is a serious criminal offence for them to corruptly receive or gift any gift, loan, fee, reward, or advantage for doing or not doing, anything or showing favour, or disfavour, to any person or body in their official capacity.

## 16. Public relations and talking to the media

- 16.1. The council's strategic communications team coordinate and manage all media relations including co-ordinating interviews, producing news releases, statements and lines to take.
- 16.2. If you are directly approached by a member of the media you must not attempt to answer questions yourself; instead you should immediately refer the journalist to the strategic communications team who will manage the response. More information can be found in the council's media protocol.

## Responsibilities

Manager	Ensure that they are familiar with and comply with the Code of Conduct and ensure employees comply with the Code of Conduct and deal with any non-compliance promptly and effectively
Employee	Comply with the Code of Conduct and report any non-compliance to their manager promptly
HR	Provide support and advice to managers as required. Review the Code of Conduct annually
Legal	Provide support and advice to managers as required
The Monitoring Officer	To undertake statutory duties in relation to unlawful acts or omission in accordance with section 5 of the Local Government and Housing Act 1989



## Code of Conduct for Employees

I wish to declare the following information/activities in accordance with the requirements contained in the council's Code of Conduct for Employees.

Name:	
Job Title:	
Department:	
Division:	Line Manager :
Signature:	Date:

Provide full details of your declaration(s) below. Please refer to the [Code of Conduct for Employees](#) for guidance.

Nature of Declaration	Details
Relationship with Councillors	
Outside Commitments/ Conflict of Interest	
Register of Financial and Non Financial Interests	
Register of Gifts, Hospitality and Sponsorship.(should include offered but declined).	
<b>On completion of this form it must be submitted to your departmental manager indicated below</b>	
Children, Adults & Health	Head of Business Support (Martin Dear)
Environment & Community Services	Head of Operational Support (Janet Faire)
Corporate Resources	Head of Legal, Governance & Democratic Services (John McCormack)

**Managers comments/ instructions to employee**

**Approval of Director/ Head of Service**

**Signature:**

**Print name:**

**Date:**

**Guidance for managers**

1. The declaration should be acknowledged by management in writing.
2. Where guidance has been issued to the employee, it should be confirmed in writing within 14 days of the declaration being made.
3. A copy of the approved declaration form and any associated guidance should be retained in departmental records; which should be held for each category of declaration.

**Guidance for employees**

1. Declarations should be made when they arise.
2. A copy of the approved declaration form should be retained by the employee for record purposes, in the event of a challenge at a later date.
3. You should not be involved in any negotiations or place contracts with third parties with whom you have declared an interest unless specifically instructed by your manager in writing.

# **COUNCILLOR ROLE DESCRIPTIONS**

## **COUNCILLOR ROLE DESCRIPTION**

### **WARD COUNCILLOR**

1. To represent the interests and concerns of residents in their Ward:-
  - To the Council, Committees or Officers
    - On matters under Council or Committee consideration
    - On matters that require attention
    - On matters on which the Member has been consulted.
  - To other agencies and organisations.
2. To participate in full Council meetings:
  - Raise Ward issues (eg. Via petitions, questions and motions)
  - Corporate decision-making on the Council's budget, levels of Council Tax and strategic policy framework
  - Consideration of reports of Committees
3. To participate in the work of Committees of the Council which
  - Make decisions
  - Deal with ethical standards, appointments, appeals or complaints and scrutiny
4. To participate as Ward Members in the work of Community Engagement Forums
  - Keep in touch with issues and concerns
  - Be the leader of their areas
  - Be a focus for public participation and act as an advisory / consultative role
  - Develop partnership working/liaison with other organisations on local issues
  - Provide local Member input to existing and future locality-based partnership arrangements
  - Provide feedback on service provision locally
  - Delegated local decision-making within Council policy and any other constraints
5. To participate in the work of topic forums, partnerships and outside bodies
  - Liaison / partnership working
  - Feedback
6. To participate in the work of outside bodies and school governing bodies as appointed by the Council or by a Committee of the Council.
7. To comply with the Code of Conduct.

## **COUNCILLOR ROLE DESCRIPTION**

### **SCRUTINY COMMISSION MEMBER (Including Members on informal working groups IWG)**

The Scrutiny Commission and IWG Members will:

- agree issues to be considered by the Scrutiny Commission as part of a strategic work plan
- make recommendations to the Executive
- call in decisions
- monitor in year performance and budgets, and
- conduct in-depth reviews of particular issues of relevance through the establishment of informal and focused task and finish groups. Groups will be comprised of Scrutiny Commission and other members. Task and finish groups will carry out in-depth, focused, and potentially cross cutting pieces of work, which may take 3/6 months. It is anticipated that there may be 5/6 such reviews spread across the year

### **CHAIR AND CO-CHAIR OF THE SCRUTINY COMMISSION**

1. To chair meetings
2. To lead and guide the work of the Commission in co-operation with the members of the Committee
3. To ensure that the work of the Commission is at all times conducted in a constructive and positive manner and in the best interests of the Council
4. To assist the Commission in the development and review of its work programme in conjunction with officers and group spokespersons
5. To prepare reports of the Commission in conjunction with officers and members of the committee.
6. To present reports on behalf of the Commission to the Executive or the Council

**NB:** The Chair or Co-Chair shall not be a member of the Executive or the Chair of the Council

## **COUNCILLOR ROLE DESCRIPTION**

### **CHAIR OF NON-EXECUTIVE COMMITTEE**

1. To chair and facilitate meetings
2. To lead and guide the work of the Committee
3. To ensure that the work of the Committee is at all times conducted in a constructive and positive manner and in the best interests of the Council

### **LEAD MEMBER FOR A NON-EXECUTIVE COMMITTEE**

1. To lead and co-ordinate members of the political group in relation to the work of the Committee
2. To be the principal spokesperson for their group
3. Provide effective communication between the Chair of Committee and the political group
4. Be the lead contact for their group with the relevant Chief Officer for issues under the Committee area

## **COUNCILLOR ROLE DESCRIPTION**

### **POLITICAL GROUP LEADER**

A political group leader will be appointed by each political group from within their group's membership.

#### **Terms of Reference**

1. To provide leadership and speak on behalf of the political group
2. To co-ordinate the role of the political group within the Council
3. To exercise task-related management, supervision and personal development review of the political assistant allocated by the Council to support the work of the group

#### **Contacts and Relationships**

- Other Political Group Leaders
- Committee Chairs and Lead Members
- Other Members of the Council
- The Chief Executive and Directors
- Partners and external bodies
- Politicians outside of the Council
- Voluntary and community organisations.

## **CHAIR AND VICE CHAIR OF COUNCIL**

### **1. Appointment**

Annually, the Council will elect the Chair and Vice Chair of Council

### **2. Terms of Reference**

The Chair of Council and in their absence, the Vice Chair, will have the following roles and functions:

#### **a) Ceremonial Role**

The Chair of Council:

- is the civic leader of South Gloucestershire Council
- promotes the interests and reputation of the Council and South Gloucestershire as a whole, and acts as an ambassador for both; and
- undertakes civic, community and ceremonial activities and fosters community identity and pride. Attends civic / ceremonial functions

#### **b) Responsibilities of the Chair**

- to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- to preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community;
- to promote public involvement in the Council's activities

#### **c) Vice Chair**

- The Vice Chair will give support to the Chair and carry out duties in their absence.

The Chair and Vice Chair of Council will be expected to have regard to guidance issued in relation to the fulfilment of their roles.

## **COUNCILLOR ROLE DESCRIPTION**

### **EXECUTIVE MEMBER – GENERIC DUTIES**

1. To have collective responsibility for the development and execution of council policy, the discharge of executive functions and associated decision making.
2. To have responsibility for the leadership, strategy and effectiveness of services under the Portfolio and to discharge the functions contained in the terms of reference for the Portfolio.
3. To have responsibility for policy development under the Portfolio.
4. To ensure that the work related to the Portfolio is at all times conducted in a constructive and positive manner and in the best interests of the Council.
5. To prepare reports of the Portfolio in conjunction with officers and present reports as required.
6. To act as principal spokesperson for the Portfolio, give quotes and make statements when required within the Portfolio either pro-actively or responsively. To be the lead contact for the Portfolio with the relevant Chief Officer for issues under their area and to liaise with relevant stakeholders.
7. To engage with the Scrutiny Commission as required.

### **INDIVIDUAL PORTFOLIO EXECUTIVE MEMBER RESPONSIBILITIES IN ADDITION TO DISCHARGING PORTFOLIO TERMS OF REFERENCE AND THE GENERIC DUTIES ABOVE**

#### **SPECIFIC RESPONSIBILITIES FOR THE EXECUTIVE MEMBER FOR CHILDREN AND YOUNG PEOPLE**

Section 19 of the Children Act 2004 requires every top tier local authority to designate one of its members as Lead Member for Children's Services.

The Chair of Children, Adults and Health Committee will fulfil this role and will have the following responsibilities:

- To have political responsibility for the leadership, strategy and effectiveness of local authority Children's Services as defined in Section 18 (2) of the Children Act 2004. This includes (but is not limited to) responsibility for children and young people receiving education or children's social care services in South Gloucestershire, all children looked after by the local authority and all young people from South Gloucestershire in custody (regardless of where the latter two groups are placed).
- Together with the Director of Children's Services to work closely with other local partners to improve outcomes for and wellbeing of all children and young people.

- To be a participating observer of the Local Safeguarding Children's Board.
- To ensure that the needs of the most disadvantaged and vulnerable children and young people and their families and carers are addressed.
- To provide strong strategic leadership, support and challenge to the Director of Children's Services and relevant senior officers, whilst allowing the Director to exercise day to day operational management of education and other children's services.
- To be accountable to the Leader of the Council for ensuring that the effectiveness of steps taken and capacity to improve outcomes for all children and young people, including their safeguarding, is reflected across the full range of the Council's business.
- To have regard to the United Nations Convention on the Right of the Child (UNRC) and ensure that children and young people are involved in the development and delivery of local services.

### **Contacts and Relationships**

To improve the outcomes for wellbeing of children and young people, the Executive Member will work closely with

- The Director of Children's Services;
- The Director of Public Health;
- The Leader of Council;
- The Chief Executive;
- Other Members of the Council;
- Head Teachers and School Governors of Local Authority Maintained Schools;
- Academy sponsors, trusts, governing bodies and Head Teachers;
- Local statutory partners such as health, police, probation;
- Voluntary and community organisations;
- Children and young people

### **SPECIFIC RESPONSIBILITIES FOR THE EXECUTIVE MEMBER FOR ADULTS AND HOUSING**

The Executive Member will:

Be responsible for delivery of the Council's statutory Public Health duties including:-

- The duty to improve the health of the population of South Gloucestershire and to reduce health inequalities
- The duty to ensure adequate plans are in place for dealing with health protection and other emergencies
- The duty to provide public health advice to local NHS commissioners
- Attending relevant West of England meetings on housing matters

## **SPECIFIC RESPONSIBILITIES FOR THE EXECUTIVE MEMBER FOR COMMUNITIES AND PLACE**

The Executive Member will be responsible for ensuring that the Committee discharges its statutory functions in relation to Community Safety.

## **SPECIFIC RESPONSIBILITIES FOR THE EXECUTIVE MEMBER FOR REGENERATION, ENVIRONMENT AND STRATEGIC INFRASTRUCTURE**

- Attending relevant West of England meetings on housing matters

## **SPECIFIC RESPONSIBILITIES FOR THE EXECUTIVE MEMBERS**

The relevant Executive Members will be appointed to the West of England Combined Authority Advisory Boards.

## **COUNCILLOR ROLE DESCRIPTION**

### **COUNCIL LEADER**

1. Act as the principal spokesperson and advocate for the Council and at all times promote the reputation and interests of South Gloucestershire locally and nationally.
2. Represent the Council politically at national, sub-regional and local levels on outside bodies or in partnership with other agencies.
3. Act as the lead Member for Emergency Planning, working with the Chief Executive.
4. Hold the Executive Member for Children's Services to account.
5. To be the Authority's appointed member on the West of England Combined Authority

The Leader will work closely with:

- The Executive Members and other Members of the Council when required
- The Chief Executive and Directors
- The West of England Combined Authority
- Partners and external bodies
- Politicians outside of the Council
- Voluntary and community organisation

### **DEPUTY COUNCIL LEADER**

To assist the Council Leader with budget development and policy coordination

To deputise for the Leader of Council when required

The Deputy Leader role will be discharged by one of the Cabinet Portfolio holders



## **Members' Allowances Scheme**

**Basic allowance is £12,196 - SRAs for 2020/21**

<b>Role</b>	<b>SRA Allowance</b>
Leader of Council and Cabinet Member for the Local Economy and Devolution	£23,172
Cabinet member for Children and Young People	£14,634
Cabinet member for Adults and Housing	£12,196
Cabinet member for Education, Skills and Employment	£12,196
Cabinet member for Regeneration, Environment and Strategic Infrastructure	£12,196
Cabinet member for Communities and Local Place	£12,196
Cabinet member for Public Health and Equality of Opportunity	£12,196
Cabinet member for Corporate Resources	£12,196
Chair of Health Scrutiny	£8,537
Co-Chair of Scrutiny Commission	£8,537
Chair of Regulatory Committee	£8,537
Chair of Development Management Committee	£8,537
Chair of Strategic Sites Committee	£8,537
Chair of Audit and Accounts	£3,658
Chair of Council	£6,098
Vice Chair of Council	£1,829
Lib Dem Group Leader	£8,537
Labour Group Leader	£8,537
Minority Group Lead Members on Health Scrutiny	£4,878
Minority Group Lead Members on Regulatory Committee	£4,878
Minority Group Lead Members on Development Management Committee	£4,878
Minority Group Lead Members Strategic Sites Committee	£4,878

# **Protocol for the Appointment of Honorary Aldermen and Alderwomen**

The Local Government Act 1972 gives principal councils the power to confer the title of 'Honorary Alderman' and 'Honorary Alderwoman' on persons who have, in the opinion of the Council, rendered eminent services to the Council as past members of that Council, but who are no longer members of the Council.

The Act does not specify how eminent services are defined, and this is left as a matter of local interpretation. The criteria to be used to select Honorary Aldermen and Honorary Alderwomen for appointment at South Gloucestershire Council are:

- The title of Honorary Alderman/Alderwoman can only be conferred to a past member of this Authority.
- Honorary Aldermen/Alderwomen must have served 12 yrs.in total. For the purpose of calculating 12 yrs. service terms can be aggregated provided there has not been a break of more than four years between any terms served.
- An Honorary Alderman/Alderwoman must have demonstrated an exemplary service and contribution to the Council during their time served as a Councillor.

## **APPOINTMENTS OF HONORARY ALDERMEN AND ALDERWOMEN**

Appointments of Honorary Aldermen and Alderwomen must take place at a Council meeting specially convened for the purpose. The meeting can occur on the same date of another full Council meeting. The nomination(s) will be proposed and seconded and require not less than two thirds of the members present at the meeting to vote in favour of a resolution for the nominee(s) to be appointed.

## **RIGHTS AND RESPONSIBILITIES OF HONORARY ALDERMEN AND ALDERWOMEN**

The title of Honorary Alderman/Alderwoman does not confer any special privileges or rights upon the appointee to speak or vote at Council meetings, beyond the rights and privileges already afforded to the public. Section 249 of The Local Government Act 1972 provides that:

Whilst an Honorary Alderman/Alderwoman may attend and take part in such civic ceremonies as the Council may from time to time decide, they shall not have the right:

- to attend meetings of the Council or a Committee or Sub-Committee of the Council in any capacity other than as a member of the public, or
- to receive any allowances or other payments as are payable to Councillors

No Honorary Alderman/Alderwoman shall, while serving as a Councillor, be entitled to be addressed as Honorary Alderman/Honorary Alderwoman or to attend or take part in any civic ceremonies of the Council as an Honorary Alderman/Alderwoman.

The only rights that are conferred to an Honorary Alderman/Alderwoman by virtue of their appointment is to be invited to civic functions and events by invitation of the Council. The Council will decide to which civic functions and events it is appropriate to invite Honorary Aldermen/Alderwomen.

The role of Honorary Alderman/Honorary Alderwoman is an honorary one, but to the public an Honorary Alderman/Alderwoman is perceived to be a representative of the Council. In taking up this role all Honorary Aldermen/Alderwomen must agree and adhere to the protocol laid down by this Council. There are two key elements:

- That the person becoming Alderman/Alderwoman does so in the full knowledge that they are perceived to be representative of the civic element of the Council and must act to the highest standards and in accepting the honorary title they agree to continue to act in such a way as to demonstrate and promote high ethical standards of behaviour in accordance with the Seven Principals of Public Life (The Nolan Principles) so as to ensure their behaviour does not have a detrimental impact on the Council or bring the Council in to disrepute.
- In taking this role, the Alderman/Alderwoman becomes apolitical in public when acting as or when holding themselves out as an Alderman/Alderwoman knowing that any views expressed may be interpreted as views of the Council. Aldermen/Alderwomen are not to speak on behalf of the Council or to give the impression that they are speaking on behalf of the Council.

## **REMOVAL OF TITLE OF HONORARY ALDERMAN AND ALDERWOMEN**

There may be occasions where, due to the past or future behaviour of individuals who have been appointed as Honorary Aldermen/Alderwomen, the Council may wish to remove the title from an individual in order to protect the reputation of the Council.

Removal of the title of Honorary Alderman/Alderwoman will follow the same process as appointment (proposed and seconded, and then a resolution of two thirds of those present must be passed). However a decision on the removal it may take place at any meeting of Full Council rather than a specially convened meeting.