

# SPELTHORNE BOROUGH COUNCIL



# CONSTITUTION

Spelthorne Borough Council, Council Offices, Knowle Green

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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**

This introduction, together with all the documents that follow, make up the Constitution of Spelthorne Borough Council. The Constitution is the governance framework within which the Council operates. It is approved 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. Nothing in this Constitution supersedes legislation.

### **What's in the Constitution?**

The Constitution is divided into 15 articles (Part 2) which set out the basic rules governing the Council's business. These are followed by three sections:

Part 3 - Decision Making - this section includes details of the Council's decision-making mechanisms and a scheme of delegation setting out who is responsible for taking which decision;

Part 4 - Procedure Rules – this section details how decisions are to be taken;

Part 5 - Codes and Protocols – this section sets out the expected standards of behaviour for Officers (employees of the Council) and Elected Members (councillors) and the corporate Management of the Council.

Article 1 of the Constitution sets out the Council's key aims in preparing the Constitution. Articles 2-15 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)
- The Leader of the Council (Article 6)
- Strategic, Regulatory and Other Committees (Article 7 )
- The Standards Committee (Article 8)
- Joint Arrangements (Article 9)
- Officers (Article 10)
- Decision making (Article 11)
- Finance, contracts and legal matters (Article 12)
- Review and revision of the Constitution (Article 13 )

- Suspension, interpretation and publication of the Constitution (Article 14)

## **How the Council operates**

### **Councillors**

The Council is composed of 39 councillors elected every four years. Only registered electors of the borough or those living, working or owning property in the borough are eligible to seek election for the office of Councillor. Each councillor is elected for a particular ward. Details of the current wards and councillors are on the Council's website.

Councillors are democratically accountable to the residents of the Borough. They have no individual executive powers. Councillors influence and make decisions corporately through Council and committee meetings.

The overriding duty of councillors is to the whole Borough. Councillors must represent their constituents as a body and vote in the interests of the whole Borough. However, they have a special duty to their constituents, including those who did not vote for them.

Councillors must comply with a Code of Conduct (see Part 5) to ensure high standards in the way they undertake their duties. The Council has appointed a Standards Committee, which is responsible for encouraging, developing and maintaining high standards of conduct for all councillors. Article 8 provides more information about this Committee.

### **The Council**

All councillors meet together as the Council, which is the ultimate governing body of Spelthorne Borough Council

The Council is responsible for functions as provided by statute, but also has a general power of competence. The Council arranges for its functions to be carried out through its committee system and by delegated responsibilities to its senior employees. All committees, panels and working groups are subordinate to the Council and dependent on it for the delegation of powers and duties.

It is at Council meetings that councillors decide the Council's overall policies and set the budget each year. Meetings of the Council are normally open to the public, except when 'exempt' or 'confidential' matters are being discussed (see the Access to Information Procedure Rules in Part 4 for more information about this). The Council has agreed procedures to enable the public to take part in Council meetings by asking questions of councillors and presenting petitions. The procedures are set out in Standing Orders (See Part 4).

Each year usually in May, at the Annual Council meeting, Council appoints councillors and representatives to committees and other bodies.

Appointments to all committees comply with the requirements of political proportionality set out in the Local Government and Housing Act 1989.

Also at the Annual Council meeting, the Council appoints councillors to the roles of Mayor, Deputy Mayor, Leader and Deputy Leader.

### **The Mayor**

The Mayor is the first citizen of the Borough and acts as an ambassador on behalf of the Borough. As a symbol of the Council and its area, the Mayor gives encouragement and shows appreciation for the many groups and organisations who also serve the residents of the Borough. The Mayor will attend such civic and ceremonial functions as the Council, and they, determine appropriate both within and outside the Borough. The Mayor will act in a non-partisan manner and in the interests of the whole Council.

### **The Leader**

The Leader holds the most significant elected Member role within the Council. The Leader will be the political head of the Council and the focus for policy direction and community development. The Leader will also be the chief advocate and spokesperson for the whole of the Borough.

The Deputy Leader is able to exercise the functions of the Leader when they are unavailable.

The Leader will chair meetings of the Corporate Policy and Resources Committee.

### **How decisions are made**

The Council has set up procedures to ensure that its functions are carried out effectively and efficiently in accordance with the principles of good administration.

### **The Strategic Committees**

The Council will establish a number of Strategic Committees to be responsible for the Council's principal functions.

The terms of reference of the Committees are set out in Part 3 of this Constitution. Corporate Policy and Resources Committee is made up of the Leader, Deputy Leader, and 14 other councillors. The other committees are made up of a Chair, Vice-Chair and up to 14 other councillors. The committee membership is determined by the Council.

Committees meet at approximately 6-8 weekly intervals in public (except where personal, exempt or confidential matters are being discussed) to take policy and strategic decisions not reserved to Council or delegated to other committees or senior employees.

Appointments to the Committees will be made at the Annual Meeting each year.

### **The Regulatory and other Committees**

The Council has a number of other Committees which deal primarily with the regulatory functions which are not the responsibility of any of the Strategic

Committees; for example: Planning Committee, Licensing Committee, Audit Committee and Standards Committee.

### **Joint Committees**

In conjunction with other authorities and public bodies the Council may establish and participate in Joint Committees. These joint arrangements are described in Article 10 of this Constitution.

### **Statutory Scrutiny functions**

Statutory requirements mean that the Council must make arrangements for scrutiny of certain matters, namely:

- matters relating to the health of the authority's population. Recommendations may be made to health bodies or other relevant authorities;
- the power to scrutinise the activities of those responsible for crime and disorder strategies.

In addition, the Council will also scrutinise the exercise by relevant authorities of flood risk management functions which may affect the local authority's area.

The Council's scrutiny functions will be undertaken by the appropriate Strategic Committee.

Responsibility for the statutory scrutiny functions relating to health will be undertaken by Surrey County Council.

### **The Council's Staff**

The Council employs people (called 'officers' or staff) 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 officers and councillors. Officers will comply with the Staff Code of Conduct set out in Part 5 of this Constitution.

### **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 Group 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 those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
8. provide a means of improving the delivery of services to the Spelthorne community; and

9. 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 13.

## 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) except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iii) see reports and background papers, and any records of decisions in accordance with the Council's Access to Information Rules; and
- (iv) 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) ask a question at a Committee on an item on the meeting agenda;
- (iv) 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;
- (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.

**(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 Standards 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 willfully 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 Polices - 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
- Capital 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
- (b) making proposals and fulfilling any duties to change the Council’s governance 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 Committee decision 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) appointment and dissolution of committees, approval and/or amendment of their terms of reference and size
- (h) 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 has been delegated by the Council;
- (j) making all necessary arrangements for the discharge of 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) 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.

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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 all members are able to hold decision makers 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 they, determine appropriate both within and outside the Borough;
  - 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 will not be a member of any committee appointed by the Council.

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# Article 6 – The Leader of the Council

## 6.1 Role

The Council will appoint a Leader annually. He/she will be the political head of the Council and the focus for policy direction and community development. The Leader will also be the chief advocate and spokesperson for the whole of the Borough and will chair the Council's Corporate Policy & Resources Committee.

If the Council does not appoint a Leader, the Leader of the largest political group becomes the Leader. Should a vacancy arise for the position of Leader, the Head of Paid Service will convene a meeting of Council at the earliest opportunity so that a new Leader may be appointed.

The Council will also appoint at its Annual Meeting the Deputy Leader(s), who is/are able to exercise the functions of the Leader when they are unavailable, or where in the opinion of the Head of Paid Service, the Leader is incapacitated for such a period of time that the efficient operation of the Council would be significantly impaired.

Once appointed, the Leader and Deputy Leader(s) will hold office until the next Annual Meeting unless they:-

- (a) resign from office;
- (b) are no longer a member of the Council;
- (c) are removed from office by resolution of the Council

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## **Article 8 – The Standards Committee**

### **8.1 Appointment**

The Council will appoint a Standards Committee at its Annual Meeting.

### **8.2 Membership**

The Standards Committee will be composed of:

- nine councillors who shall be representative of all political groups as far as practical and in accordance with political proportionality, and shall not include the Mayor; 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.

### **8.3 Chairing the Committee**

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

### **8.4 Role and Functions**

The Standards 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 drawn from the membership of the Standards Committee and chaired by an independent member) to assess and determine complaints against Members under the Code of Conduct;
- (c) to support the Monitoring Officer in exercising his/her delegated authority, in consultation with the Chairman of the Standards 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 through promoting, managing and agreeing a programme of member development;
- (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 9 - Joint Arrangements

### 9.1 Arrangements to promote well being

In order to promote the economic, social or environmental well-being of Spelthorne, the Council 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.

### 9.2 Joint arrangements

- (a) **The Council may establish joint arrangements with one or more local authorities to exercise functions.** Such arrangements may involve the appointment of a joint committee with these other local authorities.

### 9.3 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) 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.

### 9.4 Access to information

The Access to Information Rules in Part 4 of this Constitution apply (Part VA of the Local Government Act 1972 refers).

### 9.5 Delegation to and from other local authorities

- (a) The Council may delegate functions to another local authority.
- (b) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council.

### 9.6 Contracting out

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

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# Article 10 – Officers

## 10.1 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
Group Head of Corporate Governance	Monitoring Officer
Deputy Chief Executive (Terry Collier)	Chief Finance Officer

Such posts will have the functions described in Article 10.2–10.4 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.

**(e) Deputy Chief Officers**

The Council will engage persons for the posts of Group Head within its management structure, who will be designated deputy chief officers, as defined in section 2(8) of the Local Government and Housing Act 1989.

## **10.2 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;

## **10.3 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)** maintain the Register of Members' Interests;
- (c)** after consulting with the Head of Paid Service and Chief Finance Officer, report to the Council if they consider 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;
- (d)** contribute to the promotion and maintenance of high standards of conduct through provision of advice and support to the Standards Committee
- (e)** investigate allegations of breaches of the Members Code of Conduct following a referral from the Standards Sub-Committee and following consultation with the Independent Person, or appoint another person to investigate;

- (f) provide advice to all councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues.
- (g) ensure that Committee 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.

#### **10.4 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 and the Council's external auditor if they consider 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.

#### **10.5 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.

#### **10.6 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.

#### **10.7 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 11 – Decision-Making

## 11.1 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.

## 11.2 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 reasonableness

## 11.3 And in accordance with the Council's objectives for establishing a Committee system:

- (a) Accountability – responsibilities and accountability should be clear within the Council and to residents
- (b) Credibility – governance should assist good decision-making which involves proper and early scrutiny
- (c) Transparency – the decision-making process should be open and transparent to members and the public
- (d) Collaboration – decision-making should be collaborative across parties and less combative
- (e) Timeliness – decision-making should be both quick and effective and where necessary allow for urgent decision-making.

## 11.4 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**

A key decision is a decision which, in the view of the Head of Paid Service, is likely:

- (i) to result in significant expenditure or savings of £250,000 or more; and/or

- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

**NOTE** - Whilst it is recognised that 'key decision' is a term required under executive arrangements, the term has been retained as it continues to provide a useful definition under committee system governance arrangements.

### **11.5 Decision-making by the Council**

Subject to Article 11.7, the Council meeting will follow the Council Standing Orders set out in Part 4 of this Constitution when considering any matter.

### **11.6 Decision-making by Committees and Sub-Committees established by the Council**

Subject to Article 11.7, 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.

### **11.7 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 12 – Finance, Contracts and Legal Matters**

### **12.1 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.

### **12.2 Contracts**

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

### **12.3 Legal proceedings**

The Group 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 Group Head of Corporate Governance considers that such action is necessary to protect the Council's interests.

### **12.4 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, Group Head of Corporate Governance or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £100,000 entered into on behalf of the Council shall be made in writing and made under the Common Seal of the Council attested by at least one member of staff.

### **12.5 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Group 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 Group Head of Corporate Governance should be sealed. The affixing of the Common Seal will be attested by the Group Head of Corporate Governance, Chief Finance Officer or Chief Executive or some other person authorised by them or the Council.

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## **Article 13 – Review and Revision of the Constitution**

### **13.1 Duty to monitor and review the constitution**

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

### **13.2 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 Standards 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 they do so, information is subsequently provided to the Council to explain the effect of those changes.
- (c) Any councillor or any Committee 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 its governance arrangements.

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# Article 14 – Suspension, Interpretation and Publication of the Constitution

## 14.1 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 a meeting of 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 14.1:
- Standing Orders for Council
  - Financial Regulations
  - Contract Standing Orders

## 14.2 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.

## 14.3 Publication

The Group 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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# Spelthorne Borough Council Constitution

## Part 3

### Responsibility for Functions

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## **INTRODUCTION TO THE SCHEME OF DELEGATIONS**

### **Introduction**

1. Under section 101 of the Local Government Act 1972 the Council may delegate its functions to a committee of the Council or to a member of staff, other than those matters reserved to the full Council meeting.
2. This document sets out the functions which have been delegated to staff in consultation with relevant Chair and Vice-Chair as set out in Part 3 (c). 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 Committees 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, or any Committee or a member body having decision making powers.;
  - 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. The Council, relevant committee or other member body with decision making powers may at any time resume responsibility for the function and may therefore exercise the function despite the delegation.
8. A member of staff may decide not to exercise any function in relation to a particular matter and invite the Council, or relevant Committee or sub-Committee 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.

### **Part 3 section (a)**

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 Committee can be taken by a staff member with line management responsibility for that staff member in his/her 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. A decision delegated to a member of staff in consultation with the Chair and Vice-Chair of a Committee may be taken in consultation with either the Chair or Vice-Chair where only one is available.
13. 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 be his/hers alone and not the members being consulted. If those councillors disagree with the member of staff, the matter should be referred to the body or person from whom the delegation arose for decision.
14. In exercising any delegated powers, officers must ensure that their decisions are consistent with Council policy, within approved spending limits and in the best interests of residents and the Council as a whole. Relevant councillors should also be informed/consulted as appropriate depending on the nature and sensitivity of the decision.
15. Each officer is responsible for ensuring that decisions which they take are adequately recorded, and that the record of that decision is available to other Officers, to councillors and to the public as required by statute and this Constitution, particularly if the decision relates to a change in policy or practice, or a financial commitment.
16. Every officer is responsible for ensuring that any decision which he/she takes is implemented in accordance with that decision.
17. Every officer is accountable for each decision which he/she takes and may be called to provide an explanation of his/her reasons for the decision and account for its implementation to other officer, councillors and statutory regulators.

## **Part 3 section (a)**

18. The Group 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.
19. The Group 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.

### **Interpretation**

20. All enquiries about this scheme of delegations should be made to the Group Head of Corporate Governance and all matters of interpretation will also be determined by the Group Head of Corporate Governance.
21. 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.
22. 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.
23. The expression Chief Officer shall mean the Chief Executive, the relevant Deputy Chief Executive, the Monitoring Officer and the Chief Finance Officer.
24. The expression Head of Service shall mean the following job titles:
  - Group Head Corporate Governance
  - Group Head Commissioning and Transformation
  - Group Head Community Wellbeing
  - Group Head Neighbourhood Services
  - Group Head Place, Protection and Prosperity
  - Group Head Assets

### **Urgent Decisions**

25. To enable an urgent decision to be made, the Chief Executive has delegated power to take any decision which is so urgent that it cannot wait until the next scheduled meeting of the Council or relevant Committee and where the decision is not in contravention of established policies.
26. In following this procedure, the Chief Executive is required to consult with the relevant Committee Chair and Vice-Chair.

### **Part 3 section (a)**

27. The use of such urgent action must be reported to the next relevant Committee meeting.

#### **General Delegations to Chief Officers**

28. Subject to all specific delegations contained in this scheme, Chief Officers may act on behalf of the Council where the proposed action conforms to any policy, strategy or development plan approved by the Council or one of its committees and there is a budget provision.
29. To delegate further, in writing, all or any of their delegated functions to other members of staff to exercise in their own name.
30. To advise on policy development and formulation.

#### **Emergencies**

31. 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 Council or relevant Committee 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 the Council or relevant Committee where necessary under Financial Regulations.

## TERMS OF REFERENCE

All Committees will have the following functions in relation to those areas of responsibility falling within the remit of each Committee:

- To work at meeting the Council's corporate objectives, as set out in the Corporate Plan and set strategic priorities within the Budget and Policy Framework, for services within its remit
- To adopt, monitor and review Council policies and strategies which fall within the remit of that Committee.
- To take decisions within the budget framework including contract and virement decisions.
- Where there are significant budgetary implications, to make recommendations to the Corporate Policy and Resources Committee on changes to existing policies, or the adoption of new policies, with the exception of changes to previously approved, or the addition of new policies falling within the Policy Framework. These are reserved to Council.
- Each Committee is limited in authority to grant expenditure to £1 million for any particular project (with the exception of decisions on Community Infrastructure Levy funds allocation by the Corporate Policy and Resources Committee) without seeking approval from full Council. Any project must be taken as a whole, and the project cannot be sub-divided into its constituent parts with each being authorised separately to avoid this limit set by this rule.
- To recommend to Council any expenditure on a project within the Capital Programme where the cost of the project as a whole exceeds £1million.
- To review and have oversight of the agreed Project Initiation Document and other relevant project reporting documentation in relation to service projects within the Committee's remit.
- To consider and propose budget priorities and actions on the delivery of Council services within each Committee's remit, within the overall policy and budgetary framework agreed by the Council.
- To consider periodic budgetary monitoring and variation reports in respect of the functions within the Committee's remit and make any recommendations to the Council as necessary.
- To consider Motions referred to the Committee by Council under Standing Order 16.6, in accordance with the rules of debate at Standing Order 18.
- To review and scrutinise budget proposals relevant to the Committee's functions and make recommendations to the Corporate Policy and Resources Committee, or in the case of that Committee, make recommendations to Council.
- To review and scrutinise service delivery in line with the strategic direction set above and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community.

### Part 3 section (b)

- To encourage performance improvement in relevant services, consistent with Value for Money principles (defined in Part 4d Glossary of terms) 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 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 consult with local Ward councillors about policy developments or service initiatives which have a specific relevance to that Committee.
- To commission studies or the collection of information relating to policy issues (Corporate Policy and Resources Committee) or service delivery (Strategic Committees).
- To establish Working Groups and Task and Finish Groups to examine in detail specific issues or aspects of policy, procedure or service in accordance with the Working Group and Task and Finish Group procedure rules at Part 4i of this Constitution.
- In respect of matters that cross the remits of two or more Strategic Committees, the Chairs of the relevant Committees will agree which Committee will deal with the issue, in consultation with the relevant officer bringing the matter. If the Chair is not available, the Vice-Chair will be consulted. In the case of a conflict, the Corporate Policy and Resources Committee will be responsible for the matter.
- Where a function does not clearly fall within the remit of a Strategic Committee, the Corporate Policy and Resources Committee shall direct which Committee shall deal with the function, or deal with the matter itself.
- This Committee has responsibility for scrutinising matters referred to it by the Strategic Committees or councillors in accordance with the Council's Call-in Scheme (Part 4b of this Constitution).

## CORPORATE POLICY & RESOURCES COMMITTEE

### Membership

At least 15 members reflecting political balance, comprising the Chairs and Vice-Chairs of the Strategic Committees and with the Leader and Deputy Leader appointed as Chair and Vice-Chair of this Committee.

### Functions

The Corporate Policy and Resources Committee exercises any function not delegated to another Committee, an officer or reserved to Council. In particular, it makes recommendations concerning the Council's budget to Council. The Committee will also carry out those statutory and non-statutory functions falling within its area of responsibility as set out below. Working within the Budget and Policy framework previously approved by Council, it will set strategic priorities for the services within the Committee's remit.

Where a function does not clearly fall within the remit of a Strategic Committee, this Committee shall direct which Committee shall deal with the function, or deal with the matter itself.

The Committee will recommend to Council new, or changes in previously approved, policies that fall within the Policy Framework as set out in Article 4 as well as making joint arrangements or delegating decision making to Chief Officers. However, this does not prevent that Committee from choosing to exercise the function itself.

Areas of responsibility include:

- Appointments to Outside Bodies
- Armed Forces Covenant
- Building Control
- Business and Financial Planning
- Compulsory Purchase Orders
- Contracts and Commissioning
- Council Insurance, Health and Safety
- Corporate Communications
- Corporate Complaints
- Customer Services
- Debt and Treasury Management
- Democratic Services
- Electoral Services
- Financial Services
- Human Resources
- Investment and Regeneration Assets
- Land Charges
- Legal Services
- ICT and Digital transformation
- Oversight of major (where the cost of the project as a whole exceeds £1 million) programmes and projects within the Capital programme.
- Performance Management

- Procurement
- Project Management
- Reserves Strategy
- Revenues and Benefits
- Risk Management
- Strategic Partnerships

And specifically:

- To make recommendations as appropriate on matters reserved to Council for decision including:
  - the Council's draft annual budget, including the capital and revenue budgets, prudential controls and council tax
  - the use of reserves
  - the Council's Community and Corporate Plans
  - the Council's Policy Framework
- To consider periodic budgetary monitoring and variation reports and make any recommendations to the Council as necessary.
- To be responsible for decision making in respect of the Council's fees and charges and consider recommendations from the other Strategic Committees on fees and charges for services falling within their remit.
- To act as the Council's shareholder representative on the Knowle Green Estates Board.
- To be responsible for decisions to proceed with asset acquisitions relating directly to Regeneration purposes only.
- To be responsible for decisions to proceed with freehold (or long leasehold) disposal of investment assets and/or commercial assets within the regeneration programme.
- To receive quarterly reports on the Investment Sinking Fund Reserves and to be notified of any change of adverse impact and mitigation measures which are being taken to address.
- To be responsible for the oversight of major programmes and projects within the Capital Programme where the cost of the project as a whole exceeds £1 million.
- To be responsible for decision making in respect of the Council's services and activities other than those specifically delegated to other Committees or officers.
- To be responsible for decision making where there is a conflict in respect of matters that cross the remits of two or more Strategic Committees.
- To be responsible for decisions to adopt new policies or make changes to previously approved policies, falling outside the Policy Framework, where there are significant budgetary implications.
- To be responsible for decisions on Community Infrastructure Levy (CIL) funds allocation on those proposals related to major infrastructure projects where significantly large sums of monies (approximately £1million or more) are being committed or on schemes which carry a degree of complexity as recommended by the CIL Task Group.



### **Part 3 section (b)**

- To consider the Annual report from the Local Government and Social Care Ombudsman and any maladministration findings of the body.
- To make a Compulsory Purchase Order and decide on the level of costs arising up to £1 million.
- To make appointments to outside bodies and charities where the appointment is not reserved to Council for decision.
- To be consulted by other committees on any issues raised relating to the performance and provision of services.
- This Committee has responsibility for scrutinising matters referred to it by the Strategic Committees or councillors in accordance with the Council's Call-in Procedure Rules (Part 4b of this Constitution).

## COMMERCIAL ASSETS SUB-COMMITTEE

### Objective

Within the overall policies and strategies set by the Council, to provide leadership, decision making and accountability for the management of the Council's Investment properties and commercial assets within the Council's regeneration programme.

### Membership

A minimum of 4 Members reflecting political balance, with at least 1 member from each political party. An independent member will also be appointed.

### Functions

1. Acquisitions relating directly to Regeneration purposes only (acquiring assets for alternative purposes is not covered via the Objectives of this Sub-Committee)
  - (a) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to possible new strategic property acquisitions for regeneration purposes only.
  - (b) Following (a) above, to give an initial steer on whether to investigate further those potential acquisitions.
  - (c) Following (b) above and any subsequent reports from officers, to make recommendations to the Corporate Policy & Resources Committee to proceed with acquisitions in accordance with relevant Council procedure rules.
  
2. Disposals
  - (a) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to the potential freehold (or long leasehold) disposal of investment assets and/or commercial assets within the regeneration programme.
  - (b) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to the potential joint venture initiative involving investments assets and/or commercial assets within the regeneration programme.
  - (c) Following (a) or (b) above to give an initial steer on whether to investigate further those potential disposals or joint venture initiatives.
  - (d) Following (c) above and any subsequent reports from officers, to make recommendations to the Corporate Policy & Resources Committee to proceed with the particular freehold (or long leasehold) disposal or joint venture initiative in accordance with the relevant Council procedure rules.
  - (e) To receive recommendations from officers and approve (or otherwise) any proposals for the granting of a new or reversionary lease at an aggregated rent over the term which exceeds officer delegation levels.

3. Management of Investment Assets and Commercial Assets within the Regeneration Programme
- (a) To approve leasehold disposals (lettings) in investment assets (where officer/member delegation financial limits are exceeded.)
  - (b) To approve the change of use of investment assets including recommendations to the Corporate Policy and Resources Committee regarding alternative use or classification of the asset.
  - (c) To receive monthly update reports on the management of the investment assets in accordance with the adopted Asset Management Strategy, including rental income, potential letting opportunities, pending break option and lease expiries over the next 12-month period, significant assignments and any other estate management issues based on officer recommendations.
  - (d) To approve the exercise of a break option under the terms of lease of land or property where officer/member delegation financial limits are exceeded.
  - (e) To approve or agree to the surrender of a lease of land or property where officer/member delegation financial limits are exceeded.
  - (f) To approve new lettings where the rental income per annum (net of VAT) exceeds £100k.
  - (g) To approve lease renewals where the rent in the first year of the new lease is less than 50% of the passing rent of the previous lease, or where the financial impact exceeds £250k.
  - (h) To receive monthly arrears reports on each individual asset/tenant within the investment portfolio by rent quarters.
  - (i) To be notified of any potential arrears and issues being faced by individual tenants (including taking decisions on tenant requests to change from quarterly to monthly payments or rent deferral requests) where the rental income exceeds £100,000pa and to be advised of steps being taken by officers to mitigate that risk.
  - (j) To receive quarterly reports on the Investment Sinking Funds and to be notified of any change of adverse impact and mitigation measures which are being taken to address.
  - (k) To receive notification of and authorize any non-budgeted capital expenditure or any capital expenditure over £50,000. on the investment portfolio.
  - (l) To approve, the settlement of rent reviews, lease renewals or lease re-structuring negotiations in respect of the Investment assets where officer/member delegation financial limits are exceeded.
  - (m) To review, advise on and approve formal reporting of the investment portfolio to CPRC and/or full council to include Asset Investment Strategies, Business Plans, Key Performance Indicators, Risk Registers, and half yearly update reports.
  - (n) To agree the scope of the annual reporting on the Council's investment and regeneration portfolios with the Assets Team.

4. Frequency

Monthly day time meetings. Where meetings are not necessary for lack of business they will be cancelled.

## ENVIRONMENT & SUSTAINABILITY (E&S) COMMITTEE

### Membership

At least 15 members reflecting political balance.

### Functions

This committee has responsibility to carry out those statutory and non-statutory functions falling within its areas of responsibility as set out below. Working within the Budget and Policy framework previously approved by Council, it will set strategic priorities for the services within the Committee's remit.

Areas of responsibility include:

- Cemeteries
- Climate emergency response - including carbon management, mitigation and adaptation measures
- Community Infrastructure Levy (CIL) funds
- Emergency planning
- Environmental sustainability and biodiversity
- Fly tipping
- Grounds Maintenance
- Heathrow liaison
- The Local Plan
- Parking services and strategy
- Parks, open spaces, allotments and playgrounds
- Planning policy and enforcement
- Pollution control including air quality and contaminated land
- Street Cleansing
- Transport including Electric Vehicle strategy
- Waste strategy and management, including Recycling

And specifically:

- To consider and make recommendations on fees and charges in respect of those services falling within the Committee's areas of responsibility to Corporate Policy and Resources Committee.
- To consider all Community Infrastructure Levy (CIL) funds allocation and determination in all cases, except for those proposals related to major infrastructure projects where significantly large sums of monies are being committed or on schemes which carry a degree of complexity which will be referred for decision to Corporate Policy and Resources Committee, as recommended by the CIL Task Group.
- To scrutinise those aspects of the operation of Heathrow Airport that directly relate to this Committee's areas of responsibility.
- To establish the Community Infrastructure Levy Working Group with the membership and terms of reference as set out below
- To establish the Climate Change Working Group with the membership and terms of reference as set out below

- To review and scrutinise flood risk management

## **Working Groups Terms of Reference**

### **Community Infrastructure Levy (CIL) Working Group**

#### **1. Remit**

The CIL Working Group is a Councillor/Officer group set up to work jointly and collaboratively to advise the appropriate Committee on CIL generally and make recommendations on bids for CIL monies allocated to it by the Borough Council.

The CIL Working Group will assess bids for Strategic CIL funding and will recommend to the Environment & Sustainability (E&S) Committee for approval. Bid assessment will consider a number of factors including project cost, match funding, deliverability, and relevance to the identified infrastructure needs set out in the Infrastructure Delivery Plan (IDP).

In exceptional circumstances the Working Group may recommend bids to the Committee and Corporate Policy and Resource Committee (CPRC) should it be appropriate to do so.

#### **2. Membership of the Working Group**

The CIL Working Group comprises:

- The Leader of Spelthorne Borough Council
- The Chair of E&S Committee
- The Chairs of each of the five Local Spending Boards

The Chair of the Working Group will be nominated by the Working Group.

The following Officer representation will apply:

- Strategic Planning Manager
- Infrastructure Delivery Co-ordinator

The Working Group will reserve the right to draw in representatives from other Borough, County, and external service areas as required to assist it in its work.

#### **3. Meetings**

The Strategic CIL Bidding Round will run between the months of April and June. The Working Group will meet as soon as practical after the close of the Bidding Round to consider applications. Once recommendations have been decided, these will be taken to the appropriate Committee as soon as practical for final decision-making. Where possible, final decisions should be published between September and October.

The Working Group may also meet as required throughout the year to discuss Strategic CIL allocations and to ensure effective and timely allocation of CIL monies.

#### **4. Objectives**

The Working Group objectives are:

- To ensure overall programming of infrastructure projects agreed by the appropriate Committee.
- To advise and recommend to the appropriate Committee schemes that will have maximum benefits to the community.

- To monitor receipts and expenditure of CIL monies, including the maintenance of reserves in the fund of approximately £1 million.

The Working Group will be responsible for:

- Recommending projects to the appropriate Committee which require CIL funding from resources allocated to it, following assessment in accordance with the agreed criteria.
- Regular monitoring and reporting to the E&S Committee on the delivery of projects including revisions to timescales and expenditure.
- Reporting to the E&S after completion of each project.

## **5. Output**

Regular project progress updates to the E&S Committee on CIL priorities and funding of projects.

*Adopted 26 April 2023*

## **Climate Change Working Group**

The Spelthorne Climate Change Working Group will consist of 7 members.

The Terms of Reference for the Working Group are:

1. To implement the climate change strategy and action plan agreed in 2022 to deliver our target of carbon neutrality by 2030.
2. To make recommendations to Environment and Sustainability Committee on areas for improvement which can impact on 'climate change' and to identify, and make recommendations on, developing new environmental policies where required which will help move the Council and Borough towards carbon neutrality by 2030.
3. To report to c appropriate action plans and targets to deliver the Council's 2030 target of zero carbon emissions.
4. To monitor progress with delivering the action plans and achieving targets and report on progress to Environment and Sustainability Committee on a quarterly basis.
5. To consider government and wider authorities' consultation on documents relating to 'climate change' and assist Environment and Sustainability Committee in formulating its response.
6. For members of the Working Party to act as 'climate change' champions by leading by example and advocating action on climate change. The Council has an important community leadership role to play regarding the 'climate change' agenda.
7. To identify areas for further research and invite presentations, workshops and discussions with experts as appropriate to help inform the Council's policies and action plans.

8. The Climate Change Working Group will consider the best way of engaging with key partners and work closely with the Government, the Environment Agency, Surrey County Council, local businesses, residents and other partners across the county and Borough to meet the target of making the Borough carbon neutral by 2030.
9. To consider and formulate a communication strategy to promote the Council's activities on climate change.
10. To monitor flood risk and actions to mitigate.

### **Membership and Proceedings of the Working Group on Climate Change**

1. To be a cross party working group
2. The Chair of the Environment and Sustainability Committee or appointee will chair the Group.
3. The Group will appoint its own vice chair from within its membership.
4. The meetings of the Working Group will be internal and confidential to the Council. At the Chair's discretion, some of the meetings will be open to all members of the Council to attend, particularly those to which outside speakers have been invited, to ensure wide engagement across the organisation.
5. The Working Group, can co-opt an external member to the Group, as required, to deal with, specialist areas. However, it remains the decision of the full Working Group as to what targets are recommended.
6. The Working Group will meet at least 4 weeks before an Environment and Sustainability Committee but potentially more frequently depending on workload and actions required.
7. The Working Group should aim to deliver a consensual view to Environment and Sustainability Committee Where this is not possible it should aim to report fairly on the divergent views of the group. Voting is not considered appropriate or necessary. Proactive and innovative suggestions are encouraged.
8. Liaison and engagement with a wide range of stakeholders is welcomed. The Working Group should seek a wide body of opinion to inform its considerations including exchanging views on pertinent matters and receiving suggestions as to how climate change can be addressed in areas over which Spelthorne Borough Council has limited control or significant influence.

*Adopted 27 June 2023*

## **BUSINESS, INFRASTRUCTURE AND GROWTH (BIG) COMMITTEE**

### **Membership**

At least 11 members reflecting political balance

### **Functions**

This committee has responsibility within the overall policies and strategies set by the Council, to provide leadership, decision making and accountability for the management of the Council's municipal, strategic regeneration (non-income producing) and development asset portfolios.

Also to carry out those statutory and non-statutory functions falling within its areas of responsibility as set out below. Working within the Budget and Policy framework previously approved by Council, it will set strategic priorities for the services within the Committee's remit.

Areas of Responsibility:

- Business partnerships
- Business transformation, support and inward investment
- Economic development
- Heathrow liaison
- Infrastructure scrutiny
- Markets
- Tourism
- Town centre viability and regeneration
- Management of the municipal, strategic regeneration (non-income producing) and development asset portfolios as defined in the Asset Management Strategy.

And specifically:

- To consider and make recommendations on fees and charges in respect of those services falling within the Committee's areas of responsibility to Corporate Policy and Resources Committee.
- To be responsible for the management of the strategic regeneration portfolio at such time as those assets are no longer held for income producing purposes.
- To consider and make recommendations to Council on proposals for achieving residential outcomes on assets within the Council's development portfolio through Joint Venture contracts/programmes, including the transfer of units/schemes to Knowle Green Estates or Registered Providers.
- To consider and make recommendations to Council on the disposal of assets in the development portfolio.
- To consider proposals to change the community use of a municipal asset, subject to inviting members of the Community Wellbeing and Housing Committee to attend



any meeting at which the matter is due to be discussed, to make their representations on the proposals.

- To scrutinise and provide observations and comments to the relevant authorities responsible for delivering those infrastructure projects which affect the local economy.
- To scrutinise those aspects of the operation of Heathrow Airport that directly impact this Committee's areas of responsibility.

## **COMMUNITY WELLBEING & HOUSING (CWH) COMMITTEE**

### **Membership**

At least 11 members reflecting political balance.

### **Functions**

This committee has responsibility to carry out those statutory and non-statutory functions falling within its areas of responsibility as set out below. Working within the Budget and Policy framework previously approved by Council, it will set strategic priorities for the services within the Committee's remit.

#### Areas of Responsibility

- Affordable, social housing and homelessness provision
- Arts and culture strategy
- Asylum seekers and refugees
- Civil Enforcement (JET)
- Community Day Centres
- Community safety and crime & disorder
- Community Transport (Spelride)
- Disabled Facilities Grants
- Environmental Health excluding pollution control and contaminated land
- Family Support
- Home Improvement Agency
- Housing Benefits/Council Tax Support
- Housing Options including allocations
- Housing policies and strategies
- Leisure and sports contracts
- Licensing matters (including HMO licensing) save for those specifically reserved to the Licensing Committee
- Management and maintenance of council owned housing and services to tenants
- Private sector and social housing enforcement including housing conditions
- Public Halls
- Services for older people
- Supported living independently – including meals on wheels
- Voluntary and community sector strategy and liaison
- Workplace Health & Safety enforcement of businesses in the community

#### **And specifically:**

- To consider and make recommendations on fees and charges in respect of those services falling within the Committee's areas of responsibility to Corporate Policy and Resources Committee.
- To establish the Grants Panel with membership and terms of reference as set out below.
- To make decisions on grants funding to organisations in the voluntary and community sector

- To receive periodic reports from Spelthorne Healthy Communities Board on funding decisions. The Board's membership and terms of reference are set out below for completeness.
- To exercise the Council's statutory scrutiny responsibilities arising under the Police and Justice Act 2006 in relation to crime and disorder.

## **Spelthorne Healthy Communities Board**

### **1. Purpose**

The purpose of the group is to improve the Health and Wellbeing in Spelthorne. The group will discuss and determine the Health & Wellbeing priorities for Spelthorne with targets and performance reviews outlined in the Spelthorne Health & Wellbeing Strategy. The group will raise awareness and communicate Health & Wellbeing information in Spelthorne and will provide an annual report to the joint committee of Spelthorne Borough Council and Surrey County Council.

### **2. Membership**

We will invite representatives from the following organisations:

- (a) Spelthorne Borough Council including the Chair of the Community Wellbeing and Housing Committee and Group Head for Community Wellbeing, and representatives from relevant Council departments
- (b) Surrey County Council representatives including Adult Social Care and Children's Services. A SCC councillor who is appointed by Joint Committee at the start of each municipal year.
- (c) Voluntary organisations such as Voluntary Support North Surrey, Action for Carers and Catalyst
- (d) A representative from North West Surrey Clinical Commissioning Group
- (e) A representative from one of the third sector community care borough wide forums or groups (for, children with disabilities, older people and adults with physical and sensory disabilities—Appendix 1) or a suitable representative from the community.
- (f) Other members from relevant organisations will be invited where appropriate and dependant on topical projects. These may include Surrey and Borders Partnership NHS Foundation Trust, or Ashford & St Peter's Hospital's NHS Trust

Members commit to attending meetings or to ensure that they send a representative at an appropriate level if they are unable to attend a meeting.

### **3. Terms of Reference**

The responsibilities of the Health and Wellbeing Group are:

- (a) To oversee progress towards the Spelthorne priorities as outlined in the Spelthorne Health & Wellbeing Strategy and to identify any new priorities that should be addressed. The group will provide periodic reports to the Community Wellbeing and Housing Committee.
- (b) To develop an action plan for the Health and Wellbeing Strategy outlining clear targets; to be monitored quarterly and reviewed annually. Produce criteria to enable performance as red/amber/green.
- (c) To consider any issues raised by members of the group or the wider community and to determine what needs to be done to resolve these issues.
- (d) To provide an opportunity for the sharing of relevant information between agencies.

(e) To link to other local, partnership groups as appropriate  
(These responsibilities are underpinned by a statement of principles on equalities (shown in Appendix 2) to ensure that the work of the group pays due regard to issues of discrimination, equality of opportunity and the promotion of good relations between people from different backgrounds.

## **Grants Panel**

### **1. Purpose of the Panel**

The Grants Panel provides an opportunity for people with specialist skills and knowledge to contribute to the development of the community, voluntary and faith sector by granting annual and one-off funding.

The Grants Panel Advisory Panel is designed to ensure that Spelthorne Borough Council meets the highest standards when considering applications and awarding grants and consistently supports those organisations which help to deliver the Council's corporate priorities and enhance the quality of life in the Borough.

It will:

- a) assess grant applications and make recommendations to the Community Wellbeing and Housing Committee (CWHC) as to whether they should be funded.
- b) maintain an overview of the reach of Spelthorne Council's grant-making and suggest ways in which any gaps might be addressed
- c) Review the performance of grant recipients on an annual basis where a Service Level Agreement is in place
- d) Signpost applicants to alternative sources of funding
- e) Co-ordinate regular events to promote funders and grant sources to the CVS sector.

### **2. Terms of Reference**

The Terms of Reference for the Grants Panel are:

- a) A minimum of 3 elected members and three Spelthorne Council officers with relevant skills or knowledge will comprise the panel
- b) These will be appointed to the panel by being proposed and seconded by existing panel members and following a vote of existing members. Members should be nominated on the basis of specific skills that they will bring to the panel.
- c) a quorum shall be four members
- d) the chair must be an elected member and will be elected by majority vote
- e) Councillors on the Panel will be asked to register/declare any interests before considering the applications and making any recommendations.
- f) all decisions will be made by a majority vote and in instances of there being no majority, the chair will gain the power to make one casting vote

**Part 3 section (b)**

g) the Panel will meet at least once a year, though “virtual” meetings may be held via telephone or email exchange at any time. The quorum and voting rules will still apply and, normally, at least 5 working days will be allowed from the start to the conclusion of such meetings, in order to allow an adequate opportunity for all Panel members to take part.

h) Panel members will be expected to attend at least 50% of “physical” meetings. Members missing three consecutive meetings without giving good reason may be deemed to have resigned and their position may be filled

i) the Panel may invite anyone to attend a meeting(s) to give specialist input

j) the annual revenue grants process will be the subject of a report to CWHC and acceptance by Full Council at its annual budget-setting meeting

## **POLICE AND CRIME COMMISSIONER'S PANEL**

### **Membership**

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.

### **Functions**

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 their 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 they are 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 their Deputy.

## REGULATORY COMMITTEES

### AUDIT COMMITTEE

(7 councillors reflecting political balance and one independent non-voting member)

1. 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 approve risk related Policies that are not reserved to Council.
  - To receive an annual report on RIPA (Regulation of Investigatory Powers Act) activity.
  - 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, bribery 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

### Membership

13 members reflecting political balance

Each Member of the committee is required to: complete in full an Induction Programme, undertake regular training including the legislation governing hearings under the Licensing Act 2003, the Gambling Act 2005 and in relation to hackney carriages and private hire; and attend development updates in relation to the licensing function. Any Member not undertaking these training activities will be unable to serve on the Licensing Sub-Committee until such time that the full training requirement has been met.

### Functions

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 (excluding Minor Variations) 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;
  - 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
  - e. To determine whether a charge should be made and where applicable, the level of such fees and charges for the issue, approval, consent, licence or permit, or other registration pursuant to powers set out in the Local Government (Miscellaneous Provisions) Act 1982.
4. In relation to taxi and private hire licensing:
- a. the adoption of all policies relating to taxi and private hire licensing.
  - b. 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 Committee or Sub-Committee;
  - c. To determine whether a charge should be made and where applicable, the level of such fees and charges for the issue, approval, consent, licence or permit, or other registration pursuant to powers set out in the Local government (Miscellaneous Provisions) Act 1976 and the Local Government (Miscellaneous Provisions) Act 1982;
  - d. To determine applications for the revision of the taxi fare tariff pursuant to section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
5. The passing of a resolution that the schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.

**Part 3 section (b)**

6. To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee, where they do not require a Council decision under the Policy Framework at Article 4 of this Constitution.
7. To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.

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

### Membership

15 councillors reflecting political balance

Members must attend Development Control training at least annually. New Members must attend induction training on an introduction to Planning and Decision Making, and Appeals/Costs, as a minimum, before they can sit on the Committee. Members of the Committee are expected to attend all further training sessions provided on the Planning regime. Any Member not undertaking these training activities will be unable to serve on the Committee until such time that the minimum training requirement has been met.

### Functions

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 Planning Development Manager 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 9 (nine) net additional residential units by new build (minor application).
- 7 Approval of over 1,000m<sup>2</sup> net additional floor space by new build (major application)
- 8 Recommendation of no objection for over 1,000m<sup>2</sup> net additional building floor space or 1 hectare net additional land area in connection with new 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 5000m<sup>2</sup>.
- 10 Powers under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as revised or amended)
- 11 For the local listing of any building

## STANDARDS COMMITTEE

### Membership

9 councillors reflecting political balance + 2 Independent non-voting Members

### Functions

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 8 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.
- to consider any issues referred by the Monitoring Officer under the Disclosure and Barring Service Checks for Members Protocol (Part 5m).
- to establish the Committee System Working Group with the Terms of Reference set out below.
- to monitor and review the operation of the Constitution in accordance with Article 13.
- to promote, manage and agree a programme of member development.

Hearings Panels (comprising three councillors drawn from the membership of the Standards Committee and chaired by an independent member) 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, or an outside body (as appropriate); or,
- a combination of any of the above.

## **Working Groups' Terms of Reference**

### **Committee System Working Group**

#### **Membership**

The membership to comprise one councillor from each political group and any non-aligned members.

#### **Responsibilities**

##### **Monitoring of objectives**

To consider whether the system is meeting the Council's objectives. To recommend any amendments to the system to the Standard's committee where such is required to meet those objectives.

##### **Recommendation of amendments**

To consider whether any adjustments or amendments are required to ensure the smooth operation of the system and to make recommendations to the Standards Committee where required.

##### **Decision Making**

This working group has no formal decision-making powers. Any matters which require a Councillor decision will require a report to the Standards Committee for their decision.

## APPOINTMENTS AND APPEALS COMMITTEE

### Membership

5 members reflecting political balance. The members of this Committee may not also sit on the Investigating and Disciplinary Committee in respect of the same matter.

In undertaking the annual appraisal of the Chief Executive, a minimum of three councillors from at least two different political parties must attend.

### Functions

This committee has responsibility for the following functions of the Council:

- To make a recommendation to Council on the appointment of the Head of Paid Service (Chief Executive).
- To consider and determine the overall scheme and policies in relation to terms and conditions relating to the role of Head of Paid Service.
- To undertake the annual appraisal of the Chief Executive in accordance with the agreed Chief Executive Appraisal Procedure.
- To appoint other Chief Officers and Deputies as defined in Article 10.1, and in accordance with the Officer Employment Procedure Rules at Part 4(f) of this Constitution.
- To make a recommendation to Council on the designation of the Monitoring Officer and the Chief Finance Officer.
- To make a recommendation to Council on the appointment of the Independent Audit member.

Note: for the avoidance of doubt, Chief Officers and Deputy Chief Officers are posts at or above salary level Group Head.

- 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.

## INVESTIGATING AND DISCIPLINARY COMMITTEE

### Membership

5 members reflecting political balance. The members of this Committee may not also sit on the Appointments and Appeals Committee in respect of the same matter. The quorum for this Committee is 3 provided those members present are of different political groups.

### Responsibilities

1. To conduct an initial assessment of allegations against the Chief Executive, Chief Finance Officer or Monitoring Officer (together known as Statutory Officers), relating to (i) conduct, (ii) capability or (iii) some other substantial issue that requires investigation.
2. To consider whether it is appropriate to suspend a Statutory Officer if an allegation is such that if proven it would amount to gross misconduct or if the continuing presence at work of the Statutory Officer might compromise the investigation or impair the efficient exercise of the council's functions.
3. If an exceptional situation arises whereby allegations of misconduct by the Statutory Officer are such that their remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority, the following may suspend the Statutory Officer immediately, in an emergency:
  - In relation to serious allegations of misconduct against the Chief Executive, the Monitoring Officer and Chief Finance Officer jointly in consultation with the Chair of this Committee or
  - In relation to serious allegations of misconduct against the Monitoring Officer or Chief Finance Officer, the Chief Executive in consultation with the Chair of this Committee.
4. To agree or authorise any protocols which are necessary to manage the suspension of the Statutory Officer and the investigation.
5. To review the suspension of the Statutory Officer after a period of two months has elapsed.
6. To determine whether a detailed investigation of an allegation against the Statutory Officer relating to (i) conduct, (ii) capability or (iii) some other substantial issue is needed.
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 Statutory Officer the opportunity to state their case and to question witnesses, where relevant, before making a decision.
9. To decide and issue sanctions short of dismissal for a Statutory Officer.

10. To receive advice from the Independent Panel in the event dismissal of a Statutory Officer is being considered.
11. Subject to receiving advice from the Independent Panel, to make any recommendations to Council for dismissal of a Statutory Officer.



## 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

### Functions

1. In a case where the Investigating and Disciplinary Committee (IDC) is proposing dismissal of a Statutory Officer:
  - to receive any oral representations from the Statutory Officer
  - 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.

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## DELEGATED RESPONSIBILITIES IN CONSULTATION WITH THE CHAIRS AND VICE-CHAIRS OF COMMITTEES

FUNCTION	OFFICER IN CONSULTATION WITH THE CHAIR/VICE-CHAIR
PH1 To approve freehold or leasehold disposals or acquisitions of land or interests in land not exceeding an estimated value of £150,000 per transaction.	Chief Finance Officer in consultation with the Chair and Vice-Chair of Corporate Policy and Resources Committee.  (Note: for lettings granted under the Community Lettings Policy, there must also be consultation with the Chairs and Vice Chairs of Corporate Policy and Resources and Community Wellbeing and Housing Committees.)
PH2 To authorise the transfer of expenditure from one financial year to another.	Chief Executive, after consultation with the Chief Finance Officer and the Chair and Vice-Chair of Corporate Policy and Resources Committee.
PH3 To approve grants not exceeding £3000 from the Good Causes Fund.	Chief Finance Officer in consultation with the Chair and Vice-Chair of Community, Wellbeing and Housing Committee and the Ward Councillors.
PH4 The allocation of names of new streets.	The relevant Deputy Chief Executive, in consultation with Chair and Vice-Chair of Community Wellbeing & Housing Committee.
PH5 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 Chair and Vice-Chair of Corporate Policy and Resources Committee.
PH6 To seek and undertake works for other public bodies, such as Surrey County Council with regard to highways, in accordance with the policy established by the relevant Committee.	The relevant Deputy Chief Executive and Group Head Neighbourhood Services after consultation with the Chair and Vice-Chair of Community Wellbeing & Housing Committee.

PH7	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 Chair and Vice-Chair of Corporate Policy and Resources Committee.
PH8	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 Chair and Vice-Chair of Corporate Policy & Resources Committee.
PH9	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 Chair and Vice-Chair of Community Wellbeing & Housing Committee.
PH10	To issue, revoke and renew Street trading permits under the Local Government (Miscellaneous Provisions Act 1982	Senior Environmental Health Manager and Building Control in consultation with Chair and Vice-Chair of Community Wellbeing & Housing Committee.
PH11	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 Chair and Vice-Chair of Corporate Policy and Resources Committee.
PH12	To implement any future changes and updates to the Council's complaints Policy and Procedure, and the Unreasonably Persistent, Vexatious or Abusive Complaints Policy	Monitoring Officer in consultation with the Chief Executive and the Chair of Corporate Policy & Resources Committee.
PH13	Suspension of Statutory Officer with immediate effect in the circumstances whereby allegations of misconduct by the Statutory Officer are such that their remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority	In relation to the Chief Executive, the Monitoring Officer and Chief Finance Officer jointly in consultation with the Chair of the Investigating and Disciplinary Committee, or  In relation to the Monitoring Officer or Chief Finance Officer, the Chief Executive in consultation with the Chair of the Investigating and Disciplinary Committee.

<b>DELEGATIONS TO OFFICERS</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
<b>1. GENERAL</b>	
<p>1.1 To carry out responsibilities for any function which the Council has not reserved to itself or delegated to a Committee or Sub Committee in this Constitution and which Council has not authorised another officer to carry out in this Scheme of Delegation.</p> <p>Decisions taken in accordance with this delegation will be reported to the next available ordinary Council meeting.</p>	Chief Executive or a Deputy Chief Executive or a Group Head in consultation with the relevant Chair and Vice-Chair.
<p>1.2 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</p>	Any Group Head, the Medical Advisor, the Property Inspector for Council Tax and Business Rates, the Senior Environmental Health Manager or such other officer who maybe authorised in writing by the above named
<p>1.3 To serve notices to obtain particulars of a person's interest in land</p>	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
<p>1.4 To serve notice under any enactment (not separately authorised under this scheme of delegations) and to take follow up action</p>	Group Head of Corporate Governance Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager
<p>1.5 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</p>	Strategic Planning Manager, Planning Development Manager and Senior Environmental Health Manager
<p>1.6 To administer simple cautions</p>	Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager

**Part 3 section (d)**

1.7 To respond to routine and technical consultations from the Local Government Association, the MHCLG, 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
1.8 Under the provisions of the Children Act 1989 and the Council's Safeguarding Children and Vulnerable Adults Policy and Procedures, to undertake responsibility for 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	Deputy Chief Executive responsible for Safeguarding
1.9 To undertake the function of Company Secretary for Knowle Green Estates Limited and any subsidiary companies	Group Head of Corporate Governance
1.10 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 Standards Committee to participate in meetings of Assessment Panels.	Group Head of Corporate Governance
1.11 To amend the membership of a political group's seats on any particular committee, at the request of the Group Leader.	Chief Executive
1.12 To be designated the Council's 'Appointed person' in accordance with s10(8) of the Party Wall Act 1996.	Building Control Manager

<b>2 LEGAL AND LEGAL PROCEEDINGS</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
2.1 To instigate, conduct and settle proceedings, complaints, or disputes (administrative, criminal or civil) on the Council's behalf in any Court, Tribunal or other body or by way of local resolution, 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 Corporate Policy and Resources Committee.	Group Head of Corporate Governance
2.2 To instigate and conduct legal proceedings for any offence or any matter arising under: <ul style="list-style-type: none"> <li>a. legislation which gives the Council a right or duty to prosecute</li> <li>b. any order notice or licence issued in pursuance to any legislation under which the Council has powers or duties</li> <li>c. any other order or regulation under which the Council has powers or duties</li> </ul>	Group Head of Corporate Governance
2.3 To accept service of proceedings on behalf of the Council	Group Head of Corporate Governance (or Chief Finance Officer in respect of insurance claims)
2.4 To instruct Counsel, Solicitors or relevant agents to represent or advise the Council	Group Head of Corporate Governance (or any Chartered Town Planner in respect of planning matters)
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	Group Head of Corporate Governance
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	Group Head Commissioning and Transformation, Senior Recovery Officer, Recovery Officer or Technical and System Support Officer

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2.7 To represent the Council at the Local Valuation Tribunal	Group Head Commissioning and Transformation or Technical and System Support Officer
2.8 To appear on behalf of the Council in all proceedings before any Court or Tribunal	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
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	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 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
<b>3 AUTHORITY TO SIGN AND SEAL DOCUMENTS</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
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 Commissioning and Transformation.
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	Chief Officers, Group Head of Corporate Governance, other Group Heads, Planning Development Manager, Strategic Planning Manager or Senior



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have been followed including legal advice being obtained for contracts over £20,000	Environmental Health Manager
3.4 To affix the Council's common seal	Chief Executive, Chief Finance Officer or Group Head of Corporate Governance
<b>4 LAND ISSUES</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
<p>4.1 In respect of properties leased/licensed to or by the Council:</p> <ul style="list-style-type: none"> <li>a. to refuse or consent to assignments or sub-lettings, including changes to Trustees or Directors details, subject to satisfactory references;</li> <li>b. to negotiate, approve and document rent reviews;</li> <li>c. to agree low level less than best value rents/licence fees for community groups where proper justification has been acquired and documented;</li> <li>d. to agree to variations to any of the terms or covenants; subject to valuation advice where appropriate;</li> <li>e. to renew leases which have security of tenure under the Landlord and Tenant Act 1954;</li> <li>f. to serve notices for renewals or terminations of leases under the Landlord and Tenant Act 1954;</li> <li>g. to settle terms of management arrangements and any variations to them;</li> <li>h. to agree to the grant of Licences to Alter</li> </ul>	Group Head for Assets
<p>4.2</p> <ul style="list-style-type: none"> <li>a. To approve new lettings where the rental income per annum (net of VAT) does not exceed £100k.</li> <li>b. To approve lease renewals where the rent in the first year is more than 50% of the passing rent of the previous lease, subject to the financial impact not exceeding £250k.</li> </ul>	<p>Group Head for Assets in consultation with the Chief Finance Officer.</p> <p><i>(Note: for lettings granted under the Community Lettings Policy, there must also be consultation with the Chairs and Vice Chairs of Corporate Policy and Resources and Community Wellbeing and Housing Committees.)</i></p>

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<p>c. To approve freehold or leasehold disposals or acquisitions of land or interests in land not exceeding an estimated value of £100k per transaction.</p> <p>d. To approve the exercise of a break option under the terms of lease of land or property where the financial impact does not exceed the value £100k.</p> <p>e. To accept or agree a surrender where the land or property is no longer required by the Council or the Landlord/Tenant as appropriate, where the financial impact does not exceed £100k.</p> <p>f. to make the application for planning permission in relation to Regulation 3 of the <u>Town and Country Planning General Regulations 1992</u>, on behalf of the Council as developer, where the financial impact does not exceed the value £100k for the whole project.</p> <p><i>Notes:</i></p> <p>a. to c. <i>Financial impact to be based on contracted rental values.</i></p> <p>a. to d. <i>VAT should be disregarded when determining if a transaction falls under the stated thresholds.</i></p>	
<p><b>4.3 Urgent Action</b></p> <p>In relation to a new letting, to take a decision which is so urgent that it cannot wait until the next scheduled meeting of the Committee and where the decision is not in contravention of established policies. In following this procedure, the Group Head for Assets is required to seek the approval of the Chair and Vice-Chair of the Business, Infrastructure and Growth Committee if the matter would ordinarily fall within the remit of the Committee or in the case that any aspect of the letting could be considered sensitive. The use of such urgent action must be reported to the next relevant Committee meeting.</p>	<p>Group Head for Assets</p>
<p><b>4.4 To grant or take miscellaneous licences, wayleaves, easements and other agreements as required</b></p>	<p>Group Head for Assets</p>

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4.5 To enter into a Tenancy at Will	Group Head for Assets
4.6 To determine applications for rights of way or other easements over land	Chief Finance Officer after consultation with Group Head for Assets
4.7 To approve the release of covenants subject to obtaining appropriate legal and valuation advice	Group Head for Assets
4.8 To determine if an asset nominated for inclusion on the list of assets of community value: (i) is within the local authority's area (ii) has been properly nominated (iii) meets the statutory criteria set out in section 88 of the Localism Act 2011 and (iv) does not fall within an excluded category.	Group Head for Assets
4.9 To review decisions made regarding the inclusion of assets on the list of assets of community value in accordance with section 92 of the Localism Act 2011	Group Head Corporate Governance
4.10 To maintain the list of assets of community value in accordance with section 87 of the Localism Act 2011	Group Head for Assets
4.11 To assess and determine compensation applications to private property owners arising out of listings of assets of community value in accordance with section 99 of the Localism Act 2011 and Schedule 2 of The Assets for Community Value (England) Regulations 2012	Group Head for Assets
4.12 To review decisions made regarding compensation award in accordance with Schedule 2 of The Assets for Community Value (England) Regulations 2012	Group Head Corporate Governance
<b>5 FINANCIAL MATTERS</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
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	Relevant Deputy Chief Executive

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5.2	To raise in line with inflation any financial limits specified in these delegations to officers, contract standing orders or financial regulations	Chief Finance Officer
5.3	In connection with the provision of services under their control: a. Expenditure of any type within approved budgets (subject to delegation 3.3 - as to signature of contracts); 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 relevant Committee; and c. Control, purchase and disposal of stores or surplus materials d. To enter into any arrangement with a creditor for payment to be made by way of instalment	Relevant budget holders
5.4	To implement all the Council's borrowing and investment strategies, in accordance with the Treasury Policy Statement and Capital Strategy	Chief Finance Officer
5.5	To determine the tax base, in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, as amended	Chief Finance Officer
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	Chief Finance Officer or Group Head Commissioning and Transformation
5.7	To take all necessary steps relating to the demand, collection and recovery of council tax non-domestic rates and Business Improvement District levy payments and to issue all necessary notices and statements and to sign all relevant documentation	Group Head Commissioning and Transformation

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5.8 To sign certificates issued under Section 116 of the Social Security Administration Act 1992	Group Head Commissioning and Transformation
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 Commissioning and Transformation
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 Commissioning and Transformation
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 Commissioning and Transformation
5.13 To grant disabled relief under the Local Government Finance Act 1992 and subsequent regulations	Chief Finance Officer or Group Head Commissioning and Transformation
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 Commissioning and Transformation
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 Commissioning and Transformation
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 Commissioning and Transformation
5.18 To write off debts for Housing Benefits not exceeding £5000	Group Head Community Wellbeing

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5.19 To write off debts not exceeding £5000 and to write off all debts without limit where bankruptcy, liquidation proceedings, administration or receiverships proceedings have been instigated	Group Head Commissioning and Transformation
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 Commissioning and Transformation
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
<b>6 PERSONNEL MATTERS</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
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 at, or above, grade Group Head) and management (including disciplinary action)	Chief Executive, Deputy Chief Executive or Group Heads

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of staff in accordance with the Council's 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	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

<b>7. ENVIRONMENTAL HEALTH MATTERS</b>		
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>	
<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"> <li>a. Statutory and Public Nuisances;</li> <li>b. Control of Noise;</li> <li>c. Light nuisance;</li> <li>d. Control of Air Pollution;</li> <li>e. Contaminated Land;</li> <li>f. Control of rats and mice;</li> <li>g. Insects;</li> <li>h. Prevention of Damage by Pests;</li> <li>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;</li> <li>j. Safety of buildings;</li> <li>k. Food, Drinking Water, Food Hygiene and associated matters;</li> <li>l. Functions in connection with the Welfare and Control of Animals;</li> <li>m. Control of Diseases, infectious diseases and General Public Health matters;</li> <li>n. Filthy or verminous premises, articles or persons;</li> <li>o. Accumulations;</li> <li>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);</li> </ul>	<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"> <li>q. Health and Safety at Work;</li> <li>r. Provisions relating to shops including Sunday trading;</li> <li>s. Hazardous Substances;</li> <li>t. Slaughterhouses, Knackers Yards and Cutting Premises;</li> <li>u. Tattooing, acupuncture, body piercing, semi-permanent skin colouring and electrolysis</li> </ul>	
<p>7.2 To issue any notices, penalties, permits or certificates in respect of environmental health matters, including, but not limited to:</p> <ul style="list-style-type: none"> <li>a. Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982;</li> <li>b. Public Health Act 1936 ss. 45, 48, 49, 83, 84, 275 and 287;</li> <li>c. Public Health Act 1961 ss. 17, 22 and 34;</li> <li>d. Building Act 1984 ss. 59, 64, 66, 67, 70, 72, 76, 84, 95 and 97;</li> <li>e. Environmental Protection Act 1990</li> <li>f. Food Safety Act 1990;</li> <li>g. Prevention of Damage by Pests Act 1949</li> <li>h. Health and Safety at Work etc. Act 1974;</li> <li>i. Noise Act 1996;</li> <li>j. Anti-Social Behaviour Act 2003;</li> <li>k. Clean Neighbourhoods and Environment Act 2005;</li> <li>l. Animal Welfare Act 2006;</li> <li>m. Health Act 2006;</li> <li>n. House to House Collections Act 1939;</li> <li>o. Pet Animals Act 1951;</li> <li>p. Riding Establishments Act 1964;</li> <li>q. Riding Establishments Act 1970;</li> </ul>	<p>Senior Environmental Health Manager; and</p> <p>in relation to 7.2 (d) and (ll ) the Building Control Manager</p>

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<ul style="list-style-type: none"><li>r. Animal Boarding Establishments Act 1963;</li><li>s. Breeding of Dogs Act 1973;</li><li>t. Breeding of Dogs Act 1991;</li><li>u. Dangerous Wild Animals Act 1976;</li><li>v. Hypnotism Act 1952;</li><li>w. Smoke-free (Premises and Enforcement) Regulations 2006;</li><li>x. Smoke-free (Signs) Regulations 2012</li><li>y. Smoke-free (Exemptions and Vehicles) Regulations 2007</li><li>z. Smoke-free (Penalties and Discounted Amounts) Regulations 2007;</li><li>aa. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007;</li><li>bb. Pollution Prevention and Control Act 1999;</li><li>cc. Control of Pollution Act 1974;</li><li>dd. Public Health (Control of Disease) Act 1984;</li><li>ee. Private Security Industry Act 2001;</li><li>ff. Meat (Sterilisation and Staining) Regulations 1982;</li><li>gg. Clean Air Act 1993;</li><li>hh. Land Compensation Act 1973 s.37;</li><li>ii. Sunday Trading Act 1994;</li><li>jj. Criminal Justice and Public Order Act 1994 ss.77 and 78;</li><li>kk. Working Time Regulations 1998;</li><li>ll. Building Regulations 2010;</li><li>mm. Building (Approved Inspectors etc.) Regulations 2010;</li><li>nn. Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002;</li><li>oo. Land Drainage Act 1991;</li><li>pp. Scrap Metal Dealers Act 2013;</li><li>qq. Sunbeds (Regulation) Act 2010;</li><li>rr. The Caravan Sites and Control of</li></ul>	
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<p>Development Act 1960;</p> <p>ss. Mobile Homes Act 2013;</p> <p>tt. Water Industry Act 1991;</p> <p>uu. Environmental Protection (Control on Ozone-Depleting Substances) Regulations 2011;</p> <p>vv. Waste (England and Wales) Regulations 2011</p> <p>ww. Tattooing of Minors Act 1969</p> <p>xx. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018</p> <p>yy. Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and any subsequent related legislation.</p> <p>zz. The Business and Planning Act 2020</p> <p>aaa. Town Police Clauses Act 1847</p> <p>bbb. Highways Act 1980</p> <p>ccc. Policing and Crime Act 2017</p> <p>ddd. Live Music Act 2012</p> <p>eee. Deregulation Act 2015</p> <p>fff. Police, Factories &amp; c. (Miscellaneous Provisions) Act 1916</p> <p>ggg. Licensing Act 2003</p> <p>hhh. Gambling Act 2005</p> <p>iii. Zoo Licensing Act 1981</p> <p>jjj. Environmental Damage Regulations (Prevention and Remediation) (England) Regulations 2015</p> <p>kkk. Control of Pollution (Amendment) Act 1989</p> <p>lll. Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020</p> <p>mmm. Environment Act 1995 (section 108[(1) and (4)a–m])</p> <p>nnn. Noise and Statutory Nuisance Act 1993 (Schedule 2)</p>	
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<p>ooo. Public Health (Control of Disease) Act 1984</p> <p>ppp. Clean Air Act 1993 (section 56)</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 To determine statutory minor variations to Premises Licences, including where representations are received, under the Licensing Act 2003.</p>	<p>Licensing Manager</p>
<p>7.6 To adjourn a Licensing Sub-Committee, for administrative reasons.</p>	<p>Licensing Manager</p>
<p>7.7 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>7.8 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>Environmental Health Manager</p>
<p>7.9 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 and Vice-Chair of Licensing Committee)</p>
<p>7.10 Authority under the Food Safety Acts, 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>7.11 European Union (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020</p>	

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	relating to retained EU regulations including numbers 178/2002, 852-854/2004, 2017/625 and 2073/2005, which relate to food and feed	
7.12	To exercise the Council's powers under the Food Safety and Hygiene (England) 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	All Environmental Health Staff identified for this purpose by the 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
7.13	To exercise the Council's 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
7.14	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
7.15	To make minor changes to the Building Control Charges Scheme No. 1.	Building Control Manager
7.16	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 and Senior Environmental Health Manager

<b>8. MARKETS</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
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	Group Head Neighbourhood

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markets within the Borough	Services
8.3 To respond to requests for stands in Staines High Street on non-market days under the terms of s115E of the Highways Act	Group Head Neighbourhood Services

<b>9. FREEDOM OF INFORMATION, ENVIRONMENTAL INFORMATION REGULATIONS AND DATA PROTECTION</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
9.1 To add documents to the Council's publication scheme	Data Protection Officer/Information Governance Co-ordinator
9.2 To determine whether any requests under the above acts are repeated or vexatious	Data Protection Officer/Information Governance Co-ordinator
9.3 To determine whether any exemptions apply under the above Acts and Regulations	Data Protection Officer /Information Governance Co-ordinator
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
<b>10. HOUSING AND COMMUNITY CARE MATTERS</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
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 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 Community Wellbeing
10.3 Authority to require repayment of mandatory/discretionary grants in	Group Head Community Wellbeing

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<p>accordance with Government guidelines and within the timescales laid down in the Council's approved policies.</p>	
<p>10.4 Under the Local Government and Housing Act 1989 repayment of grant provisions, authority to waive the 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>Group Head Community Wellbeing</p>
<p>10.5 Pursuant to the Housing Acts and all relevant Orders and Regulations thereunder:-</p> <ul style="list-style-type: none"> <li>a. to serve notices requiring the abatement of overcrowding;</li> <li>b. to serve notices requiring the demolition of houses, subject to Demolition Orders, carry out demolition in default and recover the cost;</li> <li>c. to make a declaration of an area as a slum clearance area subject to legislative requirements for Slum Clearance Declarations</li> <li>d. to revoke Closing or Demolition Orders on the satisfactory completion of works to render the house free from serious hazards;</li> <li>e. to serve statutory notices requiring the execution of repairs, carry out work in default and recover the costs;</li> <li>f. to serve notice requiring the production of documents and for entry into premises for inspection, survey and works.</li> <li>g. 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 empty property management orders and in respect of houses in multiple occupation, to: <ul style="list-style-type: none"> <li>i. make interim and final management orders;</li> <li>ii. serve notices requiring compliance</li> </ul> </li> </ul>	<p>Senior Environmental Health Manager</p>

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<p>with management regulations, the execution of works, including the provision of facilities and fire escapes;</p> <p>iii. make directions to prevent or reduce overcrowding;</p> <p>iv. carry out works in default of compliance with (e)(i), (ii) and (iii) above and to recover the costs.</p> <p>v. To determine and issue licences under the Housing Act 2004</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 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.</p>	<p>Group Head Community Wellbeing</p>
<p>10.7 The placing of homeless persons in bed and breakfast or other temporary accommodation and the fixing, collection and recovering of contributions therefore</p>	<p>Group Head Community Wellbeing</p>
<p>10.8 To make nominations to housing association accommodation of applicants on the Housing Register, in accordance with the Council's bands scheme.</p>	<p>Group Head Community Wellbeing</p>
<p>10.9 To make nomination to housing association accommodation outside the bands scheme to applicants considered as special cases.</p>	<p>Group Head Community Wellbeing</p>
<p>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.</p>	<p>Group Head Community Wellbeing</p>
<p>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.</p>	<p>Group Head Community Wellbeing</p>



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10.12 Administration of the Spelthorne Personal Alarm Network Scheme ("SPAN") and the negotiation of service charges with other public bodies.	Group Head Community Wellbeing
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 overpayments in accordance with the regulations.	Group Head Community Wellbeing
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 Community Wellbeing
10.16 The initial decision to decide Discretionary Housing Payments	Appeals and Review Officer and Housing Benefit Manager
10.17 Review of a Discretionary Housing Payments decision	Group Head 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.	Group Head Community Wellbeing
10.19 To exercise the Council's powers and functions in relation to Community Care and related issues.	Group Head Community Wellbeing
10.20 To undertake day to day management of Day/Community Centres and the Meals on Wheels Service.	Group Head Community Wellbeing

<b>11. LEISURE AND ASSOCIATED MATTERS</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
<p>11.1 The management and letting of all sports, recreational and community facilities provided by the Council subject to the Community Lettings Policy, including:-</p> <p>a. the fixing of charges for special events not covered by the annual review of fees and charges;</p> <p>b. Negotiation of variations in charges for use of sports, recreational and community facilities within established policy;</p> <p>c. The power to waive fees and charges; and</p> <p>d. The setting of opening hours for facilities and the duration of sports seasons.</p>	Group Heads Neighbourhood Services and Community Wellbeing
<p>11.2 The promotion of musical, artistic, cultural, sporting and community activities, including negotiation of sponsorship arrangements.</p>	Group Head Community Wellbeing
<p>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.</p>	Group Head Neighbourhood Services
<p>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.</p>	Group Head Neighbourhood Services
<p>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 Community Wellbeing and Housing Committee.</p>	Group Head Community Wellbeing

**Part 3 section (d)**

<b>12. ENVIRONMENT AND PUBLIC AMENITIES MATTERS</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
<p>12.1 To determine applications made in respect of land under the control of the Council for the following:-</p> <ul style="list-style-type: none"> <li>a. Placing of structures.</li> <li>b. Erection of directional signs.</li> <li>c. Erection of banners.</li> <li>d. Street trading consent under Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act, 1982.</li> <li>e. Fun runs, marathons, filming and other similar activities.</li> </ul>	<p>Senior Environmental Health Manager or Group Head Neighbourhood Services</p>
<p>12.2 In relation to the Council's Car Parks:-</p> <ul style="list-style-type: none"> <li>a. to authorise proceedings in respect of offences against any car park regulations; and</li> <li>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.</li> </ul>	<p>Deputy Chief Executive</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 &amp; 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</p>	<p>Relevant Deputy Chief Executive</p>

**Part 3 section (d)**

	of tendered bus services under the Transport Act, 1985.	
12.8	To exercise the Council's powers under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976:-  a. Section 23 (in relation to dangerous trees); b. Section 25 (in relation to dangerous excavations).	Deputy Chief Executive with responsibility for Environmental Health & Building Control
12.9	To institute proceedings in the County Court or High Court to gain possession of highway land occupied by caravans, tents or other residential structures.	Group Head of Corporate Governance
12.10	To make objections on amenity grounds to applications submitted to the Traffic Commissioners for Goods Vehicle Operators Licences.	Relevant Deputy Chief Executive or Group Head Neighbourhood Services
12.11	To make minor amendments to the Hackney Carriage and Private Hire Licensing Policy.	Senior Environmental Health Manager
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	Immediate revocation of a Hackney Carriage driver and Private Hire driver licenses in accordance with the Council's adopted procedure. Power to revoke is under section 61 Local Government (Miscellaneous Provisions) Act 1976.	Senior Environmental Health Manager in consultation with the Chair and Vice-Chair of Licensing Committee
12.14	To suspend Hackney Carriage driver and Private Hire driver Licences in accordance with the Council's adopted procedure. Power to suspend is under section 61 Local Government (Miscellaneous Provisions) Act 1976	Senior Environmental Health Manager in consultation with the Chair and Vice-Chair of Licensing Committee
12.15	To suspend Hackney Carriage and private hire vehicle licenses in	Senior Environmental Health Manager

**Part 3 section (d)**

accordance with the Council's adopted procedure. Power to suspend a vehicle is section 60 of Local Government Miscellaneous Provisions) Act 1976)	
12.16 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
12.17 To determine appeals against penalty points under the Council's Penalty Points Scheme	Senior Environmental Health Manager in conjunction with the Deputy Chief Executive
12.18 To administer the applications for Pavement Licensing	Senior Environmental Health Manager
12.19 To administer the Licensing Act 2003	Senior Environmental Health Manager
12.20 To administer House to House Collections under the House to House Collections Act 1939	Senior Environmental Health Manager
12.21 To administer Scrap Metal licensing under Scrap Metal Dealer's Act 2013	Senior Environmental Health Manager
12.22 To administer Gambling licensing under Gambling Act 2005	Senior Environmental Health Manager
12.23 To administer Sex Establishments under Local Government (Miscellaneous Provisions) Act 1982	Senior Environmental Health Manager
12.24 To administer Street Collections under Police, Factories & Miscellaneous Provisions) Act 1916	Senior Environmental Health Manager
12.25 To exercise the Council's powers under clause 21 of the Town Police Clauses Act 1847	Deputy Chief Executive
12.26 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
12.27 To exercise the Council's functions in respect of investigations and enforcement under the Clean Neighbourhoods and Environment Act	Joint Enforcement Team and Senior Environmental Health Manager

**Part 3 section (d)**

2005 (CNEA 2005)	
12.28 To exercise the Council's functions and to serve Notices under the Anti-Social Behaviour, Crime and Policing Act 2014.	Deputy Chief Executive
<b>13. BYELAWS</b>	
<b>Column 1 – Function</b>	<b>Column 2 – Authorised Officer</b>
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

<b>14. PLANNING AND DEVELOPMENT MANAGEMENT</b>	
14.1 Subject to the Terms of Reference of the Planning Committee, to exercise all functions relating to town and country planning and development management and the following:	Planning Development Manager
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").	Planning Development Manager
14.3 Power to serve an enforcement notice under section 172 of the 1990 Act.	Planning Development Manager
14.4 Power to withdraw or vary any enforcement notice issued under section 173 A of the 1990 Act.	Planning Development Manager
14.5 Power to serve a stop notice under s183(1) of the 1990 Act	Planning Development Manager
14.6 Power to withdraw a stop notice under s183(7) of the 1990 Act	Planning Development Manager
14.7 Power to serve a planning contravention notice under s171C of the 1990 Act	Planning Development Manager
14.8 Power to serve a temporary stop notice under s171E of the 1990 Act.	Planning Development Manager
14.9 Power to withdraw a temporary stop notice under s171E of the 1990 Act	Planning Development Manager
14.10 Power to serve a breach of condition notice under s187A of the 1990 Act	Planning Development Manager
14.11 Power to prosecute for demolition in a conservation area under s196D of the	Planning Development Manager

**Part 3 section (d)**

1990 Act	
14.12 Power to seek an injunction under s187B of the 1990 Act.	Planning Development Manager
14.13 Power to issue a notice for untidy land under s215 of the 1990 Act.	Planning Development Manager
14.14 Power to issue a requisition for information under section s330 of the 1990 Act to require information as to interests in land.	Planning Development Manager
14.15 Power to take direct action under s178 of the 1990 Act	Planning Development Manager
14.16 Enforcement rights of entry without warrant under s196A of the 1990 Act.	Planning Development Manager
14.17 Power to authorise the stopping-up or diversion of a footpath, bridleway or restricted byway under s 257 of the 1990 Act.	Planning Development Manager
14.18 Power to extinguish public rights of way over land held for planning purposes under s 258 of the 1990 Act.	Planning Development Manager
14.19 Powers relating to the preservation of trees under s 197 to s214D of the 1990 Act and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.	Planning Development Manager
14.20 Power to confirm a Tree Preservation order where no objections have been raised.	Planning Development Manager
14.21 Power to issue screening and scoping opinions under the Environmental Impact Assessment Legislation.	Planning Development Manager
14.22 Power to issue a decision on the need for an Appropriate Assessment under the Habitats Directive.	Planning Development Manager
14.23 Powers relating to the protection of important hedgerows under the Hedgerows Regulations 1997 (S.I. 1997/1160).	Planning Development Manager
14.24 Powers relating to high hedges under Part 8 of the Anti-Social Behaviour Act	Planning Development Manager

**Part 3 section (d)**

2003	
14.25 To grant relief and exemptions under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager or Planning Development Manager
14.26 To issue all notices, orders and apply surcharges and/or interest under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager Planning Development Manager or Group Head of Corporate Governance
14.27 To determine reviews of the calculation of a chargeable amount under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager or Planning Development Manager
14.28 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).	Strategic Planning Manager or Planning Development Manager
14.29 Agreement of any amendments to the Local List of Requirements for the validation of planning applications.	Planning Development Manager
14.30 Power to object or make representation against a goods vehicle (operator's) licensing application in accordance with the Goods Vehicles (Licensing of Operators Act 1995 and the Goods Vehicles (Licensing of Operators) Regulations 1995.	Planning Development Manager



**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 their 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:

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

<b>Policy and responsibility</b>	<b>Authorisation to be</b>
<b>Disciplinary Procedure</b> <ol style="list-style-type: none"> <li>1. Suspension</li> <li>2. Nominating independent managers to act as Chair of Disciplinary panel</li> <li>3. Dismissal</li> </ol>	<ol style="list-style-type: none"> <li>1. Chief Executive, Deputy Chief Executives and Group Heads</li> <li>2. Chief Executive, Deputy Chief Executives and Group Heads</li> <li>3. Chief Executive, Deputy Chief Executives and Group Heads</li> </ol>
<b>Employment Continuity Policy</b> <ol style="list-style-type: none"> <li>1. Redundancy selection criteria</li> <li>2. Appeals against selection</li> </ol>	<ol style="list-style-type: none"> <li>1. Appropriate Group Head and/or Chief Executive / Deputy Chief Executive</li> <li>2. Chief Executive or Deputy Chief Executive as appropriate</li> </ol>
<b>Grievance procedure</b> Appeals against response to grievances	Chief Executive, Deputy Chief Executives or Group Head as appropriate
<b>Dealing with Harassment and Bullying</b> 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
<b>Homeworking Policy</b> <ol style="list-style-type: none"> <li>1. Homeworking</li> <li>2. Homeworking as regular part of working week</li> <li>3. Homeworking for Group Head</li> </ol>	<ol style="list-style-type: none"> <li>1. Group Head</li> <li>2. Group Head</li> <li>3. Chief Executive, Deputy Chief Executive as appropriate</li> </ol>
<b>Policy and responsibility</b>	<b>Authorisation</b>
<b>Re-grading Procedure</b> <ol style="list-style-type: none"> <li>1. Management review of grades</li> <li>2. Regrading vacant posts to a lower grade</li> </ol>	<ol style="list-style-type: none"> <li>1. Group Heads to discuss with Chief Executive, or Deputy Chief Executive as appropriate, with report to Management Team if recommending upgrading</li> <li>2. Chief Executive, or Deputy Chief Executive as appropriate</li> </ol>

<p>3. Individual requests for regrading</p> <p>4. Appeals</p>	<p>3. Chief Executive, or Deputy Chief Executive as appropriate, with report to Management Team if recommending upgrading</p> <p>4. Chief Executive, or Deputy Chief Executive as appropriate</p>
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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.

<b>Local Government Act 1972</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
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 Disclosable Pecuniary interests and to keep a record of such disclosures.	Group Head of Corporate Governance
Section 100B	To take decisions as to whether information is likely to be "exempt" when coming before the Council or a Committee. To decide if other copy documents supplied to councillors should be supplied to the press	Group Head of Corporate Governance
Section 100C	To produce a written summary of proceedings taken by the Council, or a Committee in private (i.e. Minute)	Chief Executive
Section 100D	To compile a list of background papers for a Committee report.	Chief Executive
Section 100F	To decide if a requested document appears to contain exempt information	Group 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.	Group Head of Corporate Governance
Section 234	To authenticate notices, orders or other documents on behalf of the Council.	Group Head of Corporate Governance
Section 236	To send copies of confirmed byelaws made by the Council to the County Council.	Group Head of Corporate Governance
Section 238	To certify copies of byelaws.	Group 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
<b>Local Land Charges Act 1975</b>		
Section 9	To act as local registrar for the registration of local land charges and the issue of official certificates of search.	Group Head of Corporate Governance

<b>Representation of the People Act 1983</b>		
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
<b>Local Government And Housing Act 1989</b>		
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 9, 15 and 16	To undertake all matters relating to the formal establishment of political groups within the membership of the Council.	Chief Executive
Section 34	To publish the verification number of Local Government electors for the purposes of petitions	Chief Executive
<b>The Public Health (Control of Diseases) Act 1984</b>	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.
<b>The Public Health (Control of Diseases) Act 1984</b>	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.
<b>Section 47 of the National Assistance Act 1948 [as amended by Section 1 of National Assistance (Amendment) Act 1951]</b>	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	The Consultant in Communicable Disease Control for the time being appointed by the Local Health Protection Agency.

	in insanitary conditions.	
<b>Section 47 of The National Assistance Act 1948 [as amended]</b>	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.

<b>Designation</b>	<b>Officer of the Council</b>
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.

### Leader of the Council

- To act as the political head of the Council and the focus for policy direction and community development.
- To chair the Council's Corporate Policy & Resources Committee
- 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 chief advocate and principal spokesperson 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 as a whole
- To lead in the development of good working relationships between political group leaders
- 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/her 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/her absence, undertaking those duties expected of the Leader.
- To share and support in general the full workload of the Leader.
- To act as vice-chair on the Council's Corporate Policy & Resources Committee

### **Other Group Leaders**

- To ensure their party contributes effectively, positively and constructively to the Council's activities
- To act as the principal political spokesperson for their group
- To provide leadership to the party group
- To nominate councillors from his/her political group to serve on all appropriate councillor bodies including, as appropriate, other Outside Bodies.

### **Chairs of Committees**

- 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 act as the Council's spokesperson on the work of his/her Committee, Sub-Committees, Panels and Groups in accordance with the Council's communications protocol.
- 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 his/her Committee, Sub-Committees, Panels or Working Groups to the Council, and to present, where appropriate, recommendations to the Council.
- To allow proper consideration of any item.
- To ensure that their Committee, Sub-Committees, Panels or Working Groups take 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 Council.
- To liaise with staff, in association with the Vice-Chair, in formulating agendas and future work plans to enable delivery of the Corporate Plan, and to attend any meetings with staff to discuss matters relevant

to the business of the Committee, Sub-Committees, Panels or Working Groups.

- 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.

### **Committee Vice-Chairs**

- To fully support the Chair in the execution of his/her duties as agreed between the two postholders.
- To deputise for the Chair in his/her absence, undertaking those duties expected of the Chair and encompassed in the role description for that position.
- To act as the Committee's spokesperson on relevant issues in the absence of the Chair in accordance with the Council's communications protocol.

### **Committee member**

#### **Key duties**

- To participate in Committee discussions.
- To give proper consideration to items before and during meetings.
- To consider before each meeting any possible conflicts of interests arising from the agenda items and register/declare those interests as appropriate in accordance with the Council's Members Code of Conduct
- To offer opinions based upon an understanding of the legal requirements of the subject discussed.
- To inform the Committee of constituents' opinions (if appropriate).
- To take into consideration a range of views and issues when reaching a decision and to keep an open mind before reaching a decision.
- To be clear as to reasons for taking decisions and be ready and able to articulate those reasons if required.
- To be accountable for decisions taken
- 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

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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 and Committees will normally take place at 7.00pm in the Council Chamber at the Council Offices, Knowle Green, Staines unless otherwise notified by the proper officer in the summons to the meeting.
- 1.2 Meetings of Sub-Committees, Panels, Working and Task Groups will normally take place during the daytime, subject to councillors' availability.

**2. NOTICE OF AND SUMMONS TO 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. At least 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 signed by him/her to every councillor giving the date, time and place of the meeting and specifying the business to be transacted and will be accompanied by any reports which are available.
- 2.2 The Chief Executive may cancel a meeting of the Council or its Committees 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 or the Committee Chair (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 a councillor to take the Chair for the meeting.
- 3.2 The references to the Mayor also include the Chair of any Committee or Sub-Committee and references to Deputy Mayor also include the Vice-Chair of any Committee or Sub-Committee, unless the matter relates to Council meetings only.
- 3.3 The person presiding at the meeting may exercise any power of duty of the Mayor.

**4. QUORUM**

- (a) The quorum of the Council is one quarter of the total number of councillors 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 for up to 10 minutes. If the

meeting is not quorate after 10 minutes the meeting will stand adjourned.

- (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 their representative at any Council meeting will indicate to the councillors present when any meeting has lasted for 3 hours.
- 5.2** 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 their nominated spokesperson), Committee Chairs and/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 15)
  - (h) Deal with any business from the last Council meeting
  - (i) Deal with referrals from Strategic Committees in accordance with Standing Orders 32.4 and 32.5
  - (j) Deal with any recommendations from the Committees
  - (k) Receive reports from the Committee Chairs and any questions arising from those reports
  - (l) Receive reports about and hear questions and answers on the business of joint arrangements and external organisations
  - (m) Consider motions
  - (n) Hear the Leader or their nominee or appropriate Committee Chairs 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 Date of Extraordinary meeting**

When considering a requisition, the Mayor shall decide, in consultation with the Chief Executive whether the meeting should be called on the same date as the next scheduled ordinary meeting of the Council or an alternative date in wholly exceptional circumstances.

### **7.3 Business**

The business at an extraordinary meeting will be confined to consideration of the specific issue(s) 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. 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.

**8.3** 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 any announcements from the Mayor
- (g) Elect councillors to be the Leader and Deputy Leader for the next municipal year

- (h) Approve a programme of ordinary meetings of the Council for the year if one has not previously been agreed; and
- (i) Consider any business set out in the notice convening the meeting

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

At the Annual meeting, the Council 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 regulations
- (d) Appoint the Leader and Deputy Leader to be the Chair and Vice-Chair respectively of the Corporate Policy and Resources Committee
- (e) Appoint the Chairs and Vice-Chairs of the other committees, on a politically proportionate basis, and where feasible these positions on any one Committee being filled by members from different political groups.
- (f) Appoint the Chairs and Vice-Chairs of sub-committees, where necessary
- (g) Receive nominations of Councillors to serve on each committee and those councillors to stand as substitute member on each Committee
- (h) Appoint to such outside bodies not delegated to a Committee, that require a Council decision i.e. Police and Crime Commissioner's Panel and South West Middlesex Crematorium Board

**8.5** The Council may however decide at subsequent meetings to dissolve committees, alter their terms of reference or appoint new committees.

**9. SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

**9.1** A councillor or their Group Leader may nominate another Councillor of their own political group to act as a substitute in the absence of the nominating Councillor at a meeting of a committee or sub-committee, in accordance with the Substitution Scheme set out in Part 4(c).

**9.2** In the case of 2 member groups, a councillor or their Group Leader may nominate a councillor from another political group to act as substitute at Planning and Licensing Committees, in accordance with the Substitution Scheme set out in Part 4(c).

**10. MINUTES**

**10.1 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 conformed and signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

**10.2 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.

**10.3 Form of Minutes**

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

**11. DECLARATION OF INTEREST**

**11.1** 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.

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

(a) a **Non-Pecuniary interest** arising under paragraph 9 and detailed in Appendix B 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.

**12. REPORTS OF COMMITTEES**

**12.1** Where the Committee is reporting a matter which is reserved to Council the relevant Committee Chair (or a member of the relevant committee nominated by the chair of that committee) will introduce the report. The normal rules of debate will apply to any debate on the recommendations.

**12.2** A Councillor may ask a question on any recommendation from Committees in accordance with standing order 14.1.

**13. PUBLIC INVOLVEMENT IN COUNCIL**

**13.1 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 Committee/Sub-Committee Chairs, questions relating to matters over which the Council has powers or duties or which affect the Borough.

**13.2 Order of Questions**

Questions will be asked in the order received, except that the Mayor may

group together similar questions. If more than two questions are submitted by the same person, the third and subsequent questions shall be moved to the end of the agenda item.

**13.3 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 eight 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.

**13.4 Length of Questions**

- a) No question shall exceed 100 words in length in order to allow all members of the public submitting questions to have a fair and equitable opportunity to ask their question within the time allotted as stipulated at 13.1. The question may be accompanied by a statement of context which must not exceed 250 words and must be clearly separated from the text of the question. The statement of context and the question will be included in the agenda of the meeting.
- b) The Chief Executive, or their representative, shall request that a question exceeding 100 words in length is re-submitted to meet this requirement, within one working day of the request being made.
- c) Any question that fails to be re-submitted in accordance with 13.4 b) will receive a written response only, within 5 working days of the Council meeting for which it was submitted.

**13.5 Number of Questions**

A member of the public may not submit more than 4 questions for any Council meeting. A question may not contain sub-questions, as per 13.6 (h).

**13.6 Scope of Questions**

The Chief Executive may reject a question if it:

- (a) Is not about a matter for which the Council has powers or duties or which affects the Borough; or
- (b) Is defamatory, frivolous or offensive; or
- (c) Requires the disclosure of confidential or exempt information or
- (d) Is substantially the same as a question which has been put at a meeting of the Council, a Committee or Sub-Committee in the past six months or
- (e) relates to the behaviour or conduct of an individual member, members or staff;
- (f) Concerns a planning or licensing application;
- (g) Is apparent that the question has been directed by a councillor or
- (h) Contains sub questions.



**13.7 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 Councillor to whom it is to be put. Rejected questions will include reasons for rejection.

Questions, (and statements of context) including those dealt with under Standing Order 13.4c), and the answers given will be recorded in the minutes of the meeting.

**13.8 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 and indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

**13.9 Supplementary Question**

No supplementary questions will be allowed.

**13.10 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.

**13.11 Reference of Question to a Committee or Sub-Committee**

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 a Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

**14. QUESTIONS BY COUNCILLORS**

**14.1 General**

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

- (a) ask the Leader or the relevant Chair of any Committee or Sub-Committee, about an issue in the councillor's ward; or
- (b) ask the Leader or the relevant Chair of any Committee or Sub-Committee about some issue in which the Council has powers or duties or which affects the Borough; or
- (c) ask the Chair of a Committee about something for which their Committee has responsibility.

**14.2 Procedure on questions**

Subject to Standing Order 14.4, every question shall be put and answered without discussion, but the councillor putting the question may ask one supplementary question.

- 14.3** 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 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.

**14.4 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

- 14.5** 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.

- 14.6** Nothing within Standing Order 14.3 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 councillor to whom the question was put cannot reasonably be expected to have the level of information at hand to answer the point without prior notice.

**15. PRESENTATION OF PETITIONS TO THE COUNCIL**

- 15.1** 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.

- 15.2** 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

- 15.3** 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.
- 15.4** The Mayor will request any Councillor present at the meeting to move a motion to:
- (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 relevant Committee for further consideration.
- 15.5** Once the motion is seconded the petition will be discussed in accordance with the rules of debate. Any Councillor can move an alternative motion stated in 15.4 which will be seconded and debated as any amended motion.
- 15.6** The petition organiser will receive written confirmation of the decision.
- 16. MOTIONS ON NOTICE**
- 16.1** Any councillor may give notice of a motion for consideration at any ordinary meeting of the Council.
- 16.2 Notice**  
These will be recorded in a book, open to public inspection.
- 16.3** Notice of any motion, except one which under these Standing Orders can be moved without notice, must be given in writing or email to the Chief Executive before 12 noon eight working days prior to the day of the Council meeting. (This will enable the information to be published with the Council agenda)
- 16.4 Motion Set Out In the Agenda**  
Motions for which notice has been given will be listed on the agenda in the order in which they are received, unless prior to publication of the agenda the councillor giving notice states, in writing or email, that they propose to move it to a later meeting or withdraw it.
- 16.5 Scope of Motion**  
Every Motion must relate to matters in which the Council has powers or duties and must not include declaratory statements relating to matters outside the ambit of the Council. Motions should be about something for which the Council has responsibilities, or which affects the Borough. Motions should be about a single discreet issue and not be in the opinion of the Chief Executive defamatory, frivolous, offensive or otherwise out of order.
- 16.6 Referral of Motion to Committee**

The Chief Executive and Monitoring Officer, in consultation with the Mayor, shall decide, without discussion or debate, that the motion should be more appropriately referred to a Committee in which event it shall be placed on the agenda for the next available meeting of that Committee. Details of motions so referred will be included on the summons as a record. Otherwise, motions will be dealt with at the Council meeting to which they are submitted.

- 16.7** If a motion includes a proposal for the Council to take any significant policy decision which is contrary to the Budget and Policy Framework or likely to incur any expenditure in excess of £40k it shall only be considered in principle to the extent that the matter is noted by Council and is referred to the relevant Committee for consideration. The motion shall not be moved or debated. The minutes of the meeting will record the motion being received. Any decision on the motion shall be made at a future meeting of the Council which shall not consider the matter without a full report on the policy, budget and financial implications together with any recommendations from the Committee to which the matter was referred.
- 16.8** The Corporate Policy and Resources Committee may issue guidance on the application of Standing Order 16.7 with regards to the levels of any expenditure.
- 16.9** A Member of the Council who has proposed and seconded a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion. They shall have the right to attend the meeting and if they attend shall have an opportunity of explaining the motion.
- 16.10** A Motion referred to a Committee shall be considered in accordance with the Rules of Debate at section 18 below.
- 16.11** **Length of Motion**  
No motion shall exceed 100 words in length.
- 16.12** **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.
- 17. MOTIONS WITHOUT NOTICE**  
The following motions may be moved without notice and will then be followed by no more than the number of speakers in brackets.
- (a) To appoint a Chairman of the meeting at which the motion is moved (none).
  - (b) In relation to the accuracy of the minutes (no limit).
  - (c) To change the order of business on the agenda (none).
  - (d) To refer something to an appropriate Committee or Sub-Committee (no limit).

- (e) To withdraw a motion (none).
- (f) To extend the time limit for speeches (none).
- (g) To amend a motion (no limit).
- (h) To proceed to the next business (none, except a right of reply in accordance with standing order \*\*).
- (i) That the question be now put (non, except a right of reply in accordance with standing order \*\*).
- (j) To adjourn a debate (none).
- (k) To adjourn a meeting (none).
- (l) To suspend a particular Standing Order (two).
- (m) To exclude the public and press in accordance with the Access to Information Procedure Rules (two).
- (n) To not hear further a councillor named under Standing Order 23.4 or to exclude them from the meeting under Standing Order 23.5 (none).
- (o) To give the consent of the Council where its consent is required by the Constitution (no limit).
- (p) To continue the meeting beyond 3 hours (none).

## **18. RULES OF DEBATE**

### **18.1 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.

### **18.2 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.

### **18.3 Secunder's Speech**

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

### **18.4 Content and Length of Speeches**

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

### **18.5 When a Member May Speak Again**

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

- (a) In exercise of a right of reply
- (b) On a point of order, or
- (c) By way of personal explanation.

### **18.6 Amendment to Motions**

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

- i) To refer the matter to an appropriate Committee or Sub-Committee

- for consideration or reconsideration;
- ii) To leave out words;
- iii) To leave out words and add others; or
- iv) To add words.

- 18.6.1** An amendment which forms the negative of the motion will not be allowed. Councillors should aim to keep the length of the amendment in line with that of the motion, which shall not exceed 100 words in length.
- 18.6.2** The Mayor may require the amendment to be written down and handed to the Chief Executive before it is discussed.
- 18.6.3** 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. Amendments to motions must be moved at the earliest possible opportunity during the debate.
- 18.6.4** If an amendment is not agreed, other amendments to the original motion can be moved.
- 18.6.5** If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 18.6.6** After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, or if no member indicates they wish to speak, he/she will put it to the vote.

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

**18.7 Alteration of motion**

- (a) A councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion;
- (b) A councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

**18.8 Withdrawal of Motion**

A councillor may withdraw a motion which he/she 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.

**18.9 Right of Reply**

- (a) 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.

- (b) 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.
- (c) If an amendment has already been carried, the mover of that is deemed to be the mover of the substantive motion and therefore has the right of reply at the close of the debate on a further amendment.
- (d) The mover of an amendment has no right of reply to the debate on their amendment.

**18.10 Motions Which May Be Moved During Debate**

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

- (e) To withdraw a motion;
- (f) To amend a motion;
- (g) To proceed to the next business;
- (h) That the question be now put (if an amendment is being debated, the amendment will be voted on);
- (i) To adjourn a debate;
- (j) To adjourn a meeting
- (k) To exclude the public and press in accordance with the Access To Information Procedure Rules; and
- (l) To not hear further a councillor names under Standing Order 23.4 or to exclude them from the meeting under Standing Order 23.5; and
- (m) That the meeting continue beyond 3 hours in duration.

**18.11 Closure motions**

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

- (n) To proceed to the next business;
- (o) That the question be now put;
- (p) To adjourn a debate; or
- (q) To adjourn a meeting.

**18.11.1** If a motion to proceed to next business 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.

**18.11.2** If a motion that the question be now put 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. If the vote on this procedural motion is successful then the item falls and will not be voted on and the meeting will move to the next item of business.

**18.11.3** 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.

**18.12 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.

**18.13 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.

**19 ANNOUNCEMENTS**

The Mayor, the Leader, Chairs of Committees and the Chief Executive may make announcements of which notice is not required.

**20 PREVIOUS DECISIONS AND MOTIONS**

**20.1 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.

**20.2 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 unless it is signed by at least twelve councillors.

**21 VOTING**

**21.1 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.

**21.2 Voting at Regulatory Committees**

No member at a Regulatory Committee may vote unless they have been present for the entire consideration of the item under discussion.

**21.3 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.

**21.4 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.



**21.5 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. For the avoidance of doubt this applies to proposed amendments as well as to the original and any substantive motion.

**21.6 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.

**21.7 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.

In relation to the appointment of Chairs of Committees and in the event of deadlock, the Chair will be elected by drawing lots.

**22 OFFICERS SPEAKING DURING DEBATES**

**22.1** Any Chief Officer or their representative may signify their wish to speak. The Mayor shall then use their 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 any law, regulation, protocol or procedure.

**22.2** The Mayor may, at their discretion, permit a councillor to seek, through the Chair, the opinion of any Officer present at the meeting on a particular point.

**22.3** Any Officer may be called upon to speak by the Mayor who shall indicate the subject matter.

**22.4** Where an Officer is presenting a report of which prior notice has been given, the above rules do not apply, in relation to the presentation.

**23 COUNCILLORS' CONDUCT**

**23.1 Role of Mayor**

The Mayor is required to ensure that the meeting is conducted in a calm atmosphere of decorum.

**23.2 Standing to Speak**

When councillors speak at Council they must stand and address the meeting through the Mayor, if they are able to. 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.

**23.3 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.

**23.4 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.

**23.5 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.

**23.6 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.

**24 DISTURBANCE BY THE PUBLIC**

**24.1 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.

**24.2 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.

**25 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 24 (Disturbance by public).

**26 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.

**27 PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS**

Audio/visual recording at Council meetings is permitted in accordance with the Openness of Local Government Bodies Regulations 2014 and in accordance with the Council's protocol in part 5 of the Constitution.

**28 SUSPENSION AND AMENDMENT OF COUNCIL STANDING ORDERS**

**28.1 Suspension**

All these Standing Orders except for Standing Orders 10.1 (signing of

minutes), 21.6 (enabling a councillor to record their vote) or 38.2 and 38.3 (continuation of meeting beyond 3 hours up to an absolute cut-off of 10.30pm) 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 to which the Monitoring Officer shall submit a report. Unless prior notice of the proposal has been the subject of consideration and report by the Monitoring Officer and has been placed on the agenda of the meeting.

**29 APPLICATION TO ALL COMMITTEES AND SUB COMMITTEES**

All the preceding Standing Orders apply to meetings of Council and to meetings of Committee and Sub-Committees except where specific rules apply.

**ADDITIONAL SPECIFIC RULES APPLYING TO COMMITTEES**

**30 CALLING OF COMMITTEE MEETINGS**

**30.1** Each Strategic Committee shall meet in accordance with a programme of scheduled meetings approved annually by the Council and meetings will normally commence at 7.00pm.

**30.2** This programme may be amended, and additional meetings proposed by Chief Officers in consultation with the Chair and Vice-Chair, may be called as required throughout the year to ensure the efficient conduct of business. Any proposed amendments to the programme shall be agreed by the Chair and Vice-Chair of the relevant Committee.

**Extraordinary Committee Meetings**

**30.3** Those listed below may convene extraordinary Committee meetings in addition to ordinary meetings:

- a) the majority of the Committee or Sub-Committee in relation to any matter which cannot wait until the next ordinary meeting.
- b) the Monitoring Officer in agreement with the Chair and Vice-Chair.
- c) the Monitoring Officer or the Section 151 Officer in pursuance of their constitutional or statutory duties.

**31 PUBLIC OR PRIVATE MEETINGS OF COMMITTEES**

All Committee and Sub-Committee meetings will normally be held in public as set out in the Access to Information Rules unless the consideration of a specific item of business warrants the exclusion of the press and public because it contains exempt or confidential information.

**32 HOW ARE COMMITTEE DECISIONS TAKEN?**

**32.1** Formal decisions that have been delegated by the Council to Committees and Sub-Committees will be taken at a meeting convened in accordance with the Access to Information Rules. All Committee and Sub-Committee decisions are collective decisions. No formal decisions may be taken by

the Chair of a Committee or Sub-Committee on behalf of the Committee or Sub-Committee.

**32.2** In taking decisions, Committees and Sub-Committees will accord with the plans and strategies set out in the Council's Budget and Policy Framework and will abide by the protocols in the Constitution.

**32.3** The Chair of any Committee or Sub-Committee has discretion to deal with the debate on any item on an agenda in a manner other than as prescribed in the Rules of Debate (SO18), and which is appropriate for that item.

**Referral of decision to parent body**

**32.4** The Committee may pass a resolution at the relevant meeting that the decision on a particular item of business before the Committee shall be referred to the parent body even though it is normally a delegated function. This will not prevent the Committee from debating the matter and making a recommendation.

*Such a request cannot be made if:*

- the item has been identified on the written agenda as the subject of an urgent decision. In this context, urgent decisions are those which:
  - (a) cannot wait until the next scheduled meeting or
  - (b) are defined as 'cannot reasonably be deferred'

The need and reasons for urgency must be included in the report to the Committee.

Or:

- the delay caused by referring the decision to the parent body will lead to breach of a legislative or contractual deadline; or
- the Chair of the meeting is satisfied, having consulted any or all of the Chief Executive, Monitoring Officer, Chief Finance Officer, and other appropriate and available staff, that the Council's interests will be substantially prejudiced by the delay.

**32.5** A request for a referral made under 32.4 may only be withdrawn by the referring Committee or the Chair of that Committee with the approval of the parent body to which it was referred.

**33 WHO PRESIDES AT A COMMITTEE MEETING**

The appointed Chair of a Committee or Sub-Committee will preside at any meeting of the relevant Committee or Sub-Committee at which they are present. In the absence of the Chair, the Vice Chair will preside. In the absence of both the Chair and Vice Chair, the meeting will elect a Chair for that meeting only.

**34 BUSINESS TO BE TRANSACTED AT A COMMITTEE MEETING**

**34.1** At each meeting of a Committee or Sub-Committee, the following business will be conducted:

- (a) Election of a Chair, if necessary;
- (b) Consideration of the minutes of the previous meeting;
- (c) Declarations of interest, if any;
- (d) Representations by members of the public in respect of any matters set out in the agenda will be dealt with using the public speaking rules outlined in this Constitution;
- (e) Matters arising from the relevant Committee's section of the Council's Forward Plan;
- (f) Matters referred to the Committee or Sub-Committee by Council;
- (g) Matters raised by members of the Committee or Sub-Committee in accordance with Standing Order 34.2 Any other matter set out on the agenda requiring a decision or consideration as determined by the relevant Committee or Sub-Committee Chair, in association with the Vice-Chair.

**34.2** All requests by members for matters to be considered by a committee of which they are a voting member shall be submitted in writing to the Chief Executive by no later than 10:00am on the eighth working day before the date of the meeting. Such items shall be included on the agenda under the Forward Plan. The member who raised the matter shall then be allowed to speak at the meeting for no longer than three minutes to convince the committee that a report on the matter should be included on the agenda for a future committee meeting, taking into account officer comments on the matter and workloads.

**35 ATTENDANCE OF ELECTED MEMBERS NOT APPOINTED TO A PARTICULAR COMMITTEE OR SUB-COMMITTEE**

**35.1** Any Councillor may attend a Committee or Sub-Committee of which they are not one of the appointed members, with the exception of the committees described in paragraph 35.3 below. A councillor who is 'in attendance' is not entitled to vote on any item and cannot participate in the meeting apart from in the following circumstances:

- a) during the consideration of any motion of which notice has been given which they have moved at a meeting of the Council and which has been referred to that Committee, or
- b) with the permission of the Chair of the meeting of the Committee or Sub-Committee, they may speak once on each item they request to speak on. The relevant Committee or Sub-Committee must agree for the Councillor to speak more than once on any particular item.

**35.2** Any Councillor wishing to speak at a meeting under the provisions of Standing Order 35.1b) must give Committee Services at least 24 hours' notice of their request to do so.

**35.3** Councillors who are not an appointed member of a Chief Officer Appointments or Disciplinary Committee may not attend any part of these meetings.

**35.4** Where a Councillor is not a member of the committee, sub-committee or panel, they should sit in the public gallery so that it is clear to the public that the member is not part of the body taking the decisions.

**36 ATTENDANCE BY OTHERS AT A COMMITTEE MEETING**

Following consultation with the relevant Deputy Chief Executive/Group Head, the Chair of the Committee or Sub-Committee may agree to invite individuals other than Councillors and Officers to attend their meetings to discuss issues of local concern or provide expert OPINION.

**37 APPOINTMENT OF SUB-COMMITTEES**

**37.1** All Committees may appoint one or more Sub-Committees with decision-making powers to execute any of the functions delegated by the Council to that Committee.

**37.2** In the case of a Sub-Committee where membership is not restricted to Members of the relevant parent Committee, the appointment of that Sub-Committee will be recommended to Council for approval.

**38 DURATION OF COMMITTEE AND SUB-COMMITTEE MEETINGS**

**38.1** This Standing Order does not apply to meetings of the Appointments Committee or Licensing Sub-Committees.

**38.2** The Committee Manager present at the meeting will indicate to the councillors present when any meeting has lasted for 3 hours.

**38.3** Unless the majority of councillors present then agree that the meeting should continue, subject to an absolute cut-off of 10.30pm, it will automatically be adjourned. Any business not dealt with will be considered at a time and date fixed by the Chair. If the Chair does not fix a date the remaining business will be considered at the next ordinary meeting.

**38.4** Any Committee or Sub-Committee meeting in session at 10.30pm will automatically be adjourned. Any business not dealt with will be considered at a time and date fixed by the Chair. If the Chair does not fix a date the remaining business will be considered at the next ordinary meeting.

**39 PUBLIC PARTICIPATION IN COMMITTEE AND SUB-COMMITTEE MEETINGS**

**39.1** Members of the public who either live or work in the borough are able to participate in Committee and Sub-Committee meetings in accordance with the policies and rules established by the Council from time to time, this includes the ability to submit written questions in accordance with Standing Order 40.

**39.2** The following Standing Order does not apply to meetings of Planning Committee or Licensing Sub-Committees, which have separate procedures for public participation.

**40 PUBLIC QUESTIONS AT COMMITTEE AND SUB-COMMITTEE MEETINGS**

**40.1 General**

Members of the public may ask Committee/Sub-Committee Chairs,

questions relating to a public item on the agenda for any meeting, at which the question is to be put.

**40.2 Notice of Questions**

A question may only be asked if notice has been given by delivering the question in writing to the Committee Services section ([committeeservices@spelthorne.gov.uk](mailto:committeeservices@spelthorne.gov.uk)) and Monitoring Officer ([monitoringofficer@spelthorne.gov.uk](mailto:monitoringofficer@spelthorne.gov.uk)) no later than 5pm five working days prior to the day of the meeting.

**40.3** Each question must give the name and address of the questioner and indicate the agenda item to which it relates.

**40.4 Scope of Questions**

The Monitoring Officer may reject a question if it:

- a) Is not relevant to an item on the agenda of the meeting to which it is to be put; or
- b) Is defamatory, frivolous or offensive; or
- c) Requires the disclosure of confidential or exempt information.

**40.5 Number of Questions**

The number of questions asked on any one item on an agenda of a Committee/Sub-Committee meeting will be limited to two.

**40.5.1** Questions will be asked on a first come first served basis.

**40.5.2** Questions that exceed this limit will receive a written response from an officer.

**40.6 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 Chair of the Committee/Sub-Committee to which it is to be put. Rejected questions will include reasons for rejection.

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

**40.7 Asking the Question at the Meeting**

The Chair will invite the questioner to put the question at the start of consideration of the relevant agenda item. If a questioner who has submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair may ask the question on the questioner's behalf and indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

**40.8 Supplementary Question**

No supplementary questions will be allowed.

**40.9 Duplication of Questions**

A question put to a Committee or sub-Committee may not also be asked at a Council meeting, or vice-versa, unless 6 months have elapsed since the question was put.

**41 PLANNING COMMITTEE – SPEAKING BY THE PUBLIC AND WARD COUNCILLORS**

**41.1** 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.

**41.2** 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.

**41.3** Any councillor in attendance may, when invited to do so by the Chairman, speak at the meeting in relation to an item relating to their ward provided he/she has notified the Chairman, before the start of the meeting, of their wish to speak on the item.

**42 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 their ward provided they have notified the Chairman, before the start of the meeting, of their wish to speak on the item.

**43 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.

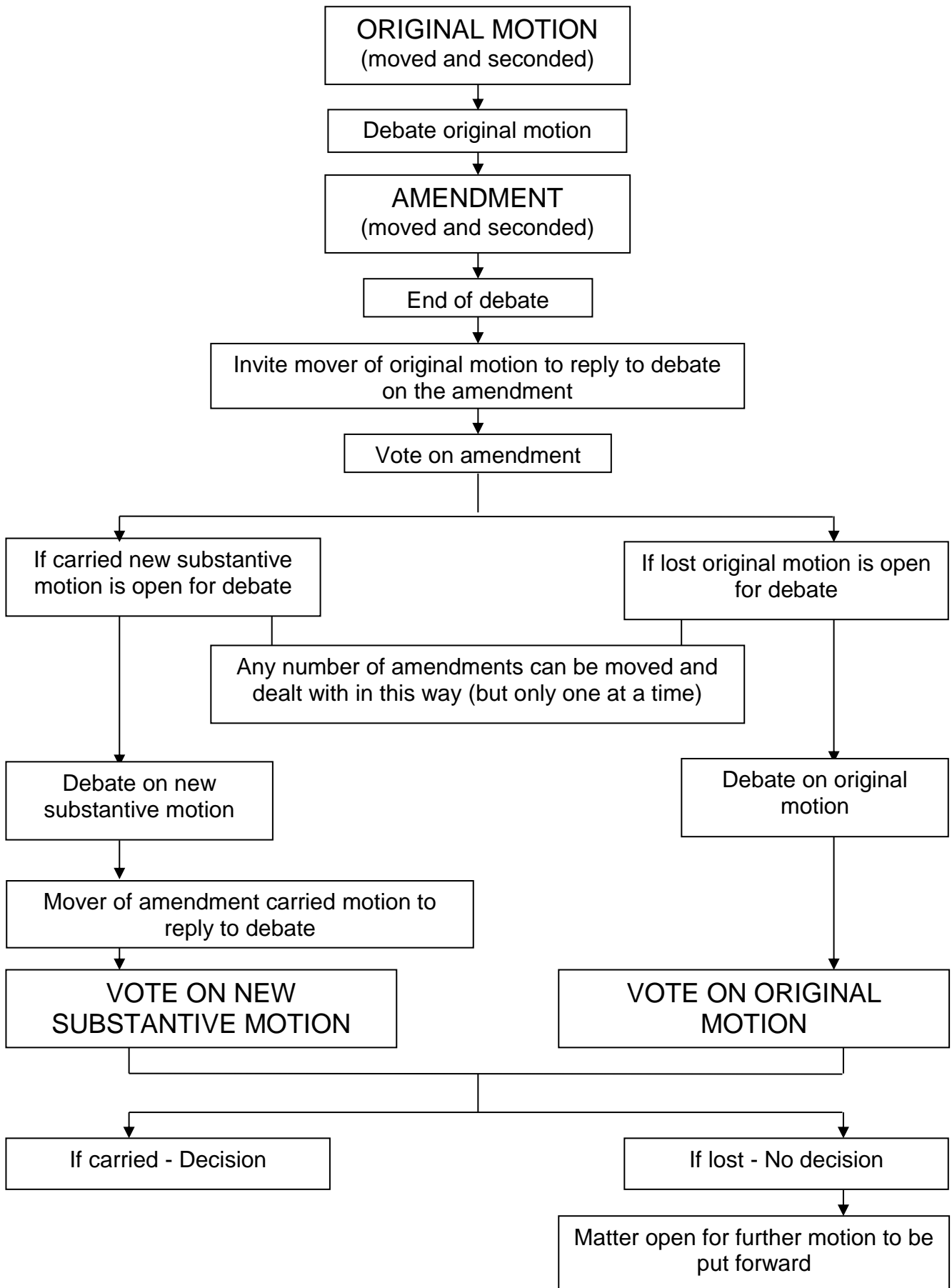
**44 CHAIRING OF COMMITTEES**

No councillor shall hold more than one Chair's position at any time and in this Standing Order "chairing" means the office of Chairman or Vice-Chairman of a Committee.



# RULES OF DEBATE

(Diagram showing how decisions can be made)





## **CALL - IN SCRUTINY PROCEDURE RULES**

### **Overview**

All of the rules and procedures relating to call-in seek to recognize that in a Committee System every non-delegated decision is taken in a politically balanced committee, where all councillors who are members of that committee have the opportunity to question and debate the issues in hand in a public forum and participate in the decision-making process.

Call-in procedures and practices should recognise this, and the procedures set out here intend to allow decisions to be swiftly implemented.

Call-in is intended to be used only in exceptional circumstances, the procedure being seen as a last resort through which councillors may request scrutiny of a decision they believe to be contrary to the authority's decision-making principles, Corporate Plan, Council Policy or legal requirements. The process cannot be used simply because members disagree with a decision that has been taken.

### **Key Principles**

Decisions taken by a committee, sub-committee or an officer key decision may be called-in for review by a meeting of the Corporate Policy and Resources Committee in accordance with the following procedures:

1. Call-in should only be used where the members exercising this right can demonstrate the following exceptional circumstances:
  - a. Evidence which suggests that the decision maker, did not take the decision in accordance with the principles set out in Article 11 (Decision Making); or
  - b. Evidence that the decision fails to support one or more of the Council's Corporate Plan priorities to the detriment of the majority of the Borough's residents; or
  - c. Evidence that explicit Council Policy or legal requirements were disregarded.
2. The request for call-in must be on standard pro-forma (appended), specifying the reasons for the call-in as described in 1. above and:
  - a. be signed by at least three members from two or more political groups, subject to 3. below, and must be received by the Chief Executive before 5pm three working days after publication of the decision, or

- b. be signed by a non-aligned member, with the support of two other members from one or more political groups subject to 3. Below.
3. In the case of 2a) and 2b) above, the members exercising the right of call-in must not be members of the committee which considered the matter.
  4. Decisions taken by a Strategic Committee or Sub-Committee or a key decision taken by an officer must not be implemented until at least 5pm three working days after the publication of the decision.
  5. Once the request for call-in has been deemed valid by the Monitoring Officer the decision will be suspended until this procedure has been exhausted
  6. The Chief Executive, in consultation with the relevant officer, will determine if the interests of the Council or Borough would be prejudiced by a delay in implementing a decision such that the call-in cannot wait until its next ordinary meeting.
  7. Where the call-in cannot wait until the next ordinary meeting, the Monitoring Officer will arrange an extraordinary meeting of the Corporate Policy and Resources Committee to review the decision subject to call-in at the earliest possible opportunity.
  8. Where the call-in relates to a decision taken by the Corporate Policy and Resources Committee, the decision will be referred to the next ordinary meeting of the Council for review and final decision.
  9. The right to call-in such matters described in section 4. does not apply to:
    - (a) An item which has been identified on the written agenda as urgent business,
    - (b) An urgent decision taken by the Chief Executive in accordance with Part 3(a) of the Constitution,The need and reasons for urgency must be included in the report to the Committee or as part of the officer decision record.
    - (c) Decisions to award a contract following a lawful procurement process
  10. The right to call-in a matter will also not apply to decisions:
    - reserved to full Council
    - on regulatory matters
    - on member conduct issues.
  11. In exceptional cases, where there is clear evidence that a delay to the implementation of a decision would lead to a specific and significant financial or reputational harm to the Council, a call-in request may be refused by the

Chief Executive following consultation with the Chair and Vice-Chair of Corporate Policy and Resources Committee.

12. A request under 2. above can be withdrawn prior to the Corporate Policy and Resources Committee/Council meeting, through written notice by the 3 or more members who made the call-in request initially.

**Procedure for dealing with Call-in Scrutiny at Corporate Policy and Resources Committee/Council Meetings**

13. The Committee/Council will consider the matter by report, advice and debate in the usual manner.
14. The members requesting the call-in shall be called upon to explain their reasons for the request.
15. Having considered the matter, the Corporate Policy and Resources Committee/Council may either uphold the decision or refer the matter back to the Strategic Committee or Sub-Committee, with any comments and recommendations it wishes to make.
16. The matter will be reconsidered at the next ordinary meeting of the Strategic Committee or Sub-Committee, unless the matter is sufficiently urgent to require an extraordinary meeting.
17. The right to call-in a decision may only be exercised once in respect of the same matter.

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## Spelthorne Borough Council – Call-In Request Form

### 1. Decision to be called in: (Required)

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### 2. Which exceptional circumstance is being relied upon in exercising the right of Call-in? Tick all those which apply

Required by Section 1 of the Call-in Scrutiny Procedure Rules within the Constitution

#### (a) one or more of the principles of decision making in Article 11 of the constitution has not been applied – please indicate below:

(a) Proportionality (i.e. the action must be proportionate to the desired outcome);	
(b) Due consultation and taking of professional advice from Officers;	
(c) Respect for human rights;	
(d) A presumption in favour of openness;	
(e) Clarity of aims and desired outcomes; and reasonableness	

OR

#### (b) one or more of the Council’s Corporate Plan priorities is not supported to the detriment of the majority of the Borough’s residents – please indicate below:

Community	
Affordable Housing	
Recovery	
Environment	
Service Delivery	

OR

#### (c) explicit Council Policy or legal requirements were disregarded – please indicate below

Council Policy – <i>please name this</i>	
Legal requirements – <i>please specify</i>	

### 3. Evidence which demonstrates the decision in question was not made in accordance with Article 11 or does not support the Corporate priorities or that Council Policy or legal requirements have been disregarded when the decision was made:

Required by Section 1 of the Call-in Scrutiny Procedure Rules within the Constitution

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**4. Names of the members supporting the call-in:**

(minimum of three as per Section 2 of the Call-in Procedure Rules)


**5. Dated:**



## Use of Substitutes on Council Committees

### Key Principles

1. The Council (at its Annual Meeting) will appoint specified substitutes for its committees and sub-committees on the nomination of political group leaders and in accordance with political proportionality rules. See 4. below.
2. Substitution will not be permitted at meetings of the:
  - (a) Licensing Sub-Committee
  - (b) Appointments Committee unless a member is substituting for an entire matter.
3. For the purposes of this arrangement, the member being substituted is referred to as the “Ordinary Member” and the replacement as the “Substitute Member”.
4. In accordance with 1. above, and subject to the exceptions in paragraph 5., the allocation of members within each political group available to act as substitutes will be in accordance with the political balance on the committee concerned on the following basis:
  - (a) More than 5 seats on the committee – 3 substitutes
  - (b) Between 2 - 5 seats on the committee – 2 substitutes
  - (c) 1 seat on the committee – 1 substitute
5. The exceptions to 4. above will be:
  - a. any non-aligned members, who may nominate a substitute member of a Committee from any one of the political groups, to sit in their absence.
  - b. Any member of a two-person Group, who may nominate a substitute member of Planning or Licensing Committee, from any one of the political groups, to sit in their absence at a meeting of the Committee, subject to that member having undertaken the required training for the relevant Committee. In these situations, Council has agreed to disapply political proportionality requirements in s15(5) of the Local Government and Housing Act 1999.

6. Written notice of the substitution must be delivered by the Ordinary Member or their Group Leader to the Monitoring Officer and notified to Committee Services, no later than 2 hours before the meeting for which the change in membership is required. This notice must set out the meeting in question, the name of the ordinary member and the name of the substitute member. The substitution will not be valid unless this procedure is followed.
7. With the exception of the arrangements for non-aligned members and two member Groups in 4 above, the substitute member must be a member of the Council drawn from the same political group as the ordinary member who is unable to attend the meeting and must not already be a member of the Committee concerned. The Mayor may not act as a substitute at any Committee meeting.
8. The substitute arrangement must be announced at the beginning of the meeting and recorded in the minutes.
9. If the ordinary member attends after the substitution has been announced at the meeting, the substitute member will continue as the appointed voting member. If the substitute member fails to attend and the ordinary member is present, then the ordinary member may take their place on the committee with full voting rights.
10. Once a meeting has started with the ordinary member in place, no substitution can then be made during the course of the meeting to replace that member.
11. Where a substitute member has attended a meeting which is adjourned, the ordinary member may attend the reconvened meeting as the voting member, provided that the meeting is not part way through the consideration of an item or issue.
12. A member acting as a substitute for the Chair or Vice-Chair of a committee will not, by virtue of that substitution, be entitled to act in either capacity. In the absence of both the Chair and Vice-Chair from a meeting (and the appointment of substitute members to attend in their place) the meeting shall appoint a Chair for the meeting who may be drawn from any members

(including any substitute member) present and with voting rights.

13. The substitute member may speak and vote in their own capacity and is not constrained by the views of the ordinary member they are replacing.
14. No substitute member at Regulatory Committees may vote unless they have been present for the entire consideration of the item under discussion.
15. Only members who have received the appropriate training may be appointed to act as substitutes on the Regulatory Committees.
16. Substitute members must receive copies of agendas and reports of the committees they are assigned to at the same time as ordinary members.

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## 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 Group Head and the Chief Finance Officer.
3. They will also apply to all arms-length organisations, wholly owned companies, 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 and ensure that the arrangements are agreed with the Section 151 Officer.
4. Copies of Financial Regulations are provided to the Chief Executive, Deputy Chief Executives, Chief Finance Officer, all Group Heads and Service Managers 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. It is the responsibility of the Chief Executive, Deputy Chief Executives, Chief Finance Officer and Group Heads to ensure Financial Regulations are followed.
7. Group Heads 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.
8. 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.
9. Failure to follow Financial Regulations and Contract Standing Orders will be reported to the Chief Finance Officer immediately and may, in consultation with Human Resources, be treated as a disciplinary offence.

10. Financial Regulations should be reviewed in line with inflation every two years by the Chief Finance Officer in consultation with the Chair and Vice Chair of Corporate Corporate Policy and Resources Committee.

## **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 and in particular the Budget and Policy Framework Procedure Rules.

### **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, including the Capital Strategy, the Treasury Management Strategy and the Revenue Budget and Reserves Strategy 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 Corporate Policy and Resources Committee 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.

### **Corporate Policy and Resources Committee**

- A4 The Council is responsible for delegating the following functions to the Corporate Policy and Resources Committee in accordance with the the Constitution:
- a) proposing the policy framework, its overall community and corporate strategies and budget strategy to the Council; and
  - b) monitoring the performance of Services, projects and programmes; and
  - c) 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.

The Corporate Policy and Resources Committee can delegate its decision making powers to a formally constituted sub-committee of the Committee, 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. They must report as necessary to the Council and to the Corporate Policy and Resources Committee (and other strategic committees). They are 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.

#### **Group Head of Corporate Governance (Monitoring Officer)**

- A6 The Group 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 Standards Committee. The Group 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/she is also responsible for reporting any actual or potential breaches of the law or maladministration to the Council and/or to Corporate Policy and Resources Committee, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- A7 The Group Head of Corporate Governance will ensure that relevant staff reports and background papers are made publicly available as soon as possible. He/she 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.

#### **Deputy Chief Executive (Chief Finance Officer)**

- A8 Under Section 151 of the Local Government Act 1972 and the general direction of the Corporate Policy and Resources Committee, the Chief Finance Officer is responsible for the proper administration of the Council's financial affairs.
- A9 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.
- A10 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) 2015
- e) The Local Government Act 2003

A11 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.

A12 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

A13 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 Group Head of Corporate Governance under the Local Government and Housing Act 1989.

A14 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 Chief Accountant is the Council's statutory Deputy Chief Finance Officer.

- A15 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.
- A16 The Chief Finance Officer is responsible for advising the Corporate Policy and Resources Committee 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
- A17 The Chief Finance Officer is responsible for considering and approving requests to waive the regulations and will consult the Chief Executive and councillors where they consider this appropriate. All waivers will be reported by the Chief Finance Officer to the Corporate Policy and Resources Committee.
- A18 **Delegated Authorities**
- Under delegations to officers 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.
- A19 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.
- A20 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, Management Team and the CFO.
- A21 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 Corporate Policy and Resources Committee.
- A22 A Group Head is a staff member fully responsible to a Deputy Chief Executive or Chief Executive (as applicable), for the management and provision of an identifiable service in accordance with service plans and strategies.
- A23 Group Heads are responsible for:
- a) ensuring that the Corporate Policy and Resources Committee or relevant strategic committee 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;

A24 It is the responsibility of Group Heads 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 (BUDGET TRANSFERS)**

A25 The Scheme of Virement is intended to enable the Corporate Policy and Resources Committee, Chief Executive, Deputy Chief Executives and Group Heads 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.

A26 The Council is responsible for agreeing procedures for virement of expenditure between budget headings.

A27 Virements are the temporary transfer of surplus budget provisions between 'estimate' headings. These do not affect the base budgets for future years.

A28 Group Heads are responsible for agreeing in-year virements within delegated limits, in consultation with the Chief Finance Officer where required.

A29 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 Corporate Policy and Resources Committee.
- b) The overall budget is agreed by the Corporate Policy and Resources Committee and approved by the Council. The Deputy Chief Executives, Group Heads 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

A30 The Chief Executive, Deputy Chief Executives and Group Heads 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.

- A31 The Chief Executive, and Deputy Chief Executives may transfer or "vire" funds between budget heads (both revenue and capital) 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.
- A32 Any such transfer will be agreed with the Group Head and discussed with the service accountant before implementation and agreed by the Chief Finance Officer.
- A33 Any proposal to transfer funds between services requires the approval of the Management Team (MAT) and the Corporate Policy and Resources Committee.
- A34 Any virement (revenue or capital) with a value greater than £100,000 must be approved by the Corporate Policy and Resources Committee..

### **Supplementary Estimates**

- A35 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 Corporate Policy and Resources Committee (where applicable), to obtain a supplementary estimate. No expenditure may be incurred until the supplementary estimate has been approved.
- A36 The Chief Finance Officer in consultation with the Chair and Vice Chair of Corporate Policy and Resources Committee 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.
- The Corporate Policy and Resources Committee is authorised to approve a total supplementary expenditure in a year not exceeding **10%** of the approved Net Budget, Requirement of the Council and **£1,000,000** on any approved capital scheme.
- A37 The Chief Finance Officer shall maintain a record of all supplementary estimates approved.
- A38 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 £30,000, and

to spend such amounts subject to report on the circumstances of the claim and settlement to the next meeting of the Corporate Policy and Resources Committee.

#### **Treatment of year-end balances**

- A39 The Chief Finance Officer is responsible for agreeing procedures for the carrying forward of underspendings on budget headings.
- A40 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**

- A41 To administer the scheme of carry forward.
- A42 To report all major underspendings (£50k) on services estimates to the Corporate Policy and Resources Committee
- A43 To report all major overspends (£50k) service estimates to the Corporate Policy and Resources Committee and to the Council.
- A44 To monitor the spending of any carry forwards and report to Management Team.

#### **Responsibilities of the Corporate Policy and Resources Committee**

- A45 To consider and approve as appropriate the items put forward on the carry forward list.

#### **Responsibilities of Deputy Chief Executives and Group Heads**

- A46 Any overspending on service estimates in total on budgets under the control of the Chief Executive, Deputy Chief Executive or Group Heads must be explained to the Chief Finance Officer. The Chief Finance Officer will report the extent of major over and under spendings to the Corporate Policy and Resources Committee and in the case of major overspendings also to the Council.

### **ACCOUNTING POLICIES**

- A47 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 2015.
- A48 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**

- A49 To select suitable accounting policies and to ensure that they are applied consistently.
- A50 To exercise supervision over financial and accounting records and systems with a view to ensuring their uniformity, co-ordination and compatibility.
- A51 To prepare and publish reports containing the statements on the overall finances of the Council, including the Council's Annual Report and Accounts.
- A52 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);
- A53 To prepare and publish the audited accounts in accordance with the statutory timetable for the approval of the Audit Committee before the national target date; and
- A54 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 Group Heads**

- A55 To adhere to the accounting policies and guidelines approved by the Chief Finance Officer.
- A56 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.
- A57 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.
- A58 To consult the Chief Finance Officer when preparing publications containing financial information.

### **ACCOUNTING RECORDS AND RETURNS**

- A59 The Chief Finance Officer is responsible for determining the accounting procedures and records for the Council.
- A60 All accounting procedures and records will be approved by the Chief Finance Officer.
- A61 All accounts and accounting records will be compiled by the Chief Finance Officer or under their direction. The form and content of records maintained in other services will be approved by the Chief Finance Officer.

A62 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.

A63 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.

A64 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 Group Head concerned.

### **The Annual Statement of Accounts**

A65 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 Chair of Corporate Policy and Resources Committee and Chief Executive also to sign off the Annual Governance Statement 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 Corporate Policy and Resources Committee. . 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;
- the Reserves Strategy
- Treasury Management Strategy
- the Capital Strategy and
- the Capital Programme.

### **THE BUDGET PROCESS**

#### **Introduction**

B2 Each year, the Chief Finance Officer and Chief Accountant 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 the Corporate Policy and Resources Committee, 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 Corporate Policy and Resources Committee, for final consideration in the context of the Council Tax to be levied.

### **Outline Budget Forecast**

- B11 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
  - iv. The impact other changes on service levels and net income such as anticipated population growth, state of the economy

- B13 Management Team will consider the initial Outline Budget Forecast. After making any necessary amendments, the Chief Finance Officer will submit it to the Corporate Policy and Resources Committee, together with a report on the possible central government funding levels as set out in the Local Authorities Provisional Settlement ,other grant funding and anticipated retained business rates income, availability of reserves and implications for the Council Tax.
- B14 The Corporate Policy and Resources Committee 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 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 Corporate Policy and Resources Committee 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 Corporate Policy and Resources Committee.

### **Approval of the Annual Revenue Budget**

- B20 By 1 March at the latest each year, the Corporate Policy and Resources Committee 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 Corporate Policy and Resources Committee 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 A31 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 Corporate Policy and Resources Committee and/or its Development sub-committee (as appropriate) (if under £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 A35 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 Group Head 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 Corporate Policy and Resources Committee (as applicable), requesting a supplementary estimate in accordance with A35 and expenditure under A36.
- B30 The Group Head for Neighbourhood Services is authorised to purchase new equipment other than programmed replacements, provided such purchases are contained within Neighbourhood Services' 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 Group Heads and to report them to the Corporate Policy and Resources Committee for approval. The Corporate Policy and Resources Committee will make recommendations on the capital estimates and on any associated financing requirements to the Council.
- B32 To prepare and submit reports to the Corporate Policy and Resources Committee 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 Group Heads**

- 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 Corporate Policy and Resources Committee 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 Code). 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 is undertaken in a 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;  
Operational boundary for external debt; and  
aAny locally determined indicators considered appropriate

*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, Contract Standing Orders and any other specific limitations, the Chief Executive, and each Deputy Chief Executive is authorised to spend those sums voted to their 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 Group Head 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 Group Head. 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, Group Heads and Corporate Policy and Resources Committee on a regular basis.

### **Responsibilities of the Chief Executive, Deputy Chief Executives and Group Heads**

- B47 The Chief Executive, Deputy Chief Executives are responsible for supervising income and expenditure within their services. Similarly Group Heads 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 Chief Executive, Deputy Chief Executive or Group Head 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) maintaining a clear Corporate Risk Register and Policy;
  - 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 and holding Corporate Risk Management Group meetings;
  - 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 Group Heads 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 Group Heads to support their responsibilities.
- C9 Group Heads 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 Group Head 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 Group Heads 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 Group Heads 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 2015 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 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 their control.

C26 The Audit Committee is to approve the annual audit plan prepared by the Internal 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 Section 151 Officer, the Chief Executive and Audit Committee.

The Audit Committee will approve the Annual Governance Statement

### **Responsibilities of Chief Executive, Deputy Chief Executives and Group Heads**

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 Manager 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 immediately report it to their Group Head, Chief Finance Officer, Internal Audit Manager, Chief Executive, Deputy Chief Executives, Monitoring Officer or External Auditor, having regard to the Council's Anti-Fraud, Bribery and Corruption Policy. Pending investigation and reporting, the Group Head 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 Protect (0203 117 2520), 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 Group Heads 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;
  - ICT equipment
  - 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, along with the Group Heads, 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 Group Head for Regeneration and Growth, 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 Corporate Policy and Resources Committee any significant (over £50k) write-off of stocks and stores.

## **Responsibilities of Chief Executive, and Deputy Chief Executives**

C53 The Chief Executive, Deputy Chief Executives and Group Heads are responsible for day to day management of assets used within their services and are accountable for ad hoc maintenance.

## **Responsibilities of Group Heads**

C54 The Group Head for Regeneration and Growth must maintain an Asset Register in a form approved by the Chief Finance Officer for all land and buildings. The Group Head for Neighbourhood Services is 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 Group Head for Commissioning and Transformation 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.

C55 The Group Head for Neighbourhood Services is responsible for organising ad hoc maintenance of Neighbourhood Services' assets.

C56 Group Heads 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.

C57 To pass the title deeds to the Group Head of Corporate Governance, who is responsible for custody of all title deeds.

C58 To ensure that the department maintains an inventory of moveable assets in accordance with guidance defined by the Chief Finance Officer.

C59 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**

C60 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Council.

C61 To record all disposal or part exchange of assets and notify the Finance team. 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.

C62 To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Chief Finance Officer.

- C63 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 C61 above.
- C64 To ensure that income received for disposal of an asset is properly banked and coded.
- C65 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**

- C66 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**

- C67 To ensure that assets are identified, their location recorded and that they are appropriately marked.
- C68 The Deputy Chief Executives and Group Heads are responsible for all furniture and equipment in their departments. Wherever practicable, items will be marked as the property of the Council.
- C69 A central inventory of all furniture, fittings and equipment, plant and machinery will be maintained by the Group Head of Regeneration and Growth , with each Service providing details of all acquisitions and disposals. Services are to liaise with the Finance team
- C70 Council property may not be removed unless on Council business and with the written agreement of the Chief Executive, or Deputy Chief Executive concerned.
- C71 All items on the inventory will be checked annually by Group Heads, 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 laptops, computer equipment, cameras and recording equipment should be identified with security markings as belonging to the Council.
- C72 The Chief Finance Officer will approve write-off of discrepancies, except where the authority of the Corporate Policy and Resources Committee is required under paragraphs D20 to D22 below.
- C73 The Deputy Chief Executives and Group Head for Neighbourhood Services 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 in writing.

- C74 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**

- C75 The Chief Executive, Deputy Chief Executives and the Group Head for Neighbourhood Services are responsible for all stores held in their services. Wherever practicable, all items will be effectively marked as the property of the Council.
- C76 Stores held will not exceed reasonable requirements.
- C77 All goods received will be checked against the copy order at time of delivery and the supplier immediately notified of rejected goods.
- C78 All receipts, issues and balance of stock items will be properly recorded in a form agreed by the Chief Finance Officer.
- C79 The Chief Executive, Deputy Chief Executives and the Group Head for Neighbourhood Services will regularly check that items are accounted for, and arrange for continuous and independent stocktaking to be carried out. Any material shortfalls will be reported to the Chief Finance Officer. The Chief Executive, Deputy Chief Executives and the Group Head Neighbourhood Services will also arrange for stocktakes and the provision of signed stock certificates as at 31 March each year, as good management and to satisfy external audit requirements.
- C80 The write-off of shortfalls will be approved in writing by the Chief Finance Officer, except where the authority of the Policy and Resources Committee is required under paragraphs D20 to D22 below
- C81 The Deputy Chief Executives and Group Head for Neighbourhood Services 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 in writing.
- C82 Where the disposal value is less than £1,200, the Group Head must dispose of the item in a fair and effective manner and keep a record of the disposal.
- C83 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**

- C84 Maximum limits for cash holdings will be agreed with the Chief Finance Officer and not exceeded without their permission. Group Heads are to ensure cash holdings on premises are kept within the agreed limits. Group Heads 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 and are made available to the Finance team.

## TREASURY MANAGEMENT

- C85 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.
- C86 The Council has adopted CIPFA's "Code of Practice for Treasury Management in Local Authorities".
- C87 A Treasury Policy Statement setting out its strategy and procedures has been adopted by the Council, and its implementation and monitoring delegated to the Corporate Policy and Resources Committee.
- C88 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.
- C89 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.
- C90 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.
- C91 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.
- C92 All loans to the Council will be negotiated by the Chief Finance Officer and paid direct by the lender or their agent into the Council's bank account.
- C93 All stocks of interim loan receipts, temporary loan receipts and bond certificates will be controlled by the Chief Finance Officer.
- C94 The Chief Finance Officer is the only primary authorised signatory to any form of loan receipts, including such receipts issued under seal.
- C95 Repayment of loans will, wherever possible, be made through the head office of the Council's bankers in exchange for the original loan receipt.
- C96 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.
- C97 The Chief Finance Officer will report to the Corporate Policy and Resources Committee twice each financial year on the activities of the Treasury



Management operation, and on the exercise of Treasury Management powers delegated to them. 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**

- C98 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.
- C99 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.
- C100 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 their 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.
- C101 All banking accounts will be reconciled with the cash book each month.

### **PETTY CASH ACCOUNTS**

- C102 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.
- C103 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.
- C104 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.
- C105 Officers responsible for petty cash accounts will give the Chief Finance Officer an annual certificate for each account balance by 15 April.
- C106 On returning a petty cash account, a staff member will account to the Chief Finance Officer for the amount advanced to them.
- C107 Petty cash and other floats will be available for inspection by audit.

## **Credit Cards**

C108 Maximum limits for credit card facilities will be agreed by the Chief Finance Officer and these will not be exceeded without their permission. Group Heads and Service Managers are to authorise the monthly expenditure incurred by their staff who are authorised credit card users. No personal expenditure is to be incurred on an authorised council credit card and it is the responsibility of the authorised card holder to keep PIN numbers safe and immediately advise their manager and credit card provider if the card becomes cloned or lost.

## **Unofficial Funds**

C109 Management Team is 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.

C110 The Chief Finance Officer will be notified of any unofficial funds and give advice on keeping and auditing them.

C111 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**

C112 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.

C113 The Chief Executive, and Deputy Chief Executives will obtain proof of ownership prior to release of property.

C114 The Chief Executive, and Deputy Chief Executives will agree how to dispose of unclaimed items with the Chief Finance Officer.

## **SALARIES AND WAGES**

C115 The Chief Finance Officer is responsible for the payment of all salaries, wages, compensation and any other sums to current and former employees.

C116 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.

C117 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 them.

C118 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**

C119 The Staff Code of Conduct (Part 5b of this Constitution) 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, sponsorship, gifts and hospitalit, and use of financial resources.

## **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, Group Heads are responsible for the proper operation of financial processes in their own departments.
- D3 Any changes to agreed procedures by Group Heads to meet their own specific service needs should be agreed with the Chief Finance Officer.
- D4 Group Heads should ensure that their staff receive relevant financial training which has been approved by the Chief Finance Officer.
- D5 Group Heads must ensure that, where appropriate, details of system containing personal data are provided to the Data Protection Officer so that where applicable they are registered in accordance with Data Protection legislation.
- D6 Group Heads must ensure that staff are aware of their responsibilities under the freedom of information legislation and comply with guidance issued by the Group Head of Commissioning and Transformation or the Group Head of Corporate Governance.

### **Income and expenditure**

- D7 It is the responsibility of Group Heads 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 Group Heads' 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 as part of the budget setting process.

- D9 Any changes or new charges will be agreed by the Corporate Policy and Resources Committee or the Chief Executive or Deputy Chief Executives, as set out in the constitution.

### **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, Deputy Chief Executives, and Group Heads**

- 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 as follows, unless direct deposit with the Council's bankers is arranged.
- Cash – daily  
cheques exceeding £1,000 – daily  
cheques not exceeding £1000 – within 3 days
- 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 Group Heads 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 £5,000 or unlimited where there is bankruptcy, liquidation proceedings, administration or receivership proceedings have been instigated.
- D21 Group Heads and the Deputy Group Head for Customer Services and Deputy Chief Executive (Chief Finance Officer) may write off debts for individual outstanding balances up to the following values:
- Council Tax to the value of £5,000
  - Business Rates to the value of £9,000
  - Housing Benefits to the value of £5,000
  - Sales Ledger to the value of £3,000
- 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 Gifts, Hospitality and Sponsorship Register is maintained by Corporate Governance, 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 Group Heads**

- D27 The Chief Executive, Deputy Chief Executives and Group Heads 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 Chief Executive and Deputy Chief Executives, with specimen signatures and details of authority limits, in accordance with the delegations approved under paragraphs A20-A23 above. Group Heads 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 Contract Standing Orders, 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 the Chief Executive and each Deputy Chief Executive, together with specimen signatures and authority limits, in accordance with the delegations described at paragraphs A18-A21 above.
- D35 To ensure that all payments for works, goods, 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 that 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 Group Heads**

- 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 acquisition 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 Group Heads 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**

### **Contract Standing Orders**

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

### **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 the Corporate Procurement Manager 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 Group Heads will be responsible for notifying the Chief Finance Officer and the Corporate Procurement Manager 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 Group Head.
- 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, goods or service, 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 and such variation also accords to the procedures in Contract Standing Orders.

D53 Where the approved budget would be exceeded, approval for any variation must be obtained in accordance with the provisions for amendments to budgets within these regulations.

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 Chief Executive 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 they require 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 Group 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 usually classified as Exempt activities under VAT rules:

Land & Buildings (unless have opted to tax)	Social Services	Education	Burial & Cremation
Insurance	Finance	Health	

### **Payments to employees and Councillors and co-opted members**

D66 The Chief Finance Officer is responsible for paying all employees and allowances to Councillors and co-opted members.

### **MEMBERS' ALLOWANCES**

D67 The Chief Finance Officer will make payments to any Members or co-opted members entitled to claim allowances on receipt of the proper form, completed and certified in accordance with the Council's scheme for allowances.

### **Taxation**

D68 The Chief Finance Officer is responsible for advising Management Team/Group Heads, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.

D69 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 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 A partner can 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.

### **Partnerships**

- E3 The Corporate Policy and Resources Committee is responsible for approving partnership arrangements with other public, private, voluntary and community sector organisations to address local needs.
- E4 The Council and strategic committees can delegate functions – including those relating to partnerships – to staff. These are set out in the scheme of delegation that forms part of the Council’s Constitution and any subsequent delegations.
- E5 The Chief Executive is responsible for ensuring the due diligence and legality for all partnership arrangements.
- E6 Group Heads are responsible for informing the Chief Finance Officer and Group Head of Corporate Governance of partnership arrangements entered into so that they 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**

- E7 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**

- E8 The Chief Finance Officer and the Group Head of Corporate Governance are responsible for approving the contractual framework for any work for third parties or external bodies.

## GLOSSARY OF TERMS

<b>Accrual</b>	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.
<b>Appropriation</b>	The transfer of ownership of land or buildings from one service to another. Transfer of the purpose for holding land from one purpose to another.
<b>Budget</b>	A statement of the authority's plans for revenue and capital expenditure and income over a specified period of time.
<b>Budget Head</b>	A specific area of activity where expenditure may be incurred or income collected.
<b>Capital Discharged</b>	The amount of capital expenditure which has been paid for out of revenue or other sources.
	.
<b>Capital Receipts</b>	Proceeds from the sale of assets and other receipts of a capital nature over £10,000.
<b>Capital Receipts Unapplied</b>	Capital receipts not yet used for repayment of debt, or to finance capital expenditure.
<b>Deferred Capital Receipts</b>	Deferred Capital Receipts are the amounts derived from sales of assets which will be received in instalments over agreed periods of time.
<b>Fidelity Guarantee</b>	Insurance against fraudulent losses.
<b>Government Grants</b>	Sums paid by central Government towards either specific services or in aid of services generally.

<b>Net Revenue Budget</b>	
<b>Outturn</b>	The actual income and expenditure for a period or financial year as disclosed by the quarterly reports or final accounts.
<b>Precept</b>	A rate which the Council is required to levy on behalf of a non-rating authority, e.g. Surrey County Council.
<b>Rateable Value</b>	The annual assumed rental value of a property, to which rate poundages are applied to arrive at rates payable.
<b>Reserves</b>	Funds set aside to meet future revenue and capital expenditure on specific items or as a contingency against future losses.
<b>Revenue Contributions to Capital Outlay (REFCUS)</b>	The financing of capital expenditure directly from revenue, as permitted under statute.
<b>Revenue Expenditure</b>	The day to day costs of providing services, i.e., staff costs and overheads, such as, advertising, subscriptions and vehicle running costs.
<b>Value for Money</b>	<p>The National Audit Office (NAO) uses three criteria to assess the value for money of government spending i.e. the optimal use of resources to achieve the intended outcomes:</p> <p>Economy: minimising the cost of resources used or required (inputs) – spending less;</p> <p>Efficiency: the relationship between the output from goods or services and the resources to produce them – spending well; and</p> <p>Effectiveness: the relationship between the intended and actual results of public spending (outcomes) – spending wisely.</p>
<b>Virement</b>	The transfer of funds between budget heads, once approved by the Chief Financial Officer

<b>Voted</b>	Sums approved by councillors for expenditure against budget heads.
<b>Working Balances</b>	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 or entering into an agreement (generally, contracts) for the Council. They apply equally to the supply of works, goods, materials and services or other (e.g. utilities). In making such contracts or agreements, the overriding objective is to obtain the best value for the Council in all 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. Every procurement over £40,000 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 specification of requirements and the identity of the staff member undertaking the procurement (the Procuring Officer)

### Requirement for a nominated procurement manager

6. The Procuring Officer is responsible for ensuring and recording on the contract file that the relevant authority (Council, the relevant Strategic Committee delegated or other as appropriate for the type and / or level of spend) has been obtained and there is sufficient budgetary provision in place for the whole life of the procurement before any steps are undertaken.
7. Where stipulated as required in table 1 (Procedural Rules), the Procuring Officer will seek the support from the Procurement Team.

### Contractor Suitability

8. The Procuring Officer (with support from the Procurement Manager where necessary) 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 Procuring Officer is also required to ensure that the contractor has appropriate health and safety policies and procedures in place (as appropriate).

9. The Procurement Manager will advise on the most appropriate procurement route, taking into account relevant factors such as the legal requirement to advertise (depending on the value); the works, goods or services required; the prevailing market conditions, etc.
10. The Procurement Manager will assist the Procuring Officer in developing compliant tender documents which optimise the achievement of value for money.

### **Specification and Selection Criteria**

11. A specification and selection criteria **must** be prepared in advance of tenders or quotations being sought. For lower value procurements, the lowest price may be used as the main selection criterion; however, whole life value for money will also need to be taken into consideration. For larger value procurements, and in particular those which are covered, by virtue of their value, by the Public Contracts Regulations 2015 (as amended), an appropriate split of quality and commercial factors must be used as the selection criteria. Both the specification and the selection criteria must be recorded on the contract file and be used to evaluate tenders/quotations received.
12. If a potential contractor requires information not provided in the specification, such additional information must also be provided to all other bidders, to ensure the equal treatment of all potential contractors.
13. In preparing the specification and selection criteria, the Procuring Officer should consider the opportunities to deliver additional Social Value which the procurement may offer. The Procurement Team will advise on the suitable requirements to be included, relative to the size, type and value of the procurement.

### **Procurement Board**

14. The role of the Procurement Board is to take a strategic approach to the Council's procurement. All contracts likely to exceed £40,000 (other than urgent contracts) should be notified at the planning stage to the Chief Finance Officer. The Procurement Manager will maintain a forward plan of contracts to advise Procurement Board and the appropriate Strategic Committee where required, on relevant procurement matters.

### **Electronic Procurement**

15. All procurement opportunities likely to exceed £40,000 should be advertised through the Council's electronic procurement system (In-tend).

## PROCEDURAL STEPS OF THE PROCUREMENT

### Estimated Value of Contracts

16. 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 procurement process to follow.
17. 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 the life (number of years) of the contract to allow the Procurement Manager to assess whether the procurement falls under the Public Contracts Regulations.
18. For concession contracts (contracts for which the Council does not pay the provider for any works, goods or services but the contractor receives consideration in other ways, e.g. rights, property or land granted by the Council), 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

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

20. 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 the Procurement Team and Legal Services **at the start** of any procurement project.
21. 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.

### Contract Standing Orders Procedural Rules

22. The Procuring Officer and / or Procurement Manager as appropriate must ensure that the procurement procedurally complies with Table 1 below.

### Framework Agreements

23. Procuring Officers wishing to let a Framework Agreement must consult with the Procurement Manager for support in doing so.
24. Where the Council has set up Framework Agreements for a particular service, the use of these should be maximised, and in accordance with the stated call-off arrangements.

25. Procurement Managers may purchase works, goods or services from an appropriate external 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 Procurement Manager that the proposed Framework Agreement has been procured appropriately, and by following the procedure stated in the Procedural Rules.

TABLE 1 CONTRACT STANDING ORDERS PROCEDURAL RULES

Whole Life Contract Value	Level of Authority to Proceed required	Support Required from Procurement Team?	Procurement Process				Approval to Award Contract	Contract Required?
			Advertising the Opportunity	Approach to Market	Testing Market Capability	Evaluation by		
Under £5000	Budget Holder	No	Opportunity does not need to be advertised.	Local <sup>1</sup> suppliers must be sought. If no Local supplier can be found, then Regional <sup>2</sup> suppliers should be sought. If the selected supplier is not Local or Regional then approval to proceed must be sought from Group Head, and the variation must be added to the Exemption Report	Selected supplier(s) confirms price in writing / email in advance.	Budget Holder	No further approval required	No. Invoices and quotes to be retained in accordance with the retention policy.
£5,000 - £40,000	Procurement Business Case is approved by Group Head. This also applies where the Group Head is acting	No, except where the opportunity is to be advertised	Advertising of the opportunity is not required but if the value is over £25k	Requirement communicated to supplier(s) and confirmed in writing	A minimum of three written quotes to be obtained and retained on file	Budget Holder	Group Head	Yes. Support from Legal Services required.

<sup>1</sup> Local is defined as within the Borough of Spelthorne.

<sup>2</sup> Regional is defined as in the wider county of Surrey.

	as a Director of a wholly owned Council company.		and <i>is</i> advertised, it must also be placed on Find a Tender Services (FTS)					
£40,000 – PCR 2015 threshold	Procurement Business Case and Procurement process must be approved by Group Head & MAT	Yes. Project needs to be discussed at Procurement Board and put on Procurement Project Plan.	Contract advertised on e-sourcing portal and on Find a Tender Services (FTS).	Specification with required outcomes and outputs in Request for Quote (RFQ).	A minimum of three suppliers to be invited to tender, with full tender process	Project Lead with Procurement	Deputy Chief Exec or Strategic Committee (where the requirement is strategic / critical)	Yes. Support from Legal Services required. Contract made under seal if over £100,000)
Over PCR 2015 threshold <sup>3</sup>	Procurement Business Case and Procurement process approved by Group Head, MAT and appropriate Strategic Committee. Project must be on the Forward Plan.	Yes. Project needs to be discussed at Procurement Board and put on Procurement Project Plan.	Opportunity must be advertised with a Contract Notice in Find a Tender Services (FTS) via the e-sourcing portal.	Detailed Specification with required outcomes, outputs and performance indicators in Invitation to Tender (ITT).	Carried out in accordance with Public Contracts Regulations route selected <sup>4</sup>	Project Lead (and /or subject matter experts) with Procurement	Strategic Committee	Yes. Support from Legal Services is required. Contract made under seal.

<sup>3</sup> The Public Contracts Regulations threshold changes in January every two years (even years)

<sup>4</sup> Discuss with Procurement the most appropriate procurement process to be followed

Procurement from an internal Spelthorne Framework Agreement	Direct award or mini-competition in accordance with the requirements of the framework agreement.	Yes, where value exceeds £40,000. Project needs to be discussed at Procurement Board and put on Procurement Project Plan.	No	Detailed Specification, with required outcomes, outputs and performance indicators in Direct Award or Mini-Competition document	As required by the Framework conditions	Project Lead with Procurement	In accordance with the expected value as above	Yes. Support from Legal Services is required. Contract made under seal where above £100,000).
Procurement from an external Framework Agreement	In accordance with the expected value of the project as above and complying with the requirements of the framework agreement.	Yes, where value exceeds £40,000. Project needs to be discussed at Procurement Board and put on Procurement Project Plan.	No	Detailed Specification, with required outcomes, outputs and performance indicators in Direct Award or Mini-Competition document	As required by the Framework conditions	Project Lead with Procurement	In accordance with the expected value as above	Yes. Support from Legal Services is required. Contract made under seal where above £100,000).
Variations to a Contract over £100,000	Strategic Committee	Yes	N/A	N/A	N/A	N/A	N/A	Contract variations to be recorded on the contract file

**Tendering and Quotation handling procedure**

26. All written quotations or tenders, where required, should be received electronically, either via email or via the e-tendering portal.
27. Contracts estimated to be worth £40,000 or over must be tendered electronically (either via the Procurement mailbox or e-tendering portal) with support from the Procurement Team.

**Errors and clarifications of tenders**

28. 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 their tender to correct genuine errors. The confirmed or amended tender will then be evaluated accordingly.

**Post tender negotiations**

29. The Procuring Officer should take advice from the Procurement Manager regarding the appropriateness of any post-tender negotiations. No negotiations (as permitted by the Public Contracts Regulations) may be entered into with any tenderers 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 in accordance with the Public Contracts Regulations. The reasons for entering into post tender negotiations must be recorded on the contract file.



## CONTENT OF CONTRACTS

### Form of Contracts

30. Every contract over £20,000 must be in writing, in a form approved by the Group Head of Corporate Governance. All contracts of £40,000 and over in value (other than for vehicle purchase) must be in writing and over £100,000 must be under seal.<sup>32</sup>
31. For contracts over £20,000 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

32. The Procuring Officer 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.
33. 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

34. 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

35. The Procuring Officer, with support from the Procurement Team, 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 Group 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**

36. Every contract must state that the Council may cancel the contract and recover any resulting losses if the contractor, their employees or anyone acting on their behalf, with or without their knowledge, does anything improper to influence the Council or commits an offence under Bribery Act 2010
37. 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**

38. Where a contract is estimated to be £100,001 or over, the Chief Finance Officer 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 Chief Finance Officer 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**

39. 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.
40. 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**

41. 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**

42. Unless prior written approval is given by the Chief Finance Officer to the Procuring Officer 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 Procuring Officer must notify the name of the Contract Manager to the contractor prior to letting of the contract.

43. 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.
44. The responsibilities of the Contract Manager will include:
  - (a) monitoring the 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 quality, environmental, 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) providing assurance that the contractor has a long-term, sustainable supply chain, and that there is no evidence of modern slavery;
  - (g) ensuring that appropriate arrangements are made for the termination or re-letting of the contract at the appropriate time.

## **Variations**

45. Where the Contract Manager considers, and the relevant Deputy Chief Executive agrees, that an existing contract needs to be varied (i.e. practical changes are required which do not alter the essential nature of the original contract, as opposed to additional works or supplies not originally envisaged) The Deputy Chief Executive 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 appropriate Strategic Committee or Council (according to financial regulations) for any such variation.

## **Registration of Contracts**

46. The Chief Finance Officer will ensure that a register of all contracts of £5,000 and over, placed by the Council is kept. The register must state the name of the contractor, the name of the Council's Contract Manager, the scope of the work to be done or goods to be supplied, the duration and value of the contract. Any Procuring Officer letting a contract must ensure details are supplied to the Chief Finance Officer for entry in the register.
47. The Chief Finance Officer will also ensure that a register of all contracts for building, construction or engineering work and associated Consultants which provide for payment by instalments is kept. 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 Procuring Officer letting such a

contract must ensure details are supplied to the Chief Financial Officer for entry in the register.

### **Contract Management Audits**

48. The Procurement Manager shall propose an annual planned schedule of contract management audits (Contract Audit Schedule), to be agreed by the Chief Financial Officer and Group Head of Corporate Governance prior to implementation. The Procurement Team shall undertake such Contract Audits.
49. The Contract Audit Schedule shall include a minimum of ten high value, high complexity, and high-risk projects to be audited, as well as auditing a sample of lower value spends for compliance with these Contract Standing Orders (CSOs).

## 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 them.

#### (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 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.

### **4. APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

- (a) A committee or sub-committee of the Council will appoint Chief Officers and Deputy Chief Officers, as defined in Article 10, to any posts at, or above salary level Group Head.

### **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 their 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 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, Committees and Sub-Committees (together called meetings) unless otherwise specified in this Constitution or by legislation.

Working Groups and Task and Finish Groups are not established as Sub-Committees under the Local Government Act 1972, and therefore are not subject to these rules. These meetings are not held in public.

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.

Where exceptionally this period of notice cannot be given, the Council will ensure that legal requirements on specifying the special urgent circumstances that apply in particular cases will be met.

### **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 request, either electronically, or on payment of a charge for postage and any other costs.

## **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 the meeting or records of decisions taken, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information (unless the Proper Officer deems that the exemption no longer applies);
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agendas for the meeting; and
- (d) 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, in the opinion of the Proper Officer:
  - 8.3 (a) disclose any facts or matters on which the report, or an important part of the report is based; and
  - 8.4 (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10 below).

### **Public inspection of background papers**

- 8.5 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 each of the documents on the list of background papers.



## **9. SUMMARY OF PUBLIC'S RIGHTS**

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

## **10. EXCLUSION OF ACCESS BY THE PUBLIC 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.

### **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.

### **Confidential Information and Exempt Information**

- 10.5 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.
- 10.6 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 Group Head of Corporate 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.

## Meaning of Exempt Information

10.7 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"> <li>1. Section 2 of the Companies Act 2006</li> <li>2. the Friendly Societies Act 1974</li> <li>3. the Friendly Societies Act 1992</li> <li>4. the Co-operative and Community Benefit Societies Act 2014</li> <li>5. the Building Societies Act 1986</li> <li>6. the Charities Act 2011</li> </ol>
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"> <li>1. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>2. to make an order or direction of any enactment.</li> </ol>	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, investigation or prosecution of crime	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

- 10.8 As set out in Schedule 12A of the Local Government Act 1972 (as amended): "Information... is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information."
- 10.9 The relevant Committee will periodically review those exempt items it has considered at meetings, as to whether the public interest in maintaining the exemption remains or whether the report can now be made public.
- 10.10 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. exclusion of access by the public to reports
- 10.11 The Proper Officer of the Council may exclude access by the public to reports which in their 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.

## **11. THE FORWARD PLAN**

### **Contents of Forward Plan**

- 11.1 The Council's Forward Plan will be prepared and published monthly. Proposed key and non-key decisions by Committees and Sub-Committees with decision-making powers will be included, with at least 28 clear days' notice being given, where possible.
- 11.2 The Forward Plan will contain matters which the Head of Paid Service believes will be subject of a decision to be taken by the Council, a Committee/Sub-Committee, or under joint arrangements during the period covered by the plan. 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) the decision maker;
  - (c) the date on which the decision is likely to be taken;
  - (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
  - (e) a list of the documents submitted to the decision taker for consideration in relation to the matter;
  - (f) If the decision to be taken is considered a Key Decision as defined in Article 11 of this Constitution;
  - (g) if the consideration of any item will involve the disclosure of exempt or confidential information.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

## **12. RECORD OF DECISIONS**

- 12.1 After any meeting of the Council, a Committee or Sub-Committee, whether held in public or private, the Proper Officer, will produce a record of every

decision taken at that meeting as soon as practicable and make it available to all members.

- 12.2 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.

**13. ADDITIONAL RIGHTS OF ACCESS TO INFORMATION FOR COUNCILLORS**

- 13.1 All councillors will be entitled to inspect any document (except those available only in draft form) in pursuance of that councillor's official duties. These rights are additional to any other rights he/she may have.
- 13.2 In availing themselves of these rights councillors must abide by the standards set out in Paragraph 4 of the Code of Conduct in Part 5 of the Constitution.

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

### **1. THE FRAMEWORK FOR 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 Committees to implement it.

### **2. PROCESS FOR DEVELOPING THE FRAMEWORK**

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

- 2.1 The Corporate Policy and Resources Committee 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 consultation period allowed shall in each instance be not less than 4 weeks.
- 2.2 At the end of the consultation period, the Corporate Policy and Resources Committee will draw up firm proposals having regard to any responses it received during the consultation period.
- 2.3 Once the Corporate Policy and Resources Committee has approved the finalised proposals, the Chief Executive will refer them at the earliest opportunity to the Council for decision.
- 2.4 Any councillor who is considering proposing an amendment to the Corporate Policy and Resources Committee's proposal must obtain information from a relevant officer of the Council to assist the Councillor in the preparation of their amendment.
- 2.5 A Councillor wishing to move an amendment to the Corporate Policy and Resources Committee's proposals shall give written notice setting out details of the amendment and putting forward alternative proposals to ensure a balanced budget to the Chief Finance Officer at least 55 hours (excluding Saturday and Sunday) before the Council meeting at which the proposals are being considered (e.g. for a Council meeting taking place at 7:00pm on Thursday, notice would be given by 12 noon on the previous Tuesday).
- 2.6 Any amendment under paragraph 2.5 will be sent to all members of the Council in advance of the Council meeting, together with advice from the Chief Finance Officer and the Monitoring Officer on the financial and legal implications for the Council's budget. This information will also be published on the Council's website in advance of the Council meeting.
- 2.7 In reaching a decision, the Council may adopt the Corporate Policy and Resources Committee's proposals or amend them.
- 2.8 If it accepts the recommendation of the Corporate Policy and Resources Committee 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.
- 2.9 The decision will be published and a copy shall be given to the Chair and Vice-Chair of the Corporate Policy and Resources Committee.

- 2.10 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 Chair and Vice-Chair of the Corporate Policy and Resources Committee, unless the that Chair and Vice-Chair inform the Chief Executive in writing within the 5 working days that the Corporate Policy and Resources Committee objects to the decision becoming effective and provide reasons why. The objection notice must be confirmed by a simple majority of the members of the Corporate Policy and Resources Committee
- 2.11 In that case, the Chief Executive will call a Council meeting to take place within 7 working days of receipt of the Chair and Vice-Chair of the Corporate Policy and Resources Committee's notification of objection. The Council will re-consider its decision and the written submission of the Corporate Policy and Resources Committee at that meeting. The Council may
- i) approve the Corporate Policy and Resources Committee 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 Corporate Policy and Resources Committee by a simple majority.
- 2.12 The decision shall then be published and shall have immediate effect;
- 2.13 In approving the budget and policy framework, the Council will also specify any changes to the extent to which the Corporate Policy and Resources Committee may vire 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.
- 2.14 Where the Corporate Policy and Resources Committee 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 2.9 to 2.12 will apply.
- 2.15 When reconsidering its decision following any submission from the Corporate Policy and Resources Committee, 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 Corporate Policy and Resources Committee's reasons for those amendments;
- (c) any disagreement that the Corporate Policy and Resources Committee has with any of the Council's objections; and
- (d) the Corporate Policy and Resources Committee'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 Corporate Policy and Resources Committee and any staff or joint arrangements discharging Corporate Policy and Resources Committee's 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 Corporate Policy and Resources Committee and any staff or joint arrangements discharging Corporate Policy and Resources' 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 Corporate Policy and Resources Committee 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  
If it is not practical to convene a quorate meeting of the Council
- 4.2 The reasons why it is not practical to convene a quorate meeting of Council and the decision being taken as a matter of urgency must be noted on the record of the decision.
- 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 flexibility. It is authorised:  
The Chief Finance Officer in consultation with the Chair and Vice Chair of Corporate Policy and Resources Committee 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.

The Corporate Policy and Resources Committee is authorised to approve a total supplementary expenditure in a year not exceeding 10% of the approved Net Budget, Requirement of the Council and £1,000,000 on any approved capital scheme.

**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 Corporate Policy and Resources Committee may vire across budget heads which relate to Corporate Policy and Resources 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 Corporate Policy and Resources Committee or staff or joint arrangements discharging such 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.



## **Procedure Rules for Working Groups and Task and Finish Groups**

### **General**

1. Committees may establish Working Groups and Task and Finish Groups, as appropriate and considered necessary, having taken into account the availability of resources and the advice of the relevant Group Head.
2. The role of such Groups is to examine in detail specific issues or aspects of policy, procedure or service according to their remit.
3. These Groups do not take any decisions but inform the deliberations of the committees.
4. Their membership shall be open to all councillors and include members from at least two political groups. They may include non-councillors by invitation and other persons with relevant expertise or knowledge.
5. Political balance requirements will not apply to Working Groups or Task and Finish Groups.
6. Each committee is usually limited to establishing no more than two Working and/or Task and Finish Groups, at any one time. i.e. if a Working Group has been appointed on an annual basis the same committee may only appoint one Task and Finish Group to run at the same time.
7. Only one Working Group or Task and Finish Group looking at a particular service function or policy area may be established at any one time.
8. A Working Group or Task and Finish Group may not be established to look at any area which has been the subject of an investigation or review by one or other Group in the past year.
9. Subsequent changes to membership of an established Working Group or Task and Finish Group shall be delegated to the relevant Group Head in consultation with the Chair and Vice-Chair of the appointing Committee.

### **Working Groups**

10. Committees may set up Working Groups from time to time to develop recommendations on a long-term issue or ongoing subject area.
11. They shall be appointed for a specific purpose relating to policy development or a service function.
12. Working Groups may be appointed on an annual basis, if required.

13. They will only be established when the matter cannot be undertaken by a relevant Committee.

#### **Appointment and Membership**

14. The relevant Committee will specify the terms of reference and purpose of the Working Group.
15. The relevant Committee will appoint the members of the Working Group on the following basis:
  - Shall include at least two councillors from the appointing Committee
  - Shall include representation by at least two political Groups on the Council
  - May include other councillors with relevant expertise or knowledge, who are not members of the appointing Committee, to be agreed in consultation with Group Leaders
  - May include other invited persons with relevant expertise or knowledge

#### **Meetings of Working Groups**

16. Meetings of Working Groups will, as far as possible, be Member led and will receive support from officers in an advisory capacity only.
17. At its first meeting the Working Group will appoint one councillor, who shall be a member of the appointing Committee, to act as Chair.
18. A councillor shall not be entitled to attend meetings of Working Groups unless appointed as a member or substitute or with the agreement of the Chair of the Working Group.
19. The public may not attend meetings of Working Groups.

#### **Substitutions**

20. Unless otherwise decided by the appointing Committee, substitutes are permitted to serve as members of Working Groups at any meeting at which another member of the same political group is absent for the entire meeting.

#### **Proceedings to remain Confidential**

21. The proceedings of meetings of Working Groups, including any written material circulated to or considered by a Group, will remain confidential until they have been made public with the authority of the appointing Committee.

#### **Reporting back to the appointing body**

22. A Working Group shall, periodically, report back on their work, including recommendations where appropriate, to the appointing committee.

### **Task and Finish Groups**

23. Committees may set up time-limited Task and Finish Groups for a specific task, to report back to the appointing Committee.
24. Task and Finish Groups will be charged with carrying out an in-depth investigation into a specific service area, or policy, or any issue of genuine importance to the borough.
25. Task and Finish Groups will only be established when the matter cannot be undertaken by a relevant Committee.

### **Appointment and Membership of Group**

26. The relevant Committee will:
  - specify the terms of reference and purpose for the group's exercise;
  - specify the time for which the Task and Finish Group is expected to operate
  - appoint Councillors to the task-and-finish group on the following basis:
    - ❖ the group to be small, and focused on outcomes
    - ❖ shall include at least two members of the appointing Committee
    - ❖ shall include representation by at least two political Groups on the Council
    - ❖ may include other councillors who are not members of the Committee, to be agreed in consultation with Group Leaders
    - ❖ may include other invited persons with relevant expertise or knowledge

### **Meetings of Task and Finish Groups**

27. Meetings of Task and Finish Groups will, as far as possible, be Member led and will not require advice or support from officers unless specifically requested.
28. At its first meeting the Task and Finish Group will appoint one councillor, who shall be a member of the appointing Committee, to act as Chair.
29. A councillor shall not be entitled to attend meetings of Task and Finish Groups unless appointed as a member or substitute or with the agreement of the Chairman of the Task and Finish Group.
30. The public may not attend meetings of Task and Finish Groups.

### **Substitutions**

31. Unless otherwise decided by the appointing Committee, substitutes are permitted to serve as members of Task and Finish Groups at any meeting at which another member of the same political group is absent for the entire meeting.

### **Proceedings to remain Confidential**

32. The proceedings of meetings of Task and Finish Groups, including any written material circulated to or considered by a Group, will remain

confidential until they have been made public with the authority of the appointing Committee.

**Reporting back to the appointing body**

33. A Task and Finish Group shall, periodically, report back on their work, including recommendations where appropriate, to the appointing committee.

# Spelthorne Borough Council Constitution

## Part 5

### Codes and Protocols

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## **Local Government Association**

### **Model Councillor Code of Conduct**

#### **Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## **Introduction**

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## **Definitions**

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.



## General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council
- you are claiming to act as a councillor and/or as a representative of your council
- you are giving the impression that you are acting as a councillor and/or as a representative of your council
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### General Conduct

#### 1. *Respect*

##### As a councillor:

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees** with respect and respect the role they play. I abide by the Member-Officer relations protocol in Part 5c of the Constitution.

**1.3 I treat employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

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In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

## **2. *Bullying, harassment and discrimination***

**As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. *Impartiality of officers of the council***

**As a councillor:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the

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content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

#### **4. Confidentiality and access to information**

**As a councillor:**

##### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

#### **5. Disrepute**

**As a councillor**

**5.1 I do not bring my role or local authority into disrepute.**

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful

can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a councillor:**

### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

**As a councillor:**

### **7.1 I do not misuse council resources.**

### **7.2 I will, when using the resources of the local or authorising their use by others:**

- a. **act in accordance with the local authority's requirements; and**
- b. **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.1.1 I shall not participate in any Committee meeting until I have completed the relevant mandatory training.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

#### **9. *Interests***

##### **As a councillor:**

**9.1 I register and declare my interests.**

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

## ***10. Gifts and hospitality***

### **As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## Appendices

### Appendix A – The Seven Principles of Public Life

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



## Appendix B

### Registering interests

1. Within 28 days of this Code of Conduct being adopted by the local authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means issues relating to money and finances.
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
3. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Declaring interests

5. Where a matter arises at a meeting which directly relates one of your Disclosable Pecuniary Interests, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', again you do not have to declare the nature of the interest.
7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room

unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to declare the nature of the interest.

8. Where a matter arises at a meeting which *affects* –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a friend, relative, close associate; or
  - c. a body included in those you need to declare under Disclosable Pecuniary Interests

you must disclose the interest.

9. Where the matter affects the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to declare the nature of the interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licences</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registerable Interests**

<b>Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;</b>	
Any Body -	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

## 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 Spelnet 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) Group Head of Corporate Governance
  - (d) Management Team
- 3.5 Advice or clarification on any matters covered by the Code of Conduct is available from Human Resources, the Group Head of Corporate Governance 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) Anti-Fraud, Bribery and Corruption Strategy
  - (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 Spelnet. 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 Information Governance Officer..

## **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 Group Head of Corporate Governance. Guidance is also available on Spelnet.

## **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 them. 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 MEMBER-OFFICER RELATIONS

This protocol forms part of the local framework for standards of behaviour approved by the Standards Committee and Council. Monitoring of compliance with this protocol is the responsibility of the Standards Committee, the Monitoring Officer and the Head of Paid Service.

### 1. Introduction

1.1 The purpose of this protocol is to guide Members (also known as councillors) and Officers (also known as Council staff) in their relations with one another. The relationship between Members and Officers is essential to the successful working of the Council and it is hoped the protocol will help build and maintain good working relationships between Members and Officers as they work together

This relationship within the authority is characterised by mutual respect, informality and trust. Members and Officers should feel free to speak to each other openly and honestly.

1.2 This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of Local Government and they therefore demand very high standards of personal conduct. 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 policies, procedures and processes.

The following extract from the beginning of the previous national guidance on conduct for Members remains relevant in its description that:

“1. Both Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and the Council, and to carry out the Council’s work under the direction and control of the council, their committees and sub-committees.

“2. Mutual respect between Members and Officers is essential to good local government.”

### 2. Members

2.1 It is important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.

Close personal familiarity between individual Members and Officers can damage this relationship and prove embarrassing to other Members and Officers.

- 2.2 In line with the Code of Conduct, as set out in Part 5(a) of this Constitution, a Member must treat others with respect and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- 2.3 Officers can expect Members:
- to act within the policies, practices, processes and conventions established by the Council
  - to work constructively in partnership with Officers acknowledging their separate and distinct roles and responsibilities
  - to understand and support the respective roles and responsibilities of Officers and their associated workloads, pressures and reporting lines
  - to give political leadership and direction and to seek to further their agreed policies and objectives with the understanding that Members have the right to take the final decision in issues based on advice to treat them fairly and with respect, dignity and courtesy
  - to act with integrity, to give support and to respect appropriate confidentiality
  - to recognise that Officers work to the instructions of their Senior Officers and not to individual Members
  - not to subject them to intimidation, harassment, or put them under undue pressure. Members will have regard to the seniority of Officers in determining what are reasonable requests, having regard to the relationship between the Member and Officer, and the potential vulnerability of Officers, particularly at junior levels
  - not to request them to exercise discretion which involves acting outside the Council's policies and procedures
  - not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the Council or in their role as a Member without proper and lawful authority
  - not to use their position or relationship with Officers to advance their personal interest or those of others or to influence decisions improperly
  - to comply at all times with the Members Code of Conduct, the law, the Constitution and such other policies, procedures, protocols and conventions agreed by the Council.
- 2.4 It is important that Members of the Authority:
- respect the impartiality of Officers and not undermine their role in carrying out their duties
  - do not ask Officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an Officer being criticised for operating in a party political manner

- do not ask Officers to exceed their authority where that authority is given to them in law, by the Council or by their Managers.
- 2.5 The Head of Paid Service, the Monitoring Officer and the Chief Finance (section 151) Officer and other Statutory Officers have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Council.
- 2.6 Where an Officer is discharging their responsibilities under any statutory office a Member or Members shall not:
- improperly interfere with or obstruct the Officer in exercising those responsibilities
  - victimise any Officer who is discharging or has discharged their responsibilities of the Statutory Office.
- 2.7 **Officers:**  
Officers are responsible for:
- (a) providing professional advice and information and support to Members in developing and implementing lawfully agreed policies and in decision-making;
  - (b) day-to-day administration of the Council;
  - (c) managerial and operational decisions taken within the Council's Scheme of Delegation; Members should avoid inappropriate involvement in such matters;
  - (d) information to and consultation with local people about Council services.
- 2.8 Members and Officers will wish to discuss policy issues and Officers will require political guidance in preparing proposals. In performing their role Officers will act professionally, impartially and with political neutrality. When Officers prepare reports for Member decision, they have a duty to give advice in accordance with their professional expertise and their own professional codes of conduct. In some situations, Officers will be under a duty to submit a report on a particular matter. Officers expect to have their professional integrity respected and whilst respecting a Member's view on an issue should not be influenced or pressured to reduce options, withhold information or make recommendations to the Council or a Committee which are contrary to their professional judgement or views.
- 2.9 Members can expect the following from Officers:
- (a) a commitment to the Council as a whole and not to any political group;
  - (b) performance of their duties effectively and efficiently and in the best interests of the Authority;
  - (c) a working partnership;
  - (d) an understanding of respective roles and pressures;

- (e) timely responses to enquiries and complaints in line with the Council's standard protocol;
  - (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, including the implications for Members, the media or other sections of the public;
  - (i) honesty, respect, courtesy and appropriate confidentiality;
  - (j) support and learning and development opportunities to help Members carry out their various roles effectively;
  - (k) that they will not use their relationship with Members to advance their personal interests to influence decisions improperly;
  - (l) compliance with the Staff Code of Conduct and such other Policies or procedures approved by the Council;
  - (m) support for the role of Members as the local representatives of the authority, within any scheme for Member support approved by the authority.
- 2.10 Officers have the right not to support Members in any role other than that of Members and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officer involvement in political activities.

### **3. Working Relationships**

- 3.1 Mutual trust and respect between Members and Officers 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 Members and Officers, but on the other hand, Members must bear in mind that Officers cannot respond to personal criticism in the same way that other Members can, and should, temper their remarks accordingly. This is particularly important when Members are dealing with less senior Officers. .
- 3.2 The normal conduct of business will mean that Members are likely to deal directly with some Officers 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.
- 3.3 Members should bear in mind that unless there is an on-going relationship with a particular Officer, for example in relation to a case or application they are dealing with, Members are expected to deal in the first instance with the relevant Group Head. This is because:
- (a) Group Heads are in a better position to provide authoritative information or advice;
  - (b) they need to be aware of any questions or complaints raised by Members;



- (c) they are able to respond to Members' requests, for example, by making a judgement as to whether action may be taken under Officers delegated authority; and
  - (d) they are able to investigate and deal with any shortcomings there might be at the point of service delivery.
- 3.4 In addition, this avoids the possibility of Officers below the levels identified above being 'intimidated' or even 'bullied' by over-enthusiastic Members.
- 3.5 Where there is a serious breach of this protocol, this may lead to action being taken against a Member for non-compliance with the Members' Code of Conduct.

#### **4. At Meetings**

4.1 Officers and Members 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 Members and Officers 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, Members and Officers will show respect to one another. Although Members are entitled to question Officers at meetings or in any public forum, they should not raise matters relating to the conduct or capability of an Officer or of Officers collectively, in a manner that is incompatible with this Protocol at meetings held in public or in any public forum. This is a long-standing tradition in public service. An Officer has no means of responding to criticisms like this in public.

A Member who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer at all times,
- ensure that any criticism is made in private
- ensure that any criticism is well founded and constructive,
- take up the concern with the appropriate Group Head or Deputy Chief Executive.
- If the matter is of a particularly serious nature to inform the Chief Executive.

4.3 Neither should an Officer raise with a Member any staffing matters relating to the conduct or capability of another Officer, or to the internal management of the section or Service in a manner that is incompatible with the objectives of this Protocol.

4.4 Potential breaches of this Protocol are considered at paragraph 12 below.

4.5 Wherever a formal public meeting is organised to consider a local issue, all the Members 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 Members should be notified at the outset of the exercise.

**5. Correspondence**

- 5.1 Correspondence between individual Members and Officers should not normally be copied by the Officers to any other Members. However, where such correspondence concerns Council policy or, the interpretation of Council policy, in this instance a copy should be sent to the relevant Chair and Vice-Chair of the Committee and this should be made clear to the original Members. 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 Member involved.
- 5.2 Official letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Members. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Members, 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 Members.

Correspondence to individual Members received from officers concerning regulatory matters such as planning, enforcement, licensing and environmental health matters should not be forwarded to or shared with complainants or other third parties if they are marked "confidential" . In sending such correspondence the relevant officer should make clear what is to be treated as being shared with the Member in confidence only and why that is so.

**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 their 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 Officers 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 Officers to Members at political group meetings should not be passed to non- Members unless this is first agreed with the Members concerned.
- 6.5 Officer advice to a political group cannot be a substitute for providing all necessary information and advice to the Leader, relevant Chair/Vice-Chair of a Committee or Council when the matter in question is considered.
- 6.6 Officers will respect the confidentiality of any matter that they hear in the course of attending a political group meeting.
- 6.7 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

### **Support Services to Members and Party Groups**

- 6.8 The only basis on which the Council can lawfully provide support services (e.g. stationery, printing, photocopying, transport, etc.) to Members is to assist them in discharging their role as members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes

### **7. Members' Access to Information and Council Documents**

- 7.1 Members are free to approach any Group Head to provide them with such information, explanation and advice (about the relevant service area's functions) as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of a Service's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Group Head or Deputy Chief Executive concerned.
- 7.2 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.
- 7.3 Members have legal rights to inspect Council documents containing material relating to business to be transacted at Council and Committee or sub-committee meetings. . This right applies irrespective of whether the councillor is a member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does

not, however, apply to documents relating to certain items which may appear in Part II (exempt) of the Agenda for meetings but in the spirit of openness, such documents are made available to all members.

7.4 Further details are contained in the Access to Information Rules at Part 4(g) of the Council's Constitution. Examples are documents that contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, contract and industrial relations negotiations, advice from Counsel and criminal investigations.

7.5 Members also have common law rights to inspect documents.

This right is much broader and is based on the principle that any member has a prima facie right to inspect Council documents *so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the Council*. This principle is commonly referred to as the "need to know" principle.

7.6 The exercise of this common law right depends therefore upon the Member's ability to demonstrate that he/she has the necessary "need to know". In this respect a Member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must be determined by the particular Group Head or Deputy Chief Executive who holds the document in question (with advice from the Monitoring Officer).

7.7 Council information provided to Members should only be used for the purpose it is given, i.e. to help the Members discharge their duties as a Member. . The Code of Conduct restricts the disclosure of confidential information provided to Members.

7.8 Any Member encountering difficulty or uncertainty about access to documents should contact the Monitoring Officer.

7.9 For completeness, Members do, of course, have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.

## **8. Officer - Chair Relationships**

8.1 It is clearly important that there should be a close working relationship between the Chair and Vice-Chair of a Committee and the Chief Officers who support that Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other Party Groups.

8.2 Whilst the Chair and Vice-Chair of a Committee (or Sub-Committee) will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some

situations an Officer will be under a duty to submit a report on a particular matter. Similarly, an Officer will always be fully responsible for the contents of any report submitted in their name. Any issues arising between a Chair/Vice-Chair and an Officer in this area should be referred to the Chief Executive for resolution.

- 8.3 It is important to remember that the law allows for decisions (relating to the discharge of any of the Council's functions) to be taken only by the Council, a Committee, a Sub-Committee or an Officer.
- 8.4 The Council's delegation scheme and resolutions passed at Committee meetings authorise a named officer to take action, sometimes in consultation with one or more Members such as the Chair and Vice-Chair of a Committee. In these circumstances it is the officer, rather than the Member, who takes the decision or action, and it is the officer who is accountable for it.
- 8.5 Finally, it must be remembered that officers within a Service Area are accountable to their Group Head or Deputy Chief Officer and that, whilst officers should always seek to assist a Chair (or indeed any Member) they must not, in so doing, go beyond the bounds of whatever authority they have been given by their senior officer.

## **9. Involvement of Ward Members**

- 9.1 Whenever a public meeting is organised by the Council about a local issue all Members representing the Ward or Wards affected will be advised and invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultation on a local issue, the Ward Members will be notified at the outset. Officers will keep Ward Members advised of significant issues which have an impact in their Ward.

## **10. Press and Media**

- 10.1 The Council frequently issues press releases and has contact with the media to provide information about the Council's activities and policies.
- 10.2 The provision of information in this way is governed by the Local Government Act 1986 and a national Code of Practice for Local Authority Publicity. The Code is statutory guidance and the Council must have regard to it and follow its provisions when making any decision on publicity.
- 10.3 Particular restrictions apply about publicity issued during election periods.
- 10.4 The Leader, Deputy-Leader and Chairs act as spokespersons for the Council in responding to the press and media and making public statements on behalf of the Council. Press releases on decisions by the Council or its Committees will be prepared by Officers and issued by the

Communications department. They should be cleared with the Leader, and appropriate, Committee Chair and Vice-Chair before being issued and may include a statement from them (within the limits of statute and the Code of Practice).

- 10.5 Any press release that may be necessary to clarify the Council's position in relation to disputes, major planning developments, court issues or individuals' complaints should be approved by the appropriate Group Head or the Monitoring Officer.
- 10.6 Press releases on routine service issues will be authorised by the relevant Deputy Chief Executive and may contain a factual quote from the relevant Officer.
- 10.7 For more detailed information and guidance on the Council's policy towards interaction with the press and media reference should be made to the Press and Media Protocol contained as an annex to this Part of this Constitution.

## **11. Freedom of Information**

- 11.1 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.

## **12. Breaches of the Protocol**

- 12.1 Where a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Group Head or Deputy Chief Executive. Where the Officer concerned is a Group Head or Deputy Chief Executive, the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Monitoring Officer.
- 12.2 Where the relationship between Members and Officers breaks down or becomes strained, every effort will be made to resolve matters informally, through conciliation by an appropriate senior manager or Members.
- 12.3 Where an officer feels that they have not been properly treated with respect and courtesy or is concerned about any action or statement relating to themselves or a colleague by a Member, they should raise the matter with their line manager, Group Head or the Chief Executive as appropriate. In these circumstances the Chief Executive or Group Head will take appropriate action either by approaching the individual Member and/or the party group leader.

12.4 Breaches of this Protocol by a Member may constitute a breach of the Members' Code of Conduct.

12.5 Breaches of this Protocol by an Officer may be referred for disciplinary action.

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# Spelthorne Borough Council

## Press and media protocol

Published June 2021

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## **1. Summary**

1.1 This protocol has been produced to establish good practice regarding the management of media relations at Spelthorne Council.

1.2 Given that not all situations can be covered in detail as much depends on a set of circumstances at any one time, this protocol is designed to be as flexible as possible yet retain a trusted and tested workflow.

1.3 The protocol applies to all Councillors, Committee Chairs, Committee Members and Council officers who may be contacted by local, regional, national or specialist media, and includes print as well as broadcast media.

## **2. Legal Framework**

2.1 All press releases and media engagement on behalf of the Council will:

- (a) be in accordance with the Council's agreed Media Guidelines
- (b) be issued or organised through the Council's Communications team
- (c) be concerned only with matters of policy which relate to the Council's functions
- (d) not contain anything of a political nature. In this respect regard must be given to the relevant legislation concerning publicity issued by local authorities, especially around election time, as summarised below.

2.2 Section 2 of the Local Government Act 1986 places a prohibition upon the Council that it:

"shall not publish any material which, in whole or in part, appears to be designed to support a political party. In determining whether material falls within the prohibition, regard shall be given to the content and style of the material, the timing and other circumstances of publication as well as the likely effect on those to whom it is directed. In particular, the following will be considered:

- (a) Whether the material refers to a political party or persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another.
- (b) Where material is part of a campaign, the effect which the campaign appears to be designed to achieve.

2.3 The term 'publicity' is defined in the Act as "any communication in whatever form, addressed to the public at large or a section of the public."

2.4 Local authorities are also required by section 4(1) of the Act to have regard to the Code of Recommended Practice on Local Authority Publicity in coming to any decision on publicity.

## **3. The Publicity Code**

3.1 The Code of Recommended Practice on Local Authority Publicity was last issued in 2011 can be found on the website of the Ministry of Housing, Communities & Local Government.

3.2 The Publicity Code is grouped into seven principles for local authorities to follow. The Council's publicity should:

- be lawful
- be cost-effective
- be objective
- be even-handed
- be appropriate
- have regard to equality and diversity
- be issued with care during periods of heightened sensitivity

3.3 The Publicity Code gives recommended practice on a number of aspects of publicity covering subject matter, costs, content, dissemination, advertising, recruitment advertising, publicity about individual members of an authority, timing of publicity, elections, referendums and petitions, and assistance to others for publicity. The principles may be summarised as follows.

3.4 The principle of lawfulness is that an authority's publicity should comply with statutory provisions and advises that any paid-for advertising published by a local authority should comply with the Advertising Standards Authority's Advertising Codes.

3.5 The principle of cost-effectiveness is that local authorities should be able to confirm that consideration has been given to the value for money that the publicity is achieving, while recognising that in some circumstances this will be difficult to quantify.

3.6 The principle of objectivity requires local authority publicity to be politically impartial. The Publicity Code acknowledges that a council needs to be able to explain its decisions and justify its policies, but this should not be done in a way that can be perceived as a political statement or a commentary on contentious areas of public policy.

3.7 The principle of even-handedness has the effect that local authority publicity can address matters of political controversy in a fair manner and may contain links to other political sites or contain political logos on material hosted for third parties. But local authorities should ensure that publicity about the Council does not seek to affect support for a single councillor or group. The Publicity Code does, however, recognise that at times it is acceptable to associate publicity with a single member of the Council.

3.8 The principle addressing the appropriate use of publicity is that local authorities should refrain from retaining the services of lobbyists, i.e. political professionals whose job it is to bring their client's message to those in a position to influence policy.

Appropriate use of publicity is also about the frequency, content and appearance of council newsletters to prevent unfair competition with local newspapers. It sets out that generally the frequency of council newsletters should be no more than quarterly.

3.9 The equality and diversity principle is that publicity by local authorities may seek to influence positively the attitudes of local people in relation to matters of health, safety and other issues where publicity can have a positive influence on the behaviour of the public.

3.10 Finally, the principle that local authority publicity should be issued with care during periods of heightened sensitivity gives guidance as to how local authority publicity should be treated during period of elections and referendums, both national and local.

#### **4. Context**

4.1 The aim of this protocol is to ensure that Spelthorne Council makes the best use of its communications resources to support open, accessible, and responsive communications, whilst acknowledging that council resources may not be used for party political purposes.

4.2 It clearly sets out the respective roles of all Members and officers in dealing with the media.

4.3 Adherence to the protocol will ensure consistency of standards, accuracy of information and appropriate political and officer input with a view to protecting and enhancing the reputation of the Council.

4.4 The aim of the protocol is to ensure that the Council is seen to communicate in a professional and objective manner. In all cases, the Council's approach to the media should be:

- open and honest
- proactive
- responsive
- timely

4.5 The ability to act as quickly and decisively depends on being fully up-to-date as a Communications team. Councillors and officers should ensure issues which will affect the Council's reputation should be brought to the attention of the Communications team in confidence as soon as possible.

#### **5. Communication Principles**

5.1 The Council's Communication and Marketing strategy complies with the following principles:

- i) To support honest, open, two-way communication
- ii) To promote and protect the reputation of the Council
- iii) To regulate the correct use of the corporate identity and style

- iv) To ensure all publicity is produced in an easy to understand and accessible format and style
- v) To practice a proactive and planned approach to media handling, advertising, marketing, and wider communication
- vi) To provide effective communication and marketing support
- vii) To promote the Council's vision, priorities, and policies
- viii) To set standards on communicating with hard-to-reach groups
- ix) To support effective partnership working through developing communication strategies for joint projects

5.2 The Council must comply with the provisions of the Local Government Act 1986 ("the Act") regarding publicity. All media relations work will comply with the national Code of Practice for Local Government Publicity. The Code provides statutory guidance, and the Council must have regard to it and follow its provisions when making any decision on publicity. This is explained in sections 2 and 3 above.

## **6. Communications Team**

6.1 The Council's Communications team provides advice and support to all services areas and elected members. Its main roles are to manage and maintain relationships and reputation, as well as to promote pro-active publicity on council policy, local authority partnerships, local initiatives / achievements and other issues affecting the Council and the borough.

6.2 The Communications team should be the first point of contact for all media enquiries and all outgoing publicity or potential promotional opportunities with the press or any other publications. Their expertise and knowledge support elected members and officers to ensure opportunities for proactive positive news are maximised and negativity is mitigated and managed where possible.

6.3 No press releases or publications should be issued on behalf of the Council without the involvement of the Communications team.

6.4 The Council's communication resources may not be used to affect, or be designed to affect, public support for a political party or to provide a political advantage to a councillor.

## **7. Media Relations**

7.1 Spelthorne Council values the media as one of its key partners in communication and aims to forge strong professional links with local, regional, and national media. The Council is committed to being transparent and maintaining a positive working relationship with media. We respect the right of the media to report on any given topic.

7.2 Providing a professional information service to the media is a key responsibility for the Council. The Council takes a proactive approach to working with the media wherever possible.

7.3 The way in which the Council is portrayed in the media has a major influence on how it is perceived, and every opportunity should be taken to publicise the Council's services, decisions, policies, and initiatives.

7.4 All councillors and officers should support the Communications team in responding to media enquiries in a timescale that meets journalists' deadlines. If the Council fails to reply in time, the journalist may source their story elsewhere or record a 'No comment' response, which may not be in the Council's interests.

7.5 The Communications team will never knowingly mislead the media on a story. To maintain a good long-term relationship, the team needs to be trusted by the media and the wider community.

## **8. Processes**

### **8.1 Media enquiry**

8.1.1 All media enquiries should be referred to the Communications team in the first instance. This enables the service to make a judgement about how an enquiry should be answered and by whom. The response can often be handled with a written statement.

8.1.2 The vast majority of Council publicity will include a written quote or interview, which can help to make the content more interesting and provide an authoritative voice on the subject matter. In certain cases, where a press release or statement is simply to provide a brief announcement or notice, this may not be necessary.

### **8.2 Spokespeople**

8.2.1 One of the most important aspects of dealing with and managing media is being able to provide a prompt response to a query, question, or interview request. The sooner we can respond and involve ourselves in the story, the greater the chance to influence it. This is especially important where the Council's reputation might be affected.

8.2.2 We will also work to influence the news agenda proactively by offering people for interview or providing case studies to illustrate topical issues. We will use our forward planning process to identify opportunities in advance but may still want/have to exploit on-the-day stories particularly when there is breaking news or developing stories.

8.2.3 It is important that quotes are attributed to an individual as this demonstrates responsibility and counters perceptions that the Council is a faceless and unaccountable organisation.

8.2.4 The Leader, Deputy-Leader and Committee Chairs can act as spokespeople for the Council in responding to the press and media and making public statements on behalf of the Council. The Leader, Deputy-Leader and Chairs should liaise with the Communications team on all forms of contact with the press and media.

8.2.5 Where a matter has significant implications for policy or the reputation of the Council, the Leader of the Council will be contacted.

8.2.6 Quotes will be attributed to officers on any specific operational issues which requires technical or in-depth knowledge to articulate. Officers will be quoted in circumstances where a member of the public would reasonably expect an operational, officer perspective. Communications staff will advise with recommendations. These situations will be such as when:

- there is a need to respond extremely quickly in changing circumstances to maintain the flow of information to the public (e.g. an emergency road closure or an environmental health investigation)
- specific technical information is being explained
- there is a legal aspect to the comment which would benefit from attribution to a professional officer rather than a politician. The Leader of Council and/or relevant Committee Chairs will be quoted in all other press releases.

8.2.7 Where the appropriate responsible Committee Chair or Vice-Chair is unavailable within media deadlines, and therefore unable to approve comment that would otherwise be attributable to him/her, the Leader of the Council will be quoted or an alternative suitable responsible councillor.

8.2.8 In the event of neither an appropriate Committee Chair/Vice-Chair nor the Leader of the Council being available, an appropriate responsible officer will approve the quote, which will be attributed to a 'council spokesperson'. Whilst this is not best practice from a public transparency or accountability perspective, it does serve to reinforce the clearly defined roles of councillors and officers in the decision-making process.

8.2.9 Quotes, comments and statements will reflect the factual representation of the Council's or Committee's decisions, and not that of the individual and/or political party views.

8.2.10 Party and political group views, decisions and communications are separate from the role of the Council's Communications team and should be conveyed through news releases and publications resourced and issued by their own groups and be clearly endorsed with the name of the political group concerned. The Communications team as a matter of courtesy would appreciate copies of any release which a political group sends out.

### **8.3 Approval process**

8.3.1 For both news releases and press statements relating to a specific service area, sign-off will be required by the relevant service area officer and Committee Chair, prior to issuing. However, where the matter represents a major policy announcement or significant change in direction/resources for the Council, the Leader will be asked for sign-off (Deputy Leader in their absence).

For example, a press release regarding the Community Centres would be signed-off by the Chair for the Community Wellbeing Committee, whereas a press release regarding the Council's response to Covid would be signed-off by the Leader.

8.3.2 Where a quote is required, the Communications team will prepare a narrative, which will be forwarded to the relevant Committee Chair for approval.



8.3.3 In addition, and again prior to the issuing of any news release, statement or channel of communication, Committee Chairs and Group Spokespeople will be fully briefed. Whenever that is not reasonably practicable, such as where time sensitive or response issues may arise, a separate briefing will take place between the Chief Executive/Service Head, relevant Member and the Communications Manager.

8.3.4 In exceptional circumstances, where an urgent response is required to meet a tight deadline, the Assistant Chief Executive, and/or Deputy Head of Service will provide approval in their absence.

#### **8.4 Proactive media**

8.4.1 Positive media coverage supports the reputation of the Council.

8.4.2 When issuing proactive media, all content will follow a corporate style appropriate for the media being targeted, and a central record will be maintained. All releases will accurately reflect the corporate view of the Council, contain relevant facts, and include an approved quotation from the appropriate Committee Chair.

8.4.3 All official Council news/press releases will be placed on the Council's website within one working day of issue.

8.4.4 Any officer contacted by a journalist requesting an interview should refer the journalist to the Communications team who will liaise with the appropriate Committee Chair.

8.4.5 Officers should never give their opinion on specific Council policy and should keep to the corporate line and key messages. Their role is to provide expertise and factual knowledge only, in support of the Council's approved and agreed policies.

#### **8.5 Negative media**

8.5.1 From time- to-time the Council must respond to negative issues. It is important that these situations are managed carefully to limit the potential for negative publicity.

8.5.2 Members and officers must alert the Communications team as soon as a potentially negative issue which may attract media interest comes to light. They should not wait until contact is made by the media.

8.5.3 Members and officers must be prepared to work together to prepare holding statements and carry out research even if no contact has been received from the media.

8.5.4 When preparing a response, the following strategy will be followed:

i) where the Council has made a substantial mistake, it will explain what went wrong and what it is doing to put it right. It will not be defensive but take the attitude that it can learn from its mistakes.

ii) where the media has made a substantial mistake in reporting the activities of the Council it will quickly and assertively explain the mistake to the media and seek a right of reply.

### **9. Correcting Inaccurate Reporting**

9.1 Should the media publish/broadcast an inaccuracy relating to Council business, policy or process, a quick decision will be taken on any action necessary to correct it.

9.2 The issue will be discussed with the appropriate Committee Chair and Chief Executive and a plan of action agreed.

9.3 It should be noted that in the case of minor inaccuracies which have little or no impact on the message being conveyed, it can sometimes be counterproductive to complain. Each case must be judged individually.

## **10. Media Ahead of Meetings**

10.1 Committee (and other) agendas/ reports are available online 7-10 days prior to a meeting. This provides adequate notice for the media pick up many stories ahead of meetings.

10.2 In the period between the publish date of agenda and reports, the Communications team will draw up a schedule of communications to promote, manage and/or negate any potential outcomes. This can be shared with Members and officers.

10.3 Members of the media are welcome to attend live streamed Council and Committee meetings. During the meetings Members should be mindful that any comments and messages should be put across in a manner which gives the journalist an accurate picture, rather than relying on the journalist's interpretation of what can be a complex issue or report.

## **11. Timings of Publicity**

11.1 The Communications team will make every effort to ensure that officers and Members are informed before they are exposed to significant issues through the media.

11.2 In an increasingly fast and pervasive communications environment this will not always be possible. When holding media briefings or issuing news releases, the Communication team will use a range of methods to inform Councillors and staff including the intranet, Teams and e-mail.

## **12. Publicity in Election Periods**

12.1 In the period between the notice of an election and the election itself, all proactive publicity about candidates or other politicians is halted. This applies to local, national, and European elections.

12.2 During this period Council publicity should not deal with controversial issues or report views, proposals or recommendations in a way that identifies them with individual Members or groups of Members. This is to make sure that no individual Councillor or political party gains an unfair advantage by appearing in corporate publicity.

12.3 In these circumstances, where a quote is required, the relevant officer may be quoted, in accordance with the guidelines in this protocol.

## PLANNING CODE

### Introduction

1. The purpose of this Code is to give clear guidance to all councillors about how they should carry out their duties in relation to planning and development proposals to ensure openness, impartiality, transparency and consistency in planning decisions.
2. This Planning Code should be read in conjunction with the Members Code of Conduct and the Planning in Probity Guidance issued by the LGA.

### General Role of Councillors

3. 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.
4. 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.
5. Planning decisions cannot be made on a party-political basis in response to any lobbying.

### General Role of Staff

6. Staff are responsible to the Council as a whole. They must always act openly and impartially and provide consistent professional advice based on the statutory planning framework, planning policies and procedures, ensuring councillors are aware of all relevant material planning considerations before decisions are made.

### Codes of Conduct

7. Both councillors and staff are required to observe codes of conduct and statutory provisions the aim of which is to ensure the integrity of the Council and individual councillors. These codes and procedures require the open disclosure of any pecuniary, non-pecuniary and conflict of interests in matters 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.
8. Training and guidance on the Code of Conduct for Members on the declaration of interests, is provided to all councillors by the Council's Monitoring Officer. 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, before the commencement of any meeting, or as soon as possible if it arises during the course of a meeting. 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**

9. 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.
10. 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 contact 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.
11. 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**

12. If a councillor has received advice from the Monitoring Officer with regard to a declaration: a Disclosable pecuniary interest, non-pecuniary or conflict of interest, then they may disclose the fact that such advice has been given at the time when the declaration or interest is disclosed.

### **Predetermination and Predisposition**

#### **Predisposition**

13. 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”.
14. 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 Monitoring Officer where this may be the case.

#### **Pre-determination / Bias**

15. 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.
16. 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.
17. 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.
18. In the case of applications for development of land in which the Council has an interest, it is particularly important for councillors to avoid the appearance of bias. A councillor who has participated in any decision-making for Council owned developments at either Corporate Policy and Resources Committee, Commercial Assets Sub-Committee or Development Sub Committee, should not participate in any decision making on those developments at Planning Committee, whether attending as a member or substitute member of the

Committee. Likewise, a councillor appointed as a Director to Knowle Green Estates Ltd should not participate in any decision making on Council owned developments at Planning Committee. This does not prohibit a ward councillor from representing the views of their constituents at a Planning Committee meeting, in accordance with paragraph 31. below.

19. Members of the Planning Committee should bear in mind that it would not be appropriate to call-in an application, for consideration by the whole committee if they have already predetermined the matter themselves.

### **Meetings and pre-application discussions**

20. 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 applicable to a site, technical design and other requirements and the likelihood of a development being acceptable. Such pre-application advice is given 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 prospect of being acceptable being abandoned at an early stage.
21. 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 the professional recommendation of Planning officers to the Committee and the decision of the Committee when all information is before it.
22. 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 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.
23. 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.
24. 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.
25. 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**

26. For large or complex schemes the Council may arrange appropriate presentations to councillors by the 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 or controversial 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**

27. 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 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**

28. 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**

29. 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.

30. Where there are major applications which require special consideration because of the large number of people wishing to speak, then the Chairman may, in their 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.
31. 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**

32. 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) A councillor may only call-in an application which is in their ward. If the councillor considers that there is a matter of public interest arising in an application situated in another ward, then early contact should be made with the relevant ward councillors;
  - c) The guiding principle of 'Call-In' is that there is a material planning concern, in the application being considered by the Committee. The decision to refer an application to the Planning Committee rests with the Planning Development Manager.
  - d) 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.



- e) The 'call-in' will be activated by an email to the Planning Development Manager **and** the case officer which must give a material planning reason why it should be determined by the Committee;
- f) 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;
- g) The Committee report will identify the councillor who called in the application along with the reason given;
- h) 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;
- i) If a councillor is 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.
- j) Where the councillor who 'Called-in' an application is a member of the Planning Committee, that councillor will be given three- minutes to speak following the public speakers and may then speak again as a member of the Committee during its debate on the item.

### **Decision Making**

- 33. 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.
- 34. 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.
- 35. 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.
- 36. Members are reminded that the Planning Committee meeting is held in public and should therefore ensure that the seven principles of public life are observed.
- 37. Members of the Planning Committee who require information which is not contained within the Planning Committee report should submit a request in writing to the Planning Development Manager at least one working day before the Planning Committee meeting.
- 38. The purpose of the Planning Committee meeting is to fully explore all relevant matters and concerns of councillors pertaining to an application before a decision is made. Councillors should prepare in advance of the meeting.
- 39. Where a councillor decides to vote against a recommendation, this should only arise once:

- (a) The concerns have been articulated by the councillor to allow other members of the Committee to comment on them and officers to advise on them; or
  - (b) Where another member has spoken in the debate and articulated those concerns and the councillor concerned has indicated that they are of the same mind as that councillor.
40. 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, cogent and comprehensive. They must also be based on planning policies and provide a clear account of members' rationale for not accepting the Officer recommendation. 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.
41. Members of the Planning Committee who are minded 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, at least one working day before the Planning Committee meeting. Any motion contrary to Planning Officer advice must be formulated in writing with material planning reasons. Councillors should be prepared to explain in full their material planning reasons for not agreeing with the Planning Officer's recommendation prior to making any decision. Councillors should not rely on staff to produce the material planning reasons for their motion at the meeting.

### **Applications Submitted by Councillors, Staff or the Council**

#### **Determination of applications**

42. Subject to paragraph 43, 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.
43. In the case of applications made by a councillor, a member of staff or the Council itself which do not relate to planning merits but are:
- 1. a legal determination as to whether permission is required, or
  - 2. forms of notification to the Council including that 'permitted development' is proposed under 'prior approval' procedures.

The Planning Development Manager will determine the application after discussion with the Chairman of the Planning Committee or, if unavailable, the Vice Chairman.

#### **Applications submitted by the Council**

44. Proposals for a Council's own development can give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted to and determined by the Planning Committee. Proposals for a Council's own development will be treated no differently from any other application.
45. Certain councillors may, through their other roles outside of a Planning Committee (e.g. a member of Corporate Policy and Resources Committee, Development Sub-Committee or Commercial Assets Sub-Committee), have

been heavily committed to or involved in a Council's own development proposal. In such circumstances, when an item comes to be considered at the Planning Committee, the councillor concerned, if they sit on the Committee, must consider whether they have an interest or degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer. The most appropriate course of action, if that is the case, is that the councillor concerned may address the Committee in the applicant's speaking slot (see the Public Speaking Rules for Planning Committees) but does not take part in its consideration and determination. It is important that the councillor should restrict their address to the Committee to relevant planning considerations rather than wider non-planning issues that are not material to the determination of the application.

#### Applications submitted by councillors or staff

46. If a councillor or a member of staff submits their own proposal to the Council which they serve, they should take no part in its processing. A councillor who acts as an agent or representative for someone pursuing a planning matter with the Authority should also take no part in its processing.
47. Councillors and Planning Officers must inform the Monitoring Officer of any proposals to submit an application, prior to their submission.
48. Members of the Planning Committee and staff should not 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.
49. 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**

50. 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**

51. 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 Chair 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.
52. 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.

**Substitutions to Planning Committee**

53. Substitutions to Planning Committee will be permitted in accordance the Council's Scheme for Substitutions as set out in the Constitution.

## **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 their 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 their 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, they 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.

### **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.

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:
- 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)
Chief Finance Officer	Terry Collier	(01784 446296)
Deputy Chief Executive	Lee O'Neil	(01784 446377)
Monitoring Officer	Farida Hussain	(01784 446248)
Internal Audit Manager	Punita Talwar	(01784 446454)
Human Resources Manager (where specifically relates to a Human Resources matter)	Debbie O'Sullivan	(01784 446289)

7.6 In addition you could contact any of the following:-

The Chair or Vice Chair of the Standards Committee: the Council has a Standards Committee, the purpose of which is to help the Council operate to the highest ethical standards. Both the Chair and Vice-Chair 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 website; or

Protect - 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 3117 2520; 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.

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.
- 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.

## COUNTER 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 Local Government Ombudsman, Central Government, in particular, HM Revenue and Customs, the Department for Levelling Up, Housing, and Communities (DLUHC), the Department for Business and Trade (DBT) and the Department for Work and Pensions.
3. It also has external auditors who advise whether the Council has in place adequate arrangements for the prevention and detection of fraud, bribery and corruption.
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. The Council encourages 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. This is covered with all staff as part of their induction process.
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 relating to fraud, bribery and corruption 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, under the Confidential Reporting Code they may contact 'Protect' (020 3117 2520 – 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 review of the Council's Constitution has been led by the Group Head of Corporate Governance. The Governance Framework continues to be developed and enhanced to reflect the Council's significant property/asset portfolio.

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. Other vetting should be applied which gives due consideration to the nature of the appointed position.

The Members Code of conduct is kept under review by the Standards Committee. Members will be supplied with a copy of any relevant code, policy and procedure and advised of their responsibilities.

## **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 and how they are being addressed has been integrated into the annual service planning process to enable greater alignment across corporate processes. Managers are responsible for ensuring that fraud, bribery and corruption risks are minimised and Internal Audit will advise through the provision of independent assurance.

**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.
15. A detailed investigation of any concerns raised will be undertaken with the assistance of the Council's Internal Audit Service. The Group Head of Corporate Governance holds responsibility for responding to allegations of bribery and corruption relating to Members. 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 Committee 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.
16. 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.
17. 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 prevent, deter, detect and investigate fraud, providing access to specialist skills and greater capacity to investigate fraud. The strategy to target areas of public fraud which are likely to generate greater financial returns (Business Rates and Social Housing) will continue. Such initiatives have demonstrated positive financial fraud returns for Spelthorne (notional and cashable savings) and continue to do so. For high-risk public fraud areas, Internal Audit will continue to collaborate with Services to promote awareness and encourage take up of counter fraud measures (these incorporate preventative as well as detective and investigatory approaches). It remains the responsibility and decision of Group Heads and Service Managers to pursue/implement collaborative opportunities presented enabling sustained targeting of counter fraud measures. Some examples regularly promoted include enhanced pro-active vetting of Housing register applications (preventative measure), periodical County Wide Single Person Discount exercises led by Surrey to target Council Tax fraud, the use of Financial Investigator Resource to recover losses/assets (where appropriate), proactive fraud drives such as bulk data matching exercises with Registered Providers to target social housing fraud. There has been strong commitment across teams to pursue the bulk data matching initiative with A2D (currently undergoing legal due diligence stage) and this is explained in more detail in other reports along with positive anticipated returns.

18. Counter fraud measures targeting illegal sub-letting and other types of social housing fraud also contribute to the delivery of wider social benefits, enabling more social housing to be available to those people and members of the community 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 (proven fraud) are publicised periodically to serve as a deterrent.
19. Whilst the Surrey Counter Fraud Board (SCFB) no longer meets on a regular basis, existing networks provide useful points of contact. 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. Periodical monitoring and analysis of Spelthorne's quantified fraud returns across categories and time intervals is included in Internal Audit reporting to Management Team and Audit Committee. These demonstrate financial savings (notional and where measurable cashable)/financial losses prevented for the Council and the wider public purse.

### **Awareness**

20. The Council recognises the continuing effectiveness of the Counter 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 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. For those Services administering areas that present higher risk of public fraud occurrence, as well as Registered Providers, periodical awareness raising, and training is delivered by the Service Provider (Reigate and Banstead Council). This serves as a reminder of the prevalence of fraud in these areas using anonymised case studies to bring the training to life and encourage any suspicions (no matter how small) to be referred for investigation through correct channels. This promotes a zero tolerance to fraud culture across the Council
21. In accordance with the Government's Serious and Organised Crime Strategy, local Police representatives have previously provided awareness raising sessions for staff and Members 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 by the

relevant Service Area (Community Safety) falling under Neighbourhood Services. Group Heads and Managers are responsible for assessing governance arrangements in place to combat risks in this area for their respective functions.

## 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 Corporate Policy and Resources Committee 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 Corporate Policy and Resources 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 Corporate Policy and Resources 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><b>Behaving with integrity</b></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 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"> <li>• The <a href="#">Constitution</a> which includes: <ul style="list-style-type: none"> <li>○ Financial procedure Rules</li> <li>○ Contract Standing Orders</li> <li>○ Anti-Fraud and Corruption Policy</li> <li>○ Anti-Bribery Policy</li> <li>○ Rules relating to members external interests (Register of Interests)</li> </ul> </li> <li>• <a href="#">Human Resources Policies</a></li> <li>• <a href="#">Staff Induction Procedures</a></li> </ul>

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.		
<b>Demonstrating strong commitment to ethical values</b>	<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"> <li>• Members' Induction Procedures</li> <li>• Member's Code of Conduct (Part 5a of Constitution)</li> <li>• Staff Code of Conduct (Part 5b of Constitution)</li> <li>• Scheme of Delegation to officers (Part 3d of Constitution)</li> <li>• Information Security Policy</li> </ul>
<b>Respecting the rule of law</b>	<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>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"> <li>• Money Laundering Policy (Part 5i of Constitution)</li> <li>• Whistle-blowing Policy (Part 5e of Constitution)</li> <li>• Rules relating to members external interests (Standing Orders)</li> </ul>

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>Striving to optimise the use of the full 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"> <li>• Annual Governance Statement</li> <li>• External inspections of accounts</li> <li>• Internal Audit Annual Plan</li> <li>• Assurance Framework supporting the Annual Governance Statement</li> <li>• <b>Equal Opportunities Policy</b></li> <li>• <b>Registers of Gifts and Hospitality</b></li> <li>• Legal (Monitoring Officer) Role ((Part 5h of Constitution)</li> <li>• <b>Corporate Complaints Procedure</b></li> <li>• <b>Standards Committee (supporting Members' observation of their Code of Conduct)</b></li> <li>• <b>Overview and Scrutiny functions</b></li> </ul>

## 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><b>Openness</b></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</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"> <li>• <a href="#">Corporate Plan</a></li> <li>• <a href="#">Consultation strategy</a></li> <li>• <a href="#">Constitution</a></li> <li>• <a href="#">Scheme of Delegation to officers</a></li> <li>• <a href="#">Budget reports</a></li> <li>• <a href="#">Corporate Risk Register and risks identified in committee reports</a></li> </ul>

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 and effective interventions/courses of action		
<b>Engaging comprehensively with institutional stakeholders</b>	<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"> <li>• <a href="#">Statement of Accounts</a></li> <li>• Strategic Committee Forward Plans</li> <li>• <a href="#">Council Website</a></li> <li>• <a href="#">Formal consultation arrangements and staff surveys</a></li> <li>• Community and voluntary sector representation on Partnership Boards</li> <li>• Freedom of Information publication scheme</li> <li>• Overview and Scrutiny functions</li> <li>• <a href="#">Community Safety</a></li> <li>• External Auditor provides an annual organisational assessment of the Council's performance through the Value for Money conclusion</li> </ul>
<b>Engaging stakeholders</b>	Establishing a clear policy on the type of issues that the organisation will	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
<p><b>effectively, including individual citizens and service users</b></p>	<p>meaningfully consult with or involve communities, individual citizens, service 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><b>Defining outcomes</b></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"> <li>• <a href="#">Corporate Plan</a></li> <li>• <a href="#">Budget Reports</a></li> <li>• <a href="#">Audit Reports</a></li> <li>• <a href="#">Statement of Accounts</a></li> <li>• <a href="#">External Auditors letter &amp; reports</a></li> <li>• <a href="#">External Audit Inspections</a></li> <li>• <a href="#">Performance management framework</a></li> <li>• <a href="#">Project Management arrangements</a></li> </ul>

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		
<b>Defining sustainable economic, social and environmental benefits</b>	<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"> <li>• Project Management arrangements</li> <li>• Treasury Management strategy</li> <li>• Regular budget reporting</li> <li>• Internal and external audit</li> </ul>

**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
<b>Determining interventions</b>	<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"> <li>• <a href="#">Corporate Plan</a></li> <li>• <a href="#">Risk Management Framework</a></li> <li>• Service Plans</li> <li>• <a href="#">Service Risk Registers</a></li> <li>• Performance Management Reports to Committees and to the Leadership Team</li> <li>• Business Continuity Plans</li> </ul>
<b>Planning interventions</b>	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"> <li>• Emergency &amp; Resilience Plans</li> </ul>

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"> <li>• Feedback from consultation exercises</li> <li>• Monitoring of all KPI's and key projects.</li> <li>• Budget monitoring arrangements.</li> <li>• Project monitoring and action taken to support the implementation of key projects.</li> <li>• Process for committee approvals and delegated approval</li> </ul>

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		
<b>Optimising achievement of intended outcomes</b>	<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"> <li>• <a href="#">Constitution</a></li> <li>• Annual Pay Policy Statement</li> <li>• Members' Allowance Scheme</li> <li>• Scheme of Delegation</li> </ul>

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><b>Developing the capability of the Council's leadership and other individuals</b></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"> <li>• Personal Development Plans</li> <li>• Appraisals</li> <li>• Member Induction &amp; Development Programme</li> <li>• ICT Digital Strategy</li> <li>• Organisational Development Plan?</li> <li>• Project management arrangements</li> <li>• Corporate Projects Register</li> </ul>

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
<b>Managing risk</b>	<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"> <li>• Risk Management Strategy</li> <li>• Regular Corporate Risk Management Reports</li> <li>• Service Risk Registers</li> <li>• Budget Reports</li> </ul>
<b>Managing performance</b>	<p>Monitoring service delivery effectively including planning, specification, execution and independent post implementation review</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"> <li>• Annual Governance Report</li> <li>• Performance Management Framework and</li> </ul>

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>Making decisions based on relevant, clear objective analysis and advice 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>		<p>reporting cycle to all Committees</p>
<p><b>Robust internal control</b></p>	<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>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"> <li>• Internal Auditing standards</li> <li>• Annual Audit Plan</li> <li>• Internal Audit Reports</li> <li>• Internal Audit Manager's annual opinion of assurance</li> <li>• Corporate Projects Register</li> </ul>

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>Evaluating and monitoring risk management and internal control on 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"> <li>— provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment</li> <li>— that its recommendations are listened to and acted upon</li> </ul>		<ul style="list-style-type: none"> <li>• Medium Term Financial Strategy.</li> <li>• Budget targets and monitoring reports to Committee</li> </ul>
<b>Managing data</b>	<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>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"> <li>• IT Security &amp; Acceptable Use Policy</li> <li>• Data Protection Policies</li> <li>• Retention and Disposal Policies</li> </ul>

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 effective arrangements are in place and operating effectively when sharing data with other bodies</p> <p>Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring</p>		
<b>Strong public financial management</b>	<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>	<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.</p>	<ul style="list-style-type: none"> <li>• Annual Budget Speech</li> </ul>

**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.

<b>Supporting Principles</b>	<b>Behaviours and actions that demonstrate good governance in practice</b>	<b>To meet the requirements of these Principles the Council will:</b>	<b>How this will be evidenced</b>
<b>Implementing good practice in transparency</b>	<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"> <li>• Council's Committee Webpages</li> </ul>
<b>Implementing good practices in reporting</b>	<p>Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way</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"> <li>• Medium Term Financial Strategy</li> <li>• Towards a Sustainable Future Strategy</li> </ul>

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 senior management own the results reported</p> <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>		
<b>Assurance and effective accountability</b>	<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</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</p>	<ul style="list-style-type: none"> <li>• <a href="#">Corporate Complaints Procedure</a></li> <li>• <a href="#">Audit Committee</a></li> <li>• <a href="#">Constitution</a></li> <li>• <a href="#">Mod.Gov</a></li> <li>• <a href="#">Whistle-blowing Policy</a></li> <li>• Monthly budget and quarterly monitoring Reports</li> <li>• Annual Pay Policy Statement</li> <li>• Compliance with Transparency Agenda</li> <li>• Partnership Risk Register</li> </ul>

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>assurance with regard to governance arrangements and that recommendations are acted upon</p> <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>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 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>	<ul style="list-style-type: none"> <li>• <a href="#">Internal audit plan and the monitoring of the implementation of audit recommendations</a></li> </ul> <p><a href="#">Head of internal audit's annual opinion of assurance</a></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 Group Head of Corporate Governance who undertakes to discharge their statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so, they 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 appears 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 Standards 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 their 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 a Deputy Monitoring Officer(s). The Deputy Monitoring Officer will perform the functions of the Monitoring Officer where they are 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 of 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 their 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 Committees 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 Standards 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 Chair and Vice-Chair of the 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 Standards Committee unless he/she and the Chairman of the Standards 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 their functions when carrying out any investigation.
- k) **Appointment of Deputy** – The Monitoring Officer will appoint a Deputy and keep him/her briefed on any relevant issues that he/she may be required to deal with where the Monitoring Officer 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/her functions. Where the Monitoring Officer requires specialist advice on any matter concerning his/her statutory responsibilities, he/she will seek Counsel's Opinion and will have a budget to enable him/her 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.

- 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 paragraphs 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 Standards 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 Councillors' and Co-Opted members' Interests and Gifts and Hospitality	Section 81 Local Government Act 2000, Section 29 Localism Act 2011 and the Policy on Gifts, Hospitality and Sponsorship and under the Member's Code of Conduct
4.	Considering whether an interest is a sensitive interest	Section 32 Localism Act 2011
5.	Receive copies of whistleblowing allegations of misconduct	Confidential Reporting Code, Council Constitution
6.	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	Article 10 of the Council's Constitution
7.	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all councillors	Article 10 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 Local Government and Social Care Ombudsman 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.
- 1.2 CIPFA has a code of practice 'Managing the risk of fraud and corruption' which has five key principles. These are:
- Acknowledge the responsibility of the governing body for countering fraud and corruption.
  - Identify the fraud and corruption risks.
  - Develop an appropriate counter fraud and corruption strategy.
  - Provide resources to implement the strategy.
  - Take action in response to fraud and corruption.

**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. Roles and Responsibilities

**Audit Committee:** The Council has an Audit Committee to review the assessment of fraud risks and potential harm to the council from fraud and corruption.

**Councillors:** Councillors are expected to act in a manner which sets an example to the community whom they represent and to the employees of the council who deliver services. Councillors will comply with the Code of Conduct for Councillors.

**Section 151 Officer:** has the statutory responsibility to ensure the proper arrangements of the council's financial affairs.

**Monitoring Officer:** will act as the MLRO

**Internal Audit:** will carry out reviews of the adequacy of the council's control environment and report on any weaknesses found. Investigation of any matters of irregularity.

**Employees:** employees are expected to be aware of the possibility that fraud, corruption and theft may exist in the workplace and share their concerns in accordance with this policy.

**Contractors and suppliers:** those organisations employed to work on behalf of the council are expected to maintain strong anti-fraud principles.

#### 5. Actions to be Taken

- 5.1 To meet its statutory duties, the Council must:
  - 5.1.1 Approve an appropriate policy and set of procedures for identifying and reporting money laundering
  - 5.1.2 Nominate a Money Laundering Reporting Officer (MLRO) to receive reports from colleagues and make reports as necessary to the National Crime Agency (NCA)
  - 5.1.3 Provide appropriate training to staff and
  - 5.1.4 Maintain required record keeping procedures



## 6. The Money Laundering Reporting Officer (MLRO)

- 6.1 The staff member nominated to receive reports about any known or suspected money laundering activity within the Council is the Group Head of Corporate Governance/Monitoring Officer. In the absence of the MLRO, the Deputy Monitoring Officer is authorised to deputise for them.

### PROCEDURES

## 7. Reporting to the MLRO

- 7.1 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.
- 7.2 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.

- 7.3 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.**
- 7.4 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.

7.5 **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.

## 8. Action by the MLRO

8.1 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.

8.2 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).

8.3 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.

8.4 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](http://www.nationalcrimeagency.gov.uk)

8.5 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.**

8.6 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.

- 8.7 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.
- 8.8 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.
- 8.9 **The MLRO commits a criminal offence if they know or suspect, or have reasonable grounds to do so through a disclosure made to them, that another person is engaged in money laundering and they do not disclose this as soon as practicable to NCA.**

## **9. Client Identification Procedure**

**Please note this procedure is restricted to finance, accountancy, audit and certain legal services.**

- 9.1 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.
- 9.2 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).
- 9.3 Evidence of identity should be obtained as follows:
  - 9.3.1 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.
  - 9.3.2 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.
  - 9.3.3 All such evidence should be kept for at least five years from the end of the business relationship or transactions.

**10. Record Keeping Procedures**

- 10.1 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 requires retention of key accounting documents for six years, this should not involve any changes to current procedures.
- 10.2 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 Group Head of Corporate Governance. Councillors can talk to the Chief Executive or the Group 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 £50) and no ulterior motive is apparent	Accept if refusal would give offence. Record in Register	4.1,4.3, 6.1-6.4

**Part 5 section (j)**

Grateful member of public	A gift of value above £50	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 £50)	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 £50.00) 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
- appointment as a non-executive Director to a Council owned company.

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 Group Head of Corporate Governance. If you are a councillor you can speak to the Group 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 Standards Committee.
- 5.2 The Standards 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.

## Protocol for recording and reporting public meetings

You are allowed to record and report on all public meetings at Spelthorne Borough Council in line with the Openness of Local Government Bodies Regulations 2014.

Recording and reporting includes:

- filming
- audio recording
- photography
- social media updates
- blogging

### Equipment

You don't need to get permission for recording or reporting public meetings, but we request that you let us know at least 24 hours before the meeting if you wish to bring large equipment, so that we may make suitable arrangements to accommodate your request. Requests should be sent to [committeeservices@spelthorne.gov.uk](mailto:committeeservices@spelthorne.gov.uk)

Recording and reporting are allowed only from public seating areas. Recording equipment must not be left unattended at meetings. We accept no liability for any equipment that is lost, stolen or damaged at public meetings.

### The following rules should be observed

- Filming of children under the age of 18 who are taking part or attending Council meetings is not permitted without the consent of their parent/guardian.
- Phones, tablet computers and other electronic devices must be set to 'silent' mode throughout public meetings. This includes all ringtones and web applications.
- Flash photography and use of additional lighting is not allowed.
- Adding real-time commentary to recordings – such as voiceovers when filming – is not allowed whilst meetings are taking place.
- The Chair of the meeting will ask for recording to be stopped if it is disrupting the meeting.

## **When recording and reporting is not allowed**

There are times when matters must be discussed that, by law, are considered exempt or confidential. During these times:

- members of the press and public will be asked to leave
- no recording or reporting is allowed

Recording and reporting of private meetings is not allowed – for example, political group meetings and officer working groups. These meetings do not make formal council decisions.

## **Your privacy**

Notices on committee meeting room screens state: "You are welcome to film, make sound recordings or take photos at public meetings, and to share online". Members of the public who do not wish to be filmed or photographed cannot be guaranteed that they will not be within camera shot of others.

## **PART 5M – DISCLOSURE AND BARRING SERVICE CHECKS FOR MEMBERS PROTOCOL**

1. The effective date of commencement for this protocol is 4th May 2023.
2. This Protocol complies with the exception to the Rehabilitation of Offenders Act 1974 and with the Disclosure and Barring Service (“DBS”) Code of Practice.
3. This Protocol replaces all previous policies, decisions and/or precedents relating to criminal records checks for Spelthorne Borough Councillors and co-opted members.

### **General Principles**

4. As the Council has a duty to protect the most vulnerable residents, this Protocol requires all councillors to undergo basic level DBS checks.
5. For certain Member appointments a higher level of check may be required. In those instances, the councillor will be advised.

### **The Process**

6. All newly elected councillors shall be required to undergo a basic DBS check.
7. Within 14 days of being elected as a councillor or becoming a co-opted member of Spelthorne Borough Council, the councillor shall apply for a basic DBS check. The cost of this check may be claimed as a councillor expense.
8. Within 14 days of receipt of the DBS certificate, the relevant councillor or co-opted member will show the original certificate to a member of Committee Services. Where a check is not clear, for instance, it contains details of an offence, a copy of the DBS certificate shall be referred to the Monitoring Officer, unless the content of the DBS certificate is disputed and the dispute is raised with the DBS within 3 months of the date of issue, in which case the certificate must be provided to the Monitoring Officer within 14 days following the outcome of the dispute.
9. In accordance with Section 124 of the Police Act 1997 disclosure information will only be passed to those people who are authorised to receive it in the course of their duties. The Monitoring Officer will maintain a record of the date a check was requested, the date a response was received and a ‘list’ of all those to whom the disclosure or disclosure information has been revealed together with other relevant information. It is a criminal offence to pass this information to anyone who is not entitled to receive it.
10. Disclosure information will only be used for the specific purpose for which it is requested and for which the applicant’s full consent has been given.
11. Copies of the DBS certificate shall not be retained by the Council.

## **The Use of Disclosure Information**

12. The existence of a criminal record or other information revealed as a result of a DBS check will not automatically debar a Councillor from holding office.

13. In the event that the disclosure information received raises issues of concern, the Monitoring Officer in consultation with the relevant Group Leader, will then discuss with the individual Councillor the restrictions considered necessary, to safeguard members of the public.

14. In the event that any issues arising from DBS checks are of such significant concern that they cannot be resolved by the actions in paragraph 13 above or the councillor in question is a Group Leader, the Monitoring Officer shall refer the matter to the Standards Committee for consideration.

15. This Protocol will be reviewed every two years and updated as and when required as a result of changes in the law.



# Spelthorne Borough Council Constitution

## Part 6

### Members' Allowances Scheme

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# **Members' Allowances Scheme**

## **1 April 2024 to 31 March 2025**

### **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 2024 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.

	<b>Per Annum £</b>
<b>Basic allowance</b> payable to all Members	<b>£6849</b>
<b>Special Responsibility allowances</b>	
Leader of the Council and Chair of Policy & Resources Committee	<b>£11,530</b>
Deputy Leader and Vice-Chair Policy & Resources Committee	<b>£5,765</b>
Strategic Committee Chairs: Environment and Sustainability Community Wellbeing and Housing Business, Infrastructure and Growth (from 23 May 2024) Economic and Neighbourhood Services (ceases 23 May 2024)	<b>£8,071</b>
Planning Committee Chair	<b>£8,071</b>
Planning Committee Vice-Chair	<b>£4,036</b>
Licensing Committee Chair	<b>£4,612</b>
Licensing Committee Vice-Chair	<b>£2,306</b>
Audit Committee Chair	<b>£4,612</b>
Audit Committee Vice-Chair	<b>£2,306</b>
Strategic Committee Vice-Chairs	<b>£4,036</b>
Members of Commercial Assets Sub-Committee (from 3 June 2024)	<b>£2000</b>
Members of Development Sub-Committee (ceases 23 May 2024)	<b>£2000</b>
Administrative Committee Chair (ceases 23 May 2024)	<b>£2306</b>
Administrative Committee Vice-Chair (ceases 23 May 2024)	<b>£1153</b>
Co-optees' Allowance (Chair/Vice-Chair of Standards Committee)	<b>£1500/£750</b>
Independent Person on Audit	<b>£750</b>

- ❖ 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.

- 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:

<b>Cars</b>	
Up to 999cc	46.9p
1000cc– 1199cc	52.2p
1200cc and over	65p
<b>Electric Cars</b>	46.9p
<b>Motorcycles</b>	24p
<b>Cycles</b>	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 (2024/2025) equates to £1048 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 £4189 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.

## Members' Allowances Scheme 2024-2025

### 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 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.
- Meetings with Council partners and other Leaders where such meetings take place outside the Borough of Spelthorne.

To qualify as an approved duty, such meetings, seminars and presentations need to be authorised by the Council or a Committee and representatives of more than one political group must be invited, except in the case where the Leader is invited

#### Meetings with organisations

Meetings of the following organisations **have been approved** by the Council for travel/expenses claims:

- Armed Forces Covenant



- Ashford and St Peter's Hospitals NHS Foundation Trust
- Citizens Advice Runnymede and Spelthorne
- Enterprise M3 (where held outside Spelthorne)
- Council for the Independent Scrutiny of Heathrow Airport
- Heathrow Local Focus Forum (BAA)
- Heathrow Airport Ltd - Annual Meeting with Spelthorne Borough Council
- Heathrow Noise and Airspace Community Forum
- Heathrow Strategic Planning Group (where held outside Spelthorne)
- Management Committee of Mediation North Surrey
- PATROL (Parking and Traffic Regulations outside London) Adjudication Joint Committee
- Runnymede and Spelthorne SHMA – Joint Member Liaison Group
- 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 Environment Partnership
- Surrey Leaders' Group
- Surrey Museums Partnership
- Surrey Police and Crime Panel
- Surrey Traveller Community Relations Forum
- (NHS) Sustainability and Transformation Plan Stakeholder Reference Group
- Thames Landscape Strategy Partnership Executive Review Board

#### **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

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.

## **Amendments to the Constitution – 2024/2025 Municipal Year**

### **CPRC - 15 April 2024**

#### **Part 3c Delegated Responsibilities in consultation with the Chairs and Vice-Chairs of Committees**

##### **Addition of PH12:**

Delegate to the Monitoring Officer, in consultation with the Chief Executive and the Chair of Corporate Policy & Resources Committee, to implement any future changes and updates to the Council's Complaints Policy and procedure, and the Unreasonably Persistent, Vexatious or Abusive Complaints Policy.

### **Council – 25 April 2024 (effective from 23 May 2024)**

#### **Part 3b – Terms of Reference**

Re-structure of committees and terms of reference to remove Administrative Committee, Economic Development Committee, and Neighbourhood Services and Enforcement Committee and Development Sub-Committee and the addition of Business, Infrastructure and Growth Committee and Commercial Assets Sub-Committee.

Amendment to Investigating and Disciplinary Committee in relation to the power to suspend any relevant officer in an emergency, and the need for the Committee to be politically proportionate.

#### **Part 3c – Delegated Responsibilities in Consultation with the Chairs and Vice-Chairs of Committees**

##### **Addition of PH13:**

If an exceptional situation arises whereby allegations of misconduct by the Statutory Officer are such that their remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority, the following may suspend the Statutory Officer immediately, in an emergency:

In relation to serious allegations of misconduct against the Chief Executive, the Monitoring Officer and Chief Finance Officer jointly in consultation with the Chair of the IDC or

In relation to serious allegations of misconduct against the Monitoring Officer or Chief Finance Officer, the Chief Executive in consultation with the Chair of the IDC.

#### **Part 3d - Delegations to Officers**

##### **Addition of:**

##### **Section 4.2a. and b.**

Delegation to the Group Head for Assets in consultation with the Chief Finance Officer, in relation to new lettings and lease renewals.

### **Section 4.3**

Delegation to the Group Head for Assets, in relation to new urgent lettings

## **Consequential amendments arising from above changes - under Delegation to Monitoring Officer – 23 May 2024**

### **Part 2 – Article 7 Strategic, Regulatory and other Committees**

Amendments to reflect the new structure of Committees established by the Council.

### **Part 3b – Terms of Reference for Licensing Committee**

Amendment to reflect revised general terms of reference for all committees

6. To adopt, monitor and review relevant Council policies and strategies, where they do not require a Council decision under the Policy Framework at Article 4 of this Constitution.

### **Part 3b – Terms of reference for Corporate Policy and Resources Committee**

Addition to reflect deletion of Administration Committee from Council's establishment:

This Committee has responsibility for scrutinising matters referred to it by the Strategic Committees or councillors in accordance with the Council's Call-in Procedure Rules (Part 4b of this Constitution).

### **Part 4b - Call-in Scrutiny Procedure Rules**

Amendment to reflect deletion of Administration Committee from Council's establishment.

Call-ins will be referred to Corporate Policy and Resources Committee for review, except in the case of a decision by that Committee. Such call-ins will be referred to Council subject to the other provisions within the Call-in procedure.

## **Under Delegation to Monitoring Officer, Article 13**

### **Part 3b – Terms of reference for Surrey Police and Crime Commissioners Panel**

Addition to reflect the PCC Panel's terms of reference as set out in the Police Reform and Social Responsibility Act 2011:

To require the PCC and members of their staff to attend the Police and Crime Panel to answer questions