

SPELTHORNE BOROUGH COUNCIL



CONSTITUTION

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk telephone 01784 451499

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Spelthorne Borough Council Constitution

Part 1

Summary

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CONSTITUTION OF SPELTHORNE BOROUGH COUNCIL

PART 1 – Summary and explanation

The Council's Constitution

The Constitution is the framework within which the Council operates. It is agreed at a meeting of the Borough Council and kept under review. It sets out 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.

What's in the Constitution?

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

Article 1 of the Constitution sets out the Council's key aims in preparing the Constitution. Articles 2-16 explain the rights of the public and how the key parts of the Council operate. These are:

- The Council and its Members (Article 2)
- The Public and the Council (Article 3)
- The Council (Article 4)
- The Mayor (Article 5)
- Leader of the Council (Article 6)
- The Cabinet (Article 7)
- Overview and Scrutiny (Article 8)
- Regulatory and Other Committees (Article 9)
- The Members' Code of Conduct Committee (Article 10)
- Joint Arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

How the Council operates

The Council is composed of 39 councillors elected every four years. Councillors are democratically accountable to residents of their ward. Their overriding duty 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 Members' Code of Conduct Committee trains and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. It is at Council meetings that councillors decide the Council's overall policies and set the budget each year. The Council appoints a councillor as its Leader for a four year term. The Leader appoints a Deputy Leader and a Cabinet. The Council appoints other committees to deal with issues which the Cabinet cannot undertake. The Council has agreed procedures to enable the public to take part in Council meetings by asking questions of councillors, presenting petitions and also commenting on matters being discussed by the Council before it makes decisions. The procedures are set out in Standing Orders (See Part 4).

How decisions are made

The Leader

The Leader is legally responsible for most day-to-day decisions and is appointed by Council for a four year term of office or until his/her term of office as a Councillor expires.

The Leader can delegate decisions to the Cabinet, individual Cabinet Members or members of staff.

When major decisions are to be discussed or made, these are published in the Cabinet Forward Plan insofar as they can be anticipated. Decisions generally are made at meetings (with Council staff present) and these are open to the public except where personal or confidential matters are being discussed.

The Leader has to make decisions in line with the Council's overall policies and budget. If he/she wishes to make a decision outside the budget or policy framework, this must be referred to the Council as a whole to decide.

The Cabinet

The Cabinet is made up of the Leader, Deputy Leader and between one and eight other elected councillors appointed by the Leader. Cabinet Members will normally be responsible for a portfolio of services or functions allocated to them by the Leader.

Overview and Scrutiny

There is an Overview and Scrutiny Committee which supports the work of the Leader, Cabinet and the Council as a whole. It allows members of the public to have a greater say in Council matters by considering matters of local concern. It can make reports and recommendations which advise the Leader, Cabinet and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors the

decisions of the Leader and Cabinet. It can 'call-in' a decision which has been made by the Leader or Cabinet but not yet implemented. This enables the Committee to consider whether the decision is appropriate. It may recommend that the decision is reconsidered by the decision maker. It may also be consulted on forthcoming decisions and the development of policy.

Other Committees

The Council has a number of other Committees which deal primarily with the regulatory functions which are not the responsibility of the Leader; for example: Planning Committee, Licensing Committee and Members' Code of Conduct Committee.

The Council's Staff

The Council employs people (sometimes called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between staff (officers) and members of the Council (councillors).

The Public's Rights

The Public have a number of rights in their dealings with the Council. These are set out in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, they may have additional rights. These are not covered in this Constitution. The Council welcomes participation by the public in its work. For further information on your rights as a citizen, please contact the Head of Corporate Governance.

Definitions

The headings in this Constitution are inserted for convenience only and shall not affect its construction.

A reference to a particular law is a reference to it as it is in force for the time being taking account of any amendment, extension, or re-enactment and includes any subordinate legislation for the time being in force made under it.

Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.

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Spelthorne Borough Council Constitution

Part 2

Articles of the Constitution

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Part 2 – Articles of the Constitution

Article 1 – The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of Spelthorne Borough Council.

1.3 Purpose of the Constitution

The Council's overall aim is to deliver quality, best value for money services that matter most to our residents and its approach to achieving this is based on the following values:

- Community – developing strong, thriving, cohesive communities
- Opportunity - providing equality of opportunity for all; and
- Self-Reliance – focusing on those most disadvantaged and in need
- Accountability - taking responsibility for our own actions
- Tradition - recognising the importance of our heritage, history and tradition.

The Council has tried to embody its values in this Constitution.

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the Spelthorne community and work in partnership with residents, businesses and other organisations to make Spelthorne a place where people are fully engaged and are both respected and respectful, promoting an environment that is healthy, safe, inclusive, prosperous and sustainable;
2. support and encourage the active involvement of the Spelthorne community in the decisions which affect them;
3. help councillors represent their constituents more effectively;
4. help councillors to carry out their civic duties effectively;
5. enable decisions to be taken efficiently and effectively;
6. create an effective means of holding decision-makers to public account;
7. ensure that no one will review or scrutinise a decision in which they were directly involved;
8. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;

9. provide a means of improving the delivery of services to the Spelthorne community; and
10. ensure that high standards of probity and ethics are evident in all aspects of the Council's decisions and activities.

1.4 Interpretation and Review of the Constitution

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

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

Article 2 – The Council and its Members

2.1 Composition and eligibility

- (a) **Composition.** The Council will comprise 39 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Boundary Commission for England and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of Spelthorne or those living or working here will be eligible to hold the office of councillor.

2.2 Election and terms of councillors

The regular election of councillors will be held on the first Thursday in May every four years. The term of office of councillors will start on the fourth day after they are elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all councillors

- (a) **Key roles.** All councillors will:
 - (i) participate constructively and effectively in the good governance of the Borough;
 - (ii) contribute actively to the formation, development and review of the Council's policies, priorities, plans, strategies, budget and service delivery;
 - (iii) ensure the Council in all its activities is aware of and takes into account the differing needs and views of all sections of the community in Spelthorne;
 - (iv) participate actively in supporting the interests of the community and improving the quality of life in the Borough;
 - (v) represent the interests of their ward effectively;
 - (vi) raise awareness of the Council and its activities within the community and particularly in their wards;
 - (vii) participate effectively and actively when a member of any committee, sub-committee or working group;
 - (viii) participate in appropriate training, development and learning opportunities to carry out their role;
 - (ix) participate constructively and effectively in civic duties, whether they are Council or ward events, as and when required or by invitation of the Mayor.

(b) Rights and duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council, or divulge information given in confidence to anyone other than to those councillors and/or members of staff entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules set out in Part 4 of this Constitution.

2.4 Conduct

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

2.5 Allowances

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

Article 3 – The Public and the Council

3.1 The Public's rights

The public have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules (set out in Part 4 of this Constitution):

(a) Voting and Petitions

Residents on the electoral roll for Spelthorne have the right to:

- (i) vote at local elections.
- (ii) sign a petition to request a referendum for an elected mayor form of Constitution.
- (iii) submit petitions in accordance with the Council's Petition Scheme set out on the Council's website.

(b) Information

The public have the right to:

- (i) obtain a copy of this Constitution;
- (ii) attend meetings of the Council (and its committees and sub-committees) and the Cabinet (and where key decisions are being taken by an individual Cabinet member) except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iii) find out from the Forward Plan what key decisions will be taken by the Leader, Cabinet or individual Cabinet councillor and when;
- (iv) see reports and background papers, and any records of decisions in accordance with the Council's Access to Information Rules; and
- (v) inspect the Council's Accounts and make their views known to the Council's external auditor.

(c) Participation

The public have the right to

- (i) contact their local councillor about any matters of concern to them;
- (ii) ask a question at a meeting of the Council;
- (iii) report on any meeting, which is not being held in private, by means of any medium available to them and share the results of such reporting by any communication method at their disposal without causing undue interference to the proceedings of the meeting;
- (iv) address the Council before it makes any decision on a recommendation to it from the Leader/Cabinet or a Committee

- (v) sign a petition in accordance with the Council's Petition Scheme set out on the Council's website;
- (vi) speak at meetings of the Planning Committee in accordance with the Council's protocol on public speaking at Planning Committees contained in Part 5 of the Constitution;
- (vii) speak at meetings of Licensing Sub-Committees in accordance with the rules and procedures adopted by the Council under the provisions of the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.
- (viii) subject to invitation by the Committee, a Panel or the Chairman, to contribute to investigations by the Overview and Scrutiny Committee and its Panels.

(d) Complaints

The public have the right to complain to:

- (i) the Council itself under its complaints procedure;
- (ii) the Ombudsman after using the Council's own complaints scheme; and
- (iii) the Members' Code of Conduct Committee about a breach of the Members' Code of Conduct.

3.2 Responsibilities of the Public

The public must not be violent, abusive or threatening to councillors or staff and must not wilfully harm things owned by the Council.

Article 4 – The Council

4.1 Meanings

(a) Policy Framework

The policy framework means the following plans and strategies:-

- The Council's Corporate Plan;
- Spelthorne Community Plan;
- Spelthorne Safer, Stronger Partnership [SSSP] – Partnership Plan;
- Core Strategy and Policies Development Plan Document [DPD] February 2009, Allocations DPD December 2009, Spelthorne Borough Local Plan – Saved Policies - December 2009. Design of Residential Extensions and New Residential Development SPD – April 2011, Flooding SPD – July 2012, Housing Size and Type SPD – July 2012, Parking Standards - September 2011. Housing Strategy incorporating the Housing Investment Programme;
- Statement of Licensing Policy;
- Gambling Act 2005: Statement of Principles;
- Treasury Management Strategy Statement and Annual Investment Strategy and
- Pay Policy Statement.

(b) Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax, decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure, and the setting of virement limits.

4.2 Functions of the Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution apart from changes to the Scheme of Delegation in Part 3 in relation to executive functions, which may be amended by the Leader/Cabinet and reported to Council;
- (b) making proposals and fulfilling any duties to change the Council's executive arrangements, determine whether a referendum is required and pass a resolution to make any such change; approving the Council's budget as defined in Article 4.1(b) of the Constitution and setting the Council tax;
- (c) adopting, amending, revoking or replacing any plan or strategy falling within the Council's policy framework;

- (d) subject to the urgency procedure contained in the Access to Information Procedure Rules (set out in Part 4 of this Constitution), making decisions in respect of any executive function which is not in accordance with the agreed budget and policy framework; adopting, revising or replacing the code of conduct for councillors and co-opted members;
- (e) election of the Mayor and Deputy Mayor;
- (f) appointment and removal of the Leader of the Council;
- (g) with the exception of Cabinet, appointment and dissolution of committees, approval and/or amendment of their terms of reference and size
- (h) with the exception of Cabinet, determining allocation of seats on the Council's committees and making appointments to them (a request by a Group Leader to amend the political membership of a committee may be made to the Chief Executive under Part 3(d));
- (i) appointment of representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (j) making all necessary arrangements for the discharge of non-executive functions through joint arrangements, including the establishment of joint committees, area committees or delegation to another local authority;
- (k) determining matters relating to the failure of a councillor to attend meetings for a period of six months;
- (l) approval, amendment, revocation or replacement of the Members' Allowances scheme set out at Part 6 of the Constitution and to determine the levels of all allowances payable to councillors;
- (m) those relating to local government pensions;
- (n) determination of those matters in relation to elections and electoral registration which it is required to do by legislation;
- (o) changing the name of the Council area or its wards;
- (p) conferring the title of honorary alderman or honorary freeman;
- (q) appointment and dismissal of the Chief Executive
- (r) designating members of staff as the Head of Paid Service, the Monitoring Officer and the Chief Finance (Section 151) Officer;
- (s) appointment of proper officers for particular purposes;
- (t) making, amending, revoking, re-enacting or adopting byelaws
- (u) promoting or opposing the making of local legislation or personal Bills;

- (v) exercising such local choice functions as set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than by the Leader/Cabinet and
- (w) determining all other matters which, by law, must be reserved to Council.

4.3 Council meetings

There are three types of Council meeting:

- (a) the annual meeting (at which the Mayor is elected);
- (b) ordinary meetings (on dates agreed annually); and
- (c) extraordinary meetings (to deal with urgent or special business).

and they will be conducted in accordance with the Council Standing Orders (set out in Part 4(a) of this Constitution).

4.4 Responsibility for functions

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

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Article 5 – The Mayor

5.1 Election of Mayor

The Mayor and Deputy Mayor will be elected by the Council annually from amongst the councillors.

5.2 Role and function of the Mayor

1. The Mayor will have the following responsibilities
 - a. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
 - b. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
 - c. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet or hold committee chairmanships are able to hold the Cabinet and Committee Chairmen to account;
 - d. to promote public involvement in the Council's activities;
 - e. to be the conscience of the Council;
 - f. to attend such civic and ceremonial functions as the Council and he/she determines appropriate;
 - g. to support other councillors to enable them to carry out their civic duties effectively.
2. In the absence of the Mayor, the Deputy Mayor will assume the responsibilities of the Mayor.
3. The Mayor may not be appointed a member of the Cabinet or of any committee appointed by the Council.
4. The Deputy Mayor may not be appointed as a member of the Cabinet.

Article 6 – The Leader of the Council

6.1 Role

The Leader will hold office for a four year period starting on the day of his election as Leader at the Annual Council meeting, unless his term of office as a councillor is shorter, in which case the term of office as Leader will be the same as his term of office as a councillor. The Leader's period of office will cease at an earlier date if:

- (a) he resigns from the office; or
- (b) he is suspended from being a councillor under Part III of the Local Government Act 2000 (although he may resume office at the end of the period of suspension); or
- (c) he is no longer a councillor; or
- (d) he is removed from office by resolution of the Council.

If there is a vacancy in the position of Leader, the Leader will be elected at the first meeting of the Council following such a vacancy for a term of office of four years, starting on the day of his election as Leader, unless his term of office as a councillor is shorter, in which case the term of office as Leader will be the same as his term of office as a councillor, subject to (a) to (d) above.

Where the Leader is replaced during his term of office, then the new Leader takes office for the remainder of the original term i.e. until the day of the Annual Council Meeting following the next whole Council Borough elections.

The Leader will carry out all the local authority's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution, unless otherwise delegated by him. All delegations by the Leader will be set out in Part 3 of this Constitution.

6.2 Functions of the Leader

The Monitoring Officer shall be responsible for maintaining a list, (on the Leader's behalf), in Part 3 of this Constitution, which sets out who will exercise executive functions. Executive functions can be exercised by the Leader, the Cabinet, individual Cabinet members or staff. Any changes to Part 3 of the Constitution in relation to executive functions will be notified to all councillors.

Only the Leader will exercise the following functions:

- (a) appointment of the Deputy Leader
- (b) appointment of the Cabinet
- (c) allocation of portfolio responsibilities
- (d) preparation of the Leader's Cabinet forward plan

The Leader will chair meetings of the Cabinet.

6.3 Deputy Leader

The Deputy Leader will be a councillor appointed to the position by the Leader. The Deputy Leader will hold office until the end of the term of office of the Leader, or until:

- (a) he is removed from office by decision of the Leader; or
- (b) he resigns from the office; or
- (c) he is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (d) he is no longer a councillor.

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

If, for any reason, the Leader is unable to act, or the office of the Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the remaining Cabinet members must either act collectively in the Leader's place or they must arrange for a Cabinet member to act in the place of the Leader.

6.4 Role of the Deputy Leader

- (a) The Deputy Leader will chair meetings of the Cabinet in the absence of the Leader.
- (b) The Deputy Leader will exercise all functions reserved to the Leader in his absence.

Article 7 – The Cabinet

THE ROLE OF THE CABINET

7.1 Role

The Cabinet will carry out all of the functions which are not the responsibility of any other part of the Council, as delegated by the Leader.

7.2 Form and Composition

The Cabinet will consist of the Leader and Deputy Leader together with at least one but not more than eight other councillors appointed by the Leader.

No member of the Cabinet shall be a member of the Overview and Scrutiny Committee.

7.3 Members of the Cabinet

Cabinet members will be appointed by the Leader. Their term of office will be the same as for the Leader unless;

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

In the event of a vacancy or vacancies arising within the Cabinet during the year, for any reason, a replacement Cabinet member will be appointed by the Leader and notified to the Council at its next meeting.

7.4 Proceedings of the Cabinet

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

7.5 Responsibility for functions

The Leader will maintain a list setting out which individual Cabinet members , members of staff or joint arrangements are responsible for the exercise of particular Cabinet functions (see Part 3 of this Constitution). The role expected of individual Cabinet members who are appointed to hold Cabinet responsibilities is set out in the Cabinet Procedure Rules (see Part 4 of this Constitution).

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Article 8 – Overview and Scrutiny Committee

8.1 Terms of reference

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000, regulations under section 32 of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, the Police and Justice Act 2006 and any other subsequent legislation in relation to the following matters:

- To act as the Council's Overview and Scrutiny Committee under the Local Government Act 2000; and
- To take on the responsibilities for Crime and Disorder Scrutiny under the Police and Justice Act 2006.

8.2 General role

- a) To be councillor led and discharge the function of overview and scrutiny as a critical friend in relation to the development of policies and strategies to meet local needs and in relation to service delivery and performance management;
- b) Review and / or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- c) Make reports and / or recommendations to the Council and / or the Cabinet in connection with the discharge of any of the functions;
- d) Question members of the Cabinet and / or committees and the Chief Executive, Deputy Chief Executives, or Heads of Service about their views on issues and proposals affecting Spelthorne and on their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- e) Consider any matter affecting Spelthorne or its inhabitants; and
- f) Exercise the right to call in for reconsideration, decisions made but not yet implemented by the Leader /individual member of the Cabinet / the Cabinet.

8.3 Policy review and development

- a) To assist the Council and the Cabinet on policy issues generally including the initiation and development of new policies and strategies (this includes not just the Council's policies and strategies but those of other bodies which affect the well being of the Spelthorne Community);
- b) To consider and advise the Cabinet and Council on the content of the Corporate Plan;
- c) To review, consider and recommend improvements and developments in advance of the decisions of the Cabinet in relation to policy matters;

- d) Conduct research and consultation in the analysis of policy issues and possible options;
- e) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
- f) Liaise with other external organisations operating in Spelthorne, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

8.4 Scrutiny and review

- a) To review and monitor the Council's performance management arrangements and draw attention to local residents' concerns;
- b) To review and monitor the implementation of the Corporate Plan;
- c) To review and monitor performance in meeting the Council's annual targets, national and local performance indicators, and quality of life indicators;
- d) To review and monitor how and to what effect policies and strategies are being implemented and to make reports and recommendations, including proposals for changes to policies and practices to the Council and the Cabinet (this includes not just the delivery of Council policies and strategies but those of other bodies which affect the well being of the Spelthorne community);
- e) To review and monitor performance acting as a critical friend to the Cabinet regarding the Council's budget and policy framework;
- f) To review and monitor any areas that the Committee believes is not performing, setting up task groups as required;
- g) To review and scrutinise as a critical friend the performance and decisions of the Cabinet in relation to service provision and performance management and to exercise the right of 'call in' of decision in accordance with the provisions of the Constitution;
- h) To review and scrutinise the performance of other public bodies in Spelthorne, in particular exercising the Council's scrutiny responsibilities arising under the Police and Justice Act 2006 and the 'Councillor Call for Action' provisions under the Local Government and Public Involvement in Health Act 2007 and invite reports from appropriate public bodies by requesting them to address the committee and local people about their activities and performance; and
- i) Question and gather evidence from any person (with their consent) to fulfil its purpose.

8.5 Finance

Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.

8.6 Reports

The Chairman of Overview and Scrutiny Committee will report to Council on the workings of the committee.

8.7 Work Programme

The Overview and Scrutiny Committee will decide its own work programme and working arrangements subject to any directions by the Council.

8.8 Proceedings of Overview and Scrutiny committees

The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Article 9 – Regulatory and other Committees

9.1 Regulatory and other Committees

- (i) The Council will appoint the following committees to discharge its quasi judicial and regulatory functions described in Part 3 of the Constitution:-

Planning Committee

Licensing Committee/Licensing Sub-Committees

Audit Committee

Staffing and Appeals Committee

- (ii) The Council may appoint other committees from time to time to discharge specific functions of the Council or to advise it on specific issues.
- (iii) The Audit Committee is to be independent of the Cabinet and Scrutiny Functions and in particular the Chairman should not be a member of the Cabinet. (See Standing Orders for Council as set out in Part 4 of this Constitution on membership of the committee).

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Article 10 – The Members’ Code of Conduct Committee

10.1 Appointment

The Council will appoint a Members’ Code of Conduct Committee at its Annual Meeting.

10.2 Membership

The Members’ Code of Conduct Committee will be composed of:

- eight councillors who shall be representative of all political groups and shall include only one member of Cabinet and shall not include the Mayor or the Leader; and
- two persons who are not a councillor or a member of staff (an Independent Member);

The Independent Members are advisory and will not be entitled to vote at meetings.

10.3 Chairing the Committee

The Chairman and Vice Chairman of the committee shall both be Independent Members.

10.4 Role and Functions

The Members’ Code of Conduct Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and any co-opted members (Members);
- (b) the establishment of a hearings panel (comprising three councillors and one independent member drawn from the membership of the Members’ Code of Conduct Committee) to assess and determine complaints against Members under the Code of Conduct;
- (c) to support the Monitoring Officer in exercising his delegated authority, in consultation with the Chairman of the Members’ Code of Conduct Committee, to select councillors to serve on the hearings panels above on a case by case basis;
- (d) assisting the Members to observe the Members’ Code of Conduct;
- (e) assisting the councillors in carrying out their civic duties effectively;
- (f) advising the Council on the adoption or revision of the Members’ Code of Conduct;
- (g) monitoring the operation of the Members’ Code of Conduct;

- (h) advising on training Members on matters relating to the Members' Code of Conduct;
- (i) granting dispensations to Members from the requirements relating to interests set out in the Members' Code of Conduct;
- (j) keeping an overview of and advising the Council on its Planning Code;
- (k) keeping an overview of and advising the Council on its Councillor and Staff Protocol;
- (l) keeping an overview on the operation of, and advising the Council on, any changes to its Constitution;
- (m) To appoint such independent person(s) as necessary pursuant to Section 28 Localism Act 2011;
- (n) keeping an overview on the operation of, and advising the Council on, the Staff Code of Conduct; and,
- (o) any other responsibilities which may be delegated to it by the Council.

Article 11 - Joint Arrangements

11.1 Arrangements to promote well being

In order to promote the economic, social or environmental well-being of Spelthorne, the Council or the Leader (if it is an executive function) may:

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

11.2 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities to exercise functions which are not Cabinet functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Leader may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

11.3 Appointments to a Joint Committee

- (a) The Council may appoint members to a joint committee and those members need not reflect the political composition of the Council as a whole where such joint committee was established under the Local Government Act 1972.
- (b) The Leader may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the Council as a whole where such joint committee was established other than under the Local Government Act 1972 except in circumstances where:
 - i) the joint committee has functions for only part of the area of Spelthorne; and
 - ii) that area is smaller than two-fifths of Spelthorne by area or population.

In such cases, the Leader may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area and the political balance requirements do not apply to such appointments.

Details of any joint arrangements which have been made, including any delegations to joint committees, are in the Council's scheme of delegations in Part 3 of this Constitution.

11.4 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- (c) If the joint committee contains members who are not on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.5 Delegation to and from other local authorities

- (a) The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, the Leader of another local authority.
- (b) The Leader may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council (non-executive functions) or the Leader (executive functions).

11.6 Contracting out

Provided there is no delegation of the Council's discretionary decision making:

the Council - for functions which are not Cabinet functions; or
the Leader – for Cabinet functions;

may contract out to another body or organisation, functions:-

- which may be exercised by a staff member and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994; or
- under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles.

Article 12 – Officers

12.1 Management Structure

(a) General

The Council may engage such staff as it considers necessary to carry out its functions.

(b) Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officers) Provision of professional advice to all parties in the decision making process. Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions. Representing the Council on partnership and external bodies (as required by statute or the Council) governance support, public relations.
Deputy Chief Executives (2)	Responsibility for the service areas of the Council identified in the Council's management structure.
Chief Finance Officer	Responsibility for the proper administration of the Council's financial affairs. Responsible for reporting to the Council if councillors or staff make or are about to make a decision involving unlawful expenditure, loss or deficiency, or if proposed expenditure is likely to exceed available resources.
Monitoring Officer	Standards, lawfulness, the Council's Constitution, advice and assistance.

(c) Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Head of Corporate Governance	Monitoring Officer
Deputy Chief Executive (Terry Collier)	Chief Finance Officer

Such posts will have the functions described in Article 12.2–12.4 below

(d) Deputy Monitoring Officer and Deputy Chief Finance Officer

A Deputy Monitoring Officer and Deputy Chief Finance Officer will be appointed from the Council's staff to perform the functions of the Monitoring Officer and Chief Finance Officer respectively, where the Monitoring Officer or Chief Finance Officer, as appropriate, is unable to act.

12.2 Functions of the Head of Paid Service

The Head of Paid Service will:-

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

12.3 Functions of the Monitoring Officer

The Monitoring Officer will:-

- (a) maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by councillors, staff and the public;
- (b) after consulting with the Head of Paid Service and Chief Finance Officer, report to the Council or to the Cabinet, in relation to a Cabinet function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered;
- (c) contribute to the promotion and maintenance of high standards of conduct through provision of support to the Members' Code of Conduct Committee;
- (d) conduct investigations into complaints and matters arising under the Members' Code of Conduct ;
- (e) advise whether decisions of the Cabinet are in accordance with the budget and policy framework;
- (f) provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

- (g) ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (h) The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.4 Functions of the Chief Finance Officer

The Chief Finance Officer will:-

- (a) after consulting with the Head of Paid Service and the Monitoring Officer, report to the Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully;
- (b) have responsibility for the administration of the financial affairs of the Council;
- (c) contribute to the corporate management of the Council, in particular through the provision of professional financial advice;
- (d) provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles;
- (e) provide financial information to the media, members of the public and the community.

12.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

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

12.6 Conduct

Officers will comply with the Staff Code of Conduct and the Protocol on Councillor-Staff Relations set out in Part 5 of this Constitution.

12.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

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Article 13 – Decision-Making

13.1 Responsibility for decision-making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.2 Principles of decision-making

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

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

13.3 Types of decision

(a) Decisions reserved to Council.

Decisions relating to the functions listed in Article 4.2 will be made by the Council and not delegated.

(b) Key Decisions

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 state that a key decision means an executive decision which is likely -

- (i) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

Subject to any guidance issued by the Secretary of State in relation to the meaning of 'significant', for the Council's purposes a key decision is:-

- any executive decision which results in a significant expenditure or saving of £164,000 or more; or

- any executive decision which has a significant effect on communities living or working in an area comprising two or more wards.

A decision taker may only make a key decision in accordance with the requirements of the Access to Information Rules.

13.4 Decision-making by the Council

Subject to Article 13.8, the Council meeting will follow the Council Standing Orders set out in Part 4 of this Constitution when considering any matter.

13.5 Decision-making by the Cabinet

Subject to Article 13.8, the Leader and Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.6 Decision-making by Overview and Scrutiny Committee

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

13.7 Decision-making by other Committees and Sub-Committees established by the Council

Subject to Article 13.8, other Council Committees and Sub-Committees will follow those parts of the Council Standing Orders set out in Part 4 of this Constitution as apply to them.

13.8 Decision-making by Council bodies acting as tribunals

The Council, a councillor or a member of staff, acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights and the Human Rights Act 1998.

Article 14 – Finance, Contracts and Legal Matters

14.1 Financial management

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

14.2 Contracts

Every contract made by the Council will comply with the Contract Standing Orders set out in Part 4 of this Constitution.

14.3 Legal proceedings

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

14.4 Authentication of documents

Where any document is necessary for any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive, Head of Corporate Governance or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £75,000 entered into on behalf of the Council in the course of the discharge of a Cabinet function shall be made in writing and made under the Common Seal of the Council attested by at least one member of staff.

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Corporate Governance. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Corporate Governance should be sealed. The affixing of the Common Seal will be attested by the Head of Corporate Governance, Chief Finance Officer or Chief Executive or some other person authorised by him/her or the Council.

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Article 15 – Review and Revision of the Constitution

15.1 Duty to monitor and review the constitution

The Monitoring Officer and the Members' Code of Conduct Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.2 Changes to the Constitution

- (a) Subject to (b) below, changes to the constitution will only be approved by Council after considering a report on the proposal by the Monitoring Officer and, as appropriate, any advice from the Members' Code of Conduct Committee.
- (b) The Monitoring Officer may make minor changes to the constitution to reflect new legislation or changes to officer titles under a restructure providing that when he does so, information is subsequently provided to the Council to explain the effect of those changes.
- (c) The Leader, any councillor, any Committee or the Cabinet may submit proposals for changes to this Constitution to the Council for consideration.
- (d) The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals to change from a Leader and Cabinet form of government, to any other.

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Article 16– Suspension, Interpretation and Publication of the Constitution

16.1 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The rules specified below may be suspended by the Council to the extent permitted within those rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice, unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** The following rules may be suspended in accordance with Article 16.1:
- Standing Orders for Council
 - Financial Regulations
 - Contract Standing Orders

16.2 Interpretation

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

16.3 Publication

The Head of Corporate Governance will ensure that a copy of the Constitution is available in the Members' Room, available for inspection at the Council offices and on the Council's website.

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Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the Executive arrangements:

1. Article 6 - The Leader of the Council
2. Article 7 - The Cabinet and the Cabinet Procedure Rules;
3. Article 8 - Overview and Scrutiny Committee and the Overview and Scrutiny Procedure Rules;
4. Article 11 - Joint Arrangements;
5. Article 13 - Decision Making and the Access to Information Procedure Rules;
6. Part 3 - Responsibility for Functions.

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Spelthorne Borough Council Constitution

Part 3

Responsibility for Functions

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INTRODUCTION TO THE SCHEME OF DELEGATIONS

Introduction

1. Under the Local Government and Public Involvement in Health Act 2007 the Leader may delegate executive functions to an individual Cabinet Member or to a member of staff. Similarly under section 101 of the Local Government Act 1972 the Council may delegate its non-executive functions to a committee of the Council or to a member of staff.
2. This document sets out the functions (both Leader and Council functions) which have been delegated to staff and to staff in consultation with the relevant Cabinet Members. The references to staff are to the posts as currently titled but these will equally apply to the holder of an equivalent post in the future.
3. This document deals only with the standard delegations made by the Council and the Leader and does not cover temporary delegations for a particular purpose.

General Conditions and Limitations

4. The functions, powers and duties in this scheme are delegated to staff as set out. These include the power to do anything which is calculated to facilitate, or is conducive to, the discharge of these functions.
5. All staff exercising these delegations are to act in accordance with the Council's Constitution, Contract Standing Orders, Financial Regulations and any other protocols or other arrangements approved in pursuance to them.
6. The following are not delegated to any member of staff:
 - a. Any matter reserved to Council, the Leader or Cabinet or any other Committee or a member body having decision making powers, or any matter constituting a key decision;
 - b. Any function which by law cannot be delegated to a member of staff; and
 - c. The adoption of new policy or significant variation to existing policies and any matter which is contrary to the policy framework and budget of the Council.
7. When functions are delegated to a member of staff, the Leader (in relation to an executive function), or (in relation to non executive function) the Council, relevant committee or other member body with decision making powers may specify that a particular decision shall not be exercised by a member of staff but may be reserved or referred to the Council, Cabinet or other member body as the case may be.

Part 3 section (a)

8. A member of staff may decide not to exercise any function in relation to a particular matter and invite the Council, the Leader or Cabinet, or other committee or relevant member body having decision making powers, as appropriate, to do so instead. It is open to a member of staff to consult with appropriate councillors on the exercise of delegated powers or in deciding whether or not to exercise any delegated powers where the matter is likely to be controversial or contentious.
9. A member of staff with line management responsibility for the member of staff named in the delegation may exercise the power instead of the member of staff so designated, and may direct or negate any course of action proposed. In absence of a Deputy Chief Executive with line management responsibility, the Chief Executive may exercise that power.
10. A decision delegated to a member of staff by Council or the Leader can be taken by a staff member with line management responsibility for that staff member in his absence.
11. A member of staff to whom a power, duty or function is delegated may nominate or authorise another member of staff to exercise that power, duty or function, provided that such delegation is recorded in writing.
12. Any consultation with a Cabinet Member can be, in the absence of that Cabinet Member, with the Leader or Deputy Leader. Any consultation with the Leader can be, in his absence, with the Deputy Leader.
13. A decision delegated to a member of staff in consultation with the Chairman of a Committee may be taken in consultation with the Vice-Chairman if the Chairman is absent.
14. The Head of Corporate Governance shall have the power to amend delegations to reflect re-organisations, changes in job titles and vacancies, where the changes result in redistributing existing delegations and not the creation of new ones.
15. The Head of Corporate Governance shall have the power to amend delegations to reflect changes in legislation, or references to legislation where such changes do not alter the nature of the existing delegation.
16. With respect to any reference to a delegation being exercised following consultation with any councillor, the decision is vested with the member of staff so delegated who shall be responsible and accountable for the decision. The member of staff so delegated is required to bring independent judgement to bear on the decision and the decision shall not consist of the member of staff adding an imprimatur of approval to what the councillor has decided. If the councillor consulted disagrees with the member of staff the matter should be referred to the Cabinet for agreement to exercise such delegated power.

Part 3 section (a)

17. All enquiries about this scheme of delegations should be made to the Head of Corporate Governance and all matters of interpretation will also be determined by the Head of Corporate Governance.

Interpretation

18. Any reference to a statute or statutory instrument shall be deemed to include and be construed as if it contained a reference to any subsequent statute or statutory instrument for the time being replacing, amending or extending the same or containing related provisions.
19. The expressions 'officer', 'staff' or 'employee' includes any person employed by the Council irrespective of the particular National Scheme of Conditions of Service under which they are employed.
20. The expression Chief Officer shall mean the Chief Executive, the relevant Deputy Chief Executive, the Monitoring Officer and the Chief Finance Officer.
21. The expression Head of Service shall mean the following job titles:
- Head of Corporate Governance
 - Group Head Commissioning and Transformation
 - Group Head Community Wellbeing
 - Group Head Finance and Customer Services
 - Group Head Neighbourhood Services
 - Group Head Regeneration and Growth
 - Senior Environmental Health Manager
 - Planning Development Manager
 - Strategic Planning Manager

Urgent Action

22. In order to enable urgent action to be made, the Chief Executive has delegated power to take any decision which is not a key decision and which is so urgent that it cannot wait until the next scheduled meeting of the Cabinet and where the decision is not in contravention of established policies and does not fall within the authority of any individual member of the Cabinet to take.
23. In following this procedure the Chief Executive is required to consult with the Leader of the Council in relation to a Cabinet function.

General Delegations to Chief Officers

24. Subject to all specific delegations contained in this scheme, to take action on behalf of the Council where the proposed action conforms to any policy, strategy or development plan approved by the Council, the Cabinet or one of its committees and there is a budget provision.

Part 3 section (a)

25. To delegate further, in writing, all or any of their delegated functions to other members of staff to exercise in their own name.
26. To advise on policy development and formulation.

Emergencies

27. The Chief Executive and all Chief Officers have power to take all necessary actions including incurring expenditure with regards to any emergency involving serious danger to life, property and public welfare. Any action taken under this provision shall be reported as soon as practicable to the Cabinet or Council as appropriate. If necessary and where legally possible Contract Standing Orders and Financial Regulations shall be suspended during such emergencies. All expenditure incurred should be reported to the Chief Finance Officer who will report such expenditure to Cabinet where necessary under Financial Regulations.

TERMS OF REFERENCE

CABINET

(9 Members)

The role of the Leader is to carry out all functions, which are not the responsibility of any other part of the Council, whether the Council itself or any Committee appointed by the Council, either by virtue of the law or the terms of the Council's Constitution. In doing so the Leader has to appoint a Cabinet.

The Leader decides to what extent the Cabinet will lead in the preparation of the Council's budget and policy framework, submitting proposals on them to the Council and taking decisions within the budget and framework agreed by the Council. The Leader will allocate portfolios of responsibility for Cabinet Members.

In exercising their powers and functions the Leader and Cabinet are authorised to incur supplementary expenditure not exceeding 5% of the net revenue budget and £20,000 or 5% whichever is the greater, on any scheme within the approved capital budget for the year without reference back to the Council.

The Cabinet/Leader has the following local choice functions:

Function	Decision making body	Delegation of functions
1. Any function under a Local Act other than a function specified or referred to in regulation 2 or schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Cabinet/ Leader	Some specific functions under the Staines Town Hall and Market Act 1872, Staines Metropolitan Act and Surrey Act have been delegated to officers – see Officer delegation scheme
2. Any function relating to contaminated land.	Cabinet/ Leader	Some specific functions under the Environmental Protection Act 1990 Part IIA have been delegated to officers – see Officer delegation scheme
3. The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet/ Leader	Most functions under pollution prevention and Control Act 1999, Environment Act 1995 Part IV, Environmental protection Act 1990 Part I and Clean Air Act 1993 have been delegated to officers – see Officer delegation scheme

Function	Decision making body	Delegation of functions
4. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Cabinet/ Leader	The functions under s16 of the Local Government (Miscellaneous Provisions) Act 1976 have been delegated to officers – see Officer delegation scheme
5. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Cabinet/ Leader	The functions under s113 of the Local Government Act 1972 have been delegated to an officer – see Officer delegation scheme
<p>6. The appointment of any individual:</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than;</p> <p style="padding-left: 40px;">i. the authority;</p> <p style="padding-left: 40px;">ii. a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body,</p> <p>and the revocation of any such appointment.</p>	Cabinet/ Leader except in the case of charitable organisations, the SW Middlesex Crematorium Board and Surrey Police and Crime Panel.	

OVERVIEW AND SCRUTINY COMMITTEE

(15 members)

1. GENERAL ROLE

- (a) To be councillor led and discharge the function of overview and scrutiny as a critical friend in relation to the development of policies and strategies to meet local needs and in relation to service delivery and performance management;
- (b) Review and / or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions
- (c) Make reports and / or recommendations to the Council and / or the Cabinet in connection with the discharge of any of the functions;
- (d) Question members of the Cabinet and / or committees and the Chief Executive, Deputy Chief Executives or Heads of Service about their views on issues and proposals affecting Spelthorne and on their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (e) Consider any matter affecting Spelthorne or its inhabitants; and
- (f) Exercise the right to call in for reconsideration, decisions made but not yet implemented by the Cabinet.

2. POLICY REVIEW AND DEVELOPMENT

- (a) To assist the Council and the Cabinet on policy issues generally including the initiation and development of new policies and strategies (this includes not just the Council's policies and strategies but those of other bodies which affect the well being of the Spelthorne community);
- (b) To consider and advise the Cabinet and Council on the content of the Corporate Plan;
- (c) To review, consider and recommend improvements and developments in advance of the decisions of the Cabinet in relation to policy matters;
- (d) Conduct research, and consultation in the analysis of policy issues and possible options;
- (e) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
- (f) Liaise with other external organisations operating in Spelthorne, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

3. SCRUTINY AND REVIEW

- (a) To review and monitor the Council's performance management arrangements and draw attention to local residents concerns;

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- (b) To review and monitor the implementation of the Corporate Plan;
- (c) To review and monitor performance in meeting the Council's annual targets;
- (d) To review and monitor how and to what effect policies and strategies are being implemented and to make reports and recommendations, including proposals for changes to policies and practices to the Council and the Cabinet (this includes not just the delivery of Council policies and strategies but those of other bodies which affect the well being of the Spelthorne community);
- (e) To review and monitor performance acting as a critical friend to the Cabinet regarding the Council's budget and policy framework;
- (f) To review and monitor any areas that the Committee believes is not performing setting up task groups as required;
- (g) To review and scrutinise as a critical friend the performance and decisions of the Cabinet in relation to service provision and performance management and to exercise the right of 'call in' of decision in accordance with the provisions of the Constitution;
- (h) To review and scrutinise the performance of other public bodies in Spelthorne, in particular they will exercise the Council's scrutiny responsibilities arising under the Police and Justice Act 2006 and the 'Councillor Call for Action' provisions under the Local Government and Public Involvement in Health Act 2007 and invite reports from appropriate public bodies by requesting them to address the committee and local people about their activities and performance; and
- (i) Question and gather evidence from any person (with their consent) to fulfil its purpose.

POLICE AND CRIME COMMISSIONER'S PANEL

The Panel is a joint committee, made up of both appointed and co-opted members. All county, district and borough councillors are eligible to be Panel members.

In Surrey, there are 12 appointed members equating to the 12 councils. One councillor from Spelthorne Borough Council (appointed annually by Council) is a member of the Panel. In addition, there must be at least 2 co-opted members on the Panel (co-opted by the Panel itself, not the constituent councils) but the size of the Panel must not exceed 20 members in total. Surrey County Council is the lead authority administering the work of the Panel.

The Panel is established as an Overview and Scrutiny body and therefore has the legal powers to:

- Require any papers in the Police and Crime Commissioner's (PCC) possession (except those that are operationally sensitive).
- Require the PCC (and his staff) to attend the Panel to answer questions.
- Request the Chief Constable attends to answer questions where the PCC has been required to appear before the Panel.
- Make reports and recommendations on any action or decision of the Commissioner.

The Police Reform and Social Responsibility Act 2011 details the functions that the Panel exercises as follows:

- Review the draft police and crime plan, or draft variation, given to the Panel by the PCC and make a report or recommendations on the draft plan or variation to the PCC.
- Review the PCC's annual report and make a report or recommendations on the report to the PCC.
- Review or scrutinise decisions made or other action taken by the PCC in connection with the discharge of the PCC's functions.
- Publish any report and recommendations made to the PCC.
- Review certain senior appointments made by the PCC.
- Review Chief Constable appointments, with the power to veto the appointment with a two-thirds majority.
- Review and report on the PCC's proposals to remove a Chief Constable.
- Review the PCC's level of precept, with the power to veto the proposed precept with a two-thirds majority.
- Suspend the PCC if he or she is charged with certain criminal offences.
- Appoint an acting PCC if necessary.
- Initial handling and informal resolution of complaints about the conduct of the PCC or his Deputy.

REGULATORY COMMITTEES

AUDIT COMMITTEE

(7 members)

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

- To approve (but not direct) the internal audit's strategy plan and performance.
- To review summary internal audit reports and the main issues arising and to seek assurance that action has been taken where necessary.
- To consider the reports of external audit and inspection agencies.
- To consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements.
- Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- To be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and to take actions required to improve it.
- 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 review the financial statements, external auditors' opinion and reports to councillors, and monitor management action in response to the issues raised by external audit.

LICENSING COMMITTEE

(15 members)

1. Subject to staff delegations, In relation to the Licensing Act 2003:
 - a. The determination of an application for a premises licence where relevant representations have been made and not withdrawn;
 - b. The determination of an application for a club premises certificate where relevant representations have been made and not withdrawn;
 - c. The determination of an application for a provisional statement where relevant representations have been made and not withdrawn;
 - d. The determination of an application for variation of a premises licence/club premises certificates where relevant representations have been made and not withdrawn;
 - e. The determination of an application to vary the designated premises supervisor following objections from a Responsible Authority;
 - f. The determination of an application for the transfer of a premises licence following objections from a Responsible Authority;
 - g. Consideration of an objection from a Responsible Authority made to an interim authority notice;
 - h. The decision to give counter notice following objections from a Responsible Authority to a temporary event order;
 - i. The determination of an application for the grant of a personal licence following objections from the Responsible Authority;
 - j. The determination of an application for a review of a premises licence.

2. In relation to the Gambling Act 2005:
 - a. The determination of an application for a licence where relevant representations have been made and not withdrawn;
 - b. The determination of an application for a variation of a licence where relevant representations have been made and not withdrawn;
 - c. The determination of an application for the transfer of a licence where relevant representations have been received from the Gambling Commission;
 - d. The determination of an application for a provisional statement where relevant representations have been received and not withdrawn;
 - e. The determination of an application for a review of a licence;
 - f. The determination of an application for club gaming / club machine permits where objections have been made and not withdrawn;

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g. The cancellation of club gaming / club machine permits where relevant representations have been received and not withdrawn;

h.

The decision to give a counter notice to a temporary use notice.

3. In relation to Part II Schedule 3 of the Local Government (Miscellaneous Provision) Act 1982:

a. To grant or refuse applications for the grant, renewal or transfer of licences for sex establishments;

b. To grant or refuse applications for variations;

c. To attach such terms, conditions and restrictions to licences as is seen necessary and appropriate;

d. To revoke licences

In relation to the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 to revoke, refuse, to grant or renew, hackney carriage and private hire drivers and operators licences in circumstances where staff consider it appropriate to refer the matter to the Sub-Committee.

In respect of local choice functions:

Function	Decision making body	Delegation of functions
1. The service of an abatement notice in respect of a statutory nuisance.	Licensing Committee	The functions under s80(1) of the Environmental Protection Act 1990 have been delegated to officers – see Officer delegation scheme
2. The passing of a resolution that the schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Licensing Committee	
3. The inspection of the authority's area to detect any statutory nuisance.	Licensing Committee	The functions under s80 and s80A of the Environmental Protection Act 1990 have been delegated to officers – see Officer delegation scheme
4. The investigation of any complaint as to the existence of a statutory nuisance.	Licensing Committee	The functions under s80 and s80A of the Environmental Protection Act 1990 have been delegated to officers – see Officer delegation scheme

All members of the Licensing Committee may serve on a Sub-Committee and delegated authority is given to the Monitoring Officer, in consultation with the Chairman of the Licensing Committee, to select members to serve on a Sub-Committee on a case by case basis.

PLANNING COMMITTEE

(15 Members)

Subject to staff delegations, any applications for planning permission under Part III of the Town and Country Planning Act 1990 to which any of the following below apply AND subject to no decisions being issued within 21 days of the application's appearance on the Publicity Schedule;

- 1 Where councillor representations are received in writing within the specified "call in" period within the approved scheme.
- 2 Where the Head of Planning and Housing Strategy decides, after consultation with the Chairman of the Planning Committee, that an application should be submitted to the Planning Committee on planning grounds, or where there is significant public concern or where it is very contentious.
- 3 Where the application is submitted by the Council or by the Council with another person (individual or corporate).
- 4 Where the application is submitted by an officer of the Council (which shall also include applications for lawful development under Part VI of the 1990 Act).
- 5 Where an application is submitted by a councillor (which shall also include applications for lawful development under Part VI of the 1990 Act).
- 6 Approval of over **5 (five)** net additional residential units whether by change of use or new build (minor application).
- 7 Approval of over 1,000m² net additional floor space by new build (major application) or over 2500m² net additional floorspace by change of use
- 8 Recommendation of no objection for over 1,000m² net additional floor space or 2500m² net additional land area in connection with Surrey County Council minerals and waste applications (gravel extraction/restoration).
- 9 Recommendation of no objection for extension of time limits for Surrey County Council minerals and waste applications where the net additional land area is over 2500m².
- 10 The confirmation of Tree Preservation Orders (TPO's)
- 11 Planning enforcement action which relates to potential loss of a home (Human Rights Act)
- 12 Powers under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as revised or amended)
- 13 For the local listing of any building

In respect of local choice functions:

Function	Decision making body	Delegation of functions
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Planning Committee	The functions under s330 of the Town and Country Planning Act 1990 have been delegated to officers – see Officer delegation scheme

MEMBERS' CODE OF CONDUCT COMMITTEE

(8 Councillors + 2 Independent Members)

Promoting the maintenance of high standards of conduct by councillors and any co-opted members of the Council.

In addition to the broad functions of the Committee set out in Article 10 it is also delegated to undertake the following work on behalf of the Council:

- to keep an overview on the arrangements for dealing with complaints under the code of conduct, making alterations and publishing them where it considers necessary;
- to devise such further protocols and procedures as are necessary for the efficient management of complaints which have to be considered by a hearings panel;
- to consult with the Independent Person on any matters which have broad implications for the promotion of high standards by the Council;
- to make recommendations to Council on standing orders for the registration and declaration of Disclosable Pecuniary Interests and other interests; and,
- to make recommendations to Council on any revisions to the Members' Code of Conduct and the registration of interests.

Hearings Panels of the Members' Code of Conduct Committee (established under the Council's published arrangements for dealing with complaints) may:

- require the Member to apologise either privately or in public;
- require the Member to attend training;
- censure the Member;
- send a report to Council to censure the Member;
- require the Monitoring Officer to publish a report in the newspaper or on the Council's website about the councillor's conduct;
- withdraw privileges provided by the Council such as computer equipment, internet or email access;
- recommend to the councillor's group leader that the councillor be removed from a Committee, a Cabinet responsibility or an outside body (as appropriate);or,
- a combination of any of the above.

STAFFING AND APPEALS COMMITTEE

MEMBERSHIP

A panel of five councillors. All councillors form a panel and are eligible to serve on the Committee with membership selected by the group leaders on a proportional basis as and when the Committee is required to sit. The members chosen to serve on this Committee may not also sit on the Investigating and Disciplinary Committee in respect of the same matter.

RESPONSIBILITIES

1. To decide all appeals made by employees of the Council against dismissal, suspension or other disciplinary action, relegation, grading or their rights under the National Provincial or Local Schemes of Conditions of Service in accordance with agreed local procedures and the relevant Scheme of Conditions of Service.
2. To hear appeals against action taken short of dismissal in relation to the Council's chief officers in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and conduct any further investigation it considers necessary to reach a decision either to confirm the action or to award no sanction or a lesser sanction.
3. To deal with all other employment matters which are not delegated to the Head of Paid Service and which are non- executive matters under the Local Authorities (Functions and responsibilities) (England) Regulations 2000
4. As a local choice function to determine an appeal against any decision made by an on behalf of the Council (except those made by the regulatory committees.

INVESTIGATING AND DISCIPLINARY COMMITTEE

MEMBERSHIP

A panel of five councillors, one of whom will be a member of the Cabinet. All councillors form a panel and are eligible to serve on the Committee with membership selected by the group leaders on a proportional basis as and when the Committee is required to sit. The members chosen to serve on this Committee may not also sit on the Staffing and Appeals Committee in respect of the same matter.

RESPONSIBILITIES

1. To conduct an initial assessment of the allegations against the Chief Executive or other issues under investigation.
2. To consider whether it is appropriate to suspend the Chief Executive if an allegation is such that if proven it would amount to gross misconduct or if the continuing presence at work of the Chief Executive might compromise the investigation or impair the efficient exercise of the council's functions.
3. The Chairman of the IDC may suspend the Chief Executive immediately in an emergency if an exceptional situation arises whereby allegations of misconduct by the Chief Executive are such that his / her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority.
4. To agree or authorise any protocols which are necessary to manage the suspension of the Chief Executive and the investigation.
5. To review the suspension of the Chief Executive after a period of two months has elapsed.
6. To decide whether to appoint an Independent Investigator to undertake a more detailed investigation of an allegation against the Chief Executive or other issues under investigation.
7. To appoint an Independent Investigator selected from the list maintained by the National Joint Secretaries, providing the necessary facilities, paying the remuneration and providing all available information about the allegations.
8. To consider the report of the Independent Investigator, and also give the Chief Executive the opportunity to state his / her case and to question witnesses, where relevant, before making a decision.

INDEPENDENT PANEL

MEMBERSHIP

A panel shall comprise of independent persons (at least two in number) who have been appointed by the council, or by another council, for the purposes of the council members' conduct regime under section 28(7) of the Localism Act 2011.

Invitations for membership of the Panel shall be issued in accordance with the following priority order, as and when the Panel is required to sit:

- (a) an independent person who has been appointed by the council and who is a local government elector in the authority's area
- (b) any other independent person who has been appointed by the council and
- (c) an independent person who has been appointed by another council or councils

RESPONSIBILITIES

1. In a case where the Investigating and Disciplinary Committee (IDC) is proposing dismissal of the Chief Executive:
 - to receive any oral representations from the Chief Executive
 - to invite any response on behalf of the IDC to the points made
 - to review the decision and prepare a report for Council offering any advice, views or recommendations it may have to the council on the proposal for dismissal

Appropriate training should be provided for Independent Panel members.

Members of an Independent Panel may claim out of pocket expenses in relation to their work on the Panel.

ASSETS OF COMMUNITY VALUE MEMBER PANEL

MEMBERSHIP

A panel of 5 councillors, one taking the position of the chairman.

All councillors, with the exception of Cabinet members or ward councillors where the asset concerned is within their ward, form a panel and are eligible to serve on the Committee with membership selected by the group leaders on a proportional basis as and when the Committee is required to sit.

RESPONSIBILITIES

The remit and terms of reference of this Panel are as follows: -

- (a) To assess and make recommendations to the Leader in respect of nominations made to the Council under the scheme.
- (b) To assess and make recommendations to the Leader for how to deal with compensation payments claimed under the scheme following the receipt of appropriate valuation advice.

THE MEMBERS DEVELOPMENT STEERING GROUP

MEMBERSHIP

(7 Members)

RESPONSIBILITIES

1. The Terms of Reference of the Steering Group:

- (a) To Lead on member development activities/needs and on-going arrangements for member development with the assistance of the officer support team;
- (b) To review and Monitor the Council's Member Development Policy Statement and Development Framework and make recommendations to the Cabinet;
- (c) To prepare and submit an annual training programme to the Cabinet having taken account of the outcome of the annual member development survey and reviewing events held;
- (d) To recommend to the Cabinet the budget provision required for members development;
- (e) To champion member development at Spelthorne;
- (f) To analyse Member Development needs at a corporate and individual level in the context of the Council's Plan for the future; and
- (g) To help 'sell' development opportunities to councillors.

2. The key roles of the Chairman and Vice-Chairman with the support of the other members of the Group will be:

- (a) To generally promote member development opportunities and raise awareness of the Member Development Policy Statement;
- (b) To ensure all members return completed survey forms on member development including nil returns;
- (c) To be involved in contacting a sample of members who have attended training events six months on to judge impact in terms of their role as a councillor and report back to the group;
- (d) To work with the officer support team to agree member development events with other neighbouring authorities; and
- (e) To promote awareness of the member learning library.

3. The Member Development Action Plan covers the following areas:

- **Commitment to Member Development** - the top political and management leadership commitment to the development of elected members and the Policy Statement
- **Member Led Strategy - Strategic Approach** - supports the Member Led strategy and the process for identification of needs of members at both individual and council wide level
- **Learning and Development is Effective in Building Capacity**
- **Work / Life Balance and Citizenship**

4. The Member Development Policy Statement is attached

SPELTHORNE BOROUGH COUNCIL MEMBER DEVELOPMENT POLICY STATEMENT

Spelthorne is committed to training, development and learning for all of its members.

1. COMMITMENT

The Council:-

- (a) accepts the need to provide appropriate training development and learning opportunities for elected Members;
- (b) fully accepts its responsibility to make resources available to provide training, development and lifelong learning opportunities to maximise the potential of its Members. It acknowledges that the enterprise, initiative and creativity of Members is crucial to the future development and success of Spelthorne's services;
- (c) recognises that continuing investment and commitment to training, development and lifelong learning are vital to Spelthorne if quality services are to be provided, maintained and continually improved and for the recruitment and retention of high calibre members;
- (d) requires Members to ensure that the training and development needs are identified to enable the appropriate investment of the Authority's resources in the training and development of all Members; and
- (e) recognises its responsibility to provide equal access for all Members to training and development in accordance with equal opportunities legislation and existing policies.

2. OBJECTIVES

2.1. Members training and development requirements are those necessary to:

- enable individual Members to carry out their role efficiently and effectively and gain satisfaction from their work as Members
- keep Members up-to-date on new legislation and changing policies
- undertake specific duties and responsibilities
- assist with the implementation of corporate and service strategies
- ensure progression in their role as Members
- prepare for further roles and responsibilities

2.2. The identification of the training development and learning needs of individuals and groups of Members is vital to the success of any training development and learning strategy evolving from this policy.

2.3. All training development and learning activities provided for Members will be consistent with, and support, the Council's Corporate Plan, various strategies and

service policies. The implications for training development and learning will be recognised in and by future strategic plans and policies.

3. IMPLEMENTING THE POLICY - IDENTIFYING PRIORITIES

3.1. The Council recognises that employee and Member training and development needs must have equal importance if the Council is to continue to be successful in achieving its business objectives. Nevertheless, certain needs should be prioritised to form part of a Training, Development and Lifelong Learning Strategy. The following are identified as the 'first steps' for Members:

- (a) induction training that ensures new Members are provided with the necessary information and awareness of Spelthorne's required standards and internal and external workings and relationships;
- (b) training, development and lifelong learning related to continual improvement in the quality and delivery of services and the achievement of identified business objectives;
- (c) skills training in areas that:-
 - enables Members to carry out their roles and responsibility more effectively;
 - enables Members to carry out their civic duties effectively;
 - the Council has identified within the Corporate Plan and/or Annual Targets;
 - the Council has statutory obligations;
 - are essential to the maintenance and improvement of service standards;
 - are necessary to maintain/increase income;
 - prevent inefficiency or waste;
 - meet changes in legislation
- (d) communication skills and training to ensure Spelthorne communicates effectively both internally and with the community and business it serves;
- (e) Customer care skills and training to ensure Spelthorne treats customers (internal and external) in a courteous and equitable way;
- (f) training and education in the current and future use of new technology;
- (g) appropriate health and safety training;
- (h) equalities and diversity training to ensure social inclusion.

4. RESOURCES

4.1. The Council will provide a budget for Members training, development and learning that enables it to achieve its business objectives subject to finances and resources being available. In particular, the Council will take into account the following factors:-

- (a) the identified training, development and learning needs of Members;

- (b) training, development and learning needs that are essential to improve and progress the agreed policies and strategies of the Council;
- (c) the costs of training, development and learning from such areas as course fees, hire of external training providers, hire of facilities, training materials and travelling and subsistence

4.2. The Member Development Steering Group has been set up:

- To lead on Member development activities/needs and ongoing arrangements for Member development with the assistance of the Officer support team
- To review and monitor the Council's Member Development Policy Statement and Development Framework and make recommendations to the Cabinet
- To prepare and submit an annual training programme to the Cabinet having taken account of the outcome of the annual Member development survey and a review of events held
- To recommend to the Cabinet the budget provision required for Member development each year
- To champion Member development at Spelthorne
- To analyse Member Development needs at a corporate and individual level in the context of the Council's plan for the future
- To help 'sell' development opportunities to Members

4.3. The Steering Group reports directly to the Cabinet.

4.4. The development, coordination and responsibility for the analysis and provision of appropriate Member training and development activities will be carried out by the relevant Assistant Chief Executive (responsible for People and Partnerships) and Head of Human Resources in consultation with the Member Development Steering Group. Administrative support to the Steering Group is provided by Committee Services.

NB:

1. Learning is defined as the continuous development of an individual's potential.
2. Underpinning this policy, is Spelthorne's commitment to:

The principles of the Investors in People Standard by

- (a) making a public commitment to develop all employees and Members to achieve its business objectives;
- (b) reviewing regularly the training and development needs of all employees and Members;
- (c) taking action to train and develop employees on recruitment and throughout their employment or in the case of Members upon being elected and throughout their life as a Member at Spelthorne
- (d) evaluating the investment in training, development and learning to assess achievement and improve future effectiveness.

3. The principles of the South East [SE] Charter for Elected Member Development

- (a) Being fully committed to developing our elected Members in order to achieve the Council's aims and objectives.
- (b) Adopting a Member led strategic approach to elected Member development.
- (c) Having a Member learning and development plan in place that clearly identifies the difference development activities will make.
- (d) Seeing that learning and development is effective in building capacity.
- (e) Addressing wider development matters to promote work-life balance and citizenship.

**DELEGATED RESPONSIBILITIES IN CONSULTATION WITH THE
CABINET MEMBER/THE LEADER OF THE COUNCIL**

FUNCTION	OFFICER IN CONSULTATION WITH THE CABINET MEMBER/LEADER
PH1 To approve freehold or leasehold disposals or acquisitions of land or interests in land not exceeding an estimated value of £100,000 per transaction.	Chief Finance Officer in consultation with the Cabinet Member with responsibility for Asset Management
PH2 To authorise the transfer of expenditure from one financial year to another.	Chief Executive, after consultation with the Chief Finance Officer and the appropriate Cabinet Member
PH3 To approve grants not exceeding £3000 from the Good Causes Fund.	Chief Finance Officer in consultation with the appropriate Cabinet Member and the Ward Councillors.
PH4 The acquisition of options to purchase suitable housing development sites using the existing Feasibilities budget.	The relevant Deputy Chief Executive or Chief Finance Officer, after consultation with the appropriate Cabinet Member.
PH5 The allocation of names of new streets.	The relevant Deputy Chief Executive, in consultation with the Cabinet Member whose responsibilities include street scene.
PH6 To respond to the consultations from the Local Government Association, DCLG and other Departments or other bodies which are other than routine or technical consultations.	Chief Executive or the relevant Deputy Chief Executive in consultation with the appropriate Cabinet Member
PH7 To seek and undertake works for other public bodies in accordance with the policy established by the Cabinet.	The relevant Deputy Chief Executive and Group Head Neighbourhood Services after consultation with the appropriate Cabinet Member

PH8	In regard to termination on grounds of redundancy and efficiency under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 to award compensation in line with the Council's policies	Chief Executive in consultation with the Leader of the Council.
PH9	Authority to make decisions/grant discretions to staff under the Local Government Pensions Scheme (Benefits, Membership and Contributions) Regulations 2007	Chief Executive in consultation with the Leader of the Council.
PH10	Under the Spelthorne Parks and Open Spaces Strategy 2003-2008, to approve the allocation of Informal Recreation Scheme funding for facilities for young people.	Head of Sustainability and Leisure in consultation with the relevant Cabinet Members
PH11	Under Sections 30-36 of Part 4 of the Anti-Social Behaviour Act 2003, to agree to the designation of areas within the Borough where the Police could disperse groups causing intimidation.	Chief Executive in consultation with the Cabinet Member responsible for anti-social behaviour and community safety.
PH12	To issue, revoke and renew Street trading permits under the Local Government (Miscellaneous Provisions Act 1982	Head of Environmental Health and Building Control in consultation with the relevant Cabinet Member
PH13	To finalise detailed budget proposals to cover areas of funding settlement if late notification is made by the Government	Chief Finance Officer in consultation with the Leader of the Council

DELEGATIONS TO OFFICERS	
Column 1 – Function	Column 2 – Authorised Officer
1. GENERAL	
1.1 To enter land and premises for the purpose of inspections, surveys, testing and examinations as required pursuant to any powers or functions of the Council under any enactment	Any Group Head, the Medical Advisor, the Property Inspector for Council Tax and Business Rates or such other officer who maybe authorised in writing by the above named
1.2 To serve notices to obtain particulars of a person's interest in land	Group Head of Corporate Governance, Senior Environmental Health Manager or Planning Development Manager or other such officer who may be authorised in writing by the above named
1.3 To serve notice under any enactment (not separately authorised under this scheme of delegations) and to take follow up action	Group Head of Corporate Governance Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager
1.4 To authorise officers to conduct directed surveillance or the use of covert human intelligence sources in accordance with the Regulation of Investigation Powers Act 2000	Strategic Planning Manager, Planning Development Manager and Senior Environmental Health Manager
1.5 To administer cautions	Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager
1.6 To respond to routine and technical consultations from the Local Government Association, the DCLG, GOSE, other Government bodies or departments and any other bodies	Chief Executive, Deputy Chief Executive. Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager or such officer who may be authorised in writing by the above named
1.7 Under the provisions of the Children Act 1989 and the Council's Safeguarding Children and Vulnerable Adults Policy and Procedures, to undertake responsibility for	Deputy Chief Executive Terry Collier

Part 3 section (d)

making contact with Social Services and for making decisions and referrals, including making Disclosure and Barring Service (DBS) checks on officers or other persons seeking employment with children, young people or vulnerable adults	
1.8 To undertake the function of Company Secretary for Knowle Green Estates Limited and any subsidiary companies	Group Head of Corporate Governance
1.9 To invite members: a) of the Licensing Committee to participate in meetings of Licensing Sub-Committees convened to determine various applications within the responsibility of the Licensing Committee; and b) of the Members' Code of Conduct Committee to participate in meetings of Assessment Panels.	Group Head of Corporate Governance
1.10 To amend the membership of a political group's seats on any particular committee, at the request of the Group Leader.	Chief Executive
2 LEGAL AND LEGAL PROCEEDINGS	
Column 1 – Function	Column 2 – Authorised Officer
2.1 To instigate, conduct and settle proceedings or disputes (administrative, criminal or civil) on the Council's behalf in any Court, Tribunal or other body and/or in relation to any matters associated thereto, but in respect of settlements this is limited to £50,000 and anything above this level be referred to the Cabinet.	Group Head of Corporate Governance
2.2 To instigate and conduct legal proceedings for any offence or any matter arising under: a. legislation which gives the Council a right or duty to prosecute b. any order notice or licence issued in pursuance to any legislation under	Group Head of Corporate Governance

Part 3 section (d)

<p>which the Council has powers or duties c. any other order or regulation under which the Council has powers or duties</p>	
<p>2.3 To accept service of proceedings on behalf of the Council</p>	<p>Group Head of Corporate Governance (or Chief Finance Officer in respect of insurance claims)</p>
<p>2.4 To instruct Counsel, Solicitors or relevant agents to represent or advise the Council</p>	<p>Group Head of Corporate Governance (or any Chartered Town Planner in respect of planning matters)</p>
<p>2.5 To take necessary action, including legal proceedings, for the recovery of possession of the Council's land and premises or for protecting the interests of the Council in any land or common land</p>	<p>Group Head of Corporate Governance</p>
<p>2.6 Authority to make a formal complaint at the Magistrates Court and to appear in the Magistrates and County Courts on behalf of the Council for the recovery of Council Tax, non domestic rates, other revenues and penalties, including formal proof of debt in bankruptcy cases, liquidations and debt proceedings</p>	<p>Revenues and Customer Services Manager, Senior Recovery Officer, Recovery Officer or Technical and System Support Officer</p>
<p>2.7 To represent the Council at the Local Valuation Tribunal</p>	<p>Revenues and Customer Services Manager or Technical and System Support Officer</p>
<p>2.8 To appear on behalf of the Council in all proceedings before any Court or Tribunal</p>	<p>All employees of the Council who are qualified Barristers, Solicitors or Legal Executives and any other member of staff authorised in writing by the Group Head of Corporate Governance</p>
<p>2.9 To appear on behalf of the Council in proceedings in the Magistrates Court in respect of offences in the Council's car parks</p>	<p>All employees of the Council who are qualified Barristers, Solicitors or Legal Executives and any other member of staff authorised in writing by the Group Head of Corporate Governance, the Group Head Neighbourhood Services and any member of the Car Parks staff authorised in writing by the</p>

Part 3 section (d)

	Group Head Neighbourhood Services.
2.10 To instigate legal proceedings under Section 1 of the Crime and Disorder Act 1998 in respect of anti social behaviour orders.	Group Head of Corporate Governance
3 AUTHORITY TO SIGN AND SEAL DOCUMENTS	
Column 1 – Function	Column 2 – Authorised Officer
3.1 Authority to sign all legal documents relating to recovery of monies due to the Council	Chief Executive, Chief Finance Officer, Group Head of Corporate Governance, Group Head Community Wellbeing or Group Head Finance and Customer Relations
3.2 Authority to sign all legal documents for the acquisition or disposal of land (unless under seal)	Chief Executive, Chief Finance Officer or Group Head of Corporate Governance
3.3 Authority to sign all contracts and agreements (unless under seal) for expenditure within their service budget or for no value within their service area PROVIDED that Contract Standing Orders have been followed including legal advice being obtained for contracts over £20,000	Chief Officers, Group Head of Corporate Governance, Planning Development Manager, Strategic Planning Manager or Senior Environmental Health Manager
3.4 To affix the Council's common seal	Chief Executive, Chief Finance Officer or Group Head of Corporate Governance
4 LAND ISSUES	
Column 1 – Function	Column 2 – Authorised Officer
4.1 In respect of properties leased/licensed to or by the Council: a. to refuse or consent to assignments or sub-lettings, subject to satisfactory references; b. to negotiate, approve and document rent reviews; c. to agree low level less than best value rents/licence fees for community groups	Group Head – Regeneration and Growth

Part 3 section (d)

<p>where proper justification has been acquired and documented;</p> <p>d. to agree to variations to any of the terms or covenants; subject to valuation advice where appropriate;</p> <p>e. to renew leases which have security of tenure under the Landlord and Tenant Act 1954;</p> <p>f. to serve notices for renewals or terminations of leases under the Landlord and Tenant Act 1954;</p> <p>g. to accept or agree a surrender where the property is no longer required by the Council or the landlord or the tenant as appropriate;</p> <p>h. to settle terms of management arrangements and any variations to them.</p>	
<p>4.2 To approve freehold or leasehold disposals or acquisitions of land or interests in land not exceeding an estimated value of £50,000 per transaction</p>	<p>Group Head Regeneration and Growth in consultation with the Chief Finance Officer</p>
<p>4.3 To grant or take miscellaneous licences, wayleaves, easements and other agreements as required</p>	<p>Group Head – Regeneration and Growth</p>
<p>4.4 To enter into a Tenancy at Will</p>	<p>Group Head – Regeneration and Growth</p>
<p>4.5 To determine applications for rights of way or other easements over land</p>	<p>Chief Finance Officer after consultation with Group Head – Regeneration and Growth</p>
<p>4.6 To approve the release of covenants subject to obtaining appropriate legal and valuation advice</p>	<p>Group Head – Regeneration and Growth</p>
<p>5 FINANCIAL MATTERS</p>	
<p>Column 1 – Function</p>	<p>Column 2 – Authorised Officer</p>
<p>5.1 To make a formal demand for payment of monies expended in carrying out works in default under statutory powers, including interest payable thereon</p>	<p>Relevant Deputy Chief Executive</p>

Part 3 section (d)

<p>5.2 To raise in line with inflation any financial limits specified in these delegations to officers, contract standing orders or financial regulations</p>	<p>Chief Finance Officer</p>
<p>5.3 In connection with the provision of services under their control:</p> <p>a. Expenditure of any type within approved budgets (subject to delegation 3.4 - as to signature of contracts);</p> <p>b. Day to day running and operation of services, including maintenance and repairs of all buildings, land and equipment within the responsibility of the service area, in accordance with the policies set down by the Council or the Cabinet; and</p> <p>c. Control, purchase and disposal of stores or surplus materials</p> <p>d. To enter into any arrangement with a creditor for payment to be made by way of instalment</p>	<p>Relevant budget holders</p>
<p>5.4 To implement all the Council's borrowing and investment strategies, in accordance with the Treasury Policy Statement</p>	<p>Chief Finance Officer</p>
<p>5.5 To determine the tax base, in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, as amended</p>	<p>Chief Finance Officer</p>
<p>5.6 To deal with applications for local council tax discounts in very exceptional cases. Such cases to include flooding and where committal action through the courts is not deemed appropriate. The latter will need to be supported by third party reports generally from a social worker or doctor</p>	<p>Chief Finance Officer or Group Head Finance and Customer Relations</p>
<p>5.7 To take all necessary steps relating to the demand, collection and recovery of council tax and non-domestic rates and to issue all necessary notices and statements and to sign all relevant documentation</p>	<p>Revenues and Customer Services Manager</p>
<p>5.8 To sign certificates issued under Section 116 of the Social Security Administration</p>	<p>Group Head Finance and Customer Relations</p>

Part 3 section (d)

Act 1992	
5.9 To exercise the Council's responsibilities under Regulation 6 of the Accounts and Audit (England) Regulations 2011, to maintain an adequate and effective system of internal audit of the accounting records and control systems	Chief Finance Officer
5.10 To take decisions in applications under section 44A of the Local Government Finance Act 1988 and subsequent regulations	Chief Finance Officer or Group Head Finance and Customer Relations
5.11 To grant applications for mandatory rate relief under in accordance with section 43 of the Local Government Finance Act 1988	Chief Finance Officer or Group Head Finance and Customer Relations
5.12 To grant application for discretionary rate relief for properties in accordance with Council policies provided that element of the relief recoverable from local taxpayers does not exceed £9000 in any one case.	Chief Finance Officer or Group Head Finance and Customer Relations
5.13 To grant disabled relief under the Local Government Finance Act 1992 and subsequent regulations	Chief Finance Officer or Group Head Finance and Customer Relations
5.14 To serve the Valuation Officer with notice of objection to any proposals for alteration of the valuation banding lists.	Chief Finance Officer or Group Head Finance and Customer Relations
5.15 To make proposals for the alteration of the valuation list for the inclusion of particular properties in the valuation list. To sign valuation agreements and to serve on the Valuation Officer proposals to alter the council tax banding list	Chief Finance Officer or Group Head Finance and Customer Relations
5.16 To pay sums due from the Council	Chief Finance Officer
5.17 To write off debts for non domestic rates not exceeding £9000 and for Council tax not exceeding £5000.	Group Head Finance and Customer Relations
5.18 To write off debts for Housing Benefits not exceeding £5000	Head of Housing and Independent Living
5.19 To write off debts not exceeding £5000 and to write off all debts without limit	Group Head Finance and Customer Relations

Part 3 section (d)

where bankruptcy, liquidation proceedings, administration or receiverships proceedings have been instigated	
5.20 To fix interest rates for housing loans in accordance with legislation and Council policy	Chief Finance Officer
5.21 To determine the local average interest rates for local authority mortgages, in accordance with section 438 and schedule 16 of the Housing Act 1985 and Council policy	Chief Finance Officer
5.22 To provide all necessary insurance cover and to settle insurance claims	Chief Finance Officer
5.23 To make determinations under sections 42,50, 56,60 and 63(1) of the Local Government and Housing Act 1989	Chief Finance Officer
5.24 To serve completion notices for Council Tax and Business Rate proposals	Chief Finance Officer or Group Head Finance and Customer Relations
5.25 To set fees for Local Land Charges services	Chief Finance Officer
5.26 Approval of grants from any funds remaining from the Council's former local lottery	Chief Finance Officer
5.27 To make appropriate staged payments for grants for development	Chief Finance Officer
6 PERSONNEL MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
6.1 To give approval to services to advertise or to fill a staffing vacancy	Chief Executive, Deputy Chief Executive or Group Heads
6.2 Within staffing budgets and overall management structure to approve all matters relating to the organisation, appointment (other than appointments above grade Group Head) and management (including disciplinary action) of staff in accordance with the Council's	Chief Executive, Deputy Chief Executive or Group Heads

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staff policies and procedures	
6.3 To implement national awards affecting wages, salaries and conditions of service	Chief Executive, Relevant Deputy Chief Executive or Group Head Neighbourhood Services for local rate overtime
6.4 To administer the Council's car loan scheme and car lease scheme	Chief Finance Officer
6.5 To agree redundancy payments under the Local Government (Early Termination of Employment) (Discretionary Compensation)(England and Wales) Regulations 2006 in cases approved by Management Team	Chief Executive in consultation with the Leader of the Council

7. ENVIRONMENTAL HEALTH MATTERS		
Column 1 – Function	Column 2 – Authorised Officer	
<p>7.1 To exercise the Council’s functions in respect of environmental health matters, including, but not limited to the following functions:</p> <ul style="list-style-type: none"> a. Statutory and Public Nuisances; b. Control of Noise; c. Light nuisance; d. Control of Air Pollution; e. Contaminated Land; f. Control of rats and mice; g. Insects; h. Prevention of Damage by Pests; i. The provision, management and control of Cemeteries, Mortuaries and Crematoria and the discharge of the Council’s functions relating to burials and cremation generally; j. Safety of buildings; k. Food, Drinking Water, Food Hygiene and associated matters; l. Functions in connection with the Welfare and Control of Animals; m. Control of Diseases, infectious diseases and General Public Health matters; n. Filthy or verminous premises, articles or persons; o. Accumulations; p. Drains and private sewers and any other environmental health functions in relation to sewerage or, water (by arrangement with the service operators if appropriate); 	<p>Senior Environmental Health Manager; or:</p> <p>In relation to 7.1(i) the Group Head of Neighbourhood Services</p> <p>In relation to 7.1(j) the Building Control Manager</p>	

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<ul style="list-style-type: none">q. Health and Safety at Work;r. Provisions relating to shops including Sunday trading;s. Hazardous Substances;t. Slaughterhouses, Knackers Yards and Cutting Premises;u. Tattooing, acupuncture, body piercing, semi-permanent skin colouring and electrolysis	
<p>7.2 To issue any notices, permits or certificates in respect of environmental health matters, including, but not limited to:</p> <ul style="list-style-type: none">a. Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982;b. Public Health Act 1936 ss. 45, 48, 49, 83, 84 and 275;c. Public Health Act 1961 ss. 17, 22 and 34;d. Building Act 1984 ss. 59, 64, 66, 67, 70, 72, 76, 84 and 97;e. Environmental Protection Act 1990 Parts III and IX;f. Food Safety Act 1990;g. Prevention of Damage by Pests Act 1949 s.4h. Health and Safety at Work etc. Act 1974;i. Noise Act 1996;j. Anti-Social Behaviour Act 2003;k. Clean Neighbourhoods and Environment Act 2005;l. Animal Welfare Act 2006;m. Health Act 2006;n. House to House Collections Act 1939;o. Pet Animals Act 1951;p. Riding Establishments Act 1964;	<p>Senior Environmental Health Manager; or</p> <p>In relation to 7.2 (mm) and (nn) the Building Control Manager</p>

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- q. Riding Establishments Act 1970;
- r. Animal Boarding Establishments Act 1963;
- s. Breeding of Dogs Act 1973;
- t. Breeding of Dogs Act 1991;
- u. Dangerous Wild Animals Act 1976;
- v. Hypnotism Act 1952;
- w. Smoke-free (Premises and Enforcement) Regulations 2006;
- x. Smoke-free (Signs) Regulations 2012
- y. Smoke-free (Exemptions and Vehicles) Regulations 2007
- z. Smoke-free (Penalties and Discounted Amounts) Regulations 2007;
- aa. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007;
- bb. Pollution Prevention and Control Act 1999;
- cc. Control of Pollution Act 1974;
- dd. Public Health (Control of Disease) Act 1984;
- ee. Private Security Industry Act 2001;
- ff. Meat (Sterilisation and Staining) Regulations 1982;
- gg. Clean Air Act 1993;
- hh. Land Compensation Act 1973 s.37;
- ii. Sunday Trading Act 1994;
- jj. Criminal Justice and Public Order Act 1994 ss.77 and 78;
- kk. Working Time Regulations 1998;
- ll. Building Regulations 2010;
- mm. Building (Approved Inspectors etc.) Regulations 2010;
- nn. Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002;
- oo. Land Drainage Act 1991;
- pp. Scrap Metal Dealers Act 2013;

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<p>qq. Sunbeds (Regulation) Act 2010; rr. Mobile Homes Act 2013; ss. Water Industry Act 1991; tt. Environmental Protection (Control on Ozone-Depleting Substances) Regulations 2011; uu. Waste (England and Wales) Regulations 2011 vv. Tattooing of Minors Act 1969</p>	
<p>7.3 To exercise the Council's functions under the Acts listed in 7.2 to this Scheme of Delegations and any other acts subsequently enacted.</p>	<p>Senior Environmental Health Manager</p>
<p>7.4 Subject to the Terms of Reference of the Licensing Committee to exercise all functions relating to the Licensing Act 2003.</p>	<p>Senior Environmental Health Manager</p>
<p>7.5 Subject to the Terms of Reference of the Licensing Committee to exercise all functions relating to the Gambling Act 2005</p>	<p>Senior Environmental Health Manager</p>
<p>7.6 Under the Licensing Act 2003 and the Gambling Act 2005 to make a decision on whether a representation is irrelevant, frivolous or vexatious</p>	<p>Group Head of Corporate Governance</p>
<p>7.7 To exercise all powers of the Council under sections 19-22 of the Criminal Justice and Police Act 2001 concerning closure of unlicensed premises</p>	<p>Senior Environmental Health Manager (in consultation with the Chair of Licensing Committee)</p>
<p>7.8 Authority under the Food Safety Acts, EU Directives and any associated Regulations to make application for Emergency Prohibition Orders for appropriate premises and to issue certificates that the measures specified by the Prohibition Orders have been carried out.</p>	<p>Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds</p>
<p>7.9 To exercise the Council's powers under the Food Safety and Hygiene (England)</p>	<p>All Environmental Health Staff identified for this purpose by the</p>

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	Regulations 2013 and relevant EU Directives and any associated regulations to serve/apply for (as appropriate) hygiene improvement notices, hygiene prohibition orders, hygiene emergency prohibition notices and orders, remedial action notices and detention notices	Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds
7.10	To exercise the Councils powers under the Official Feed and Food Control (England) Regulations 2009, including (but not limited to) detention, destruction, special treatment and the re-dispatch of feed and food, the service of notices, the procurement of samples of food and to take other appropriate measures'	Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds
7.11	Authority in relation to Waste Disposal to pass on to commercial customers the full increased costs of all future Landfill Taxes imposed by Central Government.	Senior Environmental Health Manager, Group Head Neighbourhood Services
7.12	To make minor changes to the Building Control Charges Scheme No. 1.	Senior Environmental Health Manager or Building Control Manager
7.13	To issue fixed penalty notices under section 33(1)(a) of the Environmental Protection Act 1990, to persons whom the officer has reason to believe have committed a small scale fly tipping offence	Group Head of Neighbourhood Services

8. MARKETS	
Column 1 – Function	Column 2 – Authorised Officer
8.1 To operate a market in Staines under the terms of the Staines Town Hall and Market Act 1872	Group Head Neighbourhood Services
8.2 To set and enforce regulations for any markets within the Borough	Group Head Neighbourhood Services

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9. FREEDOM OF INFORMATION, ENVIRONMENTAL INFORMATION REGULATIONS AND DATA PROTECTION	
Column 1 – Function	Column 2 – Authorised Officer
9.1 To add documents to the Council’s publication scheme	Freedom of Information Officer
9.2 To determine whether a request under the above acts are repeated or vexatious	Freedom of Information Officer
9.3 To determine whether any exemptions apply under the above Acts and Regulations	Freedom of Information Officer
9.4 To review decisions made to place items in Part II of agendas and to authorise the disclosure of such items where the reasons for confidentiality no longer apply or where it would be in the public interest to disclose of such items.	Group Head of Corporate Governance in consultation with the Leader of the Council
10. HOUSING AND COMMUNITY CARE MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
10.1 To approve mandatory/discretionary grants under the Housing Grants, Construction and Regeneration Act 1996 in accordance with the policies approved from time to time by the Council.	Group Head(s) Community Wellbeing
10.2 To exercise the powers and the functions of the Council under the Housing Grants and Regeneration Act 1996 and any regulations made thereunder.	Group Head(s) Community Wellbeing
10.3 Authority to require repayment of mandatory/discretionary grants in accordance with Government guidelines and within the timescales laid down in the Council’s approved policies.	Group Head(s) Community Wellbeing
10.4 Under the Local Government and Housing Act 1989 repayment of grant provisions, authority to waive the	Group Head(s) Community Wellbeing

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<p>requirement to repay grant in any case where the owner disposes of their property, in order to go to live in sheltered housing or a residential care home, as his/her only or main residence.</p>	
<p>10.5 Pursuant to the Housing Acts and all relevant Orders and Regulations thereunder:-</p> <ul style="list-style-type: none"> a. to serve notices requiring the abatement of overcrowding; b. to serve notices requiring the demolition of houses, subject to Demolition Orders, carry out demolition in default and recover the cost; c. to revoke Closing or Demolition Orders on the satisfactory completion of works to render the house fit for habitation; d. to serve statutory notices requiring the execution of repairs, carry out work in default and recover the costs; e. to exercise the Council's powers under the Housing Act 2004 for the issue of/application for (as appropriate) Improvement Notices, Prohibition Orders, Hazard Awareness Notices, Emergency Remedial Action Notice, Emergency Prohibition Orders; and <p>in respect of houses in multiple occupation, to:</p> <ul style="list-style-type: none"> i. make orders applying management regulations; ii. serve notices requiring compliance with management regulations, the execution of works, including the provision of facilities and fire escapes; iii. make directions to prevent or reduce overcrowding; iv. carry out works in default of compliance with (e)(i), (ii) and (iii) above and to recover the costs. v. To determine and issue licences under the Housing Act 2004 	<p>Senior Environmental Health Manager</p>
<p>10.6 To discharge the duties or exercise the powers of the Council under the Housing Act 1996 Parts VI and VII with regard to</p>	<p>Group Head(s) Community Wellbeing</p>

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	the allocation of housing accommodation, operation of the housing register, provision of housing advice, and matters relating to homelessness and the arrangement of accommodation for households where necessary under the legislation.	
10.7	The placing of homeless persons in bed and breakfast or other temporary accommodation and the fixing, collection and recovering of contributions therefore	Group Head(s) Community Wellbeing
10.8	To make nominations to housing association accommodation of applicants on the Housing Register, in accordance with the Council's bands scheme.	Group Head(s) Community Wellbeing
10.9	To make nomination to housing association accommodation outside the bands scheme to applicants considered as special cases.	Group Head(s) Community Wellbeing
10.10	To make nominations to housing association accommodation of persons nominated by other local authorities/housing associations under any mobility scheme in which the Council agrees to participate.	Group Head(s) Community Wellbeing
10.11	To agree terms for the lease from private landlords of premises to be used for the provision of temporary accommodation for the homeless.	Group Head(s) Community Wellbeing
10.12	Administration of the Spelthorne Personal Alarm Network Scheme ("SPAN") and the negotiation of service charges with other public bodies.	Deputy Chief Executive responsible for Community Services
10.13	To take any necessary action to deal with illegal encampments on Council owned land and on privately owned land, with the owner's permission.	Group Head of Corporate Governance
10.14	To exercise the Council's power and functions in relation to determination and payment of Housing Benefit, rent allowances and Council Tax benefit and recovery of housing benefit	Group Head(s) Community Wellbeing

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overpayments in accordance with the regulations.	
10.15 The carrying out of such duties necessary for the prosecution, administrative penalties and formal cautioning in cases where housing benefit fraud is detected.	Group Head(s) Community Wellbeing
10.16 The initial decision to decide Discretionary Housing Payments	Principal Housing Benefit Officer
10.17 Review of a Discretionary Housing Payments decision	Group Head(s) Community Wellbeing
10.18 The requisition of the supply of water, gas, electricity, telephones and other services necessary for properties provided or to be provided for housing purposes.	Deputy Chief Executive with responsibility for Community Services
10.19 To exercise the Council's powers and functions in relation to Community Care and related issues.	Deputy Chief Executive responsible for Community Services
10.20 To undertake day to day management of Day/Community Centres and the Meals on Wheels Service.	Group Head(s) Community Wellbeing
11. LEISURE AND ASSOCIATED MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
11.1 The management and letting of all sports, recreational and community facilities provided by the Council, including:- a. the fixing of charges for special events not covered by the annual review of fees and charges; b. Negotiation of variations in charges for use of sports, recreational and community facilities within established policy; c. The power to waive fees and charges; and d. The setting of opening hours for	Group Heads Neighbourhood Services and Community Wellbeing

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facilities and the duration of sports seasons.	
11.2 The promotion of musical, artistic, cultural, sporting and community activities, including negotiation of sponsorship arrangements.	Group Head(s) Community Wellbeing
11.3 The management of allotments, including entering into management agreements for sites, lettings, mal-cultivation notices, notices to quit and decisions on applications for permission to erect structures by tenants or allotment associations.	Group Head Neighbourhood Services
11.4 The management of cemeteries, including the allocation, re-allocation and grant of grave spaces, including the repurchase of grave spaces and other associated matters.	Group Head Neighbourhood Services
11.5 The administration of Leisure Development Grants to be made to Voluntary Organisations, in accordance with the policy guidelines approved from time to time by the Cabinet.	Group Head(s) Community Wellbeing
12. ENVIRONMENT AND PUBLIC AMENITIES MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
12.1 To determine applications made in respect of land under the control of the Council for the following:- <ul style="list-style-type: none"> a. Placing of structures. b. Erection of directional signs. c. Erection of banners. d. Street trading consent under Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act, 1982. e. Fun runs, marathons, filming and other similar activities. 	Senior Environmental Health manager or Group Head Neighbourhood Services
12.2 In relation to the Council's Car Parks:-	Deputy Chief Executive

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<p>a. to authorise proceedings in respect of offences against any car park regulations; and</p> <p>b. to determine applications by outside bodies or persons for use of the car parks, subject to any consent not prejudicing the normal use of the car park.</p>	
<p>12.3 To authorise and determine payment of an appropriate commuted sum when taking over private lighting schemes under Section 161 of the Public Health Act 1875.</p>	<p>Relevant Deputy Chief Executive</p>
<p>12.4 The siting of bus shelters, bus stops, seats and other street furniture.</p>	<p>Relevant Deputy Chief Executive</p>
<p>12.5 The numbering and renumbering of premises in streets.</p>	<p>Deputy Chief Executive with responsibility for Environmental Health & Building Control</p>
<p>12.6 All necessary steps in connection with the removal and disposal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978.</p>	<p>Group Head Neighbourhood Services</p>
<p>12.7 To make representations to Surrey County Council regarding the provision of tendered bus services under the Transport Act, 1985.</p>	<p>Relevant Deputy Chief Executive</p>
<p>12.8 To administer any Concessionary Fares Scheme adopted by the Council and to control and issue permits hereunder.</p>	<p>Chief Finance Officer</p>
<p>12.9 To exercise the Council's powers under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976:-</p> <p>a. Section 23 (in relation to dangerous trees);</p> <p>b. Section 25 (in relation to dangerous excavations).</p>	<p>Deputy Chief Executive with responsibility for Environmental Health & Building Control</p>
<p>12.10 To institute proceedings in the County Court or High Court to gain possession of highway land occupied by caravans, tents or other residential structures.</p>	<p>Group Head of Corporate Governance</p>
<p>12.11 To make objections on amenity grounds to applications submitted to the Traffic</p>	<p>Relevant Deputy Chief Executive or Group Head Neighbourhood</p>

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Commissioners for Goods Vehicle Operators Licences.	Services
12.12 To issue Private Hire Vehicle and Hackney Carriage licences where applicants comply with the criteria agreed from time to time by the Council or relevant Committee.	Senior Environmental Health Manager
12.13 To suspend Hackney Carriage and Private Hire Licences in accordance with the Council's adopted procedure.	Senior Environmental Health Manager in consultation with the Chairman of Licensing Committee
12.14 To administer the hackney carriage and private hire licensing Penalty Points Scheme and issue penalty points in accordance with the Scheme	Senior Environmental Health Manager
12.15 To determine appeals against penalty points under the Council's Penalty Points Scheme	Senior Environmental Health Manager in conjunction with the Deputy Chief Executive
12.16 To exercise the Council's powers under clause 21 of the Town Police Clauses Act 1847	Deputy Chief Executive
12.17 To arrange for the discharge of the Council's statutory functions relating to burials and cremations	Senior Environmental Health Manager or Group Head Neighbourhood Services
12.18 To exercise the Council's functions in respect of investigations and enforcement under the Clean Neighbourhoods and Environment Act 2005 (CNEA 2005)	Joint Enforcement Team and Senior Environmental Health Manager
12.19 To exercise the Council's functions and to serve Notices under the Anti-Social Behaviour Act 2014.	Deputy Chief Executive
13. BYELAWS	
Column 1 – Function	Column 2 – Authorised Officer
13.1 To grant authority in writing to any named person (not being a council officer or police constable) to enforce the Byelaws made by the Council	Chief Executive

14. PLANNING AND DEVELOPMENT MANAGEMENT	
<p>14.1 Subject to the Terms of Reference of the Planning Committee, to exercise all functions relating to town and country planning and development control as specified in regulation 2 and section A of schedule 1 to the Local Authority (Functions and Responsibilities) (England) Regulations 2000 (the “Functions Regulations”) and the following:</p> <p>14.2 Agreement for any variation and to determine any application under section 106A of the Town and Country Planning Act 1990 (the “1990 Act”).</p> <p>14.3 To withdraw or vary any enforcement notice issued under section 173 A of the 1990 Act.</p> <p>14.4 Requisitions for information under section 330 of the 1990 Act.</p> <p>14.5 Power to authorise the stopping-up or diversion of a footpath, bridleway or restricted byway under section 257 of the 1990 Act.</p> <p>14.6 Power to extinguish public rights of way over land held for planning purposes under section 258 of the 1990 Act.</p> <p>14.7 Powers relating to the preservation of trees under sections 197 to 214D of the 1990 Act and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.</p> <p>14.8 To issue screening and scoping opinions under the Environmental Impact Assessment Legislation.</p> <p>14.9 To issue a decision on the need for an Appropriate Assessment under the Habitats Directive.</p>	<p>Planning Development Manager</p>

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14.10 Powers relating to the protection of important hedgerows under the Hedgerows Regulations 1997 (S.I. 1997/1160).	
14.11 Powers relating to high hedges under Part 8 of the Anti-Social Behaviour Act 2003	
14.12 To grant relief and exemptions under the Community Infrastructure Levy Regulations 2010 (as amended).	Planning Development Manager
14.13 To issue all notices, orders and apply surcharges and/or interest under the Community Infrastructure Levy Regulations 2010 (as amended).	Planning Development Manager or Group Head of Corporate Governance
14.14 To determine reviews of the calculation of a chargeable amount under the Community Infrastructure Levy Regulations 2010 (as amended).	Planning Development Manager
14.15 To require any owner or relevant person to provide the Council with such further information, documents or materials as considered relevant under regulation 108A of the Community Infrastructure Levy Regulations 2010 (as amended).	Planning Development Manager
14.16 Agreement of any amendments to the Local List of Requirements for the validation of planning applications.	

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Employment policies, procedures and arrangements

In all cases where policies, procedures and guidance refer to 'Management Team' this includes the Chief Executive, and the Deputy Chief Executives.

In all cases where policies, procedures and guidance refer to 'Directors' or 'Strategic Directors' this should be interpreted as being the Chief Executive acting in his line management capacity, and the Deputy Chief Executives.

Employment policies and procedures generally include escalation of responsibility from the immediate manager, through the Group Head to members of Management Team, with responsibility for actions, investigation, hearings and appeals set out.

Appeals should be heard by an independent person at the same or senior level as the person who took the original decision and, if possible, who was not involved in the original hearing or decision. In the case of matters originally considered by the Chief Executive, subsequent stages would be considered by one of the Deputy Chief Executives.

Significant authorisations are listed below:

Policy and responsibility	Authorisation
Management of Absence Policy Responsibility for contractual reviews which may lead to dismissal	Chief Executive, Deputy Chief Executive or Group Heads
Guidelines for Consultation Responsibility for consultation, including with Trades Unions, providing copies of reports to TU representatives, reporting to MAT/Cabinet	Chief Executive, Deputy Chief Executive or Group Heads
Guide to Dismissal Who is authorised to dismiss staff (including during probation and end of fixed term contracts)	Chief Executive, Deputy Chief Executive or Group Heads

Policy and responsibility	Authorisation to be
Disciplinary Procedure <ol style="list-style-type: none"> 1. Suspension 2. Nominating independent managers to act as Chair of Disciplinary panel 3. Dismissal 	<ol style="list-style-type: none"> 1. Chief Executive, Deputy Chief Executives and Group Heads 2. Chief Executive, Deputy Chief Executives and Group Heads 3. Chief Executive, Deputy Chief Executives and Group Heads
Employment Continuity Policy <ol style="list-style-type: none"> 1. Redundancy selection criteria 2. Appeals against selection 	<ol style="list-style-type: none"> 1. Appropriate Group Head and/or Chief Executive / Deputy Chief Executive 2. Chief Executive or Deputy Chief Executive as appropriate
Grievance procedure Appeals against response to grievances	Chief Executive, Deputy Chief Executives or Group Head as appropriate
Dealing with Harassment and Bullying Nominating a manager to investigate complaints and considering reports after investigation to decide on further action	Chief Executive, Deputy Chief Executives or Group Head as appropriate
Homeworking Policy <ol style="list-style-type: none"> 1. Homeworking 2. Homeworking as regular part of working week 3. Homeworking for Group Head 	<ol style="list-style-type: none"> 1. Group Head 2. Group Head 3. Chief Executive, Deputy Chief Executive as appropriate

Policy and responsibility	Authorisation
Re-grading Procedure <ol style="list-style-type: none"> 1. Management review of grades 2. Regrading vacant posts to a lower grade 3. Individual requests for regrading 4. Appeals 	<ol style="list-style-type: none"> 1. Group Heads to discuss with Chief Executive, or Deputy Chief Executive as appropriate, with report to MAT if recommending upgrading 2. Chief Executive, or Deputy Chief Executive as appropriate 3. Chief Executive, or Deputy Chief Executive as appropriate, with report to MAT if recommending upgrading 4. Chief Executive, or Deputy Chief Executive as appropriate

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PROPER OFFICERS OF THE COUNCIL

The Council has appointed the following proper officers for the purposes of the statutory provisions set out below.

Subject to the proper officer appointments set out below, the Chief Executive and each Deputy Chief Executive shall be authorised to act as the proper officer for the statutory responsibilities which fall within their area.

Local Government Act 1972	Purpose of Appointment	Proper Officer
Section 83	To witness, and to receive, declarations of acceptance of office.	Chief Executive or the Monitoring Officer
Section 84	To receive notices from Members of resignation from office.	Chief Executive
Section 87	To publish a notice of vacancy	Chief Executive
Section 88	To convene if necessary a meeting of the Council when the office of Mayor is vacant.	Chief Executive
Section 89	To receive notice by local government electors of a casual vacancy in the office of Borough Councillor.	Chief Executive
Section 96	To receive from Councillors general notices of pecuniary interests and to keep a record of such disclosures.	Head of Corporate Governance
Section 100B	To take decisions as to whether information is likely to be "exempt" when coming before the Council, the Cabinet or a Committee. To decide if other copy documents supplied to councillors should be supplied to the press	Head of Corporate Governance
Section 100C	To produce a written summary of proceedings taken by the Council, the Cabinet or a Committee in private (i.e. Minute)	Chief Executive
Section 100D	To compile a list of background papers for a Cabinet or a Committee report.	Chief Executive
Section 100F	To decide if a requested document appears to contain exempt information	Head of Corporate Governance
Section 115	To receive money due from Officers.	Chief Finance Officer
Section 146	To sign declarations and certificates with regard to securities.	Chief Finance Officer

Section 191	To receive applications made by the Ordnance Survey Office for assistance in determining boundaries	Deputy Chief Executive
Section 210	To exercise any power with respect to a charity exercisable by any officer of a former authority.	Chief Executive
Section 225	To receive and retain any document deposited with the Council for custody.	Chief Executive
Section 228	To keep accounts open for inspection by any member of the Authority.	Chief Finance Officer
Section 229	To certify, for the purpose of any legal proceedings, photographic copies of documents.	Head of Corporate Governance
Section 234	To authenticate notices, orders or other documents on behalf of the Council.	Head of Corporate Governance
Section 236	To send copies of confirmed byelaws made by the Council to the County Council.	Head of Corporate Governance
Section 238	To certify copies of byelaws.	Head of Corporate Governance
Section 248	To keep the rolls of Honorary Aldermen and Honorary Freemen.	Chief Executive
Schedule 12(4)	To sign, and send to all Members of the Council, the summons to attend meetings of the Council.	Chief Executive
Schedule 14(25)	To certify resolutions under this paragraph for the purpose of legal proceedings.	Chief Executive
Local Land Charges Act 1975		
Section 9	To act as local registrar for the registration of local land charges and the issue of official certificates of search.	Head of Corporate Governance

Representation of the People Act 1983		
Section 24	To be the Acting Returning Officer for the conduct of Parliamentary Elections.	Chief Executive
Section 35	To be the Returning Officer for the conduct of Local Elections.	Chief Executive
Section 67	To receive appointments of Election Agents	Chief Executive
Section 67	To publish a notice of Election Agents	Chief Executive
Local Government And Housing Act 1989		
Section 2	To retain on deposit a list of politically restricted posts.	Head of Human Resources
Section 3A	In consultation with the Monitoring Officer, to determine applications for exemption from political restriction or for designation of posts as politically restricted	Chief Executive
Section 4	Designation as the Head of Paid Service	Chief Executive
Section 5	Designation as the Council's Monitoring Officer	Head of Corporate Governance
Section 9, 15 and 16	To undertake all matters relating to the formal establishment of political groups within the membership of the Council.	Chief Executive
Local Authorities (Executive Arrangements) (England) Regulations 2012		
Section 3	To produce a written statement of Cabinet decisions made at Meetings.	Chief Executive
Section 5	To make available for inspection by the public a copy of written statements of Cabinet decisions and associated reports.	Chief Executive
Section 6	To make available for inspection a list of background papers	Chief Executive
Section 12	To publish key decisions of the Authority	Chief Executive

Section 34	To publish the verification number of Local Government electors for the purposes of petitions	Chief Executive
The Public Health (Control of Diseases) Act 1984	To take control of all communicable disease functions.	The Consultant in Communicable Disease Control for the time being appointed by the Local Health Protection Agency.
The Public Health (Control of Diseases) Act 1984	To act as the Deputy in the absence of the appointed Consultant, to take control of all communicable disease functions.	The Consultants in Public Health Medicine for the time being appointed by the Local Health Protection Agency.
Section 47 of the National Assistance Act 1948 [as amended by Section 1 of National Assistance (Amendment) Act 1951]	To make Section 47 Orders to secure without delay the necessary care and attention for residents of the Borough who are aged, infirm, or physically incapacitated and are living in insanitary conditions.	The Consultant in Communicable Disease Control for the time being appointed by the Local Health Protection Agency.
Section 47 of The National Assistance Act 1948 [as amended]	To act as Deputy in the absence of the appointed Consultant to make any Section 47 Orders.	Any Consultant in Public Health Medicine for the time being appointed by the Local Health Protection Agency.

GENERAL STATUTORY PROVISIONS

In legislation predating the 1971/1972 Session of Parliament, other than the Local Government Act 1972, and in Statutory Instruments made prior to 26th October, 1972, references to the designations in the left hand column below shall be construed as a reference to the Officers of the Council listed in the right hand column below.

Designation	Officer of the Council
The Clerk of the Council	Chief Executive or the Chief Finance Officer, whichever is most appropriate to their departmental responsibilities.
The Town Clerk	Chief Executive or Chief Finance Officer whichever is most appropriate to their departmental responsibilities.
The Treasurer	Chief Finance Officer
The Surveyor	Deputy Chief Executive
The Engineer	Deputy Chief Executive
The Sanitary Inspector	Deputy Chief Executive
The Public Health Inspector	Deputy Chief Executive

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Roles of Different Councillors

The Council has recognised that councillors appointed to certain roles have additional responsibilities and these are set out below. The role and responsibility of Cabinet members who hold specific Cabinet Areas of Responsibility is set out in the Cabinet Procedure Rules.

Leader of the Council

- To provide overall leadership to the Council
- To appoint the Cabinet and determine their roles and portfolios
- To determine the scheme of delegation for executive functions
- To chair the Cabinet and ensure its overall effectiveness
- To lead in the development of the Council's policy, strategy and budget proposals
- To lead on the implementation of effective service delivery and the Council's approved policies and strategies
- To act as the Council's principal spokesman at local, County, regional and national level
- To ensure good working relationships are established with external public and private sector networks which affect the Borough
- To provide leadership to the Council's majority party group
- To lead in the development of good working relationships between political group leaders
- To take Executive decisions in Cabinet and as an individual Cabinet councillor with delegated authority, in accordance with the Council's Constitution.
- To lead in ensuring that the Council's strategies, plans, objectives and targets are monitored, implemented and achieved.
- To ensure that the Council is open and responsive to the community, so that accountability is seen to operate.
- To ensure that decisions are taken properly, openly and, where appropriate, publicly and that key decisions are properly programmed and subject to effective public consultation.
- To develop and maintain a good relationship with the Chief Executive of the Council and other staff, providing a contact point between the majority political group and staff, and setting an example to the whole organisation.
- To nominate councillors from his political group to serve on all appropriate councillor bodies including, as appropriate, other Outside Bodies.

Deputy Leader of the Council

- To deputise for the Leader of the Council in his absence, undertaking those duties expected of the Leader and encompassed in the role description for that position.
- To chair Cabinet meetings in the absence of the Leader of the Council.
- To act as the Council's spokesperson on all key corporate issues, consistent with the Council's overall policy and budgetary framework, in the absence of the Leader.
- To hold and lead on any Portfolio Holder position which the Leader may allocate.
- To undertake specified delegated/designated Leader duties.
- To share and support in general the full workload of the Leader.

Minority Party Group Leaders

- To ensure their party contributes effectively, positively and constructively to the Council's activities
- To act as the principal political spokesman for their group
- To provide leadership to the party group

Members of the Cabinet/Portfolio Holders

Executive duties

- To ensure effective delivery of all services and the implementation of the Council's approved policies and strategies
- To develop the Council's policy, strategy and budget proposals
- To lead on any Cabinet Areas of Responsibility which may be assigned to them individually
- To work at meeting the Council's corporate objectives, as set out in the Corporate Plan.
- To take Executive decisions in Cabinet and as an individual Cabinet councillor with any delegated authority as might be applicable from time to time, in accordance with the Council's Constitution.
- To encourage performance improvement in all services, consistent with Value for Money principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews.
- To develop a full understanding of the functions and services in the allocated Portfolio across the borough.
- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Council's processes for decision making.

- To oversee the publication of consultation papers on key issues and ensure that there is appropriate public consultation.
- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.
- To consult with local Ward councillors about policy developments or service initiatives which have a specific relevance to their areas.
- To support positive relationships and practices through co-operative working with staff.
- To commission studies or the collection of information relating to policy issues or service delivery.

Portfolio Holder duties

- To provide pro-active political leadership and to be the principal political spokesperson for the designated service of the Council set out in the allocated Portfolio.
- To initiate (subject to any necessary Cabinet/ Council approvals) and/or promote policies and programmes in the allocated Portfolio within the Council and externally.
- To provide political leadership in ensuring that service strategies, plans, objectives and targets within his area of responsibility are monitored, implemented and achieved.
- To present to and consult with the public on the Council's policies in the allocated Portfolio.
- To engage actively and represent the Council in appropriate local, regional and national groupings involved with the service areas set out in the allocated Portfolio.
- To make recommendations about the implementation of policies within the allocated Portfolio.
- To report to the Cabinet and, as required, the Overview and Scrutiny Committee, on decisions made, actions taken and progress achieved within the allocated Portfolio.
- To attend meetings of the Overview and Scrutiny Committee as and when required.
- To commission and consider reports from appropriate staff, as required, for the efficient discharge of the Portfolio Holder's duties and responsibilities.
- To keep abreast of national best practice/new initiatives in the areas covered by the Portfolio to help ensure high local service standards and provision.
- To contribute to the corporate development of the Council's policies and objectives through active engagement of Cabinet.

- To work closely with the relevant Council staff to support the efficient management of the Council and to uphold high standards of performance and conduct and in enabling staff to exercise any powers delegated to them.

Chairman of Committees

All Committee chairmen

- To chair the committee and ensure its overall effectiveness
- To have a working knowledge of the Council's relevant policies and strategies and ensure he/she is sufficiently and effectively briefed on matters coming before the committee
- To coordinate and manage the work of their committee
- To enable the smooth and orderly conduct of business within the Council's Constitution.
- To provide leadership and direction for the committee.
- To determine priorities in light of the volume of work presented to the Committee.
- To ensure an orderly debate or deliberation of the business in hand.
- To report on the workings of the Committee, Sub-Committee, Panel or Working Group to the Cabinet or Council, as appropriate, and to present, where appropriate, recommendations to the Council.
- To allow proper consideration of any item.
- To ensure that the Committee, Sub-Committee, Panel or Working Group takes balanced decisions based on all relevant evidence, with impartiality and fairness.
- To ensure, with the Chief Executive, that Committee decisions are recorded with full justifications/reasoning.
- To develop a thorough understanding of the subject area of the Committee, including relevant legislation and policies.
- To bring, where appropriate, the views of co-opted members (if any) to the attention of the Cabinet or Council.
- To liaise with staff in formulating agendas and future work plans, and to attend any meetings with staff to discuss matters relevant to the business of the Committee, Sub-Committee, Panel or Working Group.
- Where appropriate, to liaise with other interested parties in establishing co-opted membership, and topics for consideration.
- Where applicable, to liaise with other tiers of local government and to contribute to any other joint working arrangements.
- Where applicable, to lead such site visits that may assist councillors arriving at a considered decision.

- To undertake specific training including updates in the law pertaining to the work of the Committee.

Overview and Scrutiny Committee Chairman

In addition to the above

- To lead on monitoring and reviewing the Council's policies and strategies and recommending changes or new policies to the Cabinet.
- To lead on the review and scrutiny of the Cabinet's budget proposals and policy and strategy recommendations.
- To lead on the review and scrutiny of service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To lead on monitoring the performance and impact on the community of other bodies and agencies operating in Spelthorne.

Planning Committee/Licensing Committee/Audit Committee Chairmen

- No specific roles in addition to the above for all Committee Chairmen.

Committee member

Key duties

- To participate in Committee discussions.
- To give proper consideration to items before and during meetings.
- To offer opinions based upon an understanding of the legal requirements of the subject discussed.
- To inform the Committee of constituent opinion (if appropriate).
- To take into consideration a range of views and issues when reaching a decision.
- To conduct oneself with dignity and decorum when offering views which differ from those of other councillors.
- To undertake appropriate site visits.
- To undertake specific training including updates in the law pertaining to the work of the Committee.

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Spelthorne Borough Council Constitution

Part 4

Procedural Rules

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COUNCIL STANDING ORDERS

These Standing Orders are the rules which apply to meetings of the Council and should be read in conjunction with the Access to Information Procedure Rules and the Budget and Policy Framework Procedure Rules

1. TIME AND PLACE OF MEETINGS

- 1.1 Meetings of the Council will normally take place at 7.30pm in the Council Chamber at the Council Offices, Knowle Green, Staines unless otherwise notified by the proper officer in the summons to the meeting.

2. NOTICE OF MEETINGS

- 2.1 The Chief Executive will notify the public of the time and place of any meeting in accordance with the Access to Information Rules. Five clear working days before a meeting, (unless the law requires the business to be transacted by a particular date) the Chief Executive will send a summons to every councillor giving the date, time and place of the meeting and specifying the business to be transacted, and include any reports which are available.
- 2.2 The Chief Executive may cancel a meeting of the Council, its Committees, or the Cabinet where the agenda has already been issued if it is considered expedient to do so. The Chief Executive shall not exercise such power without prior consultation with the Mayor, the Leader or the Committee Chairman (as appropriate). Any outstanding business will be held over to the next scheduled meeting on a date to be arranged.

3. CHAIRING OF MEETINGS

- 3.1 The Mayor, if present, will chair the meeting. If the Mayor is absent the Deputy Mayor will take the chair. If both the Mayor and Deputy Mayor are absent, the councillors present will elect any past Mayor present to take the Chair for the meeting.

4. QUORUM

- (a) The quorum of the Council is one quarter of the total number of councillors (and in the case of Cabinet shall be 5 members) and no business shall be considered unless a quorum is present.
- (b) If there is no quorum present at the time set for the start of a meeting, the start will be delayed for 30 minutes and if a quorum is still not present the meeting will stand adjourned to another day;
- (c) If, during the meeting, the Mayor declares that there is no quorum, the meeting will adjourn immediately;
- (d) Any business remaining shall be dealt with on a date and time fixed by the Mayor or if a date and time is not found, at the next ordinary meeting of the Council.

5. DURATION OF MEETING

- 5.1 The Chief Executive or his representative at any Council meeting will indicate to the councillors present when any meeting has lasted for 3 hours. Unless the majority of councillors present then agree that the meeting should continue, it will automatically be adjourned. Any business not considered will be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date the remaining business will be considered at the next ordinary meeting.

6. ORDINARY MEETINGS

- 6.1 Ordinary meetings of the Council will take place in accordance with a programme decided at, or before, the Council's annual meeting or as otherwise agreed from time to time by the Council.
- 6.2 The Council will sing the National Anthem, led by the Mayor, at the commencement of proceedings, or at such point in the proceedings as the Mayor may otherwise direct.
- 6.3 The agenda at an ordinary Council meeting will normally be to:-
- (a) Elect a person to preside if neither the Mayor or Deputy Mayor are present; (see Standing Order 3.1)
 - (b) Receive any apologies for absence;
 - (c) Approve the minutes of the last meeting;
 - (d) Receive any declarations of interest from councillors;
 - (e) Receive any announcements from the Mayor, Leader, or the Chief Executive;
 - (f) Receive questions from members of the public and hear the Leader or other appropriate councillor provide answers;
 - (g) Receive petitions; (See Standing Order 16)
 - (h) Deal with any business from the last Council meeting;
 - (i) Deal with recommendations from the Cabinet and the Council's committees and in doing so consider any representations by members of the public under the Access to Information Procedure Rules.
 - (j) Receive reports from the Leader and the Chairmen of the Council's Committees and their answers to any questions raised by councillors on any of those reports;
 - (k) Receive reports about and hear questions and answers on the business of joint arrangements and external organisations;
 - (l) Consider motions;
 - (m) Hear the Leader or his nominee answer any questions asked by councillors on issues in their Ward;
 - (n) Hear the Leader or his nominee or appropriate committee Chairman answer any questions from councillors on matters

generally affecting the Borough or for which their committee has responsibility; and

- (o) Consider any other business specified in the summons to the meeting.

7. EXTRAORDINARY MEETINGS

7.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings of the Council:

- (a) The Council by resolution;
- (b) The Mayor;
- (c) The Monitoring Officer; and
- (d) Any five councillors if they have signed a requisition presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

7.2 Business

The business at an extraordinary meeting will normally be confined to consideration of the specific issue for which it was called.

8. ANNUAL MEETING

8.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. At such a meeting, the Council will elect a Leader of the Council for a term of office of four years, to expire on the day of the Annual Council Meeting in the year of the next Election.. If there should be a vacancy in the position of Leader of the Council, the Council shall, at its next ordinary meeting, appoint another Leader of the Council.

In any other year, the annual meeting will take place in May.

- 8.2 The Council will sing the National Anthem, led by the Mayor, at the commencement of proceedings, or at such point in the proceedings as the Mayor may otherwise direct.

The Annual meeting will:

- (a) Elect a person to preside if the Mayor is not present;
- (b) Elect a councillor to be the Mayor of the Council;
- (c) Elect a councillor to be Deputy Mayor of the Council;
- (d) Approve the minutes of the last ordinary meeting;
- (e) Receive any declarations of interest;
- (f) Receive announcements from the Mayor;

- (g) Elect a councillor to be the Leader of the Council for a term of office of four years;
- (h) Receive announcements from the Leader about the number of seats on Cabinet and the portfolios for each Cabinet Member;
- (i) Receive announcements from the Leader about appointments to Cabinet;
- (j) Appoint at least one Overview and Scrutiny Committee, a Members' Code of Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
- (k) Approve a programme of ordinary meetings of the Council for the year if one has not previously been agreed; and
- (l) Consider any business set out in the notice convening the meeting.

8.3 **Selection of Councillors on Committees and Outside Bodies**

At the Annual meeting, the Council meeting will:

- (a) Decide which committees to establish for the municipal year;
- (b) Decide the size and terms of reference for those committees;
- (c) Decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) Receive nominations of councillors to serve on each committee and outside body;
- (e) Appoint to those committees, subject to the provisos that:
 - (i) not more than two councillors appointed to the Cabinet shall be appointed as members of the Licensing Committee or Planning Committee, respectively;
 - (ii) not more than three councillors appointed to the Overview and Scrutiny Committee shall be appointed members of the Audit Committee;
 - (iii) the Chairman of the Audit Committee should not be a member of the Cabinet;
 - (iv) the Mayor shall not be appointed a member of any committee and the deputy Mayor may not be a member of the Cabinet; and
 - (v) one member only of the Cabinet shall be appointed a member of the Members' Code of Conduct Committee.
- (f) Appoint to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Leader (the Leader's appointment to be on a non-political basis and based upon individual Councillors' skills).

9. MINUTES

9.1 Signing The Minutes

The Mayor will sign the minutes of a meeting at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be confirmed and signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

9.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

9.3 Form of Minutes

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

10. DECLARATIONS OF INTEREST

10.1 Where in relation to an item on the agenda, a councillor has a **Disclosable Pecuniary Interest**, that interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates. The councillor must thereafter leave the room when that matter falls to be discussed and take no part in the debate or the vote for that business.

10.2 Where in relation to an item on the agenda, a councillor has

(a) a **Non-Pecuniary interest** arising under paragraphs 15 and 16 of the Code of Conduct for Councillors and Co-opted Members (the "Members' Code of Conduct") (membership of outside bodies etc.), or,

(b) any other **Conflict of Interest**;

then such interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates. A councillor is not required to leave the room when the item is debated but may do so if, in the opinion of the councillor concerned, it is advisable in all the circumstances of the case. A councillor with such an interest, who has remained for the debate, is entitled to speak and vote on the matter to which it relates.

11. RECOMMENDATIONS FROM THE LEADER, CABINET AND COMMITTEES

11.1 The adoption of recommendations of the Cabinet or a Committee to the Council shall be moved by the Leader or appropriate Committee Chairman (or in their absence, by any other councillor called upon by the Mayor so to move) and seconded.

11.2 When moving a recommendation, the Leader or the Chairman or other mover may briefly address the Council. (See Standing Order 18.4 for content and length of speeches)

11.3 Each recommendation shall be considered individually and the normal rules of debate shall apply.

12. STATEMENTS BY MEMBERS OF THE PUBLIC

12.1 Any member of the public interested in a particular recommendation being considered at a Council meeting shall be entitled to make a short statement to the Council expressing their views on it after the recommendation is moved and seconded but before it is debated and a decision on it is taken. The statement must not last longer than 3 minutes. Any person wishing to make such a statement must give notice in writing to the Chief Executive of their wish to do so and must also submit their statement in writing with that notice. Details to be given to the Chief Executive to include name, address and a copy of the written statement submission by 12 noon five clear working days prior to the day of the Council meeting will include the person's name, address and a copy of the written statement.

12.2 Provided they are of a reasonable length, statements in relation to recommendations will be circulated to all councillors and considered when the item is debated.

12.3 The statement will be referred to the Leader of the Council, the relevant Cabinet Member or Chairman to respond.

13. RECEIVING REPORTS FROM THE LEADER AND CHAIRMEN OF COMMITTEES

13.1 The reports of the Leader and Chairmen of Committees will, except in cases of urgency, be included in the Council Agenda for the meeting.

13.2 The Leader and Committee Chairmen will move their reports and may make a statement in introducing either the report as a whole or any particular part of it.

13.3 Motions for the reception of a report need not be seconded.

13.4 Amendments to the motion for the reception of the report will not be allowed.

13.5 After a report has been received the Mayor will call each subject heading, paragraph or page as he/she considers appropriate.

13.6 When a heading, paragraph or page is called, a councillor may without notice ask questions to obtain explanation of or information about the subject matter of the report.

13.7 Any councillor may comment on a matter referred to in a report.

14. PUBLIC QUESTION TIME

14.1 General

Meetings of the Council will allow for a period not exceeding 30 minutes during which time members of the public may ask the Leader

or his nominee questions relating to matters over which the Council has powers or duties or which affect the Borough.

14.2 Order of Questions

Questions will be asked in the order received, except that the Mayor may group together similar questions.

14.3 Notice of Questions

A question may only be asked if notice has been given by delivering the question in writing to the Chief Executive no later than 12 noon five working days prior to the day of the Council meeting. Each question must give the name and address of the questioner and indicate the councillor to whom it is to be put.

14.4 Scope of Questions

The Chief Executive may reject a question if it:

- (a) Is not about a matter for which the Council has a responsibility or which affects the Borough;
- (b) Is defamatory, frivolous or offensive; or
- (c) Requires the disclosure of confidential or exempt information.

14.5 Record of Questions

The Chief Executive will keep a record of each question and will, on receipt, send a copy of the question to the Leader of the Council.. Rejected questions will include reasons for rejection.

Questions and the answers given will be recorded in the minutes of the meeting.

14.6 Asking the Question at the Meeting

The Mayor will invite the questioner to put the question to the councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

14.7 Supplementary Question

No supplementary questions will be allowed.

14.8 Written Answers

Any question which cannot be dealt with during public question time, either due to lack of time, or the non-attendance of the councillor to whom it was to be put, or because not all the information was available, will be dealt with by a written answer.

14.9 Reference of Question to the Cabinet

Unless the Mayor decides otherwise, no discussion will take place on any question, but any councillor may move that a matter raised by a

question be referred to the Cabinet or appropriate Committee or Sub Committee. Once seconded, such a motion will be voted on without discussion.

15. QUESTIONS BY COUNCILLORS

15.1 General

Provided that the Chief Executive has received a copy of the question to be asked before 12 noon five working days prior to the day of the Council meeting, a councillor may at any ordinary Council meeting

- (a) ask the Leader, his nominee or a member of the Cabinet about an issue in the councillor's ward;
- (b) ask the Leader, his nominee or a member of the Cabinet about some issue in which the Council has powers or duties or which affects the Borough; or
- (c) ask the Chairman of a Committee about something for which their Committee has responsibility.

15.2 Procedure on Questions

Subject to Standing Order 15.3, every question shall be put and answered without discussion, but the councillor putting the question may ask one supplementary question.

The supplementary question must be one which either directly arises out of the answer given or is required to clarify some part of the answer.

The person to whom any question has been put may either:

- (a) give a direct oral answer; or
- (b) where the desired information is in a publication of the Council or other published work, refer the questioner to that publication; or
- (c) where the reply cannot conveniently be given orally, give a written answer circulated within 7 days.

15.3 Written Answers.

Where the Mayor considers that:

- (a) a question, or the likely answer to a question, is, or is likely to be, excessively long; or
- (b) that the number of questions at a meeting is excessive; or
- (c) that the amount of other business to be transacted at the meeting demands it;

then the Mayor may direct that any question and answer shall be given in writing without being read aloud at the meeting.

Where the Mayor directs written questions and answers in advance of the meeting, the question and answer shall be made available in writing

at the meeting and shall be incorporated within the minutes of the meeting.

- 15.4 Nothing within Standing Orders 15.3 and 15.4 shall prevent a councillor from putting a supplementary question at the meeting, except that the Mayor may direct any supplementary question to be answered in writing at a later date to enable a properly considered response to be given where the Cabinet Member cannot reasonably be expected to have the level of information at hand to answer the point without prior notice.

16. PRESENTATION OF PETITIONS TO THE COUNCIL

- 16.1 If a petition is presented and relates to a matter in respect of which the Council has powers or duties or which affects the Borough, and it contains more than 4,500 signatures (1,000 for a single ward issue), it will automatically be referred to Council for debate in accordance with the Petition Scheme.
- 16.2 Presentation of a petition on the following business will not be allowed, as set out in the Petition Scheme:
- (a) matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985; or
 - (b) planning applications
 - (c) licensing applications
 - (d) statutory petitions
- 16.3 A petition organiser may present the petition to the Council meeting for no more than 3 minutes, provided that confirmation has been given to the Council’s Committees Section at least 10 working days before the meeting.
- 16.4 The petition will then be discussed by the Council who will decide to respond to the petition in one of the following ways:-
- (a) take the action the petition requests; or
 - (b) not to take the action requested for reasons put forward in the debate; or
 - (c) note the petition and keep the matter under review; or
 - (d) if the content relates to a matter on the agenda for the meeting the petition be considered when the item is debated; or
 - (e) the petition be referred to the Cabinet or Overview and Scrutiny Committee for further consideration
- 16.5 The petition organiser will receive written confirmation of this decision.

17. MOTIONS ON NOTICE

- 17.1 Any councillor may give notice of a motion for consideration at any meeting of the Council.

17.2 **Notice**

These will be recorded in a book, open to public inspection.

- 17.3 Notice of any motion, except one which under these Standing Orders can be moved without notice, must be given in writing to the Chief Executive at least seven clear working days prior to the day of the Council meeting. (This will enable the information to be published with the Council agenda)

17.4 **Motion Set Out In the Agenda**

Motions will be listed on the agenda in the order in which they are received, unless the councillor giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

17.5 **Scope of Motion**

Every Motion must be about something for which the Council has responsibility or which affects the Borough.

17.6 **Motion Not Moved**

If a motion set out in the summons is not moved, either by the councillor who gave notice or by some other councillor on their behalf, it shall, unless the Council agrees otherwise, be treated as withdrawn. The motion may not be moved without fresh notice.

18. **MOTION TO REMOVE LEADER**

- 18.1 Notice of any such motion must be given in writing to the Chief Executive and signed by 5 councillors.
- 18.2 Such a motion must be accompanied by a separate motion to appoint a new Leader who should be named in the motion.

19. **MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE**

The following motions and amendments may be moved without notice:

- (a) To appoint a Chairman of the meeting at which the motion is moved;
- (b) In relation to the accuracy of the minutes;
- (c) To change the order of business on the agenda;
- (d) To refer something to an appropriate individual or committee;
- (e) To appoint a committee or councillor arising from an item on the summons for the meeting;
- (f) To receive reports or adoption of Committee recommendations and any resolutions following from them;
- (g) To withdraw a motion;
- (h) To extend the time limit for speeches;
- (i) To amend a motion;
- (j) To proceed to the next business;

- (k) That the question be now put;
- (l) To adjourn a debate;
- (m) To adjourn a meeting;
- (n) To suspend a particular Standing Order;
- (o) To exclude the public and press in accordance with the Access to Information Procedure Rules;
- (p) To not hear further a councillor named under Standing Order 24.3 or to exclude them from the meeting under Standing Order 24.4;
- (q) To give the consent of the Council where its consent is required by the Constitution; and
- (r) To continue the meeting beyond 3 hours.

20. RULES OF DEBATE

20.1 No Speeches until Motion Seconded

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

20.2 Right To Require Motion in Writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to the Chief Executive before it is discussed.

20.3 Secunder's Speech

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

20.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order.

No speech may exceed FIVE minutes without the consent of the Mayor and may only exceed ten minutes with the consent of the Council

20.5 When a Member May Speak Again

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

- (a) To speak once on an amendment moved by another councillor;
- (b) To move a further amendment if the motion has been amended since he last spoke;
- (c) If his first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which he spoke was carried);
- (d) In exercise of a right of reply;
- (e) On a point of order; or
- (f) By way of personal explanation.

20.6 **Amendments To Motions**

An amendment to a motion must be relevant to the motion and either be:

- i) To refer the matter to the Cabinet or an appropriate Committee or individual for consideration or reconsideration;
- ii) To leave out words;
- iii) To leave out words and add others; or
- iv) To add words.

20.7 An amendment which forms the negative of the motion will not be allowed.

20.8 The Mayor may require the amendment to be written down and handed to the Chief Executive before it is discussed.

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

No further amendment may be moved until the amendment under discussion has been voted on or withdrawn by the mover and seconder.

20.10 If an amendment is not agreed, other amendments to the original motion may be moved.

20.11 If an amendment is agreed, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

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

*A diagram showing how decisions can be made is **at Appendix 1.***

20.13 **Alteration of Motion**

A councillor may alter a motion of which he has given notice with the consent of the meeting.

The meeting's consent will be signified without discussion;

A councillor may alter a motion which he has moved without notice with the consent of both the meeting and the seconder.

The meeting's consent will be signified without discussion.

Only alterations which could be made as an amendment may be made.

20.14 **Withdrawal of Motion**

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

20.15 **Right of Reply**

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

If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

The mover of the amendment has no right of reply to the debate on his or her amendment.

20.16 **Motions which May Be Moved During Debate**

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

- (a) To withdraw a motion;
- (b) To amend a motion;
- (c) To proceed to the next business;
- (d) That the question be now put;
- (e) To adjourn a debate;
- (f) To adjourn a meeting;
- (g) To exclude the public and press in accordance with the Access To Information Procedure Rules; and
- (h) To not hear further a councillor named under Standing Order 24.3 or to exclude them from the meeting under Standing Order 24.4;
- (i) That the meeting continue beyond 3 hours in duration.
- (j) Ending a Debate

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

- (a) To proceed to the next business;
- (b) That the question be now put;
- (c) To adjourn a debate; or
- (d) To adjourn a meeting.

20.18 If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, the Mayor will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

20.19 If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, the Mayor will put the procedural motion to the vote. If it is passed the Mayor will give the mover of the original motion a right of reply before putting the motion to the vote.

20.20 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and

cannot reasonably be so discussed on that occasion, the Mayor will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

20.21 Point Of Order

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

20.22 Personal Explanation

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

21. PREVIOUS DECISIONS AND MOTIONS

21.1 Motion to Rescind A Previous Decision

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

21.2 Motion Similar to One Previously Rejected

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

22. VOTING

22.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

22.2 Chairman's Casting Vote

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

22.3 Show of Hands

Unless a recorded vote is requested, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

22.4 Recorded Vote

- (a) If any councillor present at the meeting requests it before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- (b) Where the Council makes a budget decision either (i) a calculation in accordance with the Local Government and Finance Act 1992 or (ii) issues a precept under Chapter 4 of Part 1 of that Act then a recorded vote shall be held.

22.5 Right To Require Individual Vote To Be Recorded

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

22.6 Voting on Appointments

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

23. OFFICERS SPEAKING DURING DEBATES

- 23.1 Any Chief Officer or his representative may signify his wish to speak. The Mayor shall then use his discretion to call upon the Officer at an appropriate point during the debate. The subject matter on which an Officer may speak shall be confined to:
 - i) providing relevant information; or
 - ii) explanation or interpretation of a statute or procedure.
- 23.2 The Mayor may, at his discretion, permit a councillor to seek, through the Chair, the opinion of an Officer on a particular point.
- 23.3 Any Officer may be called upon to speak by the Mayor who shall indicate the subject matter.
- 23.4 Where an Officer is presenting a report of which prior notice has been given, the above rules do not apply.

24. COUNCILLORS' CONDUCT

24.1 Standing To Speak

When councillors speak at Council they must stand and address the meeting through the Mayor. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

24.2 Mayor Standing

When the Mayor stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

24.3 Member Not To Be Heard Further

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

24.4 Member To Leave The Meeting

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

24.5 General Disturbance

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

25. DISTURBANCE BY THE PUBLIC

25.1 Removal of Member of the Public

If a member of the public interrupts or intrudes upon proceedings or otherwise prevents the orderly business of the meeting, the Mayor will warn the person concerned. If they continue to interrupt etc., the Mayor will order their removal from the meeting room.

25.2 Clearance of Part of Meeting Room

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

26. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or under Standing Order 25 (Disturbance by public).

27. RECORD OF ATTENDANCE

All councillors present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

28. SUSPENSION AND AMENDMENT OF COUNCIL STANDING ORDERS

28.1 Suspension

All of these Standing Orders except for Standing Orders 22 (enabling a councillor to record their vote) or 9(2) (signing of minutes) may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

28.2 Amendment

Any motion to add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the

next ordinary meeting of the Council unless the proposal has been the subject of consideration and report by the Monitoring Officer.

29. APPLICATION TO ALL COMMITTEES AND SUB COMMITTEES

All of these Standing Orders apply to meetings of Council. Standing Orders 2-5, 9 and 16-27 (but not 19 and 24.1) apply to meetings of Committees and to meetings of the Cabinet.

30. PLANNING COMMITTEE – SPEAKING BY THE PUBLIC AND WARD COUNCILLORS

30.1 The Planning Committee will receive representations from members of the public and applicants in accordance with procedures agreed from time to time by the Committee.

30.2 Any councillor may attend meetings of the Planning Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee. Any councillor in attendance may, when invited to do so by the Chairman, speak at the meeting in relation to an item relating to his ward provided he/she has notified the Chairman, before the start of the meeting, of his wish to speak on the item.

31. LICENSING COMMITTEE – SPEAKING BY WARD COUNCILLORS

Any councillor may attend meetings of the Licensing Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee. Any councillor in attendance may, when invited to do so by the Chairman, speak at the meeting in relation to an item relating to his ward provided he has notified the Chairman, before the start of the meeting, of his wish to speak on the item.

32. AUDIT COMMITTEE – ATTENDANCE BY NON COMMITTEE COUNCILLORS

Any councillor may attend meetings of the Audit Committee of which he/she is not a member but shall sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee. A councillor in attendance at such meetings may, when invited to do so by the Chairman, speak at the meeting in relation to an issue being discussed provided he/she has notified the Chairman before the start of the meeting of a wish to speak on an item.

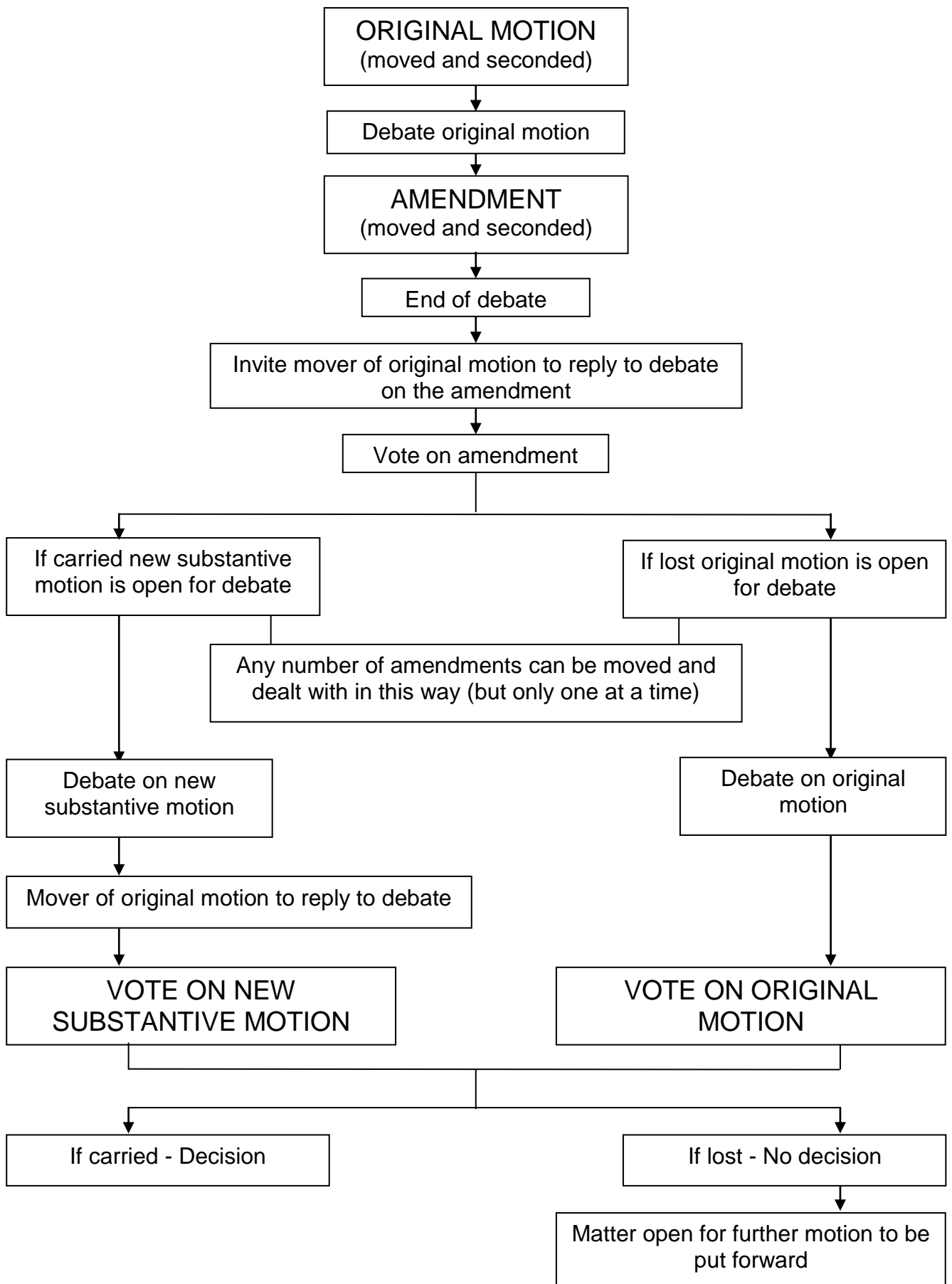
33. CHAIRMANSHIP OF COMMITTEES

No councillor shall hold more than one chairmanship at any time and in this Standing Order "chairmanship" means the office of Chairman or Vice-Chairman of a committee. This provision covers the principal committees such as the Cabinet, Members' Code of Conduct, Overview and Scrutiny and the Regulatory Committees.

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RULES OF DEBATE

(Diagram showing how decisions can be made)



OVERVIEW AND SCRUTINY PROCEDURE RULES

1. NUMBER AND SIZE OF COMMITTEES

- 1.1 The Council will have an Overview and Scrutiny Committee as set out in Article 8 and will appoint members to it. The Committee may appoint such sub-committees and working groups, as it considers appropriate.

2. WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEES

- 2.1 All councillors except members of the Cabinet and the Mayor may be members of the Overview and Scrutiny Committee. However, no councillor may be involved in scrutinising a decision which he has been directly involved with.

3. CO-OPTEEES

- 3.1 The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees such as representatives from other organisations, local residents, outside experts etc.

4. MEETINGS

- 4.1 There shall be at least 4 ordinary meetings of the Overview and Scrutiny Committee in every year in accordance with the calendar of meetings agreed by the Council. These shall be at times and venues to be decided by the Committee.
- 4.2 In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary Overview and Scrutiny Committee meeting may be called by:
- (a) the Chairman of the Overview and Scrutiny Committee,
 - (b) any 3 members of the Committee; or
 - (c) The lead staff member to the Committee if he considers it necessary or appropriate after consultation with the Chairman.
- 4.3 When calling an extraordinary meeting the justification for doing so shall be given.
- 4.4 Any councillor may attend meetings of the Overview and Scrutiny Committee of which he is not a member but shall sit separately from the members of the Committee so that it is clear to members of the public, who are the members of the Committee. A councillor shall not be entitled to attend meetings of working groups or sub-committees unless appointed as a member or invited to attend by the working group or sub-committee.
- 4.5 A councillor in attendance at meetings may, when invited to do so by the Chairman, speak at the meeting in relation to an issue being discussed, provided he has notified the Chairman before the start of the meeting of his wish to speak on the item.
- 4.6 A councillor appointed as the Council's representative on an outside body may attend meetings and speak in relation to an issue being discussed which affects that body, provided that he has notified the Chairman before the start of the meeting of his wish to speak on the item.

5. APPOINTMENT OF CHAIRMAN

- 5.1 At the first meeting in the municipal year the Committee will elect the Chairman for the year from amongst the councillors appointed to the Committee. In the event of an equality of votes, the appointment shall automatically be deferred to the next meeting and the Committee shall elect a Chairman for the meeting to enable the business on the agenda to be transacted. The Chairman will then conduct the appointment of a Vice-Chairman.
- 5.2 The Chairman shall preside at every meeting of the Committee at which he is present but may invite the Vice-Chairman of the Committee to preside over all, or any part of the meeting.
- 5.3 In the absence of the Chairman, the Vice-Chairman shall preside and, in the absence of the Chairman and the Vice-Chairman, the Committee shall elect a person from among their number to preside at the meeting, which will be conducted by the lead staff member.

6. QUORUM

- 6.1 The quorum for the Overview and Scrutiny Committee (or any sub-committee) shall be one quarter of the members of the Committee.

7. WORK PROGRAMME

- 7.1 The Overview and Scrutiny Committee shall be responsible for setting its own work programme and in doing so shall take into account the wishes of members on that Committee who are not members of the largest political group on the Council. Any work programme agreed may be amended from time to time.

8. AGENDA ITEMS

- 8.1 Any councillor shall be entitled to notify the Chairman that they wish a relevant item to be included on the agenda for the next available meeting of the Committee; such notice to include the reason for wanting the matter to receive Committee consideration. The Chairman shall consider such a request and if he agrees that it is an appropriate matter for the Committee to discuss, the lead staff member to the Committee will ensure that it is included on the next available agenda. If the Chairman does not consider it appropriate for the Committee to consider the item requested, then he shall give his reasons to the councillor making the request. (Note: this relates to any matter relevant to the functions of the Committee other than a 'call-in' of a key decision, which is dealt with separately in paragraph 16 below)

9. ORDER OF BUSINESS

- 9.1 The normal order of business at overview and scrutiny committees shall be:
- (a) Apologies for absence;
 - (b) Minutes of the last meeting;
 - (c) Disclosures of interests;
 - (d) Call in of a Leader, Cabinet or Cabinet Member decision;
 - (e) Any matter referred under the "Councillor call for action" procedures

- (f) Outcomes of any reports or recommendations to the Leader, Cabinet or Cabinet Member
 - (g) Matters set out in the work programme for the meeting
 - (h) Cabinet Forward Plan
 - (i) Members of the Committee to suggest items for future Committee consideration
 - (j) Work Programme; and
 - (k) Any business identified by the Lead staff member to the Scrutiny Committee and agreed by the Chairman
- 9.2 Duration of meetings (Please see Standing Orders for Council contained in part 4 section (a) of the Council's Constitution for the rules on the length of time allowed for a single meeting).

10. POLICY REVIEW AND DEVELOPMENT

- 10.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Leader, Cabinet or Cabinet Member (as the case may be) for developments in so far as they relate to matters within their terms of reference.
- 10.3 The Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

11. CONDUCT OF REVIEWS

- 11.1 Before starting any review or enquiry, the Overview and Scrutiny Committee will:
- (a) Define the issue it wishes to look at and the Committee's purpose in undertaking the review;
 - (b) Indicate the type of background information and any performance or other data the Committee requires;
 - (c) Indicate the individuals the Committee would like to interview as part of their review (e.g. Members of the Cabinet, staff, representatives from other organisations, local residents and outside experts. etc);
 - (d) Set a realistic timescale including meeting dates if there are to be additional meetings to those in the calendar; and

- (e) Decide whether the review is to be undertaken by the Committee itself or by a working group of members of the Committee reporting to the main Committee.
- 11.2 The terms of reference for any review to be undertaken by the Overview and Scrutiny Committee will be agreed by the Chairman of the Committee with the assistance of the lead staff member and sent to all members of the Committee. The Chairman of the Committee will then manage the review with the lead staff member and support of the committee manager.
- 11.3 Where the Overview and Scrutiny Committee conducts reviews or investigations and asks people to attend to give evidence, it will proceed in accordance with the following principles:
- (a) that the review or investigation will be conducted fairly and all members of the Committee will be given the opportunity to ask questions, to contribute and speak;
 - (b) that those assisting the Committee by attending be treated with respect and courtesy; and
 - (c) that the review or investigation be conducted so as to maximise the efficiency of the investigation or analysis.

12. REPORTS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

- 12.1 Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report or recommendation and submit it to the lead staff member for consideration by the Leader or Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council (if the recommendation would require a departure from or a change to the agreed budget and policy framework) as appropriate.
- 12.2 If the Overview and Scrutiny Committee cannot agree on one single final report or recommendation to the Council, Leader or Cabinet as appropriate, then up to one minority report or recommendation may be prepared and submitted for consideration by the Council, Leader or Cabinet with the majority report or recommendation.
- 12.3 The Council, Leader or Cabinet shall consider the report or recommendation of the Overview and Scrutiny Committee within eight weeks of it being submitted to the lead staff member.
- 12.4 The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. The reports and recommendations of the Overview and Scrutiny Committee referred to the Leader, Cabinet or Cabinet Member shall be included at this point in the agenda (unless they have already been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within eight weeks of the Overview and Scrutiny Committee completing its report or recommendations.
- 12.5 All references and recommendations from the Overview and Scrutiny Committee will be considered by the Cabinet notwithstanding that the original decision may have been taken by an individual member of the Cabinet.

- 12.6 When the Council does meet to consider any referral from the Overview and Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Leader or Cabinet to the Overview and Scrutiny proposals.
- 12.7 Where the Overview and Scrutiny Committee prepares a report or recommendation for consideration by the Cabinet in relation to a matter where the Leader has delegated decision making power to an individual member of the Cabinet, then the Overview and Scrutiny Committee will submit a copy of their report or recommendation to that individual for consideration and all members of the committee, for information. At the time of doing so, the Overview and Scrutiny Committee shall also serve a copy on the lead staff member and the Leader. If the councillor with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee, then they must then refer the matter to the next available meeting of the Cabinet for debate before exercising their decision making power and responding to the report in writing to the Overview and Scrutiny Committee. The Cabinet Member to whom the decision making power has been delegated will respond to the Overview and Scrutiny Committee within eight weeks of receiving its report. A copy of their written response to it shall be sent to the lead staff member and the councillor will attend a future meeting to respond.
- 12.8 The Overview and Scrutiny Committee will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following its consideration of possible policy/service developments, the Committee will at least be able to make its views known to the Cabinet in relation to any key decision.

13. RIGHTS OF COMMITTEE MEMBERS TO DOCUMENTS

- 13.1 In addition to their rights as councillors, members of the Overview and Scrutiny Committee have the additional right to documents, and to notices of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 13.2 The above provision does not prevent detailed discussion between the Cabinet and the Overview and Scrutiny Committee taking place on the particular matter under consideration.

14. MEMBERS AND OFFICERS GIVING ACCOUNT

- 14.1 The Overview and Scrutiny Committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Chief Executive, Deputy Chief Executives, or Heads of Service to attend before it to explain in relation to matters within their remit:

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

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

- 14.2 Where any councillor or staff member is required to attend the Overview and Scrutiny Committee under this provision, the Chairman of that committee will inform the lead staff member. The lead staff member shall inform the councillor(s) or staff members in writing giving at least 5 working days notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the Committee will require the production of a report, then the councillor or staff member concerned will be given sufficient notice to allow for the preparation of that documentation.
- 14.3 Where in exceptional circumstances, the councillor or staff member is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the councillor or staff member arrange an alternative date for attendance.

15. ATTENDANCE BY OTHERS

- 15.1 The Overview and Scrutiny Committee may invite people other than those people referred to in 14 above to address the meeting, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and councillors and staff members in other parts of the public sector and shall invite whosoever it considers appropriate to attend.

16. CALL IN PROCEDURE

- 16.1 The Overview and Scrutiny Committee shall be entitled to call in for consideration any decisions taken by the Leader, Cabinet or a Cabinet Member in accordance with the following procedure:
- 16.2 The "call in" procedure shall not apply to recommendations the Cabinet makes to the Council.
- 16.3 The call in procedure does not apply to urgent decisions (i.e. a decision which has been taken without the normal period of notice being given after consultation with and the agreement of the Chairman of the Overview and Scrutiny Committee that the decision was urgent).
- 16.4 Within five working days of the date on which a decision of the Leader, Cabinet or a Cabinet Member is published, not less than three councillors [one of whom must be the Chairman] of the Overview and Scrutiny Committee, may give notice in writing to the lead staff member of their wish that the decision should be considered by the Overview and Scrutiny Committee before it is implemented.
- 16.5 On receipt of such a notice the lead staff member will advise the Chairman of the Committee, of the call in and liaise with the Chairman to arrange for the committee to meet to consider the matter as soon as reasonably practicable.
- 16.6 To avoid delay in considering an item "called in", an extraordinary meeting of the Committee shall be convened within seven working days of a "call in" being received if an ordinary meeting is not scheduled in that period.
- 16.7 When calling in a Leader, Cabinet or Cabinet Member decision for review, the councillors doing so shall in their notice of "call in"
- outline their reasons for requiring a review;

- Indicate any further information they consider the Committee needs to have before it in order to conduct a review in addition to the written report made by staff ;
 - Indicate whether, where the decision was taken collectively by the Cabinet, they wish the Leader or his nominee (who should normally be the Cabinet Member) or where the decision was taken by a Cabinet Member, the member of the Cabinet making the decision, to attend the committee meeting; and
 - Indicate whether the staff member making the report to the Cabinet or to the Cabinet Member taking the decision or his representative should attend the meeting.
- 16.8 When a decision is called in for review, the Chairman of the Overview and Scrutiny Committee may arrange for any additional information they consider necessary to be made available to the Committee when it meets.
- 16.9 Where requested to do so, staff will arrange for the additional information to be supplied to the meeting and the staff member making the report to the Leader or Cabinet etc will attend.
- 16.10 When requested to do so, the Leader or his nominee, where the Cabinet has made the decision or the Cabinet Member who has made the decision will attend the meeting.
- 16.11 Having reviewed the decision, the Overview and Scrutiny Committee may either:
- (a) Request the Leader, Cabinet or Cabinet Member to reconsider the matter for reasons to be put forward by the Committee in their request to reconsider; or
 - (b) decide that no further action be taken, in which case the decision of the Leader or Cabinet etc may be actioned without further consideration or delay.
- 16.12 Where a decision is taken by the Leader, Cabinet or a Cabinet Member following consideration of a recommendation on the matter from the Overview and Scrutiny Committee and the decision is called in under the above procedure (ie a second call in on the same matter), the Overview and Scrutiny Committee must either:
- (a) refer the matter to the Council for decision with a recommendation from the Committee as to what it considers appropriate; or
 - (b) decide that no further action be taken, in which case the decision of the Cabinet or Cabinet Member may be actioned without further consideration or delay.

17. THE PARTY WHIP

- 17.1 The party political groups represented on the Council have recognised and agreed in principle that political group whipping as described in the Secretary of States' Guidance to New Council Constitutions is not appropriate and will not be applied in relation to the function of overview and scrutiny.

- 17.2 When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to a party whip, the councillor must declare the existence of the whip and the nature of it before commencement of the Committee's deliberations on the matter. This shall then be recorded in the minutes of the meeting.

Portfolios with effect from 30 July 2020

Portfolio Title and Holder	Areas covered	Head of Service / Prime Contact
<p>Leader of the Council's portfolio</p> <p>Cllr John Boughtflower</p>	<ul style="list-style-type: none"> ● Strategic coordination of Council Policy (including Corporate Plan) ● Corporate Governance ● The Constitution ● Democratic arrangements ● Strategic financial management and budget setting ● Strategic assets including Acquisitions and Developments ● Housing Strategy (in conjunction with the Portfolio Holder) ● Town centre regeneration (in conjunction with the Assets & Economic Development Portfolio Holders) ● Local Government devolution ● Member/staff relations ● Members' development and information ● Neighbourhood Grants ● Committee Services and ICT ● Human Resources ● Business Transformation 	
<p>Deputy Leader</p> <p>Cllr Jim McIlroy</p>	<ul style="list-style-type: none"> ● Management of all Council and KGE owned Investment Asset Portfolio and Residential Portfolio ● Asset Maintenance ● Emergency Planning ● Heathrow Liaison ● Director of KGE ● Business transformation (in conjunction with the Leader) ● The Local Plan 	
<p>Deputy Leader</p> <p>Community Wellbeing and Housing</p> <p>Cllr Maureen Attewell</p>	<ul style="list-style-type: none"> ● Housing policy and strategy (in conjunction with the Leader) ● Housing options, housing advice and housing benefits ● Affordable housing and homelessness ● Private sector and social housing enforcement ● Home Improvement Agency ● Community Development ● Consultations and community engagement ● Voluntary sector liaison ● Grants to outside organisations ● Family support ● Education and young people ● Assistance for older people ● Day centres ● Meals on Wheels ● Spelride ● Supporting Living Independently ● Disability issues ● Disabled persons grant 	
<p>Finance</p> <p>Cllr Sati Buttar</p>	<ul style="list-style-type: none"> ● General financial management ● Accountancy ● Council tax / business rates ● Audit 	

Portfolios with effect from 30 July 2020

<p>Communications, Corporate Management and Environment</p> <p>Cllr Bob Noble</p>	<ul style="list-style-type: none"> ● Communications, publicity and media liaison ● Customer service / satisfaction ● Reputation management <p>Corporate management to include:</p> <ul style="list-style-type: none"> ● Performance management ● Corporate project management ● Procurement and contract management ● Alternative delivery models for Council services ● Office services and insurance <p>Environment to include</p> <ul style="list-style-type: none"> ● Environmental protection ● Climate change ● Carbon management ● Air quality 	
<p>Planning and Economic Development</p> <p>Cllr Tony Mitchell</p>	<ul style="list-style-type: none"> ● Planning Policy, Strategic Planning (in conjunction with the Leader and Deputy Leader) ● Planning enforcement ● Planning Development management ● Building Control ● Regeneration for Staines (in conjunction with the Leader and Deputy Leader) ● Regeneration of other town centres ● Viability of local shopping areas ● Business support and inward investment ● Tourism ● Transport 	
<p>Compliance, Waste and Risk</p> <p>Cllr Richard Barratt</p>	<ul style="list-style-type: none"> ● Community safety, crime and disorder ● Joint enforcement team (JET) ● Licensing (gambling, entertainment and taxis) ● Parking services ● Street Scene ● Waste strategy and management ● Asset cost effective compliance ● Corporate Health and Safety ● Food safety ● Food, Health and Safety enforcement 	
<p>Leisure Services and New Leisure Centre Development</p> <p>Cllr Rose Chandler</p>	<ul style="list-style-type: none"> ● Leisure Services ● Development of leisure activities (in conjunction with the Leader and Community Wellbeing portfolio holder) ● Promoting improved Public Health ● Development of the new Leisure Centre in conjunction with the Leader and Community Wellbeing Portfolio Holder 	

CABINET PROCEDURE RULES

1. MEMBERS OF THE CABINET

- 1.1 The Cabinet will consist of the Leader and Deputy Leader together with at least 1, but not more than 8, councillors appointed to the Cabinet by the Leader, who will report the appointments, and any changes to those appointments, to the Council in accordance with Article 7 of the Council's Constitution.

2. WHO MAY MAKE CABINET DECISIONS

- 2.1 The arrangements for the discharge of Cabinet functions may be set out by the Leader. The Leader may, after full consultation and agreement of the majority of Cabinet members, provide for Cabinet functions to be discharged by:

- (a) The Leader himself
- (b) The Cabinet as a whole
- (c) An individual member of the Cabinet
- (d) An individual member of the Council
- (e) A member of staff
- (f) Joint arrangements or
- (g) Another local authority

- 2.2 In the absence of the Leader, the Deputy Leader is authorised to exercise all the powers of the Leader.

- 2.3 Individual members of the Cabinet will be appointed by the Leader to exercise specific Cabinet Areas of Responsibility and these are **listed at Annex A.**

3. THE LEADER'S SCHEME OF DELEGATION FOR CABINET FUNCTIONS

- 3.1 The Leader's scheme of delegation for Executive functions is set out in Part 3 of the Council's Constitution. It may only be agreed or amended by the Leader.

- 3.2 No staff member may take a Key Decision as defined in Article 13 of the Council's Constitution.

- 3.3 The Leader has decided the extent to which individual members of the Cabinet may take decisions (see 2.3 above) and only the Leader can agree changes to this. No individual member may take a Key Decision as defined in Article 13 of the Council's Constitution.

- 3.4 In the absence of a Cabinet Member, the Leader can take any decision which the Cabinet Member could have taken. If an issue crosses Cabinet areas of responsibility, the Leader will decide which Cabinet Member should be consulted or take a delegated decision.

4. CABINET MEETINGS – WHEN AND WHERE

- 4.1 The Cabinet will normally meet in public approximately every six weeks on dates and at times to be agreed by the Leader. The Cabinet will normally meet at the Council Offices unless another location is agreed by the Leader with the Chief Executive.

5. PUBLIC OR PRIVATE MEETINGS

- 5.1 All meetings at which decisions are taken on Cabinet functions, whether or not they are Key Decisions within the meaning of the Local Authorities (“Cabinet”/Executive Arrangements)(Access To Information)(England) Regulations 2000, will take place in public, except when the decision maker is considering exempt business.
- 5.2 Other meetings of the Cabinet, such as those to receive briefings from staff, to discuss the forward planning of business or give preliminary consideration to issues likely to arise in the future, will take place in private.

6. QUORUM

- 6.1 The quorum for a meeting of the Cabinet is 5.

7. HOW DECISIONS ARE TO BE TAKEN BY THE CABINET

- 7.1 Meetings at which Cabinet decisions are to be taken will be convened in accordance with the Access to Information Rules in Part 4 of this Constitution.
- 7.2 Where Cabinet decisions are delegated to an individual member of the Cabinet, such a decision may only be taken after the member taking the decision has received and considered a written report on the issue concerned from the Council’s Management Team. A copy of such reports will also be sent at the same time to the Leader and the Chairman of the Overview and Scrutiny Committee.

8. DATE WHEN CABINET DECISIONS TAKE EFFECT

- 8.1 Decisions taken by the Cabinet or an individual member of the Cabinet, which can be called in for consideration under the Overview and Scrutiny Procedure Rules, shall take effect and be actioned five working days after the date on which the record of the decision is made and published.
- 8.2 Urgent decisions - that is, decisions taken by the Cabinet or individual member of the Cabinet without three days’ notice being given but which the Chairman of the Overview and Scrutiny Committee agrees are urgent, shall take effect immediately the record of the decision is made and published.

9. CONDUCT OF CABINET MEETINGS

- 9.1 The Leader of the Council will preside at any meeting of the Cabinet at which he is present. In his absence, the Deputy Leader will preside. If both are absent, the Cabinet will appoint a person from those present to preside at the meeting. Standing Orders 1-5, 9 and 16-27 (but not

19 and 23.1) of the Standing Orders for Council apply to the conduct of meetings of the Cabinet.

10. WHO MAY ATTEND

10.1 Members of the public may attend any meeting convened to take Cabinet decisions, except where the matter under consideration qualifies under the grounds to exclude the press and public set out in the Access to Information Rules in Part 4 of this Constitution.

10.2 Any councillor may attend a meeting which is open to the public but shall sit separately from the members of the Cabinet so that it is clear to any members of the public who the members of the Cabinet are. Attendance by any councillor at Cabinet meetings will be recorded in the minutes of the meeting.

Provided that they have notified the Leader, or the person presiding, before the start of the meeting of their wish to speak, a councillor who attends a public meeting of the Cabinet may, when invited to do so by the person presiding, speak at the meeting on an item relating to their ward before the Cabinet/individual Cabinet member makes its decision.

10.3 Provided that they have notified the Leader that they wish to do so before the start of the meeting, the Leader of any minority political group attending any meeting at which a key decision is to be taken may speak, at a point in the discussion considered appropriate by the Leader, to put forward their view on that key decision before the decision is made.

10.4 Provided that they have notified the Leader that they wish to do so before the start of the meeting, the Chairman of the Overview and Scrutiny Committee who attends a meeting of the Cabinet (or in the absence of the Chairman the Vice-Chairman) may address the Cabinet in support of a report or recommendation from the Overview and Scrutiny Committee which is being considered at that meeting.

11. BUSINESS AT CABINET MEETINGS

11.1 At each meeting of the Cabinet held in public, the following business will usually be conducted:

- (a) apologies for absence;
- (b) consideration of the minutes of the last meeting;
- (c) declarations of interest, if any;
- (d) Petitions, if any matters referred to the Cabinet (by either the Overview and Scrutiny Committee or Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (e) consideration of reports and recommendations from the Overview and Scrutiny Committee;
- (f) Local Plan Working Party minutes and recommendations, if any;

- (g) matters set out in the agenda for the meeting which are Key Decisions;
- (h) Finance reports, if any;
- (i) All other matters on the agenda
- (j) A report of any decisions taken by individual members of the Cabinet;
- (k) Issues for future meetings;
- (l) Urgent Items.

12. PUTTING ITEMS ON THE CABINET AGENDA

- 12.1 The Leader may put on the agenda of any Cabinet meeting any matter which he wishes, whether or not authority has been delegated to the Cabinet, a committee of it, or any councillor or staff member in respect of that matter. The Proper Officer will comply with the Leader's request in this respect.
- 12.2 Any member of the Cabinet may ask the Proper Officer to ensure that an item is put for consideration by the Cabinet on the agenda of the next available Cabinet meeting. The Proper Officer will comply with any such request.
- 12.3 Any councillor may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration and, if the Leader agrees, the item will be considered at the next available meeting. The notice of the meeting will give the name of the councillor who asked for the item to be considered.

13. CONFLICTS OF INTEREST

- 13.1 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 in Part 5 of the Council's Constitution.
- 13.2 If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of the Council's Constitution.
- 13.3 If the exercise of a Cabinet function has been delegated to a committee of the Cabinet, an individual councillor or a staff member, and a conflict of interest arises, then the function will be exercised in the first instance by the Cabinet and otherwise as set out in the Council's Code of Conduct for Members in part 5 of the Council's Constitution.

FINANCIAL REGULATIONS

INTRODUCTION

Background

1. The Local Government Act 1972 section 151 requires the Council to make arrangements for the proper administration of its financial affairs. Together with the Contract Standing Orders, they regulate the conduct of Council business.
2. These Financial Regulations must be available to and apply to every councillor and employee of the Council and anyone acting on its behalf. They will apply to agents and consultants acting for the Council and to services carried out under agency arrangement, unless specifically excepted by the relevant service head and the Chief Finance Officer.
3. They will also apply to all arms-length organisations, agencies and partnerships with whom the Council does business and for whom the Council is the relevant accounting body. Where the Council is not the relevant accounting body, but is a responsible partner, staff must ensure that the accounting body has in place adequate Regulations and proper schemes of delegation.
4. Copies of Financial Regulations are provided to the Chief Executive, Deputy Chief Executives, Chief Finance Officer and all Heads of Service and are included in the Council's Constitution.
5. To help you understand the terminology used in Financial Regulations, a Glossary of Terms is attached at the end.

Scope & Review

6. The Leader may delegate any function assigned to him in these regulations according to the scheme of delegation set out in Part 3(a) of this Constitution.
7. It is the responsibility of the Chief Executive, Deputy Chief Executives, Chief Finance Officer and Heads of Service to ensure Financial Regulations are followed.
8. Heads of Service are responsible for ensuring that all staff in their departments are aware of the existence and content of the Financial Regulations and that they comply with them. Equally, staff have a reciprocal responsibility to comply with the regulations.
9. All councillors and employees have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value. In doing so, proper consideration must be given at all times to matters of probity and propriety in managing the assets, income and expenditure of the Council.

10. Failure to follow Financial Regulations and Standing Orders will be reported to the Chief Finance Officer immediately and, if serious, to the Leader and may, in consultation with Human Resources, be treated as a disciplinary offence.
11. Financial Regulations should be reviewed in line with inflation every two years by the Chief Finance Officer in consultation with the Leader .

Financial Regulation A – Financial Accountabilities and Management

- A1 Financial management covers all financial accountabilities in relation to the running of the Council including the policy framework and budget and should be read in conjunction with the Council's Constitution.

COUNCIL

- A2 The Council has the general responsibility for setting the Council's policy and budget framework.

- A3 The Council is responsible for:-

- a. adopting and changing the Council's Constitution and Members' Code of Conduct;
- b. approving the policy framework and budget within which the Council operates;
- c. approving and monitoring compliance with the Council's overall framework of accountability and control. The framework is set out in the Council's Constitution;
- d. monitoring compliance with the agreed policy, related strategy decisions by Cabinet and Local Code of Corporate Governance and
- e. 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.

THE CABINET

- A4 The Leader is responsible for delegating the following functions in accordance with the Cabinet procedure rules in Part 4 of the Constitution:

- a) proposing the policy framework, its overall community and corporate strategies and budget strategy to the Council;
- b) monitoring the performance of Services, projects and programmes and

discharging its functions and responsibilities as set out in the Council's Constitution and in accordance with the Policy Framework and Budget approved by Council. In doing so, he can delegate its decision making powers to a formally constituted committee of the Cabinet, a staff member or a joint committee in accordance with the scheme of delegation as set out in the Council's Constitution.

ROLE OF OFFICERS

STATUTORY OFFICERS

Chief Executive (Head of Paid Service)

- A5 The Chief Executive as Head of Paid Service for the purposes of the Local Government Act 1989 is responsible for overall corporate and strategic

management and has operational responsibility for the management of the Council as a whole. He must report as necessary to the Council and Leader. He is responsible for provision of professional advice to all parties in the decision making process. The Chief Executive is also responsible together with the Monitoring Officer, for the system of record keeping in relation to all the Council's decisions.

Head of Corporate Governance (Monitoring Officer)

- A6 The Head of Corporate Governance as the Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Members' Code of Conduct Committee. The Head of Corporate Governance will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors. He is also responsible for reporting any actual or potential breaches of the law or maladministration to the Council and/or to the Cabinet, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- A7 The Head of Corporate Governance will ensure that decisions relating to executive functions, together with the reasons for those decisions and relevant staff reports and background papers are made publicly available as soon as possible. He must also ensure that councillors are aware of decisions made by committees and employees who have delegated responsibility in accordance with the Council's Constitution.
- A8 The Head of Corporate Governance will advise whether decisions relating to executive functions are in accordance with the budget and policy framework.

Deputy Chief Executive (Chief Finance Officer)

- A10 Under Section 151 of the Local Government Act 1972 and the general direction of the Leader, the Chief Finance Officer is responsible for the proper administration of the Council's financial affairs.
- A11 Under Section 114 of the Local Government Act 1988, the Chief Finance Officer (CFO) is also responsible for reporting to the Council if councillors or staff make or are about to make a decision involving unlawful expenditure, loss or deficiency, or if proposed expenditure is likely to exceed available resources.
- A12 The Chief Finance Officer, as defined in the Constitution has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:
- a) Section 151 of the Local Government Act 1972
 - b) Local Government Finance Act 1988
 - c) The Local Government and Housing Act 1989
 - d) The Accounts and Audit Regulations (England) 2011
 - e) The Local Government Act 2003

A13 The CFO is responsible for:

- a) the proper administration of the Council's financial affairs
- b) setting and monitoring compliance with accounting and financial management procedures and standards
- c) maintaining an effective and adequate internal audit and all audit arrangements
- d) advising on the corporate financial position
- e) key financial controls necessary to secure sound financial management providing financial information
- f) preparing and controlling forward financial plans, budget strategies, the Revenue Budget, the Capital Strategy and Capital Programme
- g) treasury management and banking arrangements financial and related IT systems
- h) procedures and controls for ordering services, supplies and works
- i) payment of accounts and collection of income
- j) pay and pensions;
- k) providing advice and training to budget holders including advice on financial and operational controls.

A14 Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the Council and External Audit if the Council or its staff:

- has made, or is about to make a decision which involves or would involve unlawful expenditure
- has taken or is about to take a course of action which if pursued to its conclusion would be unlawful and likely to result in a loss or deficiency by the Council; or
- is about to make an unlawful entry in the Council's accounts

A15 The Chief Finance Officer must also make a report under this section if it appears that the expenditure of the authority (including expenditure it is proposing to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure. In preparing a report the Chief Finance Officer shall consult as far as practicable with the Chief Executive, as the Head of the Council's Paid Service, and with the Head of Corporate Governance under the Local Government and Housing Act 1989.

A16 Section 114 of the 1988 Act also requires that the Deputy Chief Finance Officer performs these functions in the absence of the Chief Finance Officer. The Principal Accountant is the Council's statutory Deputy Chief Finance Officer.

A17 The Council is required to provide the Chief Finance Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

- A18 The Chief Finance Officer is responsible for advising the Cabinet, or the Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:
- a) initiating new policies and financial commitments
 - b) committing expenditure in future years above budget
 - c) budget or spending transfers above virement limits
- A19 The Chief Finance Officer is responsible for considering and approving requests to waive the regulations and will consult the Chief Executive and councillors where he considers this appropriate. All waivers will be reported by the Chief Finance Officer to the Overview and Scrutiny Committee.
- A20 **Delegated Authorities**
- Under Standing Orders, authority to make financial transactions is delegated to the Chief Executive, Deputy Chief Executives and Chief Finance Officer. However, some delegation to other staff is necessary for practical purposes. These delegations form lines of accountability which should be clear, well communicated and regularly reviewed. They also provide control through appropriate levels of authorisation, limited numbers and separation of duties.
- A21 Deputy Chief Executives will keep a list of their staff authorised to make financial transactions, copy that list to Chief Finance Officer for entry onto the financial system, and review it regularly.
- A22 An authorised signatory matrix is available to record delegated authorities. Essential details are staff member's name, grade, specimen signature, transaction type, value limit of authority and evidence of approval by the Deputy Chief Executives, Corporate Management Team and the CFO.
- A23 In an emergency the Chief Executive, Deputy Chief Executives or Chief Finance Officer may authorise such expenditure as is necessary, to be later ratified by the Cabinet.
- A24 A Head of Service is a staff member fully responsible to a Deputy Chief Executive, for the management and provision of an identifiable service in accordance with service plans and strategies.
- A25 Heads of Service are responsible for:
- a) ensuring that the Leader is advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer;
 - b) operating financial processes within their departments. To do this they must ensure that adequate operational controls are in place;
 - c) controlling expenditure and income, monitoring performance and taking the necessary action to remain within budgets and cash limits;
- A26 It is the responsibility of Heads of Service to consult with the Chief Finance Officer and seek approval regarding any matters which are liable to affect the Council's finances materially, before any commitments are incurred.

MANAGING EXPENDITURE: SCHEME OF VIREMENT

- A27 The Scheme of Virement is intended to enable the Leader, Chief Executive, Deputy Chief Executives and Heads of Service and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Council and therefore, to optimise the use of resources.
- A28 The Council is responsible for agreeing procedures for virement of expenditure between budget headings.
- A29 Virements are the temporary transfer of surplus budget provisions between 'estimate' headings. These do not affect the base budgets for future years.
- A30 Heads of Service are responsible for agreeing in-year virements within delegated limits, in consultation with the Chief Finance Officer where required.
- A31 Key controls for the Scheme of Virement are:
- a) It is administered by the Chief Finance Officer within guidelines set by the Council. Any variation from this scheme requires the approval of the Cabinet.
 - b) The overall budget is agreed by the Leader and approved by the Council. The Deputy Chief Executives, Heads of Service and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement. For this purpose, a service comprises a separate page or column in the published budget.
 - c) Virement does not create additional overall budget liability. Virements are not permitted on the following revenue expenditure heads unless the Chief Finance Officer has approved their use:
 - a) Business rates resulting from revaluation
 - b) Insurance
 - c) Capital financing charges
 - d) Members' allowances
 - e) Government grants
 - f) And any others identified by the Chief Finance Officer
- A32 The Chief Executive, Deputy Chief Executives and Heads of Service are expected to exercise their overall discretion in managing their budgets reasonably and prudently. For example they should aim to avoid supporting recurring expenditure from on-off sources of savings or additional income of creating future commitments, including full-year effects of decisions made partway through a year for which they have not identified future resources.
- A33 The Chief Executive, and Deputy Chief Executives may transfer or "vire" funds between budget heads within their services, subject to the following general parameters:

- (a) All corporate guidelines and policies will be followed;
- (b) Conditions of Service will be complied with;
- (c) A single 'one-off' budget may not be transferred to fund a new ongoing item of expenditure; and
- (d) Budgets not under effective control of the budget holder may not be vired eg rates and insurance.

- A34 Any such transfer will be agreed with the Head of Service and discussed with the service accountant before implementation and agreed by the Chief Finance Officer.
- A35 Any proposal to transfer funds between services requires the approval of the Management Team (MAT) and the Cabinet
- A36 Any virement (revenue or capital) with a value greater than £100,000 must be approved by the Leader.

Supplementary Estimates

- A37 If an essential increase in spending cannot be contained within existing budgets through the transfer arrangements described above, the relevant Deputy Chief Executive will consult with the Chief Finance Officer and report to the Leader, to obtain a supplementary estimate. No expenditure may be incurred until the supplementary estimate has been approved.
- A38 The Leader is authorised to approve a total supplementary expenditure in a year not exceeding **5%** of the approved net revenue budget, and **£20,000** on any approved capital scheme.
- A39 The Chief Finance Officer shall maintain a record of all supplementary estimates approved.
- A40 If a claim is made against the Council which is not recoverable under an insurance policy, the Leader has authority to spend as necessary in resisting the claim, and/or in deciding and meeting the terms of any settlement made in the best interests of the Council. The Chief Executive is authorised to decide the terms of any settlement involving expenditure not exceeding £26,500, and to spend such amounts subject to report on the circumstances of the claim and settlement to the next meeting of the Cabinet.

Treatment of year-end balances

- A41 The Chief Finance Officer is responsible for agreeing procedures for the carrying forward of underspendings on budget headings.
- A42 The rules below cover arrangements for the transfer of resources between accounting years, i.e a carry-forward. For this purpose, a budget head is a line in the estimates report or, as a minimum, at an equivalent level to the standard service subdivision as defined by the Chartered Institute of Public Finance and Accountancy (CIPFA) in its Service Expenditure Analysis.

Responsibilities of the Chief Finance Officer

- A43 To administer the scheme of carry forward.
- A44 To report all major underspendings on services estimates to the Cabinet Member for Finance
- A45 To report all major over and underspendings on service estimates to the Leader and to the Council.
- A46 To monitor the spending of any carry forwards and report to MAT.

Responsibilities of the Cabinet Member for Finance

- A47 To consider and approve as appropriate the items put forward on the carry forward list.

Responsibilities of Deputy Chief Executives and Heads of Service

- A48 Any overspending on service estimates in total on budgets under the control of the Chief Executive, Deputy Chief Executive or Head of Service must be explained to the Chief Finance Officer. The Chief Finance Officer will report the extent of major over and under spendings to the Leader and Cabinet and to the Council.

ACCOUNTING POLICIES

- A49 The Chief Finance Officer is responsible for determining accounting policies and financial systems and ensuring that they are applied consistently. The Chief Finance Officer is responsible for the preparation of the Council's Statement of Accounts, 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, and the Accounts and Audit (England) Regulations 2011.
- A50 The key controls for accounting policies are:
 - a) Systems of internal control are in place that ensure financial transactions are lawful;
 - b) Suitable accounting policies are selected and applied consistently;
 - c) Proper accounting records are maintained; and
 - d) Financial statements are prepared which present fairly the financial position of the Council and its expenditure and Income.
 - e) External audit of these financial statements.

Responsibilities of the Chief Finance Officer

- A51 To select suitable accounting policies and to ensure that they are applied consistently.
- A52 To exercise supervision over financial and accounting records and systems with a view to ensuring their uniformity, co-ordination and compatibility.
- A53 To prepare and publish reports containing the statements on the overall finances of the Council, including the Council's Annual Report and Accounts.

- A54 To make proper arrangements for the audit of the Council's accounts in accordance with the provisions of the Accounts & Audit Regulations Act 1996 (as amended and updated);
- A55 To prepare and publish the audited accounts in accordance with the statutory timetable for the approval of the Cabinet before 30 September; and
- A56 To ensure Services have in place suitable arrangements for compiling and submitting all claims for funds, including grants, by the due date.
- A57 To ensure Services have in place suitable arrangements for compiling and submitting all claims for funds, including grants, by the due date.

Responsibilities of the Deputy Chief Executives and Heads of Service

- A58 To adhere to the accounting policies and guidelines approved by the Chief Finance Officer.
- A59 To obtain the approval of the Chief Finance Officer before introducing any books, forms or procedures or other records relating to cash, stores or other accounts of the Council which may affect the Council's finances.
- A60 To submit to the Chief Finance Officer any information as the latter considers necessary for accounting and costing purposes and allow the Chief Finance Officer access at all reasonable times to all accounting records and documents which may affect the Council's finances.
- A61 To consult the Chief Finance Officer when preparing publications containing financial information.

ACCOUNTING RECORDS AND RETURNS

- A62 The Chief Finance Officer is responsible for determining the accounting procedures and records for the Council.
- A63 All accounting procedures and records will be approved by the Chief Finance Officer.
- A64 All accounts and accounting records will be compiled by the Chief Finance Officer or under his/her direction. The form and content of records maintained in other services will be approved by the Chief Finance Officer.
- A65 The following principles will apply in accounting procedures:
 - a. calculating, checking and recording of sums due to or from the Council will be separated as completely as possible from their collection or payment;
 - b. staff responsible for examining and checking cash transaction accounts will not process any of these transactions themselves;
 - c. reconciliation procedures are carried out to ensure transactions are correctly recorded;
 - d. procedures are in place to enable accounting records to be reconstituted in the event of systems failure; and

e prime documents are retained in accordance with legislative and other requirements.

A66 The Chief Finance Officer is responsible for ensuring financial management and accounting information is available for all services administered by the Council, in either electronic or hard copy format.

A67 The need to balance speed and accuracy with cost in producing accounting statements will be considered and determined by the Chief Finance Officer, after consulting the Head of Service concerned.

The Annual Statement of Accounts

A64 The Audit Committee is responsible for approving the annual statement of accounts, which have to be signed by the Chief Finance Officer and the Chairman of the Audit Committee. The Leader of the Council and Chief Executive also to sign off the Annual Statement of .Governance incorporated into the Statement of Accounts

FINANCIAL REGULATION B: FINANCIAL PLANNING

B1 The Council is responsible for agreeing the Council's policy framework and budget, which will be proposed by the Leader or Cabinet in accordance with the Leader's Scheme of Delegations. In terms of financial planning, the key elements are:

- the corporate strategy in the form of the Corporate Plan;
- service plans;
- the medium term financial strategy;
- the outline budget;
- the Revenue Budget; and
- the Capital Programme.

THE BUDGET PROCESS

Introduction

B2 Each year, the Chief Finance Officer will prepare timetables for the preparation, submission and approval of the Outline Budget, Capital Budget and detailed Revenue Budget. These budgets will comply with the Code of Practice on a Prudential Approach to Local Authority Commitments.

B3 The order of paragraphs in this section roughly follows the order in which the budget process is carried out.

Capital Programme

B4 The Chief Executive, and Deputy Chief Executives will prepare provisional estimates of income and expenditure on capital schemes for each of their services, for each of the next four financial years, together with details of any revenue implications. The Chief Finance Officer will specify the form these estimates should take and the timetable for their submission.

B5 Capital expenditure differs from revenue expenditure in several ways, and falls into the following general categories:

- a) purchase or construction of an asset;
- b) enhancement of an asset; and
- c) grants for capital purposes.

B6 Council assets include land, buildings, vehicles, plant and equipment. The Council makes grants for capital purposes such as improvement grants and grants to housing associations which are classed as capital expenditure.

B7 Capital expenditure is often of high value and the benefit is expected to be spread over a number of years. Revenue expenditure is the annual running costs in relation to the provision of a service.

B8 Provisional estimates will distinguish between committed and uncommitted expenditure. A scheme can only be included in provisional estimates after detailed evaluation by Management Team in accordance with agreed criteria.

B9 Management Team will consider the provisional capital programme. After making any necessary amendments, the Chief Finance Officer will submit the

summarised programme and estimated resources to the Leader, together with a report on the revenue implications of the programme and any other relevant information.

B10 The programme recommended by services and a report by the Chief Finance Officer will be submitted to the Leader, or Cabinet, for final consideration in the context of the Council Tax to be levied.

Outline Budget Forecast

B11 The Deputy Chief Executive, Management Team will prepare information needed to produce an Outline Budget Forecast for each of their services. The Chief Finance Officer will specify the form this Forecast should take and the timetable for its submission.

B12 This information will include :-

- i. an indication of the continued need for the service at its current level and in its current form;
- ii. the impact on the service of known or likely legal or contractual changes over the next four years;
- iii. the impact over the next four years of any policy changes already approved by the Management Team

B13 Management Team will consider the initial Outline Budget Forecast. After making any necessary amendments, the Chief Finance Officer will submit it to the Leader, together with a report on the possible Revenue Support Grant levels, other grant funding and anticipated retained business rates income, availability of reserves and implications for the Council Tax.

B14 The Leader will consider this and determine the overall level of resources to be made available, and the limits within which detailed budgets can be prepared.

Detailed Revenue Budget

B15 The The Deputy Chief Executive Management Team will prepare provisional detailed estimates of income and expenditure on the revenue account in accordance with the Corporate Plan for each of their services for the next financial year. The Chief Finance Officer will specify the form these estimates should take and the timetable for their submission.

B16 These estimates will reflect the Outline Budget Forecast and the decisions of the Leader detailed at paragraph B13 above.

B17 All revenue budgets will be prepared at current costs, and converted to outturn prices by Financial Services. The forecast for inflation will be decided by the Chief Finance Officer.

B18 Each budget head will be cash limited, and any minor variations in spending will be met from the approved budget. A budget head is an individual sum specified in the published service budget.

B19 The Chief Finance Officer will submit the detailed draft Revenue Budget to Management Team for consideration and approval and subsequently submit it to the Leader.

Approval of the Annual Revenue Budget

- B20 By 1 March at the latest each year, the Leader will submit to the Council estimates of income and expenditure on the revenue account which it recommends for the next financial year, together with statements of precepting authorities' requirements, and its recommendation for the Council Tax necessary to meet the expenses of both the Council and precepting authorities.
- B21 The Council will meet by 1 March each year to consider the total budget proposals submitted by the Leader and decide the amount of Council Tax to be levied for the next financial year.
- B22 Once approved by the Council, amounts detailed in the Annual Budget may only be applied to the objects specified under their relevant budget head, or "voted". See paragraph A33 above for procedures to vary these approvals.

BUDGETARY CONTROL

- B23 Budgetary control ensures that once budget has been approved by the Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Council 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.

CAPITAL

Authorisation of Capital Expenditure

- B24 Capital expenditure on a scheme not included in estimates or budgets may only be incurred after full evaluation of that scheme by the Leader (if under £20,000) or Cabinet (between £20,000 and £1 million). Any proposed capital expenditure over £1 million must be evaluated and agreed by majority of Council Members. This will include a statement explaining the scheme's purpose, the need for it and a detailed analysis of capital costs involved. Exceptions are any payments authorised under paragraph A37 above. If the estimated expenditure is expected to cover more than one financial year, the estimate will show:

- i. the total estimated expenditure, and
- ii. the proposed levels of spend for each financial year involved.

This paragraph (B24) shall take priority over any other clause or paragraph within this Constitution that may be, or appear to be, in conflict.

- B25 The scheme evaluation will also include a statement of estimated revenue expenditure and income generated by the scheme:
- (a) during the construction period, and
 - (b) for the first three years following the completion of the project.
- B26 The Deputy Chief Executives can authorise reasonable expenditure on necessary preliminary works, fees and salaries on schemes for which they are responsible, within the approved capital programme.

B27 Accountability for each capital project is to be accepted by a named manager.

Capital Expenditure Monitoring

B28 No Head of Service responsible for the implementation of a capital scheme may incur capital expenditure greater than the approved budget for that year.

B29 As soon as a staff member becomes aware of a likely overspend on a Capital Scheme, they must report to Management Team and the Leader, requesting a supplementary estimate in accordance with A37 and expenditure under A38.

B30 The Head of Streetscene is authorised to purchase new equipment other than programmed replacements, provided such purchases are contained within Streetscene's revenue plan as agreed in advance with the Chief Finance Officer.

RESPONSIBILITIES OF THE CHIEF FINANCE OFFICER

B31 To prepare capital estimates jointly with the Chief Executive, Deputy Chief Executives and Heads of Service and to report them to the Leader for approval. The Leader will make recommendations on the capital estimates and on any associated financing requirements to the Council.

B32 To prepare and submit reports to the Leader on the projected income, expenditure and resources compared with the approved estimates.

B33 To issue guidance concerning capital schemes and controls, for example on project appraisal techniques.

B34 To approve the re-phasing of capital schemes within the approved capital programme between financial years, subject to the availability of resources to make the most effective use of those resources.

Responsibilities of Chief Executive, Deputy Chief Executives and Heads of Services

B35 To comply with guidance concerning capital schemes and controls issued by the Chief Finance Officer.

B36 To ensure that all major capital proposals have undergone a project appraisal in accordance with the Council's project management methodology.

B37 To ensure that adequate records are maintained for all capital contracts.

B38 To proceed with projects only when there is adequate provision in the capital programme.

B39 To prepare and submit reports jointly with the Chief Finance Officer to the Leader on any variation in contract costs greater than the approved limits.

B40 To ensure all credit arrangements such as leasing arrangements, are not entered into without the prior approval of the Chief Finance Officer.

Prudential Code

- B41 Under the Local Government Act 2003 the Council is required by regulation to have regard to the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code for Capital Finance in Local Authorities. The key objectives of the Prudential Code are to ensure that within a clear framework, the capital investment plans of local authorities are affordable, prudent and sustainable. A further objective is to ensure that treasury management manner that supports prudence, affordability and sustainability.
- B42 The Council is responsible for approving prior to the commencement of the financial year the prudential indicators for the forthcoming financial year and at least the two subsequent financial years required by the Code. The indicators required as a minimum are:

For the three year period:

Estimates of the ratio of financing costs to net revenue stream;
Estimates of the Council Tax that would result from the totality of the authority's plan;
Estimates of capital expenditure;
Estimate of capital financing requirement (underlying need to borrow for a capital purpose);
Authorised limit for external debt; and
Operational boundary for external debt.

After the year end actual values are to be calculated for:

Ratio of financing costs to net revenue stream;
Capital expenditure;
Capital financing requirement; and
External debt.

Responsibilities of the Chief Finance Officer

- B43 The Chief Finance Officer is responsible for establishing procedures to both monitor performance against all forward looking prudential indicators and for ensuring that net external borrowing does not exceed the capital financing requirement. The Chief Finance Officer will report to Council any significant deviations from expectations. The Chief Finance Officer will ensure that regular monitoring is undertaken in year against the key measures of affordability and sustainability, by reviewing estimates of financing costs to revenue and the capital financing requirement. Significant variation in the estimates used to calculate these prudential indicators, for example caused by major overruns of expenditure on projects or not achieving in-year capital receipts, will require a report to Council setting out management action.

REVENUE

Authorisation of Revenue Expenditure

B44 Subject to Financial Regulations, Standing Orders and any other specific limitations, the Chief Executive, and each Deputy Chief Executive is authorised to spend those sums voted to his/her areas of responsibility for the financial year. With the exception of Regulations B47-B52 below, revenue expenditure may only be incurred for purposes specified in the Annual Budget, and is strictly limited to the amounts voted under relevant budget heads.

Key Controls

B45 The key controls for managing budgets are:

There is a nominated budget manager for each cost centre heading;

Budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;

Budget managers follow an approved certification process for all expenditure; and

Income and expenditure are properly accounted for.

Responsibilities of the Chief Finance Officer

B46 To establish an appropriate framework of budgetary management and control that ensures that:

- a) Budget management is exercised within annual cash limits;
- b) Each Deputy Chief Executive and Head of Service has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;
- c) Ensure each cost centre has a single named Manager determined by the, relevant Deputy Chief Executive or Head of Service. As a general principle, budgetary responsibility should be aligned as closely as possible to the decision making processes that commits expenditure;
- d) To be responsible for providing appropriate financial information to enable budgets to be monitored effectively;
- e) To administer the Council's scheme of virement; and
- f) To prepare and submit reports on the Council's projected income and expenditure compared with the budget to Management Team, Heads of Service and Leader on a regular basis.

Responsibilities of Deputy Chief Executives and Heads of Service

B47 The Deputy Chief Executives are responsible for supervising income and expenditure within their services. Similarly Heads of Service are responsible for supervising income and expenditure within their departments.

B48 To control income and expenditure within their areas and to monitor performance taking account of financial information provided by the Chief

Finance Officer. They should take any action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems.

- B49 To maintain budgetary control within their services and to ensure that all income and expenditure is properly recorded and accounted for.
- B50 To ensure that spending remains within a services'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.
- B51 To ensure compliance with the scheme of virement.
- B52 To agree with the relevant Deputy Chief Executive or Head of Service where it appears that a budget proposal, including a virement proposal may impact materially on another service area.

REPORTS WITH FINANCIAL IMPLICATIONS

- B53 The Chief Finance Officer will be consulted on any report on any matter affecting or likely to affect the Council's finances.
- B54 This consultation will take place as early as possible, before any meeting of staff or councillors at which the report is first considered.
- B55 Any Committee report with financial implications will first be submitted to Management Team.

FINANCIAL REGULATION C: CONTROL OF RESOURCES

INTRODUCTION

- C1 It is essential that robust systems are maintained for identifying and evaluating all significant operational risks to the Council on an integrated basis. This includes the active participation of all staff associated with planning and delivering services

Risk management

- C2 Risk Management is the whole process of identifying, and evaluating and controlling the strategic and operational risks of the Council. A risk is the chance or possibility of loss, damage, injury or failure to achieve objectives by an unwanted or uncertain action or event. This includes the risk of 'missed opportunities'.
- C3 As the Council is the custodian of public funds risk management is particularly significant and the level of risk that can be tolerated in its activities will need to be carefully considered with risks and reward carefully evaluated..
- C4 The sections below outline key components of the Council's adopted risk management framework.
- C5 The key controls for risk management are:-
- a) establishing clear roles, responsibilities and reporting lines within the Council for risk management;
 - b) incorporating risk management considerations into all operations and decision making processes
 - c). maintaining documented procedures for the control of risk and the provision of suitable information, training and supervision;
 - d). maintaining an appropriate incident reporting and recording system with investigation procedures to establish cause and prevent recurrence;
 - e) offering a framework for allocating resources to identified priority risk areas;
 - f) operating appropriate project management methodologies proportionate to the scale of projects
 - g). reinforcing the importance of effective risk management as part of the everyday work of employees by offering training;
 - h). maintaining effective communication and the active involvement of every councillor and employee of the Council;
 - i) including risk management as an agenda item at meetings as appropriate;
 - j) providing opportunities for shared learning on risk management across the Council; and
 - k) preparing contingency plans in areas where there is a potential for an occurrence having a catastrophic effect on the Council and its business capability.
- C6 The Chief Finance Officer is responsible for ensuring regular corporate assessments of risk and Heads of Service for reviewing risks annually.

- C7 The Chief Finance Officer is responsible for developing specific programmes and procedures for establishing and maintaining risk management activities and to ensure the dispersal of vital information and, where appropriate, provide guidance, interpretation and understanding of the systems involved.
- C8 The Chief Finance Officer has implemented a risk management structure involving the Management Team, a Corporate Risk Management Group, Internal Audit and Heads of Service to support his/her responsibilities.
- C9 Heads of Service will take responsibility for risk management in their department having regard to advice from the Chief Finance Officer and other specialist staff (e.g. health and safety, internal audit).

INSURANCE

- C10 The Chief Finance Officer will arrange all insurance cover, keep a register of insurances and ensure the Council's insurance arrangements are reviewed each year.
- C11 Before the annual renewal of insurance cover, the Chief Finance Officer will provide the Deputy Chief Executives as necessary with a summary of all current insurances to check and review their adequacy.
- C12 Each Head of Service will provide the Chief Finance Officer immediately with details of all new risks to be insured, and of any alterations affecting existing insurable risks.
- C13 Each Deputy Chief Executive will forward any new or renewal contract terms to the Chief Finance Officer for risk analysis before any contract is let and appropriate insurance cover arranged.
- C14 Each Deputy Chief Executive will ensure that any proposals for new buildings or alterations to existing buildings are copied to the Chief Finance Officer before any tenders are requested, for risk analysis and arrangement of appropriate insurance cover.
- C15 The appointment of insurance brokers to act on behalf of the Council will be reviewed every three years by the Chief Finance Officer.
- C16 Any event which may result in an insurance claim will be immediately notified to the Chief Finance Officer, to make all claims on the Council's Insurers. Where an incident has occurred Heads of Service must take steps to mitigate any future incident, but where a repair is required should first take a photograph for evidence purposes.
- C17 No staff member will admit liability, take any action or enter into any correspondence admitting liability on behalf of the Council.
- C18 All staff and voluntary workers on Council business are included in a suitable fidelity guarantee policy.

Internal control

- C19 Internal Control is a key component in the Council's Risk Management process. It relates to the whole system of policies, processes and checks employed to mitigate risks.
- C20 Internal control refers to the systems of control to ensure that the Council's objectives are achieved in a manner which promotes economical, efficient and effective use of resources, that the Council's assets and interests are safeguarded, and that organisational goals will be achieved.
- C21 The Chief Finance Officer 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.
- C22 It is the responsibility of Heads of Service to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to control risks.

Internal Audit requirements

- C23 The authority of the Internal Audit function is derived from legislation and for local authorities this is implied by Section 151 of the Local Government Act 1972, which requires that authorities shall *'make arrangements for the proper administration of their financial affairs and shall ensure that one of their officers has responsibility for the administration of those affairs'*.

The Accounts and Audit (England) Regulations 2011 more specifically state *'A local government body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control'*.

All audit work must be conducted in accordance with the Public Sector Internal Audit Standards.

- C24 Significant issues arising from audit reports will be reported to the relevant Deputy Chief Executive, and periodic reports will be made to Management Team and the Audit Committee.
- C25 The Chief Finance Officer and the Internal Audit Manager/Internal Audit Manager or their authorised representatives shall have authority where necessary in the performance of Council duties to:
- enter any Council premises or land in the occupation of the Council;
 - have access to all records, documents and correspondence relating to any financial and other transaction of the Council;

- require and receive oral or written explanations from any employee as he/she thinks necessary concerning any matter under examination; and
- require any employee of the Council to produce cash, stores or any other Council property under his/her control.

C26 The Audit Committee is to approve the annual audit plan prepared by the Internal Audit ManagerInternal Audit Manager to take account of the characteristics and relative risks of the activities involved.

C27 Any suspected fraud or irregularity must be reported to the Chief Finance Officer who will refer the matter to Internal Audit for investigation.

Internal Audit will have organisational independence through direct reporting lines to the Chief Executive and Audit Committee.

Responsibilities of Chief Executive, Deputy Chief Executives and Heads of Service

C28 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets which the auditors consider necessary for their work.

C29 To ensure that auditors are given any information and explanations they seek in the course of their work.

C30 To consider and respond promptly to recommendations in audit reports.

C31 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

C32 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 Internal Audit ManagerInternal Audit before implementation.

C33 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs who have statutory rights of access.

Preventing fraud and corruption

C34 The Council is a public body and therefore will not tolerate any fraud and corruption in the administration of its responsibilities, whether from inside or outside the authority. All councillors and employees are expected to lead by example on all aspects of honesty, propriety and accountability. The Council also expects that individuals and organisations with whom it comes into contact (e.g. suppliers, contractors, service providers, and partners) will act towards the authority with integrity.

C35 The Council's Anti-fraud, Bribery and Corruption policy sets the culture for the organisation to address the risk of fraud and corruption, and summarises the methods of prevention, detection and investigation in place.

C36 All managers are responsible for developing and maintaining procedures to prevent fraud and corruption.

FINANCIAL IRREGULARITIES

C37 The Chief Finance Officer will be notified of any irregularity in the financial affairs of the Council or in the exercise of its functions.

C38 Irregularities will be reported as appropriate to the Chief Executive and councillors.

C39 Any councillor or staff member who is aware of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property, resources or systems, should report it to their Head of Service, Chief Finance Officer, Internal Audit Manager, Chief Executive, Deputy Chief Executives, Monitoring Officer or External Auditor. Pending investigation and reporting, the Head of Service should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration

C40 If officers feel they cannot raise their concerns through any of these routes, they may contact 'Public Concern at Work' (0207 404 6609), a registered charity whose services are free and strictly confidential.

C41 Where irregularities involve either councillors or staff the Chief Finance Officer, in consultation with the Chief Executive, is responsible for deciding whether to involve the police.

Assets

C42 Heads of Service must ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

C43 Separate registers are maintained for the following fixed assets:

- land and buildings (maintained on the Property Terrier);
- vehicles and plant;
- furniture and equipment financed from capital; and
- infrastructure expenditure.

C 44 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 and the approval of the Deputy Chief Executives.

C45 If the Council decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with its approved intellectual property procedures.

SECURITY

General

- C46 The Deputy Chief Executives are responsible for the security of buildings, stocks, stores, furniture, equipment, cash etc under their control. The Chief Finance Officer will be consulted where security may be failing or where special security arrangements may be needed.

Data Protection and Information Security

- C47 The Chief Executive, and Deputy Chief Executives are responsible for the security and privacy of information held within their services and for ensuring compliance with Data Protection, Copyright and Computer Misuse Acts.
- C48 All staff members will be made aware of their obligations under the Acts and the Council's policy regarding data and systems security as set out in the Finance Procedure Manual and on Spelnet. This includes physical security, privacy and passwords, back ups, viruses and software copyright.

Responsibilities of the Chief Finance Officer

- C49 The Chief Finance Officer is responsible through the Head of Asset Management for strategic management and maintenance issues.
- C50 The Chief Finance Officer is responsible in liaison with Accountancy, ICT Services and Asset Management for maintaining the Council's Asset Register.
- C51 To ensure that asset registers are maintained in accordance with good practice for fixed assets. The function of asset registers is to provide the Council with information about fixed assets so that they are:
- safeguarded;
 - used efficiently and effectively; and
 - adequately maintained.

To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC).

- C52 To report to the Cabinet any significant write-off of stocks and stores.

Responsibilities of Chief Executive, and Deputy Chief Executives

- C56 The Chief Executive, and Deputy Chief Executives are responsible for day to day management of assets used within their services and are accountable for ad hoc maintenance.

Responsibilities of Heads of Service

- C57 The Head of Asset Management must maintain an Asset Register in a form approved by the Chief Finance Officer for all land and buildings. The Head of Streetscene to maintain asset registers in a form approved by the Chief Finance Officer for vehicles and plant currently owned or used by the Council. The Head of ICT Services to maintain an asset register of all ICT equipment in a form approved by the Chief Finance Officer. Any use of property by a department or establishment other than for direct service delivery, with the exception of investment properties, should be supported by documentation identifying terms, responsibilities and duration of the use.
- C58 The Head of Streetscene is responsible for organising ad hoc maintenance of assets.
- C59 Heads of Service are to ensure the proper security of all buildings and other assets under their control. Investment property let to third parties is their responsibility to secure.
- C60 To pass the title deeds to the Head of Corporate Governance, who is responsible for custody of all title deeds.
- C61 To ensure that the department maintains an inventory of moveable assets in accordance with guidance defined by the Chief Finance Officer.
- C62 To ensure that controls are in place to ensure that staff members do not carry out private work in Council time and that staff are aware of an employer's rights with regard to intellectual property.

All assets

- C63 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Council.
- C64 To record all disposal or part exchange of assets. Individual assets valued at £1,200 or more should be disposed of or part exchanged by competitive tender or public auction unless the Chief Finance Officer agrees otherwise.
- C65 To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Chief Finance Officer.
- C66 To seek advice from the relevant Deputy Chief Executive, or Chief Executive on the disposal of surplus or obsolete materials, stores or equipment, subject to paragraph C64 above.

C67 To ensure that income received for disposal of an asset is properly banked and coded.

C68 Assets for disposal should be identified and disposed of:

- a) at the most appropriate time;
- b) when it is in the Council's best interests; and
- c) for the best price (taking into account factors such as environmental issues).

Land, buildings and other assets

C69 To ensure that leaseholders and other prospective occupiers of Council land are not allowed to take possession of or enter the land until a lease or agreement, in a form approved by the relevant Deputy Chief Executive, has been established as appropriate.

Moveable assets

C70 To ensure that assets are identified, their location recorded and that they are appropriately marked.

C71 The Deputy Chief Executives and Heads of Services are responsible for all furniture and equipment in their departments. Wherever practicable, items will be marked as the property of the Council.

C72 A central inventory of all furniture, fittings and equipment, plant and machinery will be maintained by Head of Asset Management, with each Service providing details of all acquisitions and disposals.

C73 Council property may not be removed unless on Council business and with the agreement of the Chief Executive, or Deputy Chief Executive concerned.

C74 All items on the inventory will be checked annually by Heads of Service, and any discrepancies reported to the Chief Finance Officer. As part of the annual check services are to review the condition of assets and take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Council.

C76 The Chief Finance Officer will approve write-off of discrepancies, except where the authority of the Cabinet is required under paragraphs D20 to D22 below.

C77 The Deputy Chief Executives and Head of Street Scene may authorise the disposal of furniture and equipment with an estimated market value of up to £1,200 (per item or collectively). The Chief Finance Officer will approve disposal of more valuable items.

C78 To make sure that property is only used in the course of the Council's business unless the Chief Executive, or Deputy Chief Executive concerned has given permission otherwise.

Stocks and stores

- C79 The Chief Executive, Deputy Chief Executives and the Head of Streetscene are responsible for all stores held in their services. Wherever practicable, all items will be effectively marked as the property of the Council.
- C80 Stores held will not exceed reasonable requirements.
- C81 All goods received will be checked against the copy order at time of delivery and the supplier immediately notified of rejected goods.
- C82 All receipts, issues and balance of stock items will be properly recorded in a form agreed by the Chief Finance Officer.
- C83 The Chief Executive, Deputy Chief Executives and the Head of Streetscene will regularly check that items are accounted for, and arrange for continuous and independent stocktaking to be carried out. Any shortfalls will be reported to the Chief Finance Officer. The Chief Executive, Deputy Chief Executives and the Head of Streetscene will also arrange for stocktakes and the provision of signed stock certificates as at 31 March each year, to satisfy external audit requirements.
- C84 The write-off of shortfalls will be approved by the Chief Finance Officer, except where the authority of the Cabinet is required under paragraphs D20 to D22 below
- C85 The Deputy Chief Executives and Head of Streetscene may authorise the disposal of stores with an estimated market value of up to £1,200 (per item or collectively). The Chief Finance Officer will approve disposal of more valuable items.
- C86 Where the disposal value is less than £1,200, the Head of Service must dispose of the item in a fair and effective manner and keep a record of the disposal.
- C87 Procedures for disposal of such stocks and equipment where their value is over £1,200 should be by competitive quotations or auction unless the Chief Finance Officer advises otherwise in a particular case.

Cash

- C90 Maximum limits for cash holdings will be agreed with the Chief Finance Officer and not exceeded without their permission. Heads of Service are to ensure cash holdings on premises are kept within the agreed limits. Heads of Service to ensure that keys to safes and similar receptacles are carried on the person of those responsible whilst the site is occupied and removed from the premises when the site is unoccupied and to ensure that access codes, combinations and passwords remain confidential.

TREASURY MANAGEMENT

- C91 Treasury Management covers all activities associated with any monies borrowed (Loans) or invested (Investments) on behalf of the Council irrespective of the time period covered by the transactions. It also embraces the management and control of the Council's banking arrangements.
- C92 The Council has adopted CIPFA's "Code of Practice for Treasury Management in Local Authorities".
- C93 A Treasury Policy Statement setting out its strategy and procedures has been adopted by the Council, and its implementation and monitoring delegated to the Cabinet.
- C94 All money (as defined in the Treasury Policy Statement) in the hands of the Council will be aggregated for the purposes of Treasury Management and be under the control of the Chief Finance Officer as the officer designated for the purposes of Section 151 of the Local Government Act, 1972.
- C95 The Chief Finance Officer is responsible for reporting to the Council a proposed treasury management and annual investment strategy for the coming financial year at or before the start of each financial year. The report will set out the proposed levels for the prudential treasury management indicators required by the CIPFA Prudential Code for Capital Finance in Local Authorities.
- C96 All executive decisions on borrowing, investment or financing will be delegated to the Chief Finance Officer, who is required to act in accordance with CIPFA's "Code of Practice for Treasury Management in Local Authorities", the Treasury Policy Statement and Systems Documentation.
- C97 All investments of the Council's funds will be made in the name of the Council by the Chief Finance Officer, unless the Council has authorised its investments to be made by an outside agent, when they should be in the name of Trustees for the Council.
- C98 All loans to the Council will be negotiated by the Chief Finance Officer and paid direct by the lender or his agent into the Council's bank account.
- C99 All stocks of interim loan receipts, temporary loan receipts and bond certificates will be controlled by the Chief Finance Officer.
- C100 The Chief Finance Officer is the only primary authorised signatory to any form of loan receipts, including such receipts issued under seal.
- C101 Repayment of loans will, wherever possible, be made through the head office of the Council's bankers in exchange for the original loan receipt.
- C102 The Chief Finance Officer is authorised to borrow temporarily pending receipt of money from Business Rates, loans, Council Tax, Government Grants and other income properly due to the Council, within the limit agreed by the Council each year.
- C103 The Chief Finance Officer will report to the Leader twice each financial year on the activities of the Treasury Management operation, and on the exercise

of Treasury Management powers delegated to him/her. One of these reports will be an Annual Report on Treasury Management to be presented by 30 September of the succeeding financial year.

BANKING ARRANGEMENTS

- C104 The Chief Finance Officer is responsible for operating and supervising the Council's Bank and Giro Accounts, including ordering, custody and issue of all cheques. The Chief Finance Officer will review the Council's banking arrangements at least every 5 years.
- C105 The Chief Finance Officer, the Deputy Chief Finance Officer and the 1st signatory, and others approved in writing by the Chief Finance Officer, each have authority, in accordance with the mandate given to the bank, to sign cheques and be accepted as satisfactory signatories for any other purpose in connection with the Council's Bank and Giro Accounts.
- C106 All payment instructions for amounts of £21,000 and above require two authorising signatures, namely, the Chief Finance Officer or the Deputy Chief Finance Officer as the 1st signatory, and others approved in writing by the Chief Finance Officer as the 2nd signatory.
- C107 Where the Chief Finance Officer's signature or name, or that of his/her predecessor, is pre-printed on cheques or Giro-cheques, or is printed by computer or by cheque signing machine, adequate security arrangements will be made for the custody and control of both cheques and signature plates.
- C108 All banking accounts will be reconciled with the cash book each month.

PETTY CASH ACCOUNTS

- C109 When there is no easy access to the Cashiers at the Council offices, the Chief Finance Officer will advance petty cash balances to responsible staff members. An account of total petty cash spent with vouchers, certified by the Chief Executive, Deputy Chief Executives or person authorised by them, will be passed to the Chief Finance Officer for reimbursement. The petty cash account will be kept in a form and manner agreed by the Chief Finance Officer.
- C110 Use of petty cash will be kept to a minimum and limited to expenses which are unavoidably or conveniently payable in this manner. They will not include items over £30 unless agreed by the Chief Finance Officer.
- C111 Income received on behalf of the Council will not be paid into a petty cash account, but paid to the Council in accordance with paragraphs D8 –D19 below.
- C112 Officers responsible for petty cash accounts will give the Chief Finance Officer an annual certificate for each account balance.
- C113 On returning a petty cash account, a staff member will account to the Chief Finance Officer for the amount advanced to them.
- C114 Petty cash and other floats will be available for inspection by audit.

Unofficial Funds

- C115 Management Teams responsible for ensuring the proper administration of unofficial funds, that is any funds associated with Council business, supervised or managed by Council staff, but not part of the Council's funds, such as social funds in Day Centres.
- C116 The Chief Finance Officer will be notified of any unofficial funds and give advice on keeping and auditing them.
- C117 Any staff member holding unofficial funds will produce an accurate account in writing of all financial transactions, with associated supporting documentation.

PROTECTION OF PRIVATE PROPERTY IN THE TEMPORARY CUSTODY OF THE AUTHORITY/LOST PROPERTY

- C118 The Chief Executive, and Deputy Chief Executives will ensure that details of any lost property is recorded before removal, that two officers certify the accuracy of the record, and that items are held securely until disposal.
- C119 The Chief Executive, and Deputy Chief Executives will obtain proof of ownership prior to release of property.
- C120 The Chief Executive, and Deputy Chief Executives will agree how to dispose of unclaimed items with the Chief Finance Officer.

SALARIES AND WAGES

- C121 The Chief Finance Officer is responsible for the payment of all salaries, wages, compensation and any other sums to current and former employees.
- C122 The Chief Executive, and Deputy Chief Executives will notify the Chief Finance Officer immediately of all appointments, resignations, or any other events affecting terms of employment or pay, including all sick absences, accidents on or off duty, or special leave without pay.
- C123 Where required, time sheets in a form approved by the Chief Finance Officer will:-
- (a) be completed by the employees themselves unless illiterate, when the supervisor will complete them, with a note of the circumstances;
 - (b) be certified by the appropriate supervisor unless otherwise agreed by the Chief Finance Officer; and
 - (c) be forwarded to the Chief Finance Officer at a time agreed by him.
- C124 Claims for expenses will be in a form approved by the Chief Finance Officer and signed by the Chief Executive, or Deputy Chief Executive concerned or their nominated staff member, to certify their accuracy and reasonableness. Claims must be submitted within seven days of the end of the month in which the expenditure was incurred.

CODE OF CONDUCT FOR EMPLOYEES

C125 The Staff Code of Conduct applies to and will be followed by all staff members. It covers:

Standards, disclosure of information, political neutrality, relationships, Appointments and other Employment Matters, Outside Commitments, Personal Interests, Equality Issues, Separation of Roles during Tendering, Gifts and Hospitality, Use of Financial Resources and Sponsorship.

Financial Regulation D – Systems and Procedures

- D1 Sound systems and procedures are essential to an effective framework of accountability and control.

General

- D2 The Chief Finance Officer is responsible for the operation of the Council's IT systems for financial and business-related purposes, for accounting systems, the form of accounts and the supporting financial records. Any changes made to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer. However, Heads of Service are responsible for the proper operation of financial processes in their own departments.
- D3 Any changes to agreed procedures by Heads of Service to meet their own specific service needs should be agreed with the Chief Finance Officer.
- D4 Heads of Service should ensure that their staff receive relevant financial training which has been approved by the Chief Finance Officer.
- D5 Heads of Service must ensure that, where appropriate, system containing personal data are registered in accordance with Data Protection legislation.
- D6 Heads of Service must ensure that staff are aware of their responsibilities under the freedom of information legislation and comply with guidance issued by the Head of Corporate Governance.

Income and expenditure

- D7 It is the responsibility of Heads of Service to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff members authorised to act on the Heads of Service's behalf in respect of payments, income collection and for placing orders together with the limits of their authority.

The Chief Finance Officer is responsible for specifying the procedure to be followed in ordering, making payments, collecting income and approving procedures for writing off debts as part of the overall control framework of accountability and control.

INCOME

Setting Fees and Charges

- D8 Fees and charges will be reviewed at least annually.
- D9 Any changes or new charges will be agreed by the Leader, Chief Executive or Deputy Chief Executives, as set out in Standing Orders.

Invoicing and Collection of Income Due

Responsibilities of the Chief Finance Officer

- D10 The Chief Finance Officer is responsible for agreeing arrangements for the collection of all income due to the Council and approving the procedures, systems and documentation for its collection.
- D11 All receipt forms, books, tickets and similar items will be ordered and supplied to Services by the Chief Finance Officer.
- D12 The Chief Finance Officer is responsible for paying all monies received into the Council's bank, normally not later than the next business day.
- D13 To approve all debts to be written-off in accordance with the scheme of delegation.

Responsibilities of Chief Executive, and Heads of Service

- D14 The Chief Executive, or each of the Deputy Chief Executives will provide the Chief Finance Officer with details of all amounts due.
- D15 All monies received by a staff member on behalf of the Council will be paid without delay to the Chief Finance Officer at set intervals, unless direct deposit with the Council's bankers is arranged. All cheques and postal orders received in any part of the Council will be crossed with "Account Borough of Spelthorne".
- D16 Every sum received by a member of Council staff will be immediately acknowledged by the issue of an official receipt, ticket or voucher, except for cheques where the Chief Finance Officer may agree other arrangements.
- D17 Every transfer of official money from one staff member to another will be immediately acknowledged by the issue of a receipt or, where appropriate, by signature in a cash accounting record.
- D18 The Chief Finance Officer shall be notified of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council.
- D19 The Chief Executive, Deputy Chief Executives and Heads of Service will notify the Chief Finance Officer of all income due before the end of the financial year but not yet invoiced, in accordance with the closure timetable prepared each year by the Chief Finance Officer.

WRITE-OFFS OF INCOME, STOCKS, FURNITURE AND EQUIPMENT

- D20 The Chief Finance Officer may write off income or physical items with a value not exceeding £3,000 and business rates not exceeding £6,000 or unlimited where there is bankruptcy, liquidation proceedings, administration or receivership proceedings have been instigated.

The Head of Customer Services can write off debts for business rates not exceeding £6,000 and Council Tax not exceeding £3,000. The Head of Housing and Independent Living can write off debts for Housing Benefits not exceeding

£3,000. Any write offs above these values must be submitted to the Leader for approval.

- D22 An up to date record of all income written-off will be maintained by the Chief Finance Officer, and an independent reconciliation of write-off sums to approved lists for write-off will be made periodically.

SPONSORSHIP

- D23 Where an outside organisation wishes to sponsor or is asked to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts and hospitality applies, as detailed in the Code of Conduct for Employees.
- D24 A Sponsorship Register is maintained by Corporate Services, where details of any sponsorship accepted by staff on behalf of the authority will be entered.

ORDERS FOR WORKS, GOODS AND SERVICES

Responsibilities of the Chief Finance Officer

- D25 The Chief Finance Officer will approve the form and control of all official orders.

Responsibilities of Chief Executive, Deputy Chief Executives and Heads of Service

- D27 The Chief Executive, , Deputy Chief Executives and Heads of Service are responsible for the control and use of official orders in their respective services.
- D28 The Chief Finance Officer will be notified in writing of staff authorised to issue orders on behalf of the Deputy Chief Executives, with specimen signatures and details of authority limits, in accordance with the delegations approved under paragraphs A20-A23 above. Heads of Service are to ensure that their department reviews periodically a list of staff members approved to authorise invoices.
- D29 All orders will be issued through the financial system except in agreed circumstances, such as for supplies of gas and electricity services, petty cash purchases or where a formal contract is to be prepared.
- D30 If it is not practicable to issue an official order when an order is placed, one will be completed immediately afterwards by the staff member placing the order, and marked "Confirmation of telephone or verbal order"
- D31 Wherever possible the Council will seek to transmit to suppliers by electronic means official purchase orders.
- D32 Official orders will be goods receipted by the staff member responsible for the works or receiving goods. It is important to provide separation of duties between staff raising and goods receipting orders. The Chief Finance Officer will agree accounts to evidence of receipt before making payment.
- D33 As a general principle and subject to Standing Orders for Contracts, all purchases will be open to competition wherever reasonable and cost effective.

PAYMENT OF ACCOUNTS

Responsibilities of the Chief Finance Officer

- D34 The Chief Finance Officer is responsible for examining, verifying and certifying invoices and any other payment vouchers or accounts through the financial system. Any exceptions will be returned to originating officers for certification. Details of staff members authorised to sign such records will be sent to the Chief Finance Officer by each Deputy Chief Executive , together with specimen signatures and authority limits, in accordance with the delegations described at paragraphs A20-A23 above.
- D35 To ensure that all payments for goods, supplies and services are made within the statutory 30 days (Late Payment of Commercial Debts (Interest) Act 1988) unless any other terms or conditions have been agreed in writing. Any interest incurred under the Act will be recharged to the cost centre of the original payment.
- D36 The Chief Finance Officer will pay accounts due at set intervals, usually not less than once every week.
- D37 A register of periodical payments will be maintained by the Chief Finance Officer for control and monitoring purposes.

Responsibilities of Chief Executive, Deputy Chief Executives and Heads of Service

- D38 The certifying officer will ensure:
- (a) the work, goods or services to which the account relates have been received, carried out, examined and approved;
 - (b) the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct and agree with the official order or contract;
 - (c) the relevant expenditure has been properly incurred and is within the relevant budget;
 - (d) appropriate entries have been made in inventories, stores records or other records as required;'
 - (e) the account has not been previously passed for payment and is a proper liability of the Council; and
 - (f) the correct expenditure code has been inserted in respect of each item.
- D39 For purchase of land or property, details of the purchase, the name of the vendor and the purchase price and expenses will be given in a statement for certification by the Chief Executive. Full details of such purchases will be entered in the official Asset Register, to be kept by the Chief Finance Officer.
- D40 The Chief Executive, and Deputy Chief Executives will notify the Chief Finance Officer of all outstanding expenditure relating to the previous financial year in accordance with the agreed closure timetable prepared each year by the Chief Finance Officer .

- D41 Heads of Service are to ensure that invoices are passed for payment promptly to ensure they can be paid within 30 days.

CONTRACTS FOR BUILDING, CONSTRUCTION OR ENGINEERING WORK, ASSOCIATED MAINTENANCE CONTRACTS AND EMPLOYMENT OF CONSULTANTS

Standing Orders

- D42 The Chief Executive, and Deputy Chief Executives will ensure compliance with the Council's Standing Orders for Contracts.

Tenders

- D43 The Chief Finance Officer will investigate the financial status of tenderers as necessary.
- D44 No contract will be entered into unless the Chief Executive, or relevant Deputy Chief Executive is confident of the tenderer's ability to complete the contract.
- D45 The Chief Executive, and Deputy Chief Executives will provide the Chief Finance Officer and Legal Services with details of all contracts for entry into the contracts register.

Contract Register

- D46 The Chief Finance Officer will maintain an online up to date register of all contracts with a total value of more than £5,000. Purchase orders which have been properly authorised in accordance with the Contract Standing Orders, will not for this purpose constitute contracts.
- D47 The Deputy Chief Executives and Heads of Service will be responsible for notifying the the Chief Finance Officer and Legal Services with details of all new contracts and forthcoming contracts necessary to enable the register to be maintained.

Contract Payments

- D48 Payments on account to contractors will only be made on a certificate issued by the supervising officer and signed by the relevant Head of Service.
- D49 The payment certificate will show the total amount of the contract, the sum paid to date, the instalment certified, the balance remaining, the retention monies, and Value Added Tax [VAT].
- D50 The Chief Executive, or Deputy Chief Executive concerned is responsible for obtaining all necessary sub-contractors' tax certificates and forwarding them to the Chief Finance Officer prior to payment.
- D51 Under the Inland Revenue Construction Industry Scheme (IR14/15(CIS)) introduced 1 August 1999, payments cannot be made to sub-contractors unless a tax certificate has been obtained.

Variations

- D52 Where practical changes are necessary which do not alter the essential nature of the original contract, as opposed to additional works or supplies, the Chief Executive, or relevant Deputy Chief Executive may approve such variations after consultation with the Chief Finance Officer, provided the cost of the

proposed variation can be met from within the total budget approved for the contract.

- D53 Where the approved budget would be exceeded, approval for any variation must be obtained from the Leader.
- D54 The reasons for and details, including cost, of every variation must be recorded on the relevant contract file, specifically authorised in writing by the Supervising Officer and endorsed by the or appropriate Deputy Chief Executive, and a copy supplied to the Chief Finance Officer at the time of issue.
- D55 Documented variation orders are not required where site instructions are issued for routine repairs under a maintenance contract, such as for park seat repairs, street cleaning or clearance of fly tipping, provided a budget is built into the contract to cover such work.

Final Account

- D56 The final certificate of completion will not be issued until the Supervising Officer has provided the Chief Finance Officer with a detailed statement of account and all relevant documents required.
- D57 The Chief Finance Officer will examine contract final accounts, make all necessary enquiries and receive any information and explanations he requires to confirm the accuracy of the accounts.
- D58 Claims from contractors for matters not clearly within the terms of any existing contract will be referred to the Head of Corporate Governance to consider the Council's legal liability and, where necessary, to the Chief Finance Officer for financial consideration before a settlement is reached.

Agency Arrangements

- D59 As far as practicable, Financial Regulations apply to works entered into on behalf of a body from whom the Council has accepted delegated powers, or for whom the Council acts as an agent. The requirements of any such body should be followed if they differ from these Financial Regulations or Contract Standing Orders.

Consultants

- D60 In the case of contracts entered into by the Council and supervised by consultants, any agreement with the latter should include a requirement to comply with the Council's Financial Regulations.

VALUE ADDED TAX (VAT)

- D61 The Chief Finance Officer is responsible for maintaining all records, accounts and claims as directed by the Valued Added Tax Act, 1983.

VAT on Payments

- D62 The Chief Finance Officer will take reasonable steps to ensure that the payment documentation provided by all suppliers of goods, works, or services conforms to the requirements of a proper VAT invoice.

VAT on Receipts

- D63 Each staff member responsible for raising invoices on behalf of the Council will ensure within reason that the Council has complied with relevant Value Added Tax legislation regarding the supply of its services.

Exempt Supplies

- D64 For services where VAT supplies are classified as Exempt under VAT regulations, officers will ensure that all activities are fully evaluated for VAT purposes and any tax implications are identified before any expenditure is committed or contractual arrangements made.

- D65 The following are classified as Exempt activities under VAT rules:

Land & Buildings	Social Services	Education	Burial & Cremation
Insurance	Finance	Health	

Payments to employees, members

- D68 The Chief Finance Officer is responsible for paying all employees and allowances to members.

MEMBERS' ALLOWANCES

- D69 The Chief Finance Officer will make payments to any Members entitled to claim allowances on receipt of the proper form, completed and certified in accordance with the Council's scheme for allowances.

Taxation

- D70 The Chief Finance Officer is responsible for advising Management Team / Heads of Service, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.
- D71 The Chief Finance Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Financial Regulation E – External Arrangements

- E1 Under the modernising agenda the Council provides a distinctive leadership role in the community. As part of the Community Strategy it brings together other local public, private, voluntary and community sector organisations in partnership to address local needs.
- E2 Best Value authorities are also required to challenge the way services are provided and consider alternative delivery options. Orders made under section 16 of the Local Government Act 1999 may give a Council the powers to enter into partnerships or contract partnering. Arrangements with the public, private or voluntary sector are seen as ways in which services may improve their economy, efficiency and effectiveness.
- E3 A partner can therefore be an organisation undertaking part funding or participating as a beneficiary in a project, or a body whose nature or status give it a right or obligation to support the project, or a body working on a joint venture with the Council for the delivery or acquisition of services.

Introduction

- E4 The Council has led the preparation of the Spelthorne Community Strategy to achieve the promotion and improvement of the economic or social or environmental well-being of its area.

Partnerships

- E5 The Leader is responsible for approving partnership arrangements with other public, private, voluntary and community sector organisations to address local needs.
- E6 The Leader can delegate functions – including those relating to partnerships – to staff members. These are set out in the scheme of delegation that forms part of the Council’s Constitution. Where functions are delegated, the Leader remains accountable for them to the Council.
- E7 The Chief Executive is responsible for ensuring the due diligence and legality for all partnership arrangements.
- E8 Heads of Service are responsible for informing the Chief Finance Officer of partnership arrangements entered into so that he/she can ensure that accounting arrangements adopted relating to partnerships and joint ventures are satisfactory and that the overall corporate governance arrangements are satisfactory when contracts are arranged with external bodies. The Chief Finance Officer must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

External funding

- E9 The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

Work for third parties

- E10 The Chief Finance Officer and the Head of Corporate Governance are responsible for approving the contractual framework for any work for third parties or external bodies.

GLOSSARY OF TERMS

Accrual	A sum included in the final accounts to cover income or expenditure attributable to that year but for which payment was not received/made during that year. Local authorities only accrue for revenue expenditure; capital expenditure is recorded on a receipts and payments basis.
Appropriation	The transfer of ownership of land or buildings from one service to another.
Budget	A statement of the authority's plans for revenue and capital expenditure and income over a specified period of time.
Budget Head	A specific area of activity where expenditure may be incurred or income collected.
Capital Discharged	The amount of capital expenditure which has been paid for out of revenue or other sources.
Capital Outlay	Expenditure on the acquisition of significant fixed assets which will be of use or benefit in providing services beyond the year of account.
Capital Receipts	Proceeds from the sale of assets and other receipts of a capital nature.
Capital Receipts Unapplied	Capital receipts not yet used for repayment of debt, or to finance capital expenditure.
Central Establishment Charges	Salaries and associated expenses of central departments together with the cost of maintaining administrative buildings and other central services.
Creditors	Represent money owed by the Council to others.
Debtors	Represent money owed to the Council by others.

Deferred Capital Receipts	Deferred Capital Receipts are the amounts derived from sales of assets which will be received in instalments over agreed periods of time.
Deferred Charges	An item in a balance sheet where there is a loan liability, but no tangible asset, e.g. House Renovation Grants, residual debt on assets sold.
Fidelity Guarantee	Insurance against fraudulent losses.
General Rate Fund	The main fund of the Council.
Government Grants	Sums paid by central Government towards either specific services or in aid of services generally.
Outturn	The actual income and expenditure for a financial year disclosed by the final accounts.
Performance Indicators	A set of local authority service performance indicators determined by central Government and published each year for every local authority.
Precept	A rate which the Council is required to levy on behalf of a non-rating authority, e.g. Surrey County Council.
Rateable Value	The annual assumed rental value of a property, to which rate poundages are applied to arrive at rates payable.
Reserves	Funds set aside to meet future expenditure on specific items or as a contingency against future losses.
Revenue Contributions to Capital Outlay	The financing of capital expenditure directly from revenue.
Revenue Expenditure	The day to day costs of providing services.
Revenue Support Grant	The general grant paid by government to local authorities to enable all authorities to levy similar rate levels for similar levels of service (also called Rate Support Grant).

Virement	The transfer of funds between budget heads.
Voted	Sums approved by councillors for expenditure against budget heads.
Working Balances	Sum provided within the accounts to meet those expenses which are incurred in advance of the receipt of income as well as for unforeseen contingencies.

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CONTRACT STANDING ORDERS

GENERAL

Introduction

1. These Standing Orders provide basic guidance to anyone making a contract for the Council. They apply equally to the supply of goods, materials, services or other work. In making such contracts, the overriding objective is to obtain the best value for the Council in all the relevant circumstances.

Compliance

2. Every contract made by or for the Council must comply with these Standing Orders except in the circumstances where exemptions are obtained in advance.
3. Where tenders or quotes have been invited on behalf of any consortium, collaboration or agency arrangement of which the Council is a member, the Standing Orders or requirements adopted by the lead agency can be observed if they differ from these Standing Orders.

PREPARING FOR THE CONTRACT

Contract file to be set up from the start

4. All contracts must be fully documented on a dedicated contract file, with a complete audit trail recording all significant decisions and actions taken.
5. All contract files should clearly record the identity of the staff member undertaking the procurement (the Procurement Manager).

Requirement for a nominated procurement manager

6. The Procurement Manager is responsible for ensuring and recording on the contract file that the relevant authority (Council, Cabinet or delegated as appropriate) has been obtained and there is sufficient budgetary provision in place for the procurement before any steps are undertaken.

Contractor Suitability

7. The Procurement Manager is to ensure that the contractor is sufficiently capable and financially sound to undertake the contract by making enquiries, pursuing references and reviewing the quotes, tender proposals/method statements as appropriate, during the procurement process. The Procurement Manager is also required to ensure that the contractor has appropriate health and safety policies and procedures in place (as appropriate).
8. Only where considered appropriate by the Procurement Manager will a two-stage assessment process including a pre-qualification stage to assess suitability of those invited

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to quote or tender be used. Advice should be sought from the Head of Corporate Governance as to whether a two stage process is required for contracts above the EU procurement thresholds. If a two stage process is used the person authorised under column 6 of table 1 shall be authorised to select the bidders to be invited to quote or tender.

Specification and Selection Criteria

9. A specification and selection criteria must be prepared in advance of tenders or quotations being sought. The main selection criteria will normally be the lowest price. Where this is not appropriate, a reasonable balance needs to be struck between cost and quality, including other factors such as timing. Both the specification and the selection criteria must be recorded on the contract file and be used to evaluate tenders/quotations received.
10. If a potential contractor requires information not provided in the specification, such additional information must be copied to all other bidders. It is important that all potential contractors are treated equally.

Procurement Board

11. The role of the Procurement Board is to take a strategic approach to the Council's procurement. All contracts likely to exceed £20,000 (other than urgent contracts) should be notified at the planning stage to the Chief Finance Officer, who will maintain a forward plan of contracts to advise Procurement Board and where appropriate Cabinet, on relevant procurement matters.

Electronic Procurement

12. All procurement opportunities, whenever possible should be advertised through the Council's electronic procurement system (Pro-Contract).

PROCEDURAL STEPS OF THE PROCUREMENT

Estimated Value of Contracts

13. An estimated value must be prepared and documented for every contract immediately before starting the procurement process to confirm there is adequate budget provision, and to determine the appropriate form of tender or quotation process to follow.
14. For contracts which continue over a number of years, the estimated value of the contract shall be taken to be the annual value multiplied by four years as this will allow the Procurement Manager to assess whether European procurement rules may apply.
15. For concessionary contracts (contracts for which the Council does not pay the provider for the services/works/goods but the contractor receives consideration in other ways e.g. directly from the end user), the contract value will be based upon the anticipated income which the contractor is likely to receive from any source pursuant to such contract.

Division of Contracts

16. Large scale works or orders must not be broken down into smaller units for the purpose of creating lower value contracts unless there are sound operational or management reasons

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for doing so. Any such action must be authorised by the Chief Finance Officer in writing with the reasons recorded on the contract file. The avoidance of any provision of these Standing Orders is not an acceptable reason for such action.

Special Requirements

17. All contracts must comply with the Public Contract Regulations. Where there is a conflict between these Standing Orders and any statutory provision, the law must prevail. Advice on the tender process and form of contract should be taken from Legal Services at the start of any procurement project.
18. The procedures outlined below by contract value are the minimum. It is important to remember that we are trying to get the best value for the residents of Spelthorne. Consequently where better value for the Council might be achieved by seeking more tenders or quotations this should be done. The figures outlined in this document are exclusive of VAT.

Procedural rules for steps of the procurement

19. The Procurement Manager must ensure that the procurement procedurally complies with Table 1 below.
19. In Table 1 below the following abbreviations mean as follows:

DCX means: the relevant Deputy Chief Executive for the Service concerned.
CFO means: Chief Finance Officer
HoS means: the relevant Head of Service
HoCG means: the Head of Corporate Governance
RFQ means: Request for Quote
ITT means: Invitation to Tender.

Framework Agreements

20. Procurement Managers wishing to let a Framework Agreement should follow the steps required in Table 1.
21. Procurement Managers may purchase goods, works or services from existing Framework Agreements subject to (i) the agreement of the Chief Finance Officer that the call-off represents good value for money and (ii) the agreement of the Head of Corporate Governance that the proposed Framework Agreement has been procured appropriately. In which case the procedures in columns 2,4, and 5 of Table 1 may be dispensed with.

Table 1: Procedural steps of the procurement

1. Value over 4 years?	2. Advertising required?	3. Specification?	4. Method?		5. Receipt of quotes/ tenders?	6. Selection of Contractor?	7. Contract required?	8. Who signs contract?	9. Exemption agreed by?	10. Errors subsequent signed off by?
Under £5000	None	Communicated to bidder and confirmed in writing	Confirm price in advance		Procurement Manager	Procurement Manager	No Keep invoices and quotes on file	Procurement Manager	HoS	HoS
£5,000 - £40,000	None	Communicated to bidder and confirmed in writing	Three verbal or written quotes recorded on file		Procurement Manager	HoS	Yes ³	HoS	HoS	HoS
£40,001 - £100,00	Contract placed on e-sourcing website	Detailed in RFQ	Three written quotes		Recorded opening of quotes	DCEX	Yes ³	HoS	CFO	CFO
Over £100,001	Contract placed on e-sourcing website	Detailed in ITT	Three tenders		Recorded opening of tenders	DCEX in consultation with Portfolio Holder	Yes - agreed by Legal and under seal	HoCG	Cabinet	Cabinet
Over £173k PCR ¹	Advert in the OJEU and placed on e-sourcing website	Detailed in ITT	Three tenders as appropriate ²		Recorded opening of tenders	Cabinet	Yes - agreed by Legal and under seal	HoCG	Cabinet	Cabinet
Framework Agreements	Yes with OJEU advert if required and/or placed on e-sourcing website	Detailed in ITT	Three tenders		Recorded opening of tenders	Cabinet	Yes - agreed by Legal and under seal	HoCG	Cabinet	Cabinet

Notes:

- Contracts over £100,000 may also be caught by the Public Contracts Regulations (PCR) thresholds which are:
Supplies: £173,934 Services: £173,934 Works: £4,348,350
- Different procedures can apply, open procedure, restricted procedure, negotiated procedure, competitive dialogue and innovative partnership. Check with Legal Services to agree which is the most appropriate.
- Any contract over £20,000 must be agreed by legal services.

Tendering and Quotation handling procedure – Paper Procedure

22. For all non-electronic procurement where written quotations or tenders are invited, the bidder should be asked to return their quotation or tender in a sealed, plain envelope with only the word "Quotation", or "Tender" and the title of the contract and the closing date and time for receipt written on it. No marks which identify the sender must appear on the envelope.
23. It should be made clear that where contracts are estimated to be worth £40,001 or over they will not be considered unless returned in this way.
24. Envelopes containing tenders or quotations should be kept secure, preferably in a tender box, until the time appointed for opening them. Tenders or quotations received after the closing time cannot be considered, unless the envelope bears a postmark prior to that time and has been received prior to the time fixed for opening.

Construction Line

25. Procurement Managers may generate a shortlist for works contracts by undertaking a search of "Construction line" for at least 4 suitably qualified contractors who have expressed an interest in undertaking the works and have agreed to submit a quote or tender.

Errors and clarifications of tenders

26. Where examination of tenders reveals errors or discrepancies which would affect the tender figure in an otherwise successful tender, the tenderer should be given details and an opportunity to confirm, withdraw or amend his tender to correct genuine errors. If the resulting tender is no longer the lowest, the next tender in order of value should be examined.

Post tender negotiations

27. The Procurement Manager should take advice from Legal Services and no negotiations may be entered into with any contractors submitting tenders or quotations unless the Chief Finance Officer considers it necessary to obtain best value for the Council, to accommodate unforeseen changes in the specification, or for any other reason the Chief Finance Officer considers is appropriate. In this event, details of the negotiations must be recorded in writing and must be conducted either solely with the contractor who has won the tender, or with all contractors who have submitted tenders. The reasons for entering into post tender negotiations must be recorded on the contract file.

CONTENT OF CONTRACTS

Form of Contracts

28. Every contract over £5,000 must be in writing, in a form approved by the Head of Corporate Governance. All contracts of £100,001 and over in value (other than for vehicle purchase) must be in writing and under seal.
29. For contracts over £5,000 where the Council may be obliged to contract on the standard terms and conditions of another organisation, the following minimum requirements must be adhered to:
 - (a) a specification of services required should be produced and sent to the contractor. This is required in all cases where the Council procures goods and services together. It is not required where the Council only procures goods.
 - (b) a copy of the applicable standard terms and conditions should be retained on the contract file.
 - (c) an appropriate letter or other document should be agreed with the contractor which refers to the Council's specification of services required and confirms the terms and conditions on which the supply is to be made.

Public liability insurance and professional indemnity insurance

30. The Procurement Manager must consider the Council's need for appropriate indemnities backed by insurance. In the case of a contract for works or services, the contract must require the contractor to carry public liability insurance to a minimum of £5,000,000, unless otherwise agreed by the Chief Finance Officer.
31. In the case of a contract for professional services, the contract must require the contractor to carry professional indemnity insurance to a minimum of £5,000,000, unless otherwise agreed by the Chief Finance Officer.

Assignment of Contracts

32. Assignment or under letting of contracts is not to be permitted except with the prior consent of the Chief Finance Officer, and then only where the Chief Finance Officer is satisfied that an effective vetting procedure of assignees or subcontractors has been implemented.

Liquidated Damages

33. The Procurement Manager must consider whether the contract should provide for the contractor to pay liquidated damages on failure to complete the contract by the specified completion date. Where considered appropriate by the Head of Corporate Governance, the contract must require the contractor to pay damages for any breach of the terms of the contract. Advice on liquidated damages should be taken from Legal Services at an early stage in the procurement project.

Corruption, Bankruptcy & Cancellation

34. Every contract must state that the Council may cancel the contract and recover any resulting losses if the contractor, his employees or anyone acting on his behalf, with or without his knowledge, does anything improper to influence the Council or commits an offence under Bribery Act 2010
35. Every contract must state that if the Contractor enters into liquidation or administration, the Council is entitled to cancel the contract and recover any resulting losses.

Performance Bonds

36. Where a contract is estimated to be £100,001 or over, the relevant Deputy Chief Executive must consider before the procurement whether the Council should require security for its performance. It must be certified on the contract file that no such security is considered necessary or specify in the conditions of tender the nature and amount of security to be given. In the latter event the relevant Deputy Chief Executive must ensure the required bond or other security for the due performance of the contract is given at the time the contract is let.

Nominating Subcontractors and Suppliers

37. Where it is decided to be in the Council's interest, that a sub contractor or supplier should be nominated to a main contractor, at least three tenders for the nomination must be invited in accordance with one of the methods described in Table 1 above.
38. The invitation to tender as sub contractors or suppliers must require an undertaking from any tenderer to enter into a contract with the main contractor, including an obligation to indemnify the main contractor in respect of matters included in the sub contract.

Consultants

39. Any consultant employed by the Council to let or manage contracts must comply with these Standing Orders. The contract with any consultant must provide that all records maintained by the consultant in relation to a contract must be made available to the Council on request and handed over to the Council on completion of the procurement.

MANAGING THE CONTRACT

Contract Management

40. Unless prior written approval is given by the Chief Finance Officer to the Procurement Manager and recorded on the contract file, all contracts in excess of £40,000 should nominate a Contract Manager (and include provision for those details to be updated). Where reasonably practicable, the Contract Manager should be part of the procurement project team, and a member of Spelthorne Borough

Council staff. The Procurement Manager must notify the name of the Contract Manager to the contractor prior to letting of the contract.

41. The role of the Contract Manager will be to manage the contract throughout its duration, as well as enforce duties owed to the Council under contract and to be responsible on behalf of the Council for those duties owed to the contractor.
42. The responsibilities of the Contract Manager will include:
 - (a) monitoring performance of the contractor against the agreed level of service;
 - (b) monitoring the continuing level of operational and financial risk to which the Council is exposed and to institute controls as appropriate;
 - (c) ensuring the contractor's due diligence with all appropriate health and safety obligations;
 - (d) facilitating the resolution of issues between the contractor and users of the service;
 - (e) ensuring prompt payment of invoices and compliance with all financial regulations and Contract Standing Orders during the lifetime of the contract;
 - (f) ensuring that appropriate arrangements are made for the termination or re-letting of the contract at the appropriate time.

Variations

43. Where the relevant Deputy Chief Executive considers an existing contract needs to be varied (i.e. practical changes which do not alter the essential nature of the original contract as opposed to additional works or supplies not originally envisaged) he or she may approve these subject to the proposed variation being contained within the total budget approved for the contract. The reasons for and details of any such variation must be recorded on the contract file. On contracts over £100,000 in value, where the approved budget would be exceeded because of the variation, approval must be obtained from the Cabinet or Council (according to financial regulations) for any such variation.

Registration of Contracts

44. The Chief Finance Officer will keep a register of all contracts of £5,000 and over, placed by the Council. The register must state the name of the contractor, the name of the Council's Contract Manager, the work to be done or goods to be supplied, the duration and value of the contract. Any Procurement Manager letting a contract must ensure details are supplied to the Chief Finance Officer for entry in the register.
45. The Chief Finance Officer will also keep a register of all contracts for building, construction or engineering work and associated Consultants which provide for payment by instalments. This register must show the state of account of each contract between the Council and contractor, together with any other payments and related professional fees. The Procurement Manager letting such a contract must ensure details are supplied to the Chief Financial Officer for entry in the register.

OFFICER EMPLOYMENT PROCEDURE RULES

1. RECRUITMENT AND APPOINTMENT

(a) Declarations

- The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, aunt, nephew or niece of an existing Member or officer of the Council; or of the partner of such persons.
- No candidate so related to a Member or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment

- Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- Subject to paragraph (iii), no Member will seek support for any person for any appointment with the Council.
- Nothing in paragraphs (i) and (ii) preclude a Member from giving a written reference for a candidate for submission with an application for appointment.

2. RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

2.1 Where the Council proposes to appoint a chief officer (within the meaning of the Local Authorities (Standing Orders) Regulations 1993) and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) Draw up a statement specifying:

- the duties of the officer concerned; and
- any qualifications or qualities to be sought in the person to be appointed.

(b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) Make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. APPOINTMENT OF HEAD OF PAID SERVICE (CHIEF EXECUTIVE)

(a) The Council will approve the appointment of the head of paid service following the recommendation of such an appointment by a committee

or sub-committee of the Council. That committee or sub-committee must include at least one member of the Cabinet.

- (b) The Council may only make or approve the appointment of the head of paid service where no material or well-founded objection has been made by any member of the Cabinet.

4. APPOINTMENT OF CHIEF OFFICERS AND OTHER SENIOR OFFICERS

- (a) A committee or sub-committee of the Council will appoint Chief Officers and Senior Officers to any posts above salary level Group Head. That committee or sub-committee must include at least one member of the Cabinet. All other senior officers will be appointed by officers in accordance with the Delegations to Officers in Part 3 of the Constitution.
- (b) An offer of employment as a chief officer, non-statutory chief officer or deputy chief officer shall only be made where no well-founded objection from any member of the Cabinet has been received.

5. OTHER APPOINTMENTS

- (a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officers (other than any assistants to political groups) is the responsibility of the head of paid service and his/her nominee, and may not be made by Members.
- (b) **Assistants to political groups.** Any appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. DISCIPLINARY ACTION

The Council will follow the *Model Discipline Procedure and Guidance* for dealing with matters of discipline, capability, redundancy and other dismissals against the Chief Executive, as specified in the latest edition of the Chief Executives of Local Authorities Handbook and any subsequent updates. This procedure will also be used as the framework for dealing with matters of discipline against other statutory chief officers within the Council (until the separate chief officers' handbook is updated in due course).

7. EQUAL OPPORTUNITIES

The Council will publish and follow Equal Opportunities policies in relation to the recruitment of all staff.

8. INTERPRETATION

For the purpose of these Rules unless otherwise indicated chief officer, non-statutory chief officer and deputy chief officer means a statutory chief officer, non-statutory chief officer or deputy chief officer within the meaning of the Local Authorities (Standing Orders) Regulations 1993), as amended by the Local Authorities (Standing Orders) (England) Regulations 2001.

ACCESS TO INFORMATION RULES

1. SCOPE

These rules allow the public rights of access to meetings and information to reflect the Council's commitment to its residents to be open and accountable. They apply to all meetings of the Council, Cabinet, Committees and Sub-Committees (together called meetings) unless otherwise specified in this Constitution or by legislation. The public now has the right to report on any meeting, which is not held in private, by means of any medium available to them, and to share the results of such reporting by any communication method at their disposal (The Openness of Local Government Bodies Regulations 2014).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in the Council's Constitution or the law, nor do these Rules limit or diminish the Council's duties to protect certain information, including personal information. This includes the rights and duties from the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1998.

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Council Offices, and on the Council's website, with the exception of any Licensing Sub-Committee meeting called in accordance with Statutory Instrument 2502 of the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports, open to the public, , available on its website and at the Council Offices, five clear working days before the meeting except:

- a) Those which contain exempt or confidential information, the meaning of which is explained later in these rules, or
- b) Those in relation to Licensing Sub-committees where a meeting is called in accordance with: -
 - i) section 105(2)(a) (counter notice following police objection to temporary event notice) of the Licensing Act 2003; or
 - ii) SI 2502 - Summary Review of Premises Licences.

If an item is added to the agenda later, the revised agenda will be open to inspection and on the website from the time the item was added to the agenda. Where reports are prepared after the summons to the meeting has been sent out, the Chief Executive will make a copy of the report available to the public as soon as it is completed and sent to councillors.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) Any agenda and reports which are open to public inspection;

- (b) Any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) If the Chief Executive thinks fit, copies of any other documents supplied to councillors in connection with an item.

to any person on payment of a charge for postage and any other costs.

The Council will make available to the public present at a meeting a reasonable number of copies of the agenda and of the reports for the meeting (except during any part of the meeting to which the public is excluded).

7. ACCESS TO MINUTES AND OTHER INFORMATION AFTER THE MEETING

- 7.1 The Council will make available copies of the following for six years after a meeting:
- (a) the minutes of all Council and Committee meetings;
 - (b) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
 - (c) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
 - (d) the agendas for the meetings; and
 - (e) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

List of background papers

- 8.1 If there are any background papers relating to the subject matter of a report, these will be listed at the end of that report.
- 8.2 Background papers are those documents which disclose any facts or matters on which a report, or an important part of a report, is based; and which have been relied on to a material extent in preparing the report but which have either not been published or which disclose exempt or confidential information as defined in rule 10 below.

Public inspection of background papers

- 8.3 The Council will make available for public inspection at its offices and on its website for four years after the date of the meeting one copy of any background papers listed in a report.

9. SUMMARY OF PUBLIC RIGHTS

- 9.1 A written summary of the rights of the public to attend meetings and to inspect and copy documents must be kept, and available to the public, at the Council Offices.

10. EXCLUSION OF PUBLIC ACCESS TO MEETINGS

Confidential Information – requirement to exclude the public

- 10.1 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.

Meaning of Confidential Information

- 10.2 Confidential information means information given to the Council by a Government department, service or agency on terms which forbid its public disclosure, or information which cannot be publicly disclosed by any enactment or Court Order.

Confidential Information and Exempt Information

Nothing in these Procedure Rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

Nothing in these Procedure Rules:

(a) authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Executive Head of Governance, that document or part of a document contains or may contain confidential information; or

(b) requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or is likely to contain exempt information.

Where the Leader, a lead councillor or a staff member makes an executive decision in accordance with executive arrangements, nothing in these Procedure Rules:

(a) authorises or requires documents relating to that decision to be disclosed to the public, or made available for public inspection where the documents contain confidential information; or

(b) requires documents relating to that decision to be disclosed to the public, or made available for public inspection where the disclosure of the documents would, in the opinion of the councillor or staff member making the decision, give rise to the disclosure of exempt information.

Exempt Information – Discretion to Exclude Public

- 10.3 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.

- 10.4 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 of the Act.

Meaning of Exempt Information

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

Category	Condition
1. Information relating to any individual	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
2. Information which is likely to reveal the identity of an individual.	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is not exempt information if it is required to be registered under <ol style="list-style-type: none"> 1. Section 2 of the Companies Act 2006 2. the Friendly Societies Act 1974 3. the Friendly Societies Act 1992 4. 5. the Co-operative and Community Benefit Societies Act 2014 6. the Building Societies Act 1986 7. the Charities Act 2011
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
6. Information which reveals that the authority proposes, <ol style="list-style-type: none"> 1. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or 2. to make an order or direction of any enactment. 	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
7. Information relating to any action taken or to be taken in connection with the prevention,	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the

investigation or prosecution of
crime

public interest in disclosing the information

10.6 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.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

11.1 The Proper Officer of the Council may exclude access by the public to reports which in his opinion relate to items during which, in accordance with rule 10 above, the meeting is likely not to be open to the public. Such reports will be marked '**Exempt**' on the agenda of that meeting, together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE CABINET

12.1 Rules 13 – 22 apply to the Cabinet only. If the Cabinet meets to take a key decision, then it must also comply with rules 1 –11 unless Rule 15 (general exception) or Rule 16 (urgent action) applies. A key decision is defined in Article 13.3 of the Council's Constitution.

This requirement does not include meetings whose sole purpose is for staff to brief councillors.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (urgent action) a key decision may not be taken unless:

- (a) Notice of the intention to make a decision has been published in the Key Decisions Forward Plan;
- (b) At least 28 days' clear days have elapsed since the publication of the Key Decisions Forward Plan and the date of the meeting at which the Key Decision is to be made, and
- (c) Notice of the meeting at which the decision will be taken has been given in accordance with Rule 4 (Notice of Meetings).

14. THE KEY DECISIONS FORWARD PLAN

Contents of Key Decisions Forward Plan

14.1 The Key Decisions Forward Plan will contain matters which the Leader has reason to believe will be the subject of a key decision to be taken by the Cabinet in the course of the discharge of an executive function during the period covered by the Plan. It will be made available on the Council's website at least 28 days before any Key Decision is due to be taken. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his name and title, if any, and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;

- (d) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (e) that other documents relevant to those matters may be submitted to the decision maker; and
- (f) the procedure for requesting details of those documents (if any) as they become available, and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

15. GENERAL EXCEPTION

15.1 If a matter which is likely to be a key decision has not been included in the Key Decisions Forward Plan in accordance with Rule 13, then subject to Rule 16 below the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been published in accordance with Rule 13;
- (b) the Chief Executive has informed the Chairman of the Overview and Scrutiny Committee, or if there is no such person, each member of that committee by a notice in writing of the matter on which the decision is to be made;
- (c) the Chief Executive has made copies of that notice available to the public at the Council Offices and on the Council's website; and
- (d) at least 5 clear working days have elapsed since the Chief Executive complied with (b) and (c) above.

As soon as reasonably practical after compliance with Rule 15.1 above, the reason(s) why compliance with Rule 13 is impractical must be published on the Council's website.

16. URGENT ACTION

16.1 If, by virtue of the date by which a Key Decision must be taken, Rule 15 above cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of the Overview and Scrutiny Committee that the taking of the decision is urgent and cannot reasonably be deferred. If there is no chairman of the Overview and Scrutiny Committee, or if the chairman of the Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor or, in his absence, the Deputy Mayor will suffice.

16.2 As soon as reasonably practical after the decision-maker has obtained agreement under paragraph 16.1 above, he/she shall publish on the Council's website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

17. REPORT TO COUNCIL

When an Overview and Scrutiny Committee can require a report

17.1 If an Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) published in accordance with Rule 13; or

- (b) the subject of the general exception procedure (Rule 15); or
- (c) the subject of an agreement with the Overview and Scrutiny Committee Chairman or the Mayor/Deputy Mayor (Rule 16),

the committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The report must include details of the decision and the reasons for the decision, the decision-maker, and the reasons, if any, for the Council to believe that the decision was not a Key Decision.

The power to require a report rests with the Overview and Scrutiny Committee, but is also delegated to the proper officer who shall require such a report on behalf of the committee when so requested by the Chairman or any five members. Alternatively, the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

Cabinet's report to Council

- 17.2 The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that.

The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

Annual Reports on Urgent Action Decisions

- 17.3 In any event, the Leader will submit annual reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 16 (urgent action) in the preceding twelve months.

The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. EXECUTIVE DECISIONS BY INDIVIDUALS

DECISIONS BY THE LEADER OR INDIVIDUAL CABINET MEMBERS

Reports intended to be taken into account

- 18.1 Where an individual member of the Cabinet receives a report, which he/she intends to take into account in making any decision, then he/she will not make the decision until at least 5 clear working days after receipt of that report.

Provision of copies of reports to Overview and Scrutiny Committee

- 18.2 On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chairman of the Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

EXECUTIVE DECISIONS BY STAFF

- 18.3 Staff contemplating a decision in connection with an executive function shall have careful regard to the following principles in deciding how this should be taken:

- (a) whether the proposed decision is closely (as opposed to remotely) connected with the discharge of a function which is, as a matter of law, the responsibility of the authority's executive;
- (b) whether the proposed executive decision is merely administrative in nature with only a remote connection with an executive function;
- (c) whether a proposed executive decision is so minor or routine in nature or is otherwise one which would reasonably be considered to be of no interest to a reasonable member of the public;
- (d) whether the proposed executive decision is sufficiently important and/or sensitive so that a reasonable member of the public would reasonably expect it to be taken by the Executive;
- (e) whether the proposed executive decision is one which affects only particular individuals as opposed to the public generally;

18.4 Taking into account the above principles, the Council has agreed that these Procedure Rules shall apply to:

- (a) key decisions taken by staff; and
- (b) any executive decision taken by a staff member -
 - (i) under the scheme of delegation to staff referred to in Part 3 of this Constitution, or
 - (ii) which has been authorised specifically by the Leader/Executive
 - (iii) which requires prior consultation with the Leader or a portfolio holder.

19. RECORD OF EXECUTIVE DECISIONS

19.1 After any meeting of the Cabinet, whether held in public or private, the Proper Officer, or where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable.

The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting. It will also include a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body, and where a conflict of interest was declared, a note of any dispensation granted in respect of it.

20. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

Rights to copies

20.1 Subject to rule 20.2 below, an Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to:

- (a) Any business transacted at a public meeting of the Cabinet; or
- (b) Any decision taken by an individual member of the Cabinet.

Limits on rights

20.2 An Overview and Scrutiny Committee will not be entitled to:

- (a) Any document, or part of a document, that is in draft form;

- (b) Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise as part of that Committee's work programme.

21. ADDITIONAL RIGHTS OF ACCESS FOR COUNCILLORS

Material relating to previous business

- 21.1 All councillors will be entitled to inspect any document which is in the possession of, or under the control of, the Cabinet and contains material relating to any business previously transacted at a meeting.

Material relating to key decisions

- 21.2 All councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet, which relates to any key decision.

Nature of rights

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

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BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. THE FRAMEWORK FOR CABINET DECISIONS

- 1.1 The Council is responsible for the adoption of its budget and policy framework as set out in Article 4 of the Constitution. Once a budget or a policy framework is in place, it is the responsibility of the Cabinet to implement it.
- 1.2 From May 2011 all executive functions will vest in the Leader. In this document references to the Cabinet should be read as Leader and/or Cabinet in accordance with the delegations made by the Leader from time to time.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

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

- 2.1 The Cabinet will include in the forward plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, or any amendment to it. This will include its arrangements for consultation on those proposals. The Chairman of Overview and Scrutiny Committee will be notified of the publication of the forward plan. This notification may be by e-mail. The consultation period allowed shall in each instance be not less than 4 weeks.
- 2.2 At the end of the consultation period, the Cabinet will draw up firm proposals having regard to any responses it received during the consultation period. If the Overview and Scrutiny Committee wishes to respond to the Cabinet during the consultation process then it may do so. As the Overview and Scrutiny Committee has responsibility for fixing its own work programme, it is open to the Overview and Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from the Overview and Scrutiny 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 Overview and Scrutiny Committee and the Cabinet's response.
- 2.3 At any time in advance of making its decision on any proposals relating to the budget or policy framework which it is considering or intends to consider, the Cabinet may formally request the Overview and Scrutiny Committee to consider and make recommendations on the same.
- 2.4 Once the Cabinet has approved the finalised proposals, the Chief Executive will refer them at the earliest opportunity to the Council for decision.
- 2.5 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.
- 2.6 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.
- 2.7 The decision will be published and a copy shall be given to the Leader.
- 2.8 An in-principle decision will automatically become effective 5 working days after the day a copy of the Council's decision is given to the Leader, unless

the Leader informs the Chief Executive in writing within the 5 days that he/she objects to the decision becoming effective and provides reasons why.

2.9 In that case, the Chief Executive will call a Council meeting to take place within 7 working days of receipt of the Leader's objection. The Council will re-consider its decision and the Leader's written submission at that meeting. The Council may

- i) approve the Cabinet's original recommendation by a simple majority of votes cast at the meeting; or
- ii) approve a different decision which does not accord with the original recommendation of the Cabinet by a simple majority.

2.10 The decision shall then be published and shall have immediate effect;

2.11 In approving the budget and policy framework, the Council will also specify any changes to the extent to which the Cabinet may vary within the budget, incur supplementary expenditure or make in year changes to the policy framework in accordance with paragraphs 5, 6 and 7 of these Rules. Any other changes are reserved to the Council.

2.12 Where the Cabinet submits to the Council before 28 February in any year:

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31A to 37 or 42A to 49, of the Local Government Finance Act 1992;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and the Council does not accept them, the procedure in rules 2.7 to 2.10 will apply.

2.13 When reconsidering its decision following any submission from the Leader, the Council when making calculations in accordance with the sections referred to in rule 1.13 or issuing a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992 will take into account:

- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (b) the Cabinet's reasons for those amendments;
- (c) any disagreement that the Cabinet has with any of the Council's objections; and
- (d) the Cabinet's reasons for that disagreement.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

3.1 Subject to the provisions in paragraph 5, 6 and 7, the Cabinet, individual members of the Cabinet and any staff or joint arrangements discharging Cabinet functions may only take decisions which are in line with the budget

and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Council, then that decision may only be taken by the Council, subject to paragraph 4 below.

- 3.2 If the Cabinet, individual members of the Cabinet and any staff or joint arrangements discharging Cabinet functions are minded to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer to establish 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 the Monitoring Officer and / or the Chief Finance Officer is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 4.1 The Cabinet, an individual member of the Cabinet or staff or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Council if the decision is a matter of urgency. However the decision may only be taken:

- (a) If it is not practical to convene a quorate meeting of the Council; and
- (b) If the Chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

- 4.2 The reasons why it is not practical to convene a quorate meeting of Council and the consent of the Chairman of the Overview and Scrutiny Committee to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Overview and Scrutiny Committee the consent of the Mayor or in his absence the Deputy Mayor will be sufficient.

- 4.3 Following the decision, the decision taking body or person will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. EXPENDITURE SUPPLEMENTARY TO THE BUDGET

- 5.1 The Council sets the budget but recognises the need for the Cabinet to have flexibility. The Leader is authorised:

- (a) To incur supplementary expenditure in any year which does not exceed a total of 5% of the net revenue budget approved for that year; and
- (b) To incur additional capital expenditure in any year which does not exceed **£20,000** or 5%, whichever is the greater, on any scheme within the approved capital budget for the year.

6. VIREMENT

- 6.1 The limits on virement are set out in the Council's Financial Regulations.
- 6.2 Within the limits set within the Financial Regulations the Leader may vire across budget heads which relate to Cabinet functions.

7. IN-YEAR CHANGES TO POLICY FRAMEWORK

- 7.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, an individual member of the Cabinet or staff or joint arrangements discharging Cabinet functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except where those changes:
- (a) will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
 - (b) are necessary to ensure compliance with the law, ministerial direction or government guidance;
 - (c) relate to the policy framework and 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.

8. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 8.1 Where the Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- 8.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be presented to the Cabinet with a copy sent to every councillor. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of such a report and to prepare a report to either the Council, in the event that the Monitoring Officer and / or Chief Finance Officer conclude that the decision was a departure, or to the Overview and Scrutiny Committee if the Monitoring Officer and / or the Chief Finance Officer conclude that the decision was not a departure.
- 8.3 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 Chief Finance 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 Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 7 working days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or Chief Finance Officer. The Council may :
- (a) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
 - (b) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible

for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

- (c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.

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Spelthorne Borough Council Constitution

Part 5

Codes and Protocols

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Spelthorne Borough Council

Code of conduct for councillors and co-opted members

General Obligations

You are a councillor or co-opted member of Spelthorne Borough Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a councillor or co-opted member -

1. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
2. You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
3. When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
4. You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
5. You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
6. You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
7. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
8. You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
9. You must treat others with respect. This means treating people fairly and equitably and with courtesy, compassion and sensitivity. You should treat other people equally as you yourself would expect to be treated. You must never use behaviour which a reasonable person would consider as offensive, overbearing, intimidating, malicious, insulting or humiliating.
10. You must discharge your duties and conduct yourself in such a way that assists the Council to comply with its duties under the Equality Act 2010.

11. You must respect the distinct but complementary roles that councillors and staff have in their work for the Council and abide by the advice in the Member Officer Protocol.
12. You must recognise that the staff working for, or on behalf of, the Council are required to be impartial and you must not do anything which compromises that impartiality.
13. If a complaint is made under this Code of Conduct then you must not interfere with the administration or investigation of the complaint and you must not intimidate any complainant, witness or likely witness or engage with them in any way which undermines the investigation.

Registering and declaring pecuniary and non-pecuniary interests

14. You must, within 28 days of taking office as a councillor or co-opted member, notify the Monitoring Officer of any "Disclosable Pecuniary Interest" as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
15. In addition, you must, within 28 days of taking office as a councillor or co-opted member, notify the Monitoring Officer of other Non-Pecuniary Interests which the Council has decided should be included in the register.
16. The Council has decided that it is appropriate for you to register and disclose Non-Pecuniary Interests that arise from your membership of, or your occupation of a position of general control or management in, the following bodies:
 - a. bodies to which you have been appointed or nominated by the Council;
 - b. bodies exercising functions of a public nature;
 - c. bodies directed to charitable purposes;
 - d. bodies one of whose principal purposes includes the influence of public opinion or policy.
17. If an interest (under paragraphs 14-16 above) has not been entered onto the Council's register, then the councillor or co-opted member must disclose the interest to any meeting of the authority at which they are present, where they have an interest in any matter being considered and where the matter is not a 'sensitive interest'.¹
18. Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
19. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a Disclosable Pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions the Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Council.

¹ A 'sensitive interest' is described in the Localism Act 2011 where the councillor or person connected with the councillor could be subject to violence or intimidation.

Other guidance

20. The Members' Code of Conduct Committee publishes other guidance to assist councillors and co-opted members to meet the aspirations of this Code. You should make yourself familiar with this guidance and act accordingly:
 - a. The Planning Code
 - b. Policy on Gifts, Hospitality and Sponsorship
 - c. Conflicts of Interest Policy

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Staff Code of Conduct

1. Introduction

- 1.1 The Code of Conduct is a guide to help give staff advice on some of the problem areas and pitfalls of working in public service. The Code of Conduct is issued to all new staff. The Code of Conduct covers all staff although some aspects may apply only to staff at a senior level.

2. Purpose of code

- 2.1 The Code has been designed to protect and safeguard the position of individual members of staff as much as those of the Council, and to avoid situations where members of staff might be accused of having some potentially conflicting interest in anything they might be involved in through their work with the Council. Its aim is to encourage staff to inform their managers confidentially on certain personal matters that could affect their duties at the Council. Failure to follow the Code could lead to embarrassing and/or difficult situations and ultimately to an investigation under the Council's disciplinary procedure.

3. Responsibility of staff

- 3.1 Staff are required to report to Group Heads and record on the appropriate form, full details of:
- (a) any private financial interests which could conflict with the Council's interests;
 - (b) any interest as a freeholder, lessee, licensee or tenant in any land or property in Spelthorne other than your main residence ;
 - (c) a relationship with any councillor, contractor or potential contractor ;
 - (d) a relationship with any member of staff or people in partner organisations which could lead to a conflict with your public duties;
 - (e) any paid employment or occupation or business interests outside the Council ;
 - (f) membership of any outside organisations or other public appointments which might conflict with the Council's interests, and
 - (g) a conflict of interest involving any other connection to the Council's work which may be relevant (e.g. an interest in a property which may be subject to a planning application, or a family member who may be seeking financial support).
- 3.2 A simple pro forma for recording details of any of these matters is available on Spel-net and should be completed by all members of staff affected and forwarded to the appropriate Group Head, in confidence, as soon as possible. In any event, staff are required to report:
- (a) on entering the organisation during the induction process;
 - (b) annually at appraisal time, or
 - (c) whenever a significant new matter arises under this Code.

- 3.3 Previous declarations need to be resubmitted on a new form so that the current form is comprehensive. It is important that information is updated as and when circumstances change. If there are any problems (e.g. about the extent of details required) staff should consult their Group Head.
- 3.4 Any information given about interests etc. will be maintained in confidence in the Council's Register. It will be available for inspection by the following people:
- (a) Your Group Head
 - (b) Human Resources Manager
 - (c) Head of Legal Services
 - (d) Management Team
- 3.5 Advice or clarification on any matters covered by the Code of Conduct is available from Human Resources, the Head of Legal Services or your Group Head.

4. Other rules applicable to employees

- 4.1 The main rules relating to the work of the Council are included within the Council's Constitution. Some of the other documents from the Constitution with which you should be familiar are:
- (a) Contract Standing Orders
 - (b) Financial Regulations
 - (c) Policy on Gifts and Hospitality
 - (d) Policy on Anti-Fraud and Corruption
 - (e) Confidential Reporting Code (Whistleblowing policy)
- 4.2 In addition, the Council has numerous other policies for guiding the work of staff and these are available on Spel-net. You should be familiar with these policies because they affect your work, they are relevant to this Code and if you do not abide by them, then they could be disciplinary matters under the Disciplinary Policy, such policies are:
- (a) The Disciplinary Policy
 - (b) Acceptable use policy (for the internet)
 - (c) ICT security policy
 - (d) Data protection policy
 - (e) Any specific departmental policy about access to restricted data or computer systems

5. Code of conduct - standards

- 5.1 The Council has adopted the Nolan Committee's Seven Principles of Public Life as part of its Member Code of Conduct and this Staff Code of Conduct, hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Accordingly, when employed by the Council -

- (a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- (b) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (c) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- (d) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- (e) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- (f) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
- (g) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

6. Disclosure of information and confidentiality

- 6.1 The law requires that certain types of information must be available to councillors, auditors, government departments, service users and the public. Other information is subject to confidentiality. You must be aware of the types of information, which in Spelthorne Borough Council are open and those which are not, and act accordingly.
- 6.2 You should 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. Any particular information received by you from a councillor or a fellow employee which is personal to that person and does not belong to the Council, should not be divulged by you without the prior approval of that person.
- 6.3 If you have any doubts about your ability to share or restrict access to information then you should contact the Council's Data Protection Officer, Siraj Choudhury on ext 6235.

7. Political neutrality

- 7.1 You serve the Council as a whole. It follows you must serve all councillors and not just members of any controlling group of councillors, and must ensure that the individual rights of all councillors are respected.
- 7.2 Whether or not your post is politically restricted, you must follow every lawful expressed policy of the Council and must not allow your personal or political

opinions to interfere with your work. Information on politically restricted posts can be obtained from the Human Resources Manager or the Head of Legal Services. Guidance is also available on Spel-net.

8. Relationships

- 8.1 You must never become involved in dealing with or determining any application or request you or a member of your family or personal friend make to the Council, for example an application for planning permission or for council tax or housing benefit.

Councillors

- 8.2 You are responsible to the Council through its senior managers. For some, your job is to give advice to councillors and the Council. Mutual respect between staff and councillors is essential to good local government. Close personal familiarity with individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided. Any close personal friendships with councillors should be declared to your Group Head.

The Local Community and Service Users

- 8.3 You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community.

Contractors

- 8.4 All personal relationships with contractors or potential contractors (i.e. contractors who could bid for Council work) should be declared to your Group Head.
- 8.5 Orders and contracts must be awarded on merit, by fair competition against other tenders, and no favouritism should be shown to businesses run by, for example, friends, partners or relatives. No part of the community should be discriminated against.
- 8.6 If you engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship (i.e. working or friendship) in a private or domestic capacity with a contractor or potential contractor, you should declare that relationship to your Group Head.

9. Appointment and other employment matters

- 9.1 If you are involved in appointments you should ensure that these are made on the basis of merit. It would be unlawful to make an appointment which was based on anything other than the ability of the candidate to undertake the work. In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a personal relationship (including friendship) outside work with him or her. You should declare any such relationship to your Group Head in advance.
- 9.2 Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close friend.

10. Outside commitments

- 10.1 You are required to obtain written consent from your Group Head to take any other paid employment or occupation in addition to the post held with the Council. This includes directorships, consultancies and sponsorships by any company, organisation or individual. It also includes any other business interests you pursue on your own account. You should be clear about your contractual obligations to the Council and should not take outside employment which conflicts or might conflict in the future with the Council's interests.
- 10.2 You may not carry out work arising from additional employment in office time nor use Council resources or facilities for those purposes.
- 10.3 Payment for personal use of Council facilities, e.g. making telephone calls, using fax or photocopiers, should be dealt with through the Council's Honesty Box scheme.
- 10.4 You should follow the Council's policies on the ownership of intellectual property or copyright created during your employment i.e:-
 - (a) all creative designs, writings and drawings produced by you in the course of your duties, belong to the Council;
 - (b) all inventions made by you are the property of the Council if made during the course of your duties.

11. Other personal interests

- 11.1 You must declare to your Group Head any financial interests which could conflict with the Council's interests e.g. any pecuniary interest in a business or company within Spelthorne or with which the Council might do business.
- 11.2 You must declare to your Group Head, any interest you have as freeholder, lessee, licensee or tenant in any land or property in Spelthorne except your main residence as recorded in your personnel records.
- 11.3 You must declare to your Group Head all non-financial interests which you consider could bring about conflict with the Council's interests or activities. Examples might be membership of the committee of an organisation seeking or receiving grant aid from the Council, membership of a National Health Service Trust Board operating in Spelthorne or involvement with an organisation or pressure group which may seek to influence the Council's policies. Ordinary membership of organisations whether local or national (e.g. National Trust, RSPB etc) will not usually be relevant.

12. Equality issues

- 12.1 You have an obligation to ensure that policies relating to equality issues as agreed by the Council are complied with, as well, of course, as the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.
- 12.2 You must treat others with respect. This means treating people fairly and equitably and with courtesy, compassion and sensitivity. You should treat other people equally as you yourself would expect to be treated. You must

never use behaviour which a reasonable person would consider as offensive, overbearing, intimidating, malicious, insulting or humiliating.

13. Separation of roles during tendering

- 13.1 You must be clear on the separation of client and contractor roles within the Council. If you are a senior employee with both a client and contractor responsibility, you must be aware of the need for accountability and openness. Regulations for compulsory competitive tendering have particular requirements for ensuring that contractor units are not involved in tender evaluation. If in doubt, please consult Legal Services.
- 13.2 If you are in a contractor or client unit you must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and sub-contractors.
- 13.3 If you are privy to confidential information on tenders or costs for either internal or external contractors, you should not disclose that information to any unauthorised party or organisation.
- 13.4 If you are contemplating a management buyout, you should inform your Group Head as soon as you have formed a definite intent and withdraw from the contract awarding process.
- 13.5 You should ensure that no special favour is shown to work colleagues or former employees of the Council or their partners, close relatives or associates, in awarding contracts.

14. Use of financial resources

- 14.1 You must ensure that you use public funds entrusted to you in a responsible manner, ensuring value for money to the local community and avoiding legal challenge to the Authority. If you are in doubt about your obligations, you must seek advice.

PROTOCOL FOR COUNCILLOR-STAFF RELATIONS

This protocol forms part of the local framework for standards of behaviour approved by the Members' Code of Conduct Committee and Council. Monitoring of compliance with this protocol is the responsibility of the Members' Code of Conduct Committee, the Monitoring Officer and the Head of Paid Service.

1. Introduction

1.1 The relationship between councillors and staff is essential to the successful working of the Council. This relationship within the authority is characterised by mutual respect, informality and trust. Councillors and staff should feel free to speak to each other openly and honestly. The purpose of this protocol is to help councillors and staff perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other.

1.2 Guiding all aspects of relationship between councillors and staff should be the following general principles governing councillors' conduct, some of which are enshrined in law:-

- selflessness - serving only the public interest
- honesty and integrity - not allowing these to be questioned; not behaving improperly
- objectivity - taking decisions on merit
- accountability - to the public; being open to scrutiny
- openness - giving reasons for decisions
- personal judgement- reaching one's own conclusions and acting accordingly
- respect for others - promoting equality; avoiding discrimination; respecting others (councillor-councillor, as well as councillor-staff)
- duty to uphold the law - not acting unlawfully
- stewardship - ensuring the prudent use of the Council's resources
- leadership - acting in a way which has public confidence

1.3 The Protocol must be read and operated in the context of any relevant legislation and national and local codes of conduct and any relevant Council procedures.

2. The Roles of Councillors and Staff

2.1 Councillors are responsible to the electorate and serve as long as their term of office lasts. Staff are responsible to the Council and carry out the Council's work under the direction of the Council, Cabinet and its Committees.

2.2 Councillors:

Updated: 28/04/16

Elected councillors are responsible for:

- (a) giving political leadership;
- (b) initiating and determining the policy of the Council, determining the core values of the Council and approving the Council's policy framework, strategic plans and budget;
- (c) acting as advocates for their constituents;
- (d) democratic accountability for the delivery of Council services;
- (e) the scrutiny of Council services;
- (f) the promotion of partnership working;
- (g) representing the Council on local, regional and national bodies.

2.3 It is not the role of councillors to involve themselves in the day-to-day management of the Council's services. That is for staff to do.

2.4 Cabinet councillors, Committee Chairmen and Vice Chairmen have additional responsibilities. These responsibilities will result in increased expectations and relationships with staff that are more complex. Such councillors must still respect the impartiality of staff and must not ask them to undertake work of a party political nature or compromise their position with other councillors or other staff.

2.5 Cabinet councillors can have individual executive powers. They may determine matters within their portfolio, but implementation of their decisions is the responsibility of staff.

2.6 Staff:

Staff are responsible for:

- (a) providing professional advice and information to councillors in developing and implementing policy and in decision-making;
- (b) implementing the decisions of councillors;
- (c) day-to-day administration of the Council;
- (d) managerial and operational decisions taken within the Council's Scheme of Delegation;
- (e) information to and consultation with local people about Council services.

The Head of Paid Service, the Monitoring Officer and the Chief Finance Officer have responsibilities in law over and above their obligations to the Council and its councillors which they must be allowed to discharge.

2.7 Councillors and staff will wish to discuss policy issues and staff will require political guidance in preparing proposals. When staff prepare reports for councillor decision, they have a duty to give advice in accordance with their professional expertise and their own professional codes of conduct. In some situations, staff will be under a duty to submit a report on a particular matter. Staff expect to have their professional integrity respected and not to be influenced or required to reduce options, withhold information or make recommendations to the Cabinet or a Committee which they cannot support professionally.

3. Working Relationships

3.1 Councillors can expect the following from staff:

- (a) a commitment to the Council as a whole and not to any political group;
- (b) performance of their duties effectively and efficiently;
- (c) a working partnership;
- (d) an understanding of respective roles and pressures;
- (e) timely responses to enquiries and complaints;
- (f) impartial professional advice;
- (g) regular and up to date information on matters which are appropriate and relevant to their needs;
- (h) awareness of and sensitivity to the political environment;
- (i) courtesy and appropriate confidentiality;
- (j) training and development in order to carry out their role effectively;
- (k) that they will not use their relationship with councillors to advance their personal interests to influence decisions improperly;
- (l) compliance with the staff Code of Conduct;
- (m) support for the role of councillors as the local representatives of the authority, within any scheme for councillor support approved by the authority.

3.2 Staff can expect the following from councillors:

- (a) a working partnership;
- (b) an understanding of respective roles and pressures;
- (c) political leadership and direction;
- (d) courtesy and appropriate confidentiality;
- (e) not to be subject to bullying or put under undue pressure;
- (f) not to use their position or relationship with staff to advance their personal interests or to influence decisions improperly;
- (g) compliance with the Members' Code of Conduct;
- (h) to inform the Monitoring Officer of any relationships which might be seen as unduly influencing their work and role.

councillors and staff is essential, but gives rise to two contrasting requirements. On the one hand, close personal familiarity can damage the relationship and prove embarrassing to other councillors and staff, but on the other hand, councillors must bear in mind that staff cannot respond to personal criticism in the same way that other councillors can, and should temper their remarks accordingly. This is particularly important when councillors are dealing with less senior staff.

3.4 The normal conduct of business will mean that councillors are likely to deal directly with some staff below senior level. These dealings will be conducted according to the principles outlined in this protocol and any difficulties should be reported to the relevant Line Manager.

- 3.5 Councillors should bear in mind that unless there is an on-going relationship with a particular member of staff, for example in relation to a case or application they are dealing with, councillors are expected to deal in the first instance with the relevant Head of Service. This is because:
- (a) Heads of Service are in a better position to provide authoritative information or advice;
 - (b) they need to be aware of any questions or complaints raised by councillors;
 - (c) they are able to respond to councillors' requests, for example, by making a judgement as to whether action may be taken under staff delegated authority; and
 - (d) they are able to investigate and deal with any shortcomings there might be at the point of service delivery.
- 3.6 In addition, this avoids the possibility of staff below the levels identified above being 'intimidated' or even 'bullied' by over-enthusiastic councillors.
- 3.7 Where there is a serious breach of this protocol, this may lead to action being taken against a councillor for non-compliance with the Members' Code of Conduct.

4. At Meetings

- 4.1 Staff and councillors will most frequently come into contact with each other at the various meetings held to conduct Council business, and at partnership and other consultative bodies. The respective roles of councillors and staff may vary according to the purpose of the meeting and therefore their relationship to each other will also vary. The following basic rule will apply in all situations.
- 4.2 At all times, councillors and staff will show respect to one another. Although councillors are entitled to question staff at meetings, they must avoid personal attacks on staff and ensure that criticism is constructive and well founded. Staff will expect to have the opportunity to explain what appears to be an inconsistency.
- 4.3 Wherever a formal public meeting is organised to consider a local issue, all the councillors representing the ward(s) affected should, as a matter of course, be invited to attend the meeting. Similarly when the Council undertakes any form of consultative exercise on a local issue, the Ward councillors should be notified at the outset of the exercise.

5. Correspondence

- 5.1 Correspondence between individual councillors and staff should not normally be copied by the staff to any other councillor. However, where such correspondence concerns Council policy or, the interpretation of Council policy, in this instance a copy should be sent to the relevant Cabinet member or Chairman of Committee and this should be made

clear to the original councillor. Under no circumstances should 'silent copies' be made available to a third party, and copies should only be sent to third parties with the express permission of the councillor involved.

- 5.2** Official letters on behalf of the Council should normally be sent out in the name of the appropriate staff member, rather than in the name of a councillor. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a councillor, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council, should never be sent out in the name of a councillor.

6. Officer Briefings And Advice To Political Groups

- 6.1** It is common practice for political groups to discuss issues of council business before they are considered by the relevant Council decision making body. Officers may properly be asked to provide information and advice to assist informed discussion at any group meetings.
- 6.2** Any Group Leader may seek a briefing from the Chief Executive, a Deputy Chief Executive or his representative on any item which falls within that officer's area of responsibility. The Chief Executive or Deputy Chief Executives will provide factual information and advice on possible actions or options, but will not and should not be asked to become involved in any political debate or decisions.
- 6.3** If asked to do so by a Group Leader, the Chief Executive or a Deputy Chief Executive will attend a Political Group meeting in order to provide a factual briefing to members of their Group about any aspect of Council business. The Chief Executive will advise other Group Leaders of all such requests received. The Chief Executive or a Deputy Chief Executive will not and should not be asked to become involved in any party political debate and will withdraw from the meeting before Group members start to discuss the decisions they wish to see taken.
- 6.4** Staff will respect the confidentiality of any discussions they have with Group Leaders or Groups generally and will not relay them to members of other Groups. Information or advice given by staff to councillors at political group meetings should not be passed to non-councillors unless this is first agreed with the councillors concerned.
- 6.5** Staff advice to a political group cannot be a substitute for providing all necessary information and advice to the Leader, Cabinet, Committee or Council when the matter in question is considered.
- 6.6** Staff will respect the confidentiality of any matter that they hear in the course of attending a political group meeting.

7. Councillors' Access to Information and Council Documents

- 7.1** Any councillor may ask staff for factual information about the work of any Committee of which they are a member or about an issue affecting their ward. Information requested will be provided, subject to any legal constraints (e.g. confidentiality relating to individuals) or unless the Deputy Chief Executive believes it would involve excessive resources to provide it, in which case he/she will seek guidance from the relevant Group Leader.
- 7.2** Councillors have legal rights to inspect Council documents containing material relating to business to be transacted at Council, Cabinet and Committee meetings. They also have common law rights to inspect documents reasonably necessary to enable them to perform their duties. These rights are set out in the Access to Information Rules in Part 4 of the Council's Constitution. Any councillor encountering difficulty or uncertainty about access to documents should contact the Chief Executive or Monitoring Officer.
- 7.3** Council information provided to councillors should only be used for the purpose it is given, i.e. to help the councillor discharge their duties as a Councillor. The Code of Conduct (in paragraph 3(a)) restricts the disclosure of confidential information provided to councillors.

8. Involvement of Ward Councillors

- 8.1** Whenever a public meeting is organised by the Council about a local issue all councillors representing wards affected will be advised and invited to attend. If the Council undertakes any form of consultation on a local issue the ward councillor will be notified. Staff will keep ward councillors advised of significant issues which have an impact in their ward.

9. Release of Information to The Media

- 9.1** The Council frequently issues press releases and has contact with the media to provide information about the Council's activities and policies. The provision of information in this way is governed by statute and a Code of Practice on Local Authority Publicity. Particular restrictions apply about publicity issued during election periods. Press releases on decisions by the Leader, Cabinet, the Council or its Committees will be prepared by staff and issued by the Communications department. They should be cleared with the Leader, appropriate Cabinet councillor, or Committee Chairman before being issued and may include a statement from them (within the limits of statute and the Code of Practice). Press releases on routine service issues will be authorised by the relevant Deputy Chief Executive and may contain a factual quote from the relevant staff member.

10. Freedom of Information

- 10.1** Officers are subject to the provisions of the Freedom of Information Act 2000 (FOIA) and Members may also be subject to the Act in respect of work undertaken on behalf of the Council as opposed to the political party. Both are reminded of their duties under the FOIA in respect of requests for information and any questions in this area should be addressed to the Council's Freedom of Information Officer.

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PLANNING CODE

Introduction

1. The purpose of this Code is to give clear guidance to councillors about how they should carry out their duties in relation to planning and development proposals so as to ensure openness, impartiality, transparency and consistency in planning decisions.

General Role of Councillors

2. Councillors have a special duty to their ward constituents, including those who did not vote for them, but their overriding duty is to the whole community. Whilst representing their constituents on planning issues and taking account of their views, councillors must make their decision within the statutory planning framework and base these on material planning considerations and what they believe is best for the Borough as a whole. A councillor is not under any obligation to represent a resident on a specific planning application if, in the opinion of the councillor, there are no issues which have wider significance for the neighbourhood, ward or Borough as a whole.

General Role of Staff

3. Staff are responsible to the Council as a whole. They must always act openly and impartially and provide consistent professional advice based on statutory planning framework, planning policies and procedures, ensuring councillors are aware of all relevant material planning considerations before decisions are made.

Codes of Conduct

4. Both councillors and staff are required to observe codes of conduct and statutory provisions including the code of conduct for Members, the aim of which is to ensure the integrity of the Council and individual councillors. These require the open disclosure of any pecuniary, non-pecuniary and conflict of interests in issues being considered by the Council or its committees. Councillors and staff are also advised not to accept any gifts or hospitality, which might reasonably be considered to influence their judgement and to record any they do accept in the registers maintained for the purpose. Planning decisions in particular can affect the daily lives of everyone and it is important to ensure there can be no justifiable grounds for suggesting a decision has been biased or influenced in any way.
5. Training and guidance on the code, and in particular the local code of conduct for Members on the declaration of interests, has been provided to all councillors by the Council's Monitoring Officer and will be regularly updated. Members of the Planning Committee must be particularly careful to ensure that they are familiar with this. It is the personal responsibility of individual councillors to ensure they comply with the code and make all appropriate declarations at Planning Committee. If in any doubt they should seek advice from the Monitoring Officer or the solicitor to the Planning Committee. Staff with an interest in property in the vicinity of an application or any relationship to an

applicant, should disclose this to the Planning Development Manager, who will record the interest and make appropriate arrangements for the handling and supervision of the application to avoid any perception of a conflict of interest.

Lobbying of and by Councillors

6. Lobbying of councillors for or against proposals is a normal part of the planning process. The rules of natural justice mean that planning applications should be determined in an open and fair manner and taking account of relevant information and arguments. It is only at Planning Committee meetings that councillors will have, and be able to consider, all the relevant information and arguments about an application before making a decision.
7. Councillors should feel free to engage in free and frank discussion about all aspects of planning applications in advance of the Committee. Councillors may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. However, it is important to maintain the integrity of individual councillors and the Council as a whole that Members of the Planning Committee should:-
 - a) if lobbied, explain that, whilst they can listen to what is said, they cannot indicate before the relevant Committee meeting which way they intend to vote as it would prejudice their impartiality;
 - b) preface any discussion on a planning application to make it clear from the outset that discussions are not binding and they will only be able to make a final decision at the Committee after hearing all relevant information and arguments;
 - c) declare at the Committee meeting, any meetings they have had with applicants or objectors;
 - d) advise Planning Officers of letters/personal lobbying in relation to applications so the issues raised can be taken into account in the professional advice given to the Planning Committee.
 - e) abide by the guidance in this Code with relation to site visits;
 - f) not organise support or opposition to any planning application, lobby other councillors or put pressure on staff for a particular recommendation because this might remove them from the decision making process.
8. Councillors are encouraged to be responsive to all residents about planning matters. Frequently, applications are daunting for residents who need advice and support about the issues which they raise. All councillors are able to have discussions with residents about planning applications even if that councillor is on Planning Committee.

Declarations of interest

9. If a councillor has received legal advice with regard to a declaration: a Disclosable pecuniary interest, non-pecuniary or conflict of interest, then he / she may disclose the fact that legal advice has been given at the time when the declaration or interest is disclosed.

Predetermination and Predisposition

Predisposition

10. Predisposition is lawful. Councillors may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. The key issue is that the councillor ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the councillor retains an “open mind”.
11. Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or predetermination “just because” a councillor has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a councillor has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought from the Head of Corporate Governance where this may be the case.

Pre-determination / Bias

12. Predetermination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a councillor has made his/her mind up on a decision before considering or hearing all the relevant evidence.
13. Bias can also arise from a councillor’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, councillors may also consider that a “non-pecuniary interest” or Conflict of Interest under the Code of Conduct also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but councillors who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.
14. Members of the Planning Committee should bear in mind that it would not be appropriate to call-in an application, for consideration for the whole committee if they have already predetermined the matter themselves.

Meetings and pre-application discussions

15. Planning staff frequently hold meetings or have correspondence with applicants to give pre-application advice on their development ideas. Such advice will cover general planning policy applying to a site, technical design and other requirements and the likelihood of a development being acceptable. Such pre-application advice, however, it is given is on a confidential basis so as to encourage early contact with the Council which can assist in better planning proposals coming forward or ideas which have no hope of being acceptable in principle being abandoned at an early stage.
16. These meetings or exchanges of correspondence are part of the normal planning process but are, and must be clearly stated to be, without prejudice to

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the professional recommendation of Planning staff to the Committee and the decision of the Committee when all information is before it.

17. All applicants are encouraged to carry out pre-application consultation with neighbours to try and resolve issues at an early stage. For larger schemes this may be a more formal public consultation. Where councillors attend such pre-application consultation meetings run by the potential applicant they should abide by the guidance in this Code. The expectation is that where councillors are invited to attend that the applicant invites all Ward Councillors.
18. It is important that councillors do not give views to potential applicants either through pre-application consultations or other meetings that could be interpreted by them as giving planning advice and in turn taken as implied support for a proposal if those views are then followed.
19. If a councillor wishes to arrange a meeting with planning staff for themselves and a small number of constituents about a planning application this will be arranged at the Council Offices. If requested to do so staff will try to attend meetings arranged by councillors with their constituents away from Knowle Green provided all Ward Councillors are invited to attend.
20. If attending public meetings arranged by local groups about a planning proposal the principles outlined above should be followed and, councillors of the Planning Committee should try to maintain an impartial role, listening to what is said but not expressing any opinion which could be construed as a final or fixed position. Planning Officers will not normally attend public meetings unless their attendance has been agreed by the Planning Development Manager and representatives of both the applicant and objector are given the opportunity to be present. Ward Councillors and the Chairman of the Planning Committee will be advised of any public meeting in relation to a planning issue or which Planning Officers have agreed to attend.

Presentations on Likely Major Development Proposals

21. For very large complex schemes the Council may arrange appropriate presentations to Councillors by the potential applicant. This is seen as beneficial to inform councillors at an early stage and to encourage pre-application discussion and free flow of information on what are often complex issues. The Council itself will also organise presentations to keep councillors informed generally on matters which appear to have or are likely to have strategic importance for the Borough. The Planning Development Manager may also organise technical briefings on major developments at which developers may be present. At any such presentations councillors should abide by the guidance in this Code, listening to presentations, raising concerns and questions, debating the issues but not coming to fixed or final positions in advance of the full debate at Planning Committee.

Site Visits

22. Formal site visits by the Planning Committee are rare because of the amount of material, including plans and photographs submitted with planning applications included in the Planning Committee agenda and presented at Planning Committee. Where they do occur they must be undertaken in accordance with the guidelines attached at **Appendix 'A'**. The necessity for such a visit will be agreed between the Chairman of the Committee and the Planning Development

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Manager in advance. Ward Councillors who are not members of the Committee will be advised of any site visit and invited to attend. Members of the Planning Committee will often wish to make informal visits to an application site prior to Planning Committee to familiarise themselves with the context of the proposal. Such visits are encouraged. Please note that councillors have no right of entry to the application site. Provided that no other persons are present then councillors do not need to declare such a visit at Planning Committee. If other people are present at the site visit (e.g. applicant or objector) then councillors should have regard to the advice in paragraph 7 (lobbying) and are advised to declare such a visit at Committee before consideration of the item.

Planning Officer Reports to Committee

23. All matters requiring a decision by the Planning Committee must be the subject of a written report from Planning Officers which will give an accurate summary of all relevant planning issues. In particular it should include a clear outline of the site history, the relevant development plan policies, the response of consultees and the substance of objections. The report will include a clear recommendation with a technical appraisal justifying it. Any objections or other relevant issues arising after the report is printed will be reported verbally to the Committee at its meeting.

Procedure at Committee Meetings

24. Applicants and objectors will be able to address the Planning Committee in accordance with the protocol attached at **Appendix 'B'**. Further information on how to ask to speak at the Committee and the issues that can be covered are set out in the Planning pages of the Council's website.
25. Where there are major applications which require special consideration because of the large number of people wishing to speak, then the Chairman may, in his or her discretion, make provision for public speaking rights in excess of the usual procedure. The Chairman will be guided by the need to ensure overall fairness in the proceedings within the constraints of the time allowed in the meeting.
26. Where councillors who are not members of the Planning Committee have indicated to the Chairman, prior to a Committee meeting, their wish to speak on a matter in their ward being considered at the Committee, they will be entitled to speak immediately after representatives of the applicant and/or objectors have addressed the Committee. Non-members of the Committee should comply with the procedure for declaration of interests and contact with the applicant or objectors if they attend and speak at a Committee meeting in the same way as members of the Committee.

Ward Councillors may wish to address Planning Committee on:

- Applications which have caused interest amongst large numbers of residents of the Ward
- Applications which have significance for the character, facilities or environment of the Ward.

Ward Councillors should not usually seek to address Planning Committee on:

- Matters which are the subject of a dispute between two residents of the Ward
- Matters which reflect the concerns of one resident only, unless there is some reason why the resident is not able to speak for himself at the Planning Committee.

Call-in procedure

27. Councillors must take the following into account before 'calling-in' a planning application for consideration by the Planning Committee:
- a) Subject to the terms of reference of the Planning Committee and these rules a planning application other than those identified in the weekly Planning Publicity Schedule can be called in by a Councillor for determination by the Committee;
 - b) The guiding principle of 'Call-In' is that there is a wider public interest in the application being considered by the Committee
 - c) Prior to a Councillor calling in an application he/she must inspect the submitted plans and is advised to discuss the application with the relevant case/planning officer.
 - d) The 'call-in' will be activated by an email to the Planning Development Manager **and** the case officer which must give a planning reason why it should be determined by the Committee;
 - e) The email must be received by Planning Officers no later than one day after the end of the public consultation period for that application. The date of which is set out on the weekly Publicity schedule in which it was publicised.
 - f) The Committee report will identify the Councillor who called in the application along with the reason given.
 - g) Councillors who 'call-in' an application are expected to attend and speak at the Planning Committee setting out their concerns and issues. This will inform the general debate of the committee.
 - h) If Councillors are unable to attend for any reason, they should send a statement to the Chairman setting out their issues and concerns so that they can be read out at the committee meeting.
 - i) Where the councillor who 'Called-in' an application is a member of the Planning Committee, that councillor will be given 3 minutes to speak following the public speakers and may then speak again as a member of the Committee during its debate on the item.

Call-over

28. The Council will organise a meeting immediately prior to the Planning Committee (a "Call-Over") which will deal with the following administrative matters for the Committee:

Any Ward Councillor speaking who is not a member of the Committee
 Public Speakers
 Declarations of Interests

Late Information

Withdrawals

Recommendations to defer

Changes to planning conditions, informatives or reasons for refusal; or any other procedural issues which in the opinion of the Chairman ought to be dealt with in advance of the meeting.

29. The Call-Over will be organised by staff who will be present. Unless there are exceptional circumstances, the meeting will be in the same room planned for the Committee. The Planning Committee Chairman will preside at the Call-Over. The Call-Over will take place in public and staff will advise the public of the proceedings at the meeting. Public speaking at the Call-Over either in answer to the Chairman's questions or otherwise will be at the sole discretion of the Chairman and his ruling on all administrative matters for the Committee will be final.
30. Councillors should not seek to discuss the merits of a planning application or any other material aspect of an application during the Call-Over.

Decision Making

31. A decision on a planning application cannot occur before the Committee meeting when all available information is to hand. All Councillors should bear in mind the need to keep an open mind about all the available evidence on a planning application.
32. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. If the Planning Officer's report recommends a departure from the development plan the justification for this must be included in the report.
33. Decisions must be made on planning merits and the reasons for making a decision should be clear and supported by material planning considerations. The reasons for refusing an application should always be minuted as should any conditions attached to an approval.
34. If the Committee wishes to make a decision contrary to the Planning Officers' advice, a member of Planning staff present at the meeting should be given the opportunity to explain the implications of such a decision. If the Committee wish to refuse an application the reasons for doing so must be clear and precise and based on planning policies. Similarly any additional planning conditions must be properly justified and expressed. The decision and reasons for it as agreed by the Committee must be minuted.
35. Members of the Planning Committee who wish to propose an outcome against Planning Officer advice should first seek advice from the Planning Development Manager prior to the application being determined at a Planning Committee. Any motion contrary to Planning Officer advice should be formulated in writing with material planning reasons which can be handed up to the Chairman. Councillors should be prepared to explain in full their material planning reasons for not agreeing with the Planning Officer's recommendation. Councillors should not rely on staff to produce the material planning reasons for their motion at the meeting.

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36. Members of the Planning Committee who require information which is not contained within the Planning Committee report should request this in writing to the Planning Development Manager, one working day before the Committee meeting.
37. Councillors who are predisposed to an outcome opposed to the Planning Officer's recommendation are encouraged to seek advice from Planning Development Manager prior to the meeting.

Applications Involving Councillors, Staff or the Council

38. Any planning application made by a councillor, member of staff or the Council itself should be determined by the Planning Committee and not by the Planning Development Manager under delegated powers, unless they relate to types of 'application' which do not relate to planning merits but are a legal determination as to whether permission is required or are otherwise forms of notification to the Council including that 'permitted development' is proposed under what are called 'prior approval' procedures – in these cases the Planning Development Manager will determine the application after discussion with the Chairman of the Planning Committee or, if unavailable, the Vice Chairman.
39. Members of the Planning Committee and staff should not normally act as agents for another person or body pursuing a planning matter with the Council and, if they do, any planning decision must be made by the Planning Committee and not under delegated powers.
40. Whenever possible a councillor making a planning application should appoint an agent to act on their behalf. The councillor must take no part in making a decision on the application and should leave the room for that item if in attendance.

Involvement of Councillors in Appeals

41. Where a councillor wishes to play a part in any appeal, he/she should seek first the advice of the Planning Development Manager and as a courtesy, inform the relevant Ward Councillors.

Training of Councillors in Planning Issues and Procedures

42. No councillor should be appointed to the Planning Committee without having agreed to undertake suitable induction training and familiarisation in planning procedures and the Code of Conduct. The Planning Development Manager, with the support of the Monitoring Officer, and after consultation with the Chairman of the Planning Committee, will arrange suitable ongoing opportunities as required and will supplement this with written guidance. It is expected that such induction should take place within three months of appointment to the Committee.
43. It is also envisaged that all Members of the Council will engage in induction and familiarisation about planning matters and this Planning Code so that as Ward Councillors they can effectively represent residents and promote the interests of the Borough as a whole.

PLANNING COMMITTEE – FORMAL SITE VISITS PROCEDURES AND PROTOCOL

Circumstances

1. A formal site visit by councillors should only occur when:

An application is under consideration which is of a nature or with such Borough-wide implications that councillors feel unable to fully assess the scheme without a detailed site inspection accompanied by Planning Officers to point out and explain the application “on the ground”.

Arrangements

2. Members of the Planning Committee (and Ward councillors) should meet at a pre-arranged date, time and location in order to conduct a formal councillor site visit. Staff will write to councillors with details.
3. Officers will pre-arrange access to the relevant site(s) in order to allow councillors to observe the application site from all necessary vantage points.
4. The site visit will be guided by the Planning Officers who will point out matters of material relevance to the application and answer councillor’ questions.
5. The purpose of the inspection is to gather information about the site and visually assess the likely or actual impact of the proposal, not to debate the merits of the application or the officers’ recommendation.
6. During the formal site visit detailed discussions and/or negotiations should not be conducted with the applicant or third parties by either councillors or members of staff. It is appropriate for councillors to ask questions through the Chairman for clarification of any technical points raised. These questions may be directed to the developer if the Chairman considers appropriate in order to answer a technical query. Primary discussion and debate should be reserved for the Planning Committee itself when the application is presented for formal consideration. Any arguments applicants or third parties wish to put forward can be heard at that stage through the public speaking arrangements and the debate will be in public.
7. Where members of the public are present at site visits it will not normally be appropriate for any public speaking as this will be reserved for the Committee.

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PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEE

The Chairman will announce, at the start of each item being considered, the title of the application and whether public speaking will take place and will introduce you to the Committee by name and invite you to make your way to the public speaking chair to address the Committee.

- (a) On items where there is public speaking, the Planning Officer will be asked to present the plans to the Committee.
- (b) The Chairman will call upon the person registered to represent all objectors to come forward to speak for a maximum of three minutes. The person will return to the public gallery.
- (c) The Chairman will call upon the person registered to represent persons supporting the application to come forward to speak for a maximum of three minutes. The person will return to the public gallery.
- (d) Any ward Councillor who is not a member of the Planning Committee may make representations on cases affecting his ward. They will each be allowed three minutes to make their representations.
- (e) The Planning Officer will comment on any factual matters raised by any speaker during stages (b) - (d)
- (f) Councillors will then debate the application/ask questions of officers in the usual way and reach a decision.
- (g) The Chairman in his discretion may decide to allow points of clarification to be raised by Planning Committee members to the developer. This is intended to resolve factual issues and produce better outcomes in decision making. Where the Chairman decides to allow further points of clarification, he or she will take into account the need for overall equality between the parties and may ask the objectors to comment on the further information.
- (h) After the debate a decision will be made by the Committee, either by a formal vote or by way of consensus and the Chairman will then announce the decision which has been made by the Committee so that this decision may be formally minuted.

In the event of any dispute over these procedures or protocol the Chairman's decision is final.

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CONFIDENTIAL REPORTING CODE (Whistleblowing)

1. INTRODUCTION

- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it expects staff and others that it deals with who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.
- 1.3 Staff are often the first to realise that there may be something seriously wrong within the Council. However, they may not raise their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern instead of reporting what may just be a suspicion of malpractice.
- 1.4 The adoption of this confidential reporting Code by the Council is intended to encourage and enable all staff to raise any serious concerns they have within the Council, rather than overlooking a problem or 'blowing the whistle' outside. The Code makes it clear that you can raise concerns on a confidential basis, without fear of victimisation, subsequent discrimination or disadvantage. It is based on the Public Interest Disclosure Act 1998, which gives staff raising concerns under its rules legal protection against reprisals.
- 1.5 The Code applies to all staff and contractors working for the Council on Council premises, including agency staff. It also covers suppliers and those providing services under a contract with the Council.
- 1.6 The procedures in this Code are in addition to the Council's existing Complaints Procedure.
- 1.7 This Code has been discussed with UNISON and the Transport and General Workers Union and has their support.

2. AIMS AND SCOPE OF THIS CODE

- 2.1 This Code aims to:
 - encourage you to feel confident about raising serious concerns
 - encourage you to question practice and act upon any concern
 - provide clear channels for you to raise those concerns
 - ensure that you receive a response to concerns you raise and that you are clear about how to pursue them if you are not satisfied
 - reassure you that you will be protected from possible reprisals or victimisation if you raise a concern in good faith reasonably believing something is wrong.
- 2.2 The Council has a Grievance Procedure to enable you to lodge a grievance relating to your own employment and a Harassment and Bullying Policy to enable you to raise any concerns about this area, which should be directed to Human Resources. This Confidential Reporting Code is intended to cover

major concerns you might have that fall outside the scope of other procedures. Such concerns might include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other staff
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- serious and organised crime
- sexual or physical abuse of clients, or
- other unethical conduct.

If safeguarding concerns are highlighted then the Safeguarding Policy and procedures must be adhered to.

2.3 Any serious concerns that you have about any aspect of service provision or the conduct of staff or councillors of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Code. This could be about something that:

- makes you feel uncomfortable in terms of your past experience or what you know about standards set by the Council; or
- is against the Council's Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 This Code does not replace the corporate complaints procedure.

3. SAFEGUARDS

Harassment or Victimisation

3.1 The Council is committed to good practice and high standards and wants to be supportive of staff.

3.2 The Council recognises that making the decision to report a concern can be difficult. If what you are saying is true, you should have nothing to fear because you will be doing your duty to the Council and those for whom you are providing a service.

3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) of someone raising something of concern to them and if proven will take appropriate action, including disciplinary procedures to protect you against this when you raise a concern in good faith. If you consider that you are the subject to harassment or victimisation (including informal pressures) due to the raising of your concern you should inform the person dealing with your whistleblowing matter or any other officer named in this policy.

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3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. CONFIDENTIALITY

4.1 If someone asks for a matter to be treated in confidence, then we will do our utmost to respect that request. However, it is not possible to guarantee confidentiality. If we are in a position where we cannot maintain confidentiality and so have to make disclosures, we will discuss the matter with you first. We will give you feedback on any investigation and be sensitive to any concerns you may have as a result of any steps taken under this procedure.

4.2 In some circumstances the Council may decide that we have to reveal your identity in order to assist in the investigation into the matter. You will be advised beforehand if this is to be the case. Your prior consent will be obtained before such disclosure, unless we have to disclose your identity by law (e.g. safeguarding concerns, money laundering or other criminal offences).

5. ANONYMOUS ALLEGATIONS

5.1 This Code encourages you to put your name to your allegation whenever possible. Remember, if you do not tell us who you are it will be much more difficult for us to investigate the matter fully, to ask follow-up questions, to protect your position or to give you feedback.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

5.3 In deciding whether to consider anonymous concerns the following are some of the factors which will be taken into account :

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources

6 UNTRUE ALLEGATIONS

6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you in accordance with the Council's disciplinary procedures.

7 HOW TO RAISE A CONCERN

7.1 As a first step, you should normally raise concerns with your immediate manager or their manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your management is involved, you should approach the Chief Executive, Chief Finance Officer, Monitoring Officer, or Audit Services.

7.2 Concerns may be raised verbally or in writing. If you wish to make a written report it is best to use the following format:

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- the background and history of your concern (giving relevant dates);
- the reason why you are particularly concerned about the situation.

7.3 The earlier you express your concern the easier it is to take action.

7.4 Although you are not expected to prove beyond doubt the truth of an allegation you make, you will need to demonstrate to the person you contact that there are reasonable grounds for your concern.

7.5 You can obtain advice/guidance on how to pursue matters of concern from:

Chief Executive	Daniel Mouawad	(01784 446250)
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Chief Finance Officer	Terry Collier	(01784 446296)
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Deputy Chief Executive	Lee O'Neil	(01784 446377)
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Monitoring Officer	Victoria Statham	(01784 446241)
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Internal Audit Manager	Punita Talwar	(01784 446454)
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Principal Solicitor	Karen Limmer	(01784 446248)
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Human Resources Manager (where specifically relates to a Human Resources matter)	Debbie O'Sullivan	(01784 446289)
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7.6 In addition you could contact any of the following:-

The Chairman or Vice Chairman of the Members' Code of Conduct Committee: the Council has a Members' Code of Conduct Committee, the purpose of which is to help the Council operate to the highest ethical standards. Both the Chairman and Vice-Chairman are non-councillors and can be approached for advice. Their details can be obtained from Committee Services on 01784 446240/444243 or found on the Council's web site; or

Public Concern at Work - This is a registered charity which seeks to ensure that concerns about serious malpractice are properly raised and addressed in the workplace and they can be contacted on 020 7404 6609; or

Your trade union or professional body.

7.7 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

7.8 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

8. HOW THE COUNCIL WILL RESPOND

8.1 The Council will always respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

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- 8.2 If you raise a concern with your manager which they feel is beyond the scope of their authority or of a serious nature they will refer it to the Monitoring Officer rather than dealing with it personally.
- 8.3 Where appropriate, the matters you raise may:
- be investigated by managers, audit services, or through the disciplinary process
 - be referred to the police
 - be referred to the external auditor
 - form the subject of an independent inquiry.
- 8.4 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle for the Council is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example grievance or sexual harassment) will normally be referred for consideration under those procedures.
- 8.5 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.6 Within ten working days of a concern being raised, the manager with whom you raise your concern or the Monitoring Officer will write to you:
- acknowledging that your concern has been received
 - indicating how the Council propose to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - supplying you with information on staff support mechanisms, and
 - telling you whether further investigations will take place and if not, why not.
- 8.7 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- 8.8 Where any meeting is arranged, which can be away from the offices or your place of work if you so wish, you can be accompanied by a union or professional association representative or a friend.
- 8.9 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.
- 8.10 The Council accepts that you need to be assured that the matter has been properly addressed and so, subject to legal constraints, will inform you of the outcome of any investigation.

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9. THE RESPONSIBLE OFFICER

- 9.1 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this Code. That officer will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

10. HOW THE MATTER CAN BE TAKEN FURTHER

- 10.1 This Code is intended to provide you with clear channels within the Council to raise concerns and the Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- Public Concern at Work
- the Council's external auditor
- your trade union
- your local Citizens Advice
- relevant professional bodies or regulatory organisations
- the police.

- 10.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

11. POLICY REVIEW

- 11.2 This policy will be reviewed annually by the Council's Monitoring Officer to ensure the effectiveness of the policy and the findings will be reported to the Audit Committee.

ANTI FRAUD, BRIBERY AND CORRUPTION STRATEGY

Introduction

1. This strategy is applicable to Members and staff. The Borough of Spelthorne is committed to providing a high standard of service and accountability. An important aspect of this is a strategy which protects against fraud, bribery and corruption within the Council itself and from external sources.

In this context

Fraud means - the illicit gaining of cash or other benefit by deception;

Corruption means - the dishonest influencing of actions and decisions.

Bribery means – the offering, giving or soliciting of an inducement or reward which may influence a person to perform a function or activity improperly.

2. The Council recognises that it is already subject to a high degree of external scrutiny of its affairs by a variety of parties. This includes the general public, Council Tax / Business Rates payers, service users, The European Institute for combatting corruption and fraud (TEICCAF), the Local Government Ombudsman, Central Government, in particular, HM Revenue and Customs, the Ministry of Housing, Communities and Local Government and the Department for Work and Pensions.
3. The Council's external auditors have a role in advising the Council as to whether it has in place adequate arrangements for the prevention and detection of fraud, bribery and corruption. External auditors may require details of any suspected fraud investigations and undertake work on any high risk public fraud.
4. While this external scrutiny assists in protecting against fraud, bribery and corruption the Council believes a clear statement of its own strategy is needed.
5. The key elements of the Council's strategy to combat fraud, bribery and corruption are:
 - An open and honest culture
 - Adequate preventative measures
 - Systems for detection and investigation
 - Understanding and awareness within the Council and the adoption of a "whistleblowing" policy.

Culture

6. The Council expects Members and staff at all levels to behave with integrity and propriety and to act within the law and the regulations, procedures and practices laid down in relation to the conduct of the Council's business. The Council believes this is achieved best through the promotion of an atmosphere of honesty and openness.
7. It is the duty of Members and staff to raise any concerns they have about fraud, bribery and corruption immediately as they occur. It will treat all concerns raised, seriously and in confidence.
8. The Council has three senior officers who have particular responsibility for regulating the conduct of the Council and its activities. These are:

Chief Finance Officer	Responsible for the financial management, audit and financial probity of the Council and also for its proper personnel policies and practices.
Monitoring Officer	Responsible for the legal probity and avoidance of maladministration or injustice by the Council.
Chief Executive	Responsible as Head of Paid Service for the overall management and direction of the Council and for ensuring adequate staff resources for services.

9. In addition each Group Head and senior manager have responsibility for the proper organisation and conduct of their service area. It is important that Managers and officers at all levels do not become complacent about the risk of fraud as this may have an impact in terms of the robustness of controls applied in practice. Please refer to the section on systems below.
10. Concerns should be raised with any of the above officers under section 8 or with the Council's Internal Audit Manager (Punita Talwar).
11. More detailed guidance and advice on how to raise any concerns is contained in the Council's Confidential Reporting Code (whistleblowing policy).
12. If anyone feels they are unable to raise their concerns through any of the above routes they may contact 'Protect' ((0203 1172520 – advice line), a registered charity whose services are free and strictly confidential.

Prevention

13. The adoption of proper and adequate measures to prevent fraud, bribery and corruption is the responsibility of Members, Chief Executive, Deputy Chief

Executives, Group Heads and other managers. Preventative measures can be classified under two broad headings - Codes/Procedures and Systems.

1. Codes/Procedures

All Members and staff need to be aware of, and have ready access to, the Council's agreed policies and procedures eg. Financial Regulations, Standing Orders, Codes of Conduct, Code of Corporate Governance and any relevant practice and procedure documents. A future review of the Council's Constitution will be led by the Group Head of Corporate Governance. The Governance Framework has been developed and enhanced to reflect the increasing commercial asset acquisitions and investments.

In particular staff must observe the Council's Code of Conduct for Staff (a copy of which is made available to all staff) and any relevant professional codes.

References will be taken up for all permanent and temporary staff to verify their suitability, honesty and integrity.

Members will in particular observe the Spelthorne code of conduct adopted on the 27 June 2012 and subsequently revised on 25 June 2013 any other local Spelthorne code. The Members Code of conduct is kept under review by the Members Code of Conduct Committee. Members will be supplied with a copy of any relevant code, policy and procedure and advised of their responsibilities.

A review of the Confidential Reporting Code (Whistleblowing Policy), using a benchmarking tool to assess the effectiveness of whistleblowing arrangements has highlighted some areas for improvement (reported to Audit Committee November 2019) and the policy will be further developed.

2. Systems

The Council has and will maintain in place systems and procedures which incorporate internal controls, including adequate separation of duties to ensure that, as far as possible, errors, fraud, bribery and corruption are prevented.

The Chief Finance Officer has a statutory responsibility under Section 151 of the Local Government Act 1972 to ensure the proper administration of the Council's financial affairs. Financial procedures detail key financial systems and provide guidance which underpins the Council's Financial Regulations.

Chief Executive, Deputy Chief Executives, Group Heads and managers are responsible for ensuring that appropriate internal controls are properly maintained to minimise the risk of errors, fraud, bribery and corruption.

A detailed analysis of the risks associated with any service should be carried out by managers and this is being promoted as part of developing risk management to ensure that fraud, bribery and corruption is minimised.

Detection and investigation

14. Concerns should be reported to one of the individuals referred to in paragraphs 8 and 10 above or in accordance with the Council's whistleblowing policy.

A detailed investigation of any concerns raised will be undertaken with the assistance of the Council's Internal Audit Service. The Head of Corporate Governance holds responsibility for responding to allegations of bribery and corruption. The Council will deal with any instances of fraud, bribery or corruption swiftly. Disciplinary action will be taken if appropriate after the police have been informed/involved, and the relevant Cabinet Member informed where necessary. Where the Council has adopted a prosecution policy for any business area (eg Housing Benefit Fraud or Housing register) this will be followed. Any lessons learnt from Investigations undertaken relating to systematic weaknesses will be highlighted and should feed back into improving fraud prevention/detection measures.

In the event that fraud is suspected on the part of contractors' employees or internally, by staff involved in agency or contract work on behalf of other bodies, procedures and responsibilities for reporting and initial investigation are the same as for staff. The Council will inform and involve employing contractors or agencies when appropriate.

Counter Fraud measures - Given the significance of corporate fraud in national and local statistics and the cost to the taxpayer, the Council recognises the continued importance of collaborative working arrangements with other Councils/Partners to help deter, detect and investigate fraud, providing access to specialist skills and greater capacity to investigate fraud. The strategy to target areas which are likely to generate greater financial payback (Business Rates and Housing) will continue and is led by the Internal Audit Manager. Such initiatives have demonstrated positive financial fraud returns for Spelthorne (notional and cashable savings) in the areas of Housing, Business Rates and Council Tax and continue to do so. These savings could be enhanced further through the use of Financial Investigator Resource to recover losses/assets (where appropriate). Counter fraud measures also contribute to the delivery of wider social benefits, enabling more social housing to be available to those people who are genuinely in need of a home, leading to a reduction in housing applicant waiting times, reduced temporary accommodation costs and ultimately the need for fewer houses to be built. Positive results are publicised periodically to serve as a deterrent.

External groups are attended with Surrey Partners including the Surrey Counter Fraud Board (SCFB). This enables the sharing of best practice and approaches in tackling public fraud, and provides opportunities to pursue joint counter fraud initiatives such as data matching. The importance of engaging with members of the public to join the fight against fraud is recognised. Spelthorne's fraud returns are collated quarterly and reported to the Surrey Counter Fraud Board, which enables some benchmarking and comparison across Surrey Partners.

AwarenessThe Council recognises the continuing effectiveness of the Anti Fraud, Bribery and Corruption Strategy depends largely on the awareness and responsiveness of Members and staff. It is essential that both Members and staff are made aware of the strategy when they join the Council and receive a copy for inclusion in their personal records and, in addition, have ready access to all other relevant documents, policies and procedures which regulate the Council's activities. Action will be taken on a regular basis to remind both Members and staff of the importance the Council places on preventing fraud and corruption and investigating irregularities. Effective methods for mandatory training and raising awareness including face to face and online shall be periodically explored and delivered.

In accordance with the Government's Serious and Organised Crime Strategy, local Police representatives have provided two awareness raising sessions for staff and Members during 2018 to identify areas where Spelthorne is at most risk of being targeted by serious and organised crime and highlight known vulnerabilities. During these sessions the importance of sharing intelligence with Law Enforcement Partners has been encouraged. Organised crime includes drug trafficking, human trafficking, child sexual exploitation, high value fraud and cyber-crime. Further consultation with the local police is ongoing and red flags /known risks will continue to be highlighted. Group Heads and Managers are responsible for assessing governance arrangements in place to combat risks in this area for their respective functions.

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LOCAL CODE OF CORPORATE GOVERNANCE

1. INTRODUCTION

- 1.1 Spelthorne Borough Council recognises the need to ensure that its affairs are managed in a way which achieves the highest standards of corporate governance. Corporate governance in this context means the systems, processes and values by which the Council ensures that it is doing the right things, in the right way, for the right people in a timely, inclusive, open, honest and accountable way.
- 1.2 On the basis that effective leadership is the foundation for effective corporate governance the Council commits:
- ⇒ To engage in effective partnerships and provide leadership for and with the community
 - ⇒ To ensure the delivery of high quality local services whether directly or in partnership or by commissioning
 - ⇒ To perform a stewardship role which protects the interests of local people and makes best use of resources
 - ⇒ To develop citizenship, local democracy and communities

2. THE PRINCIPLES OF CORPORATE GOVERNANCE

- 2.1 The Council recognizes that its commitments for corporate governance need to be reflected in its working arrangements. The framework for corporate governance published by CIPFA (Chartered Institute of Public Finance) and SOLACE (Society of Local Authority Chief Executives) suggests, and the Council accepts, that the following core principles should be applied to its activities:
- ⇒ Behave with integrity demonstrating strong commitment to ethical value and respecting the rule of law.
 - ⇒ Ensure openness and comprehensive stakeholder engagement
 - ⇒ Define outcomes in terms of sustainable economic, social, and environmental benefits
 - ⇒ Determining the interventions necessary to optimise the achievement of the intended outcome

- ⇒ Manage the entity's capacity, including the capability of its leadership and the individuals within
- ⇒ Managing risks and performance through robust internal control and strong public financial management
- ⇒ Implementing good practices in transparency, reporting, and audit to deliver effective accountability

The detail of what is covered by each principle and the Council's approach to each is set out in the **Appendix**.

3. ARRANGEMENTS FOR CORPORATE GOVERNANCE

- 3.1 The Council has established structures, procedures, processes and a system of controls to ensure that the necessary standards of corporate governance are achieved and maintained. It first reviewed these against the framework for corporate governance published by CIPFA (Chartered Institute of Public Finance) and SOLACE (Society of Local Authority Chief Executives) in April 2002. Since then it has reported on a regular basis to the Overview and Scrutiny Committee. In 2018 the Council reviewed its arrangements for corporate governance taking into account the revised framework published by CIPFA and SOLACE in the 2016 addendum– "Delivering Good Governance in Local Government".
- 3.2 Most of the arrangements are set out in the Council's constitution and supporting policies and documentation. However, the Council recognises that these arrangements must be kept up-to-date and need to be kept under review to ensure that they remain appropriate and are improved where possible. Without proper monitoring, the effectiveness of the Council's arrangements could be compromised so the Council will ensure that systems are in place to monitor compliance with the agreed processes and procedures including the Annual Governance Statement and the Review of the Effectiveness of the System of Internal Audit.
- 3.3 Various staff members have responsibility for different areas of the Council's corporate governance arrangements. The majority of these responsibilities are established in the Council's constitution. These responsibilities will change over time as the Constitution develops and management structures change. However, overall responsibility for ensuring that the Council's Corporate Governance arrangements are followed and that they remain adequate, lies with the Chief Finance Officer.
- 3.4 Councillors will need to be assured that the activities of the Council are properly controlled and the Chief Finance Officer will be responsible for providing the Cabinet with an annual report on compliance with the arrangements and any actions required to improve these.

3.5 In addition, the Audit Manager and Head of Corporate Governance will review the Council's arrangements against the Code and the standards laid down in the CIPFA/SOLACE framework and will advise the Overview and Scrutiny Committee as necessary on the adequacy and effectiveness of the Code and the extent of compliance.

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How Spelthorne Borough Council intends to meet the Principles of Good Corporate Governance

This Appendix sets out how Spelthorne Council aims to work to the principles of good Corporate Governance.

What is Corporate Governance?

Corporate Governance is about the systems, processes and values by which Councils operate and by which they engage with, and are held accountable to, their communities and stakeholders.

Spelthorne Borough Council is committed to the principles of effective corporate governance and has therefore adopted a Code of Corporate Governance which follows the latest guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE), entitled "Delivering Good Governance in Local Government (2016)".

The guidance defines the seven core principles, each supported by subprinciples that should underpin the governance framework of a local authority.

- A - Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rules of law.
- B - Ensuring openness and comprehensive stakeholder engagement.
- C - Defining outcomes in terms of sustainable economic, social and environmental benefits.
- D - Determining the interventions necessary to optimise the achievement of the intended outcomes.
- E - Developing the Council's capacity, including the capability of its leadership and the individuals within it.
- F - Managing risks and performance through robust internal control and strong public financial management.
- G - Implementing good practices in transparency, reporting, and audit, to deliver effective accountability.

What are the benefits of having a Code of Corporate Governance?

Good governance leads to good management, good performance, good stewardship of public money, good public engagement and ultimately good outcomes for citizens and service users. It enables the Council to pursue its vision effectively as well as underpinning that vision with mechanisms for control and the management of risk.

The Council has a robust governance framework in place. The documents and arrangements which comprise the framework demonstrate that the Council continually seeks to ensure it is and remains, well governed, through integration of its processes and structures with the core principles of the CIPFA/SOLACE framework into all aspects of the Council's conduct and operation.

The Monitoring Officer is responsible for ensuring the Code is reviewed regularly, and the outcome of the review, along with any required amendments is reported to the Overview and Scrutiny Committee for approval.

Principle A - Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.

Summary:

Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>Behaving with integrity</p>	<p>Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation</p> <p>Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles)</p> <p>Leading by example and using the above standard operating principles or values as a framework for decision making and other actions</p> <p>Demonstrating, communicating and embedding the standard operating principles or values through</p>	<p>Maintain shared values between the Council and its officers. These are defined in the Constitution and reflect public expectations about the conduct and behaviour of individuals.</p> <p>Use shared values as a guide for decision making and as a basis for developing positive and trusting relationships within the Council. We demonstrate this by adherence to the Constitution.</p> <p>Have adopted formal codes of conduct defining standards of personal behaviour for Members and Officers</p> <p>Maintain a Committee to support the Members' Code of Conduct Committee to raise awareness and take the lead in ensuring high standards of conduct are embedded within the Council's culture.</p>	<ul style="list-style-type: none"> • The Constitution which includes: <ul style="list-style-type: none"> ○ Financial procedure Rules ○ Contract Standing Orders ○ Anti-Fraud and Corruption Policy ○ Anti-Bribery Policy ○ Rules relating to members external interests (Register of Interests) • Human Resources Policies • Staff Induction Procedures

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively.		
Demonstrating strong commitment to ethical values	<p>Seeking to establish, monitor and maintain the organisation's ethical standards and performance</p> <p>Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation</p> <p>Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values</p> <p>Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the organisation</p>	<p>Have put in place arrangements to ensure that Members and officers of the Council are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders. We have put in place appropriate processes to ensure that these arrangements are workable including declaration of interests and anticorruption policies.</p> <p>Ensure that systems and processes for financial administration and control together with protection of the Council's resources and assets comply with ethical standards; and are subject to monitoring of their effectiveness.</p>	<ul style="list-style-type: none"> • Members' Induction Procedures • Member's Code of Conduct • Staff Code of Conduct • Scheme of Delegation to officers • Information Security Policy
Respecting the rule of law	<p>Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations</p> <p>Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements</p> <p>Striving to optimise the use of the full</p>	<p>Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making if appropriate.</p> <p>Officers will actively recognise the limits of lawful activity placed on them but also strive to utilise their powers to the full benefit of their communities.</p> <p>Officers will observe all specific legislative requirements placed upon the Council as well as</p>	<ul style="list-style-type: none"> • Money Laundering Policy • Whistle-blowing Policy • Rules relating to members external interests (Standing Orders) • Annual Governance Statement

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>powers available for the benefit of citizens, communities and other stakeholders</p> <p>Dealing with breaches of legal and regulatory provisions effectively</p> <p>Ensuring corruption and misuse of power are dealt with effectively</p>	<p>the requirements of general law, and in particular integrate the key principles of administrative law – rationality, legality and natural justice into the procedures and decision making.</p> <p>Have put in place effective systems to protect the rights of staff. We ensure that policies for whistleblowing which are accessible to staff and those contracting with the Council, and arrangements for the support of whistle blowers, are in place.</p> <p>Publish an Annual Governance Statement, signed by the Leader and the Chief Executive, and reviewed through the Audit Committee to review the effectiveness of the Council's governance framework</p>	<ul style="list-style-type: none"> • External inspections of accounts • Internal Audit Annual Plan • Assurance Framework supporting the Annual Governance Statement • Equal Opportunities Policy • Registers of Gifts and Hospitality • Legal (Monitoring Officer) Role • Corporate Complaints Procedure • MCC Committee (supporting Members' observation of their Code of Conduct) • Overview and Scrutiny functions

Principle B - Ensuring openness and comprehensive stakeholder engagement.

Summary:

Local government is run for the public good; organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>Openness</p>	<p>Ensuring an open culture through demonstrating, documenting and communicating the organisation's commitment to openness</p> <p>Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided</p> <p>Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear</p> <p>Using formal and informal consultation and engagement to determine the most appropriate and effective</p>	<p>Ensure that the Council's priorities within the Corporate Plan and targets are developed in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated.</p> <p>Maintain a culture of accountability so that Members and Officers understand to whom they are accountable and for what.</p> <p>Strive to engage with stakeholders on an individual and collective basis to demonstrate that we deliver services and outcomes that meet the needs and expectations of the public. These arrangements will recognise that different sections of the community have different priorities and establish robust processes for dealing with these competing demands.</p>	<ul style="list-style-type: none"> • Corporate Plan • Consultation strategy • Constitution • Scheme of Delegation to officers • Budget reports • Corporate Risk Register and risks identified in committee reports

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	interventions/courses of action		
Engaging comprehensively with institutional stakeholders	<p>NB institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.</p> <p>Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably</p> <p>Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively</p> <p>Ensuring that partnerships are based on trust, a shared commitment to change and a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit</p>	<p>Publish reports giving information on the Council's strategies, plans and financial statements as well as information about outcomes, achievements.</p> <p>Ensure that the Council as a whole is open and accessible to the community, service users and staff and we are committed to openness and transparency in all dealings.</p> <p>Publish all committee reports under Part 1 – open for inspection the public - unless there is a legitimate need to preserve confidentiality on the basis of the statutory tests.</p>	<ul style="list-style-type: none"> • Statement of Accounts • Cabinet Forward Plan • Council Website • Formal consultation arrangements and staff surveys • Community and voluntary sector representation on Partnership Boards • Freedom of Information publication scheme • Overview and Scrutiny functions • Community Safety • External Auditor provides an annual organisational assessment of the Council's performance through the Value for Money conclusion
Engaging stakeholders effectively, including	Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service	As above	As above

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
individual citizens and service users	<p>users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes</p> <p>Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement</p> <p>Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs</p> <p>Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account</p> <p>Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity</p> <p>Taking account of the impact of decisions on future generations of tax payers and service users</p>		

Principle C - Defining outcomes in terms of sustainable economic, social, and environmental benefits.

Summary:

The long-term nature and impact of many of local government’s responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the authority’s purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>Defining outcomes</p>	<p>Having a clear vision, which is an agreed formal statement of the organisation’s purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation’s overall strategy, planning and other decisions</p> <p>Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer</p> <p>Delivering defined outcomes on a sustainable basis within the resources that will be available</p> <p>Identifying and managing risks to the achievement of outcomes</p> <p>Managing service users’ expectations effectively with regard to determining priorities and making</p>	<p>Make a clear statement of the Council’s purpose and use it as a basis for corporate and service planning.</p> <p>Publish annual reports to communicate the Council’s activities and achievements, its financial position and performance.</p> <p>Ensure that those making decisions are provided with financial and non-financial information that is fit for the purpose relevant, timely and gives clear explanations of technical issues and their implications.</p> <p>Identify and monitor service performance indicators which demonstrate how the quality of service for users is to be measured.</p>	<ul style="list-style-type: none"> • Corporate Plan • Budget Reports • Audit Reports • Statement of Accounts • External Auditors letter & reports • External Audit Inspections • Performance management framework • Project Management arrangements

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	the best use of the resources available Sustainable economic, social and environmental benefits		
<p>Defining sustainable economic, social and environmental benefits</p>	<p>Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision</p> <p>Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints</p> <p>Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs</p> <p>Ensuring fair access to services</p>	<p>Maintain a prudential financial framework, balance commitments with available resources; and monitor income and expenditure levels to ensure this balance is achieved.</p> <p>Ensure compliance with the CIPFA codes regarding a Prudential Framework for Capital Finance and Treasury Management.</p>	<ul style="list-style-type: none"> • Project Management arrangements • Treasury Management strategy • Regular budget reporting • Internal and external audit

Principle D - Determining the interventions necessary to optimise the achievement of the intended outcomes.

Summary:

Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions. Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed continually to ensure that achievement of outcomes is optimised.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
Determining interventions	<p>Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided</p> <p>Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts</p>	<p>Make a clear statement of the Council's purpose and use it as a basis for corporate and service planning.</p> <p>Clear process for decision making.</p> <p>Have risk management arrangements in place including mitigating actions to support the achievement of the Council's intended outcomes.</p> <p>Ensure that there are effective arrangements in place to monitor service delivery.</p>	<ul style="list-style-type: none"> • Corporate Plan • Risk Management Framework • Service Plans • Service Risk Registers • Performance Management Reports to Committees and to the Leadership Team • Business Continuity Plans
Planning interventions	Establishing and implementing robust planning and control cycles	Put in place effective arrangements to deal with a failure in service delivery and explore	<ul style="list-style-type: none"> • Emergency & Resilience Plans

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>that cover strategic and operational plans, priorities and targets</p> <p>Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered</p> <p>Considering and monitoring risks facing each partner when working collaboratively, including shared risks</p> <p>Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances</p> <p>Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured</p> <p>Ensuring capacity exists to generate the information required to review service quality regularly</p> <p>Preparing budgets in accordance with objectives, strategies and the medium term financial plan</p> <p>Informing medium and long term resource planning by drawing up realistic estimates of revenue and</p>	<p>options for improving service delivery and outcomes for our residents.</p> <p>Have prepared contingency arrangements including disaster recovery plans and business continuity plans to ensure resilience in delivering services, for example during adverse weather conditions.</p> <p>Provide senior managers and Members with timely financial and performance information.</p> <p>Ensure that budget calculations are robust.</p> <p>Align financial and performance data to provide an overall understanding of performance.</p>	<ul style="list-style-type: none"> • Feedback from consultation exercises • Monitoring of all KPI's and key projects. • Budget monitoring arrangements. • Project monitoring and action taken to support the implementation of key projects. • Process for committee approvals and delegated approval

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	capital expenditure aimed at developing a sustainable funding strategy		
Optimising achievement of intended outcomes	<p>Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints</p> <p>Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term</p> <p>Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage</p> <p>Ensuring the achievement of 'social value' through service planning and commissioning</p>	As above	As above

Principle E - Developing the Council's capacity, including the capability of its leadership and the individuals within it.

Summary:

Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mind-set, to operate efficiently and effectively and achieve their intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an authority operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of the leadership of individual staff members. Leadership in local government entities is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
Developing the Council's capacity	<p>Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness</p> <p>Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently</p> <p>Recognising the benefits of partnerships and collaborative working where added value can be achieved</p> <p>Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources</p>	<p>Through the Constitution set out a clear statement of the respective roles and responsibilities of the Committees and individual Members.</p> <p>Set out a clear statement of the respective roles and responsibilities of the Council's senior officers.</p> <p>Have developed protocols to ensure effective communication between Council Members and officers in their respective roles.</p>	<ul style="list-style-type: none"> • Constitution • Annual Pay Policy Statement • Members' Allowance Scheme • Scheme of Delegation

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>Developing the capability of the Council's leadership and other individuals</p>	<p>Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained</p> <p>Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body</p> <p>Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority</p> <p>Developing the capabilities of members and senior management to achieve effective leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by:</p>	<p>Conduct for Elected Members are adhered to.</p> <p>Assess the skills required by Members including the understanding of financial systems.</p> <p>Assess the skills required by officers through the appraisal process and address any training gaps, to enable roles to be carried out effectively.</p> <p>Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed.</p> <p>Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the Council.</p> <p>Provide the Chief Finance Officer with the resources, expertise and systems necessary to perform the role effectively within the Council.</p> <p>Provide operational divisions with the resources, expertise and systems necessary to perform the role effectively within the Council.</p> <p>Monitor all key corporate projects</p>	<ul style="list-style-type: none"> • Personal Development Plans • Appraisals • Member Induction & Development Programme • ICT Digital Strategy • Organisational Development Plan? • Project management arrangements • Corporate Projects Register

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>— ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged</p> <p>— ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis</p> <p>— ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external</p> <p>Ensuring that there are structures in place to encourage public participation</p> <p>Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections</p> <p>Holding staff to account through regular performance reviews which</p>		

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>take account of training or development needs</p> <p>Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing</p>		

Principle F - Managing risks and performance through robust internal control and strong public financial management.

Summary:

Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery, and accountability. It is also essential that a culture and structure for scrutiny is in place as a key part of decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful delivery.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
Managing risk	<p>Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making</p> <p>Implementing robust and integrated risk management arrangements and ensuring that they are working effectively</p> <p>Ensuring that responsibilities for managing individual risks are clearly allocated</p>	<p>Maintain an effective Audit Committee which is independent of the executive and scrutiny functions.</p> <p>Ensure that risk management is embedded into the culture of the Council, with Members and managers at all levels recognising that risk management is part of their job.</p>	<ul style="list-style-type: none"> • Risk Management Strategy • Regular Corporate Risk Management Reports • Service Risk Registers • Budget Reports
Managing performance	<p>Monitoring service delivery effectively including planning, specification, execution and independent post implementation review</p> <p>Making decisions based on relevant, clear objective analysis and advice</p>	<p>Ensure our arrangements for financial and internal control and management of risk are formally addressed within the annual governance statement.</p>	<ul style="list-style-type: none"> • Annual Governance Report • Performance Management Framework and reporting cycle to all

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook</p> <p>Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible</p> <p>Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making</p>		Committees
Robust internal control	<p>Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement</p> <p>Ensuring there is consistency between specification</p> <p>Aligning the risk management strategy and policies on internal control with achieving objectives</p> <p>Evaluating and monitoring risk management and internal control on</p>	<p>Ensure effective internal control arrangements exist for sound financial management systems and processes.</p> <p>Ensure that there is a performance management framework and performance is reported to relevant committee for improvement.</p>	<ul style="list-style-type: none"> • Internal Auditing standards • Annual Audit Plan • Internal Audit Reports • Internal Audit Manager's annual opinion of assurance • Corporate Projects Register • Medium Term Financial

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>a regular basis</p> <p>Ensuring effective counter fraud and anti-corruption arrangements are in place</p> <p>Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor</p> <p>Ensuring an audit committee or equivalent group/function, which is independent of the executive and accountable to the governing body:</p> <ul style="list-style-type: none"> — provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment — that its recommendations are listened to and acted upon 		<p>Strategy.</p> <ul style="list-style-type: none"> • Budget targets and monitoring reports to Committee
Managing data	<p>Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data</p> <p>Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies</p>	<p>Effective arrangements are in place for the safe collection, storage and sharing of data including processes to safeguard personal data.</p>	<ul style="list-style-type: none"> • IT Security & Acceptable Use Policy • Data Protection Policies • Retention and Disposal Policies

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring		
Strong public financial management	<p>Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance</p> <p>Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls</p>	Enable the Chief Finance Officer can bring influence to bear on all material decisions and provide advice on the levels of reserves and balances to be retained.	<ul style="list-style-type: none"> • Annual Budget Speech

Principle G - Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

Summary:

Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>Implementing good practice in transparency</p>	<p>Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate</p> <p>Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand</p>	<p>Comply with the local government transparency code and publish all required information in a timely manner.</p>	<ul style="list-style-type: none"> • Council’s Committee Wepages
<p>Implementing good practices in reporting</p>	<p>Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way</p> <p>Ensuring members and senior management own the results reported</p>	<p>Have established a medium term financial planning process in order to deliver a financial strategy ensuring sustainable finances, a robust annual budget process ensuring financial balance and an adequate monitoring process; all of which are subject to regular review.</p>	<ul style="list-style-type: none"> • Medium Term Financial Strategy • Towards a Sustainable Future Strategy

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement)</p>		
<p>Assurance and effective accountability</p>	<p>Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate</p> <p>Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations</p> <p>Ensuring that recommendations for corrective action made by external audit are acted upon</p> <p>Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon</p>	<p>Put in place effective transparent and accessible arrangements for dealing with complaints.</p> <p>Maintain an effective scrutiny function which encourages constructive challenge and enhances the Council's performance overall.</p> <p>Maintain an effective Audit Committee.</p> <p>Ensure an effective internal audit function is resourced and maintained.</p> <p>Take corrective action from internal and external audit reports.</p> <p>Maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based.</p> <p>Publish all committee reports under Part 1 open to inspection by the public – unless there is a legitimate need to preserve</p>	<ul style="list-style-type: none"> • Corporate Complaints Procedure • Audit Committee • Constitution • Mod.Gov • Whistle-blowing Policy • Monthly budget and quarterly monitoring Reports • Annual Pay Policy Statement • Compliance with Transparency Agenda • Partnership Risk Register • Internal audit plan and the monitoring of the implementation of audit recommendations

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations</p> <p>Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement</p> <p>Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met</p>	<p>confidentiality on the basis of the statutory tests.</p> <p>Ensure when working in partnership, arrangements for accountability are clear and the need for wider accountability has been recognised and met.</p>	<p>Head of internal audit's annual opinion of assurance</p>

MONITORING OFFICER PROTOCOL

1. Introduction

- 1.1 Section 5 of the Local Government and Housing Act 1989 (the 1989 Act) requires local authorities to appoint a Monitoring Officer. This protocol provides some general information on the statutory role the Monitoring Officer undertakes and how the functions will be discharged within Spelthorne Borough Council.
- 1.2 The current responsibilities of the Monitoring Officer role rest with the Head of Corporate Governance, Michael Graham, who undertakes to discharge his statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so, he will also safeguard, so far as is possible, councillors and staff, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 1.3 A summary list of the Monitoring Officer's functions appear in the **Appendix** to this protocol. The Monitoring Officer's ability to discharge these responsibilities will depend, to a large extent, on councillors and staff:
 - a) complying with the law (including any relevant Codes of Conduct),
 - b) complying with any statutory guidance and other guidance/advice issued from time to time by the Members' Code of Conduct Committee and the Monitoring Officer,
 - c) not doing anything that would bring the Council, their offices or professions into disrepute, and
 - d) making lawful and proportionate/reasonable decisions.
- 1.4 In general terms the Monitoring Officer's ability to discharge his duties also depends on good working relations with councillor and staff colleagues, particularly the Council's Chief Officers and Heads of Service (together Senior Officers), and also access to information and debate during the decision making process.
- 1.5 The Monitoring Officer has appointed Victoria Statham, Principal Solicitor, as the Deputy Monitoring Officer. Victoria Statham will perform the functions of the Monitoring Officer where Michael Graham is unable to act. The Monitoring Officer is assisted from time to time by staff in Committee Services and Legal Services but the responsibility of discharging the functions of Monitoring Officer is a personal one.

2. Working Arrangements/Understandings

- 2.1 Good working relations with councillors and staff will assist in the discharge of the statutory responsibilities on the Monitoring Officer and

ensure the Council's interests are safeguarded. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Councillors and staff must, therefore, work with the Monitoring Officer (and his staff) to discharge the Council's statutory and discretionary responsibilities.

- 2.2 The following arrangements and understandings between the Monitoring Officer, councillors and Senior Officers are designed to help ensure the effective discharge of the Council's statutory powers and duties.
- a) **Lawfulness etc** – Councillors and Chief Officers must alert the Monitoring Officer to all emerging issues that may become a concern to the Council including in particular issues around legal powers to do something or not (e.g. lawfulness) ethical standards, probity, procedural or other constitutional matters and give advance notice to the Monitoring Officer of meetings (whether formal or informal) where these issues are likely to arise.
 - b) **Attendance at and access to papers for meetings** – The Monitoring Officer will have the right to attend and be heard at any meeting of the Council, the Cabinet and the Officer Management Team (MAT) before any binding decision is taken (including a decision not to take action) and have access in advance to the agendas, minutes, reports and related papers for such meetings.
 - c) **Liaison with the Statutory Officers** – The Monitoring Officer will meet with the Head of Paid Service (the Chief Executive) and the Chief Finance Officer to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise.
 - d) **The Council's Constitution** – The Monitoring Officer will monitor and review the operation of the Constitution in consultation with the Head of Paid Service (the Chief Executive) and the Chief Finance Officer where appropriate to ensure that the aims and principles of the Constitution are given full effect.
 - e) **General Advice** – The Monitoring Officer will give general advice on the interpretation and application of the Council's Constitution to councillors and staff alike (i.e. responsibility for functions, procedural rules, codes and protocols, standing orders, member allowances scheme etc.).
 - f) **Registers** – The Monitoring Officer will compile and maintain the Council's Registers of Members' Interests and Gifts and Hospitality.
 - g) **Training** – The Monitoring Officer will be responsible for preparing and implementing a training programme for Members on the

Council's ethical framework subject to the approval of the Members' Code of Conduct Committee.

- h) **External Relations** – The Monitoring Officer will develop good and effective working relations with the Council's Auditors and the Local Government Ombudsman (including the giving and receiving of relevant information whether confidential or otherwise).
- i) **Internal Relations** – The Monitoring Officer will have a special relationship of mutual trust and respect with the Mayor, Deputy Mayor and the Chairmen of the Cabinet, Members' Code of Conduct, Planning, Audit, Licensing and Overview and Scrutiny Committees with a view to ensuring the effective and efficient discharge of the Council's functions.
- j) **Complaints/Investigations** – The Monitoring Officer will
- receive and act on any complaints made under the Member Code of Conduct.
 - conduct investigations into matters referred to him by a hearing panel of the Members' Code of Conduct Committee and make reports or recommendations in respect of them to the hearing panel.
 - be expected to make enquiries into allegations of misconduct in the absence of a written complaint being received and if appropriate will make a written report to the Members' Code of Conduct Committee unless he and the Chairman of the Members' Code of Conduct Committee agree a report is not warranted.
 - have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of his functions when carrying out any investigation.
- k) **Appointment of Deputy** – The Monitoring Officer will appoint a Deputy and keep her briefed on any relevant issues that she may be required to deal with where he is unable to act.
- l) **Resources** – The Monitoring Officer will report to the Council from time to time on the staff, accommodation and resources required to discharge his functions. Where the Monitoring Officer requires specialist advice on any matter concerning his statutory responsibilities he will seek Counsel's Opinion and will have a budget to enable him to do so.
- m) **Deferral of Report** – In consultation with the Mayor of the Council the Monitoring Officer may defer the making of a formal report under Section 5 of the 1989 Act where another investigative body is involved. (authority to do this???)

- n) **Maladministration** –Chief Executive, Deputy Chief Executives and Heads of Service must consult the Monitoring Officer prior to making any compensation payments for alleged or actual maladministration found against the Council.
- 2.3 To ensure the effective and efficient discharge of the above working arrangements/understandings, councillors and Senior Officers will report any breach of statutory duty or material breach of Council policy/procedures and other vices or constitutional concerns to the Monitoring Officer as soon as practicable.
- 2.4 Senior Officers agree to inform and explain the terms of this protocol to their service managers so that they understand the issues highlighted in paragraph 2.1 and 2.2 above and report concerns accordingly.
- 2.5 The Chief Finance Officer will ensure that adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer’s role.
- 3. Breach of the Members’ Code of Conduct and this Protocol**
- 3.1 Complaints against any breach of the Members’ Code of Conduct must be referred in accordance with the Council’s published Arrangements for Dealing with Complaints about Councillors. Complaints against any breach of this protocol by a Member will be referred to the Members’ Code of Conduct Committee and to the Leader of the relevant political party group.
- 3.2 Complaints against any breach of this protocol by an Officer may be referred to the Chief Executive.

SUMMARY OF MONITORING OFFICER FUNCTIONS

Description		Key Source
1.	Appointment of Deputy	Section 5 Local Government and Housing Act 1989
2.	Report on resources	Section 5 Local Government and Housing Act 1989
3.	Establish and maintain Registers of Councillor's and Co-Opted members' Interests and Gifts and Hospitality	Section 81 Local Government Act 2000, Section 29 Localism Act 2011 and the Member's Code of Conduct
4.	Advice to Councillors and Staff on the interpretation and application of the Constitution	Article 12 of the Council's Constitution
5.	Considering whether an interest is a sensitive interest	Section 32 Localism Act 2011
5.	Receive copies of whistleblowing allegations of misconduct	Anti Fraud and Corruption Strategy, Council Constitution
6.	Key role in promoting and maintaining high standards of conduct through support to the Members' Code of Conduct Committee	Article 12 of the Council's Constitution
7.	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all councillors	Article 12 of the Council's Constitution
8.	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
9.	Report on any maladministration or injustice where the Commission for Local Administration in England (Ombudsman) has carried out an investigation	Section 5 Local Government and Housing Act 1989
10	Compensation for maladministration	Section 92 Local Government Act 2000

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Spelthorne Borough Council

PROCEEDS OF CRIME & ANTI-MONEY LAUNDERING POLICY & PROCEDURES

1. Introduction

- 1.1 There have been significant changes to legislation concerning money laundering that have broadened the definition of money laundering and increased the range of activities caught by the statutory framework. The relevant legislation includes the Terrorism Act 2000, the Proceeds of Crime Act 2002 and Money Laundering Regulations 2007 as amended. The obligations impact on certain areas of local authority business and require local authorities to set up internal procedures to prevent the use of their services for money laundering.

2. Scope of the Policy

- 2.1 This policy applies to all members and employees of the Council and aims to maintain high standards of conduct by preventing criminal activity through money laundering. The policy sets out the procedures that must be followed, such as reporting any suspicions of money laundering activity.
- 2.2 Further information is available from either Legal or Audit Services. This policy and procedures is intended to work with the Council's Confidential Reporting Code and Anti-Fraud, Bribery and Corruption Strategy to strengthen our arrangements for corporate governance.
- 2.3 Failure to comply with the procedures set out in this policy may result in disciplinary action and criminal prosecution, the penalties for which are serious fines and / or imprisonment.

3. What is Money Laundering?

- 3.1 Money laundering means:
- 3.1.1 Concealing, disguising, converting, transferring criminal property or removing it from the UK
- 3.1.2 Entering into or becoming concerned in an arrangement **you know or suspect** facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person
- 3.1.3 Acquiring, using or possessing criminal property
- 3.1.4 **Becoming concerned in an arrangement facilitating concealment**, removal from jurisdiction, transfer to nominees or any other retention or control of terrorist property.

- 3.2 Potentially any member of staff could be caught by money laundering provisions **if they suspect money laundering and either become involved with it in some way and / or do nothing about it.** Practical examples might be receipt of a large cash payment for any sum due such as for business rates or council tax, and large or repeated overpayments to the authority that require significant refunds. An assessment of risks to Spelthorne indicates low likelihood of this happening, but if it did the impact on the authority and individuals involved could be significant.
- 3.3 This policy meets statutory duties and protects both the authority and individual staff members from risks associated with money laundering. Procedures set out how any concerns should be raised.

4. Actions to be Taken

- 4.1 To meet its statutory duties, the authority must:
- 4.1.1 Approve an appropriate policy and set of procedures for identifying and reporting money laundering
 - 4.1.2 Nominate a Money Laundering Reporting Officer (MLRO) to receive reports from colleagues and make reports as necessary to the National Crime Agency (NCA)
 - 4.1.3 Provide appropriate training to staff and
 - 4.1.4 Maintain required record keeping procedures

5. The Money Laundering Reporting Officer (MLRO)

- 5.1 The staff member nominated to receive reports about any known or suspected money laundering activity within the authority is the Head of Corporate Governance. In the absence of the MLRO, Principal Solicitor Victoria Statham is authorised to deputise for him.
- 5.2 Telephone contact numbers for the MLRO and deputy are 01784 446227 and 01784 446241 respectively.

PROCEDURES

6. Reporting to the MLRO

- 6.1 As soon as any money laundering activity becomes known or suspected, it must be reported to the MLRO. This should be within “hours” of the activity being identified, not days or weeks later. Failure to act in this way could lead to prosecution.

- 6.2 The report **must be written and include as much detail as possible**, such as:
- Full details of all people involved, including yourself if relevant, eg name, date of birth, address, company names, directorships, contact details etc
 - Full details of their / your involvement
 - The types of money laundering activity involved (as set out in para. 3 above)
 - The dates of such activities, including whether the transaction have happened, are ongoing or imminent, where they took place, how they took place, the likely amount of money or assets involved and exactly why you are suspicious.

You should also copy any relevant supporting documentation. The NCA will require as much detail as possible, as will the MLRO in making a decision on whether to report to NCA.

- 6.3 Further guidance on reporting is available from both Legal and Audit Services. Please do not hesitate to seek advice from your manager, Legal and / or Audit Services as soon as any activity is suspected. **Do not take any action such as stopping a suspect transaction.** It may be that NCA want to proceed with a transaction as part of their investigation. Our duty is **to report only.**
- 6.4 Once reported to the MLRO, **you must not make any further enquiries into the matter yourself. Any necessary investigation will be done by NCA.** All staff will be required to co-operate with the MLRO and authorities during any subsequent investigation.
- 6.5 **Also, at no time and under no circumstances should any indication of suspicion be made to the person(s) suspected of money laundering.** This must be observed even if NCA has given consent to a particular transaction proceeding. Otherwise, staff may commit a criminal offence of “tipping off” those suspected. So be careful not to make any reference on a client file to MLRO reporting. If the client sees their file, such a reference could tip them off and make staff liable to prosecution. The MLRO will keep appropriate confidential records.

7. Action by the MLRO

- 7.1 On receipt of a disclosure report, the MLRO must record the date or receipt, acknowledge receipt and set a deadline for reply to the reporting officer.
- 7.2 The MLRO should consider the report and any further internal information required, such as data on other transaction patterns and volumes, the length of any business relationship involved, the

number of any one-off transactions and linked one-off transactions and any identification evidence held.

The MLRO should also make any other appropriate enquiries to ensure all available information is considered in deciding whether a report to NCA is required (without tipping off those involved).

- 7.3 Once the disclosure report and any other relevant information is evaluated, the MLRO must make a timely determination as to whether there is actual or suspected money laundering taking place, or there are reasonable grounds to know or suspect that is the case, and whether consent should be sought from NCA for a particular transaction to proceed.
- 7.4 Where the MLRO does so conclude, the matter must be disclosed to NCA as soon as possible on their standard report form and in the prescribed manner **unless** there is a reasonable excuse for non-disclosure to NCA. For example, a lawyer may wish to claim legal professional privilege for not disclosing the information. Up to date forms can be downloaded from the NCA website at www.nationalcrimeagency.gov.uk
- 7.5 Where the MLRO suspects money laundering but has a reasonable excuse for non-disclosure, then the report must be noted accordingly. The MLRO may then immediately give consent for any ongoing or imminent transactions to proceed. **Full legal advice must be obtained before this course of action is taken.**
- 7.6 Where consent is required from NCA for a transaction to proceed, no further action should be taken until specific consent is obtained or consent is deemed through expiry of relevant time limits without objection from NCA.
- 7.7 Where the MLRO decides there are no reasonable grounds to suspect money laundering, the report must be marked accordingly and the MLRO must give consent for any transactions to proceed.
- 7.8 All reports received by the MLRO and reports made to NCA must be kept by the MLRO in a confidential file for a minimum of five years.
- 7.9 **The MLRO commits a criminal offence if he knows or suspects, or has reasonable grounds to do so through a disclosure made to him, that another person is engaged in money laundering and he does not disclose this as soon as practicable to NCA.**

8. Client Identification Procedure

Please note this procedure is restricted to finance, accountancy, audit and certain legal services.

- 8.1 Where these services form an ongoing business relationship with a client, undertake a one-off transaction involving payment by or to the client of €15,000 or the current equivalent in Sterling or more, undertake a series of linked one-off transactions involving total payment by or to the client of €15,000 or the current equivalent in Sterling or more, or it is known or suspected that such transactions involve money laundering, then the following client identification procedure must be observed before any business is undertaken for that client.
- 8.2 In these circumstances, staff in the relevant service must obtain satisfactory evidence of the identity of the prospective client as soon as practicable after instructions are received (unless such evidence has already been obtained). **This applies to existing clients, as well as new ones, but identification evidence is not required for matters entered into before 1 March 2004.**
- 8.3 Evidence of identity should be obtained as follows:
- 8.3.1 For internal clients, appropriate evidence of identity of Council departments will be signed, written instructions on Council headed notepaper or an internal email. Such instructions should be appropriately filed and clearly identified as such evidence.
- 8.3.2 For external clients, the MLRO will maintain a central file of general client identification evidence regarding the external organisations to whom financial, accountancy, audit and legal services provide professional services (such as housing associations). Staff in these services should check with the MLRO that such external clients are recorded in the central file and check relevant details. If the organisation is not included in the central file, the MLRO should be informed. Appropriate evidence of identity for external clients will be written instructions on the organisation's official letterhead or an email from the organisations e-communication system.
- 8.3.3 All such evidence should be kept for at least five years from the end of the business relationship or transactions.

9. Record Keeping Procedures

- 9.1 Records of client identification and all relevant business transactions carried out for clients must be kept for at least five years, so they may be used as evidence in any subsequent investigation by the authorities into money laundering. As external audit require retention of key accounting documents for six years, this should not involve any changes to current procedures.

- 9.2 The exact form of records is not prescribed by law, but must be capable of providing an audit trail during any subsequent investigation. Again, this is usual practice for council services and should not involve any changes to current procedures.

Policy on Gifts, Hospitality and Sponsorship

1. Introduction

- 1.1 The Council has adopted a Code of Conduct for Members and a Staff Code of Conduct. Each code is based on the Nolan Committee's Seven Principles of Public Life. All councillors, co-opted members and staff are expected to abide by the code which is relevant for them. In addition all councillors, co-opted members and staff are also bound by this Policy on Gifts, Hospitality and Sponsorship which contains provisions which are applicable to all those working for the Council in their respective capacity.

2. General provisions

- 2.1 It is a criminal offence for you corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity. It is for you to demonstrate that any such rewards have not been corruptly obtained.
- 2.2 The Council has adopted the following guidelines to help but they may be used in a disciplinary setting to determine if you are in breach of the relevant Code of Conduct.
- 2.3 One of the most difficult questions on which advice is sought, is the giving and receiving of hospitality and gifts. Staff and councillors need to appreciate that gifts, hospitality and sponsorship, wrongly accepted, can amount to or be construed as bribery within the meaning of the Bribery Act 2010.
- 2.4 It is impossible to prepare guidance to cover all situations, and you should always take advice whenever complex or potentially contentious situations occur. Staff can talk to their Chief Officer, to the Head of Human Resources or the Head of Corporate Governance. Councillors can talk to the Chief Executive or the Head of Corporate Governance.
- 2.5 One test to apply in this situation is "What would the man or woman in the street think"? Ask yourself whether if they knew the circumstances, they would think that you might be influenced in your future conduct by the gift or hospitality offered. Would they think that your past conduct might have been influenced by the hope of, or designed to encourage, such a gift or hospitality? If the answer to either of these questions is "yes", you should refuse the offer.
- 2.6 Bear in mind that it is not enough to avoid actual impropriety. It is important for your reputation and that of the Council to avoid any occasions for suspicion and any appearance of improper behaviour.

3. Advice on when to accept or refuse gifts and hospitality

Who is it from?	What is it?	Action	Explanatory Paragraph
Grateful member of public	A gift of nominal value (below £35) and no ulterior motive is apparent	Accept if refusal would give offence. Record in Register	4.1,4.3, 6.1-6.4

Grateful member of public	A gift of value above £35	Refuse unless refusal would give offence If accepted, donate to Mayor's Charity Appeal Record in Register	4.2, 6.1, 6.4
Frequent gifts from a member of public	A gift of nominal value (below £35)	Refuse unless refusal would give offence. If accepted, donate to Mayor's Charity Appeal. Record in Register	4.3, 6.1-6.4
A person or company engaged in negotiating a contract or other matter with the Council		Try to avoid such situations. If they arise, refuse. Record in Register.	4.4, 6.1, 6.4
	Offers of hospitality	Consult Chief Executive in advance Accept if there is a genuine need to impart information, represent or promote the interests of the Council in the community. Record in Register.	5.1 – 5.3, 6.1, 6.2, 6.4
	Offers to attend purely social or sporting functions	Consult Chief Executive in advance Accept only when these are part of the life of the community or where the Council should be seen to be represented. Record in Register	5.1 - 5.3, 6.1, 6.2,6.4
	Attendance at relevant conferences and courses	Consult Chief Executive in advance Accept where it is clear the hospitality is corporate rather than personal. Record in Register	5.4, 6.1, 6.4

4. Gifts

- 4.1 A gift offered to you may be accepted if refusal would give offence, if:-
- (a) it is of nominal value (below £35.00) e.g. calendars, diaries, pens, a bottle of wine, flowers etc., and

- (b) no ulterior motive is apparent nor is there any danger of misinterpretation by the public (be careful where the offer comes from a person or company seeking work from the Council).
- 4.2 Gifts outside the scope of the above guidelines, should normally be refused, unless refusal would give offence. In such a case, the gift could be accepted and donated to the Mayor's Charity Appeal, with a suitable explanation to the person or company concerned. Receipt of gifts in these circumstances should be reported in accordance with paragraphs relating to Register for Gifts and Hospitality below. They should always be refused if an ulterior motive is apparent.
- 4.3 Some members of staff and councillors however, regularly come into contact with the public and a frequent recurrence of small gifts might give the impression that they are expected or a reward for favourable treatment. In these circumstances, gifts should normally be refused. Alternatively, if refusal would give serious offence, they could be accepted and the rules mentioned above applied.
- 4.4 In any event, you should refuse an offer or try to avoid situations where you are likely to be offered a gift from a person or company engaged in negotiating a contract or other matter with the Council, or who has negotiated such a matter and where you are directly responsible for formulating recommendations to the Council, for making a decision on a contract or for monitoring the service received from the person or Company concerned. If the contract or other matter has been completed, and there is no obvious likelihood of a renewal, then the previous paragraphs apply.

5. Hospitality

- 5.1 You should only accept offers of hospitality if there is a genuine need to impart information, represent or promote the interests of the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. Any hospitality accepted, should be properly authorised and recorded. (See paragraphs relating to Register for Gift and Hospitality below).
- 5.2 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 5.3 When receiving authorised hospitality you should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 5.4 Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Chief Executive is consulted in advance and where the Council is satisfied that any purchasing decisions are not compromised.

6. Register for Gifts and Hospitality

- 6.1 You must record all gifts and hospitality received, **including any offered but rejected**, in the Register maintained by the Chief Executive. This must include all offers of gifts and hospitality. Each entry in the Register must be

authorised by the Chief Executive and in the case of hospitality accepted, it must be authorised in advance of attendance of the particular event.

- 6.2 Offers of hospitality which are open to all members will be recorded in the Register by officers.
- 6.3 Gifts below the nominal value received by Refuse operatives, Community Day centre staff, Meals on Wheels and Spelride drivers from grateful members of the public are not required to be recorded.
- 6.4 In all cases, it is better to err on the side of caution. If you have doubts, seek advice. What matters above all else, are the reputations of yourself, the Council and local government generally.

7. Sponsorship - giving and receiving

- 7.1 Where an outside organisation wishes to sponsor or is asked to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. How would this look to the ordinary man or woman in the street? Particular care must be taken when dealing with contractors or potential contractors (i.e. contractors who could bid for Council work).
- 7.2 Where the Council wishes to sponsor an event or service neither you nor any person connected with you must benefit personally from such sponsorship in any way. In all cases there ought to be full disclosure of the arrangements and consultation with the Chief Executive at an early stage.
- 7.3 Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved with your work as a councillor or member of staff and any outside interests.
- 7.4 In each arrangement for sponsorship, care shall be given to recording the arrangement and the decision making process so that there is a clear audit trail for the purposes of transparency and accountability.

Conflicts of Interest Policy

1. Who is this guide for?

- 1.1 This guide is for councillors and staff who will wish to ascertain whether they have an interest which should be declared under the Members' Code of Conduct or the Staff Code of Conduct.
- 1.2 This guidance is supplemental to both documents. Both councillors and staff are obliged to follow the Nolan Committee's Seven Principles of Public Life:
 - (a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
 - (b) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
 - (c) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
 - (d) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
 - (e) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
 - (f) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
 - (g) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- 1.3 Under the Members' Code of Conduct councillors are obliged to declare pecuniary interests and non-pecuniary interests (e.g. membership of outside bodies). However these formal definitions do not cover every possible conflict which could be encountered by councillors and this document provides additional guidance so that Members can meet their obligations under the Nolan Committee's Seven Principles.
- 1.4 Similarly, whilst the Staff Code of Conduct specifies numerous matters which must be reported to their Chief Officer, not every eventuality can be covered and there is a catch all category of "any other connection to the Council's work which may be relevant".
- 1.5 This document provides extra explanation of what conflicts ought to be recorded by you in your work for the Council. The intention of this guide is not to look in depth at any particular situations, but to provide an overview of

conflicts of interest, and how to deal with them, and to signpost sources of further information.

2. What is a conflict of interest and what issues does it raise?

- 2.1 A conflict of interest is any situation in which your personal interests, or interests that you owe to another body or person, may (or may appear to) influence or affect your decision making.
- 2.2 It is inevitable that conflicts of interest occur. The issue is not your integrity, but the management of any situation where there is potential for criticism that your position or your decision has been influenced by conflicting loyalties. Even the appearance of a conflict of interest can damage your reputation and the Council's reputation, so conflicts need to be managed carefully.
- 2.3 It is the potential, rather than the actual benefit from which the conflict of interest arises and which requires attention. In order to ensure selflessness and transparency, a declaration is required where there is a possibility of people outside the Council assuming that you (or a friend or relative) may have some benefit from the Council's business or decision making. This will avoid accusations of impropriety, which could in turn have a damaging effect on the Council's reputation.
- 2.4 Some advantages of working for the Council are enjoyed by more than one person. Where this arises then it is not usually the case that a declaration has to be made. An example of this would be the allowances and expenses which councillors are entitled to claim. These decisions are always made in the open at public meetings and although it is correct that councillors will receive a personal benefit there is no real risk to accountability or transparent decision making if an interest is not declared in that situation. This is because the subject matter of the decision makes it clear that councillors will benefit. Similarly pay rises for staff will be recommended by staff and decisions made by councillors – it is clear what is going on and no declarations are required.
- 2.5 You should be more careful where decisions arise and it is not clear what is going on. For example, a planning application is made by someone you know. If you are a planning officer then you should declare to your manager that this is the case. Then the manager can make an informed decision if you should continue to work on the case. If you are a councillor on the planning committee and the application is referred to the committee then the public will know that the relationship exists only if you declare it. In these cases, a timely declaration of an interest will assure members of the public that there is nothing untoward to be worried about and that you are acting beyond reproach.
- 2.6 Similarly if you take advantage of benefits that are available to all, or that are of inconsequential or little measurable value, they will not normally need to be declared. E.g. you hire a village hall. This would not need to be declared, as the facilities are available to all members of the local community, which includes councillors and staff alike.
- 2.7 Issues may also arise where you have a conflict of interest or loyalties on a particular issue, but there is no potential for profit or advantage by any person. This may still be useful to declare so that it is clear that a decision has been made correctly. For instance you are a member of an outside body and the

affairs of that body are raised at a meeting. It is helpful for all concerned to know about the link to that other body even if nothing in the debate or the decision particularly turns on the declaration.

3. How do I identify a conflict of interest?

3.1 Conflicts of interest may come in a number of different forms:

- direct financial gain or benefit
- the award of a contract to another organisation in which you (or a friend or relative) has an interest and from which you (or they) will receive a financial benefit
- indirect financial gain, such as employment by the Council of your spouse or partner
- non-financial gain, such as when the Council's decisions or policies affect another organisation of which you are a member.

3.2 The Council expects you to be able to identify possible conflicts of interest when they arise and to ensure, that you take advice and to make the appropriate declarations. If you are a member of staff then you can speak to your line manager, Human Resources or the Head of Corporate Governance. If you are a councillor you can speak to the Head of Corporate Governance, the Chief Executive or another Chief Officer.

4. How can conflicts of interest be managed effectively?

4.1 You need to be alert to possible conflicts of interest which you might have and how you can minimise their effects. A key aspect of minimising the effects of conflicts of interest is to be open and transparent about such situations when they arise. The Council therefore recommends that you declare any actual or potential conflicts of interest of which you are aware, as soon as they arise.

4.2 Where an interest is declared by staff members they can discuss actions to be taken as a consequence with their line manager. It is advisable that a note is made of these arrangements in case of any future queries.

4.3 Where an interest is declared by a councillor then that interest will be noted by the Committee Manager attending the meeting. At present Standing Orders of the Council only require the councillor to absent himself or herself when a "Disclosable Pecuniary Interest" arises. Where any other conflict of interest arises it is for the councillor to declare that interest. It will usually be the case that the councillor will stay in the room, speak and vote on such matters. However if the councillor feels that this would lead to criticism in the circumstances then they are entitled to say that they wish to absent themselves from the room whilst the debate and vote proceeds without them.

4.4 The Council has established a register of interests – one for staff and one for councillors. In recording interests openly, any actual or potential conflicts of interest can be identified more easily. The relevant register of interests should be regularly updated.

4.5 It is good practice at the beginning of a meeting to declare any interest which you have in an item to be discussed, and certainly before any discussion of the item itself. Sometimes this is not possible because an issue arises in the

meeting so that the interest can only be declared later. In such a case, the Council expects the interest to be raised as early as possible.

5. What happens if there is a breach of the Policy?

- 5.1 There are formal sanctions available to the Council for those who are in breach. It all depends on the circumstances of the case. Staff can be subject to the disciplinary procedure, and councillors can be referred to the Members' Code of Conduct Committee.
- 5.2 The Members' Code of Conduct Committee is responsible under the Constitution for the operation of the Staff Code of Conduct and the Members' Code of Conduct and will keep the operation of this policy under review.

Spelthorne Borough Council Constitution

Part 6

Members' Allowances Scheme

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Members' Allowances Scheme

1 April 2019 to 31 March 2020

Introduction

Every local authority will make, or review, a scheme annually in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and will set out the nature and level of allowances payable each year to each member of the authority. The allowances are set by the Council after due consideration of any recommendations of the annual Independent Remuneration Panel (IRP).

Publication of Members' Claims

Regulations (Section 228 of the Local Government Finance Act 1972) require publication of details of the total sum paid in allowances to members during each year.

A schedule of total cash payments made to each member during the preceding financial year, in respect of all allowances, is available on the Spelthorne Borough Council website.

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The Members' Allowances Scheme operating from 1 April 2019 provides for the following:

1. **A Basic Allowance** paid at a flat rate to all members on a monthly basis.
2. **Special Responsibility allowances** paid to certain roles, agreed by the Council, to recognise significant additional responsibilities. These are also paid on a monthly basis.

	Per Annum £
Basic allowance payable to all Members	6200
Special Responsibility allowances	
Leader	14259
Deputy Leader	9412
Cabinet member for Finance	9412
Cabinet Members (excluding Leader, Deputy Leader and Cabinet member for Finance)	7130
Chairman/Vice-Chairman of Spelthorne Joint Committee	4999
Chairman of Planning Committee	5703
Chairman of Overview and Scrutiny Committee	4991
Chairman of Licensing Committee	4991
Chairman of Audit Committee	3566
Chairman of Members' Code of Conduct Committee	1000
Vice-Chairman of Members' Code of Conduct Committee	500
Opposition Group Leader	3322

- ❖ Payments will be made on a monthly basis, directly into a nominated bank or building society account.
 - ❖ Members who wish to elect to forgo their entitlement to some or all of their allowances may do so by giving notice, in writing, to the Chief Executive.
 - ❖ No one councillor shall be entitled to receive more than one Special Responsibility Allowance except in the situation where the Chairman/Vice-Chairman of the Joint Committee is a Borough Councillor already in receipt of an SRA under the Scheme.
 - ❖ No more than one third of all councillors shall be in receipt of Special Responsibility Allowances (SRAs) at any given time. This rule to be maintained as a standard by which the Independent Remuneration Panel will consider if it is happy with the numbers of SRAs designated, rather than a hard and fast rule to which it must abide.
3. **Travelling expenses** will be paid for attendance at approved meetings. The list of approved duties is set out in **Schedule 1** to the Scheme.

4. Where the requirements of paragraph 3 are met a travelling allowance for use of a vehicle will be paid at the following rates:

Cars	
Up to 999cc	46.9p
1000cc– 1199cc	52.2p
1200cc and over	65p
Motorcycles	24p
Cycles	20p

5. The allowance for all cars may be increased by not more than 1.0 pence per mile in respect of each passenger, up to a maximum of four, to whom a travelling allowance would otherwise be payable.
6. Where the requirements of paragraph 3 are met a travel allowance for use of public transport may be claimed. Members can claim the ordinary fare or any available cheap fare. Receipts must be obtained and attached to the relevant claim form otherwise expenses will be liable for tax.
7. **Subsistence allowance** will be paid for attendance at approved meetings. The list of approved duties is set out in **Schedule 1** of the Scheme.
8. Where the requirements of paragraph 7 are met, a subsistence allowance will be paid for expenses actually incurred on completion of the relevant claim form, to which receipts are attached.
9. If meals are provided at a meeting, e.g. a sandwich lunch, a claim for subsistence should not normally be made for that same meal. If a member chooses to purchase a meal elsewhere when a free meal was provided, any claim made for subsistence should be reduced to reflect the value of the free meal which was available.
10. Whilst travel and subsistence claims may be made for attendance as the Council's representative at the meetings listed on Schedule 1, members should note that claims may not be made in respect of duties which an external body itself has asked the member to undertake. Any claim for expenses in these circumstances should be referred to the external body.
11. **Dependent's Carer's allowance** including child care, where a member incurs costs in arranging for care of their child or dependent relative, will be paid for attendance at approved meetings. The list of approved duties is set out in **Schedule 1** of the Scheme.
12. Where the requirements of paragraph 11. are met, a dependent's carers' and child care allowance will be paid for expenses actually incurred on completion of the relevant declaration form.
13. All claims must be made within the current financial year and for no more than three months in arrears.

- 14.** Members' claims for travel and subsistence should be sent to Committee Services by the 6th of each month.
- 15.** The Principal Committee Manager will check all members' claims before passing them to Payroll for payment.

Taxation

Basic and Special Responsibility Allowances are both liable to income tax and national insurance contributions, depending on members' personal circumstances. All payments are made through the payroll.

Travel allowances for cars are not subject to tax and National Insurance for the first 45p per mile but anything above that is as per the HMRC Approved Mileage Allowance Payments.

National Insurance Contributions

National Insurance contributions are payable on all allowances that exceed the minimum lower earnings limit. The current minimum earnings level (2019/2020) equates to £719 per month.

The exemptions are:

a) Where individual's earnings are above the upper earnings limit

If your gross salary in paid employment exceeds the upper earnings threshold (currently £4167 per month) members should apply for deferment using form CA27A or CA72B for self-employed. **This must be applied for each Tax year.**

b) When an individual is over the state retirement age

There is no liability to pay employee's National insurance contributions once you reach state pension age (this may not be 65). If you are over the state retirement age, we will need proof of your age e.g. a birth certificate or passport, to make sure you stop paying National Insurance.

c) When an individual is self-employed

Class 1 employee deductions are not due if you are self-employed. The Department of Social Security does not issue an exemption certificate, but requires you to produce the contributions card or direct debit statement for your self-employed contributions for inspection. (If you would prefer to account to the Inland Revenue for the income tax due on your allowances, this can be arranged by asking your Tax Office to inform Payroll of your self-employed status).

d) When a married woman has elected to pay reduced rate contributions

Any Member currently holding a valid Married Woman's Reduced Rate Liability Card, (reference CF383), should send this to Payroll, so that the reduced rate contributions, (currently 5.85%), can be implemented. The option to make reduced rate contributions is no longer available, so this will only apply to Members already holding a valid certificate.

Schedule 1

Members' Allowances Scheme 2019-2020

List of Approved Duties

When a member uses his or her own home to undertake representative duties on behalf of the Council (e.g. to see constituents), that home becomes their place of work and an allowance can be paid for travel between home and the Council Offices for approved duties, but not for ordinary visits to the Council.

Meetings:

The activities that shall be approved duties include:

- meetings of the Council, Cabinet and committees including Task Groups and Panels.
- deputations, delegations or other representation at meetings with a government department or another local authority.
- training seminars organised by the Council, including members' inductions.
- presentations to councillors by government departments, statutory undertakers, utility or private companies, in respect of proposals in or affecting the Borough, as well as meetings of the organisations external to the Council listed below.
- opening of tenders where Standing Orders require one or more members to be present.
- Visits to sites for which a Planning application is due to come before Planning Committee, by members of the Planning Committee.

To qualify as an approved duty, such meetings, seminars and presentations need to be authorised by the Council, Cabinet or a Committee and representatives of more than one political group must be invited.

Meetings with organisations

Meetings of the following organisations **have been approved** by the Council or Cabinet for travel/expenses claims:

- Armed Forces Covenant
- Ashford and St Peter's Hospitals NHS Foundation Trust
- Heathrow Airport Consultative Committee (HACC)
- Heathrow Local Focus Forum (BAA)
- Heathrow Airport Ltd - Annual Meeting with Spelthorne Borough Council
- Heathrow Community Noise Forum
- Local Authority Aircraft Noise Council (LAANC)
- Management Committee of Mediation North Surrey
- On-street Parking Partnership (OSPP) Joint Task Group
- Surrey Police and Crime Panel
- River Thames Alliance
- South East Employers (SEE)
- South West Middlesex Crematorium Board
- Spelthorne Mental Health Association Management Committee - Trustee

- Spelthorne Safer, Stronger Partnership Board
- Strategic Aviation Special Interest Group (SASIG)
- Surrey Waste Partnership
- Surrey Leaders' Group
- Surrey Museums Consultative Committee
- Surrey Traveller Community Relations Forum
- (NHS) Sustainability and Transformation Plan Stakeholder Reference Group
- The Traffic Penalty Tribunal

List of authorised conferences:

The following have been prescribed under Section 175 of the Local Government Act 1972 for the payment of travel and expenses claims:

- Chartered Institute of Housing (CIH)
- Chartered Institute of Public Finance and Accountancy (CIPFA)
- Institute of Building Control
- Institute of Waste Management
- Local Government Association Annual Conference
- Local Government Association Annual Housing Conference
- National Housing and Town Planning Conference
- Royal Town Planning Institute (RTPI)
- South East Employers (SEE)
- Surrey Heritage Strategy Annual Conference

List of duties not approved:

The following is a list of those organisations external to the Council to which the Council makes appointments, but which **do not qualify** for any travel or expenses allowances:

- A2 Dominion Customer Insight Panel
- Spelthorne Business Forum

The following duties have **not** been approved by the Council:

Social occasions, receptions, official openings, sporting occasions, visits by members to the Council offices to meet with staff outside of formal meetings; and ward surgeries.

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