

SUMMARY AND EXPLANATION

The Council's Constitution

The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Constitution is divided into 16 articles. These set out the basic rules governing the Council's business.

More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 sets out the purpose of the Constitution, which is aimed at providing efficient, transparent and accountable decision-making. It also commits the Council to maintain close links with the people we serve, listening and responding to the views and needs of our citizens and customers, and speaking on behalf of the people of Rushcliffe on issues which impact on our community.

Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Councillors (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Executive (Article 7).
- Regulatory and other committees (Article 8).
- The Standards Committee (Article 9).
- Area Consultation Arrangements (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

How the Council Operates

The Council is composed of 44 Councillors elected every four years. Councillors are democratically accountable to the residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee advises them on the code of conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council will appoint the Leader who will select the members of the Cabinet.

The Cabinet is responsible for most day-to-day decisions and is made up of at least two, but not more than nine, Councillors appointed by the Leader.

When decisions are to be discussed or made by Cabinet, these are published in the Council's forward plan in so far as they can be anticipated. Meetings of the Cabinet are open to the public to attend except where exempt or confidential matters¹ are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision that is outside the budget or policy framework, this must be referred to the Council as a whole to decide. Decisions of the Cabinet will be subject to scrutiny through the Scrutiny Groups appointed by the Council and also a call-in procedure referred to below.

Overview and Scrutiny

The Council has reviewed its scrutiny arrangements several times since the introduction of the concept in the Local Government Act 2000. The current arrangements were approved by Council in April 2007 following the publication of the Government White Paper – "Strong and Prosperous Communities".

They now comprise two 'backward looking' groups, the Performance Management Board responsible for performance monitoring and the Corporate Governance Group responsible for governance; and two 'forward looking' groups, known as the Community Development Group and the Partnership Delivery Group.

The scrutiny process allows citizens to have a greater say in Council matters by considering matters of local concern. It can lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Scrutiny committees also monitor the decisions of the Cabinet.

Councillors can 'call in' a decision, which has been made by the Cabinet but not yet implemented. This enables the scrutiny committee to consider whether the decision is appropriate. Scrutiny committees may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

¹ Access to Information – these are contained within Part 4 Section 10.4 of this Constitution

The Council's Officers

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific Council services, they have additional rights which may be set out in statute or regulations. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered
- contact their local Councillor about any matters of concern to them
- obtain a copy of the Constitution
- attend meetings of the Council, Cabinet, Scrutiny Committees and other Committees except where exempt or confidential matters are being discussed
- petition to request a referendum on a Mayoral form of Executive
- present a petition to the Council in line with the Council's agreed Petitions Scheme
- contribute to issues under consideration by the scrutiny committees through the consultation process
- find out, from the Council's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when
- see reports and background papers, and any record of decisions made by the Council and Cabinet
- complain to the Council if they are dissatisfied with the service they receive in line with the Council's published customer feedback procedure
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own customer feedback procedure
- complain to the Council if they have evidence which they think shows that a Councillor has not followed the Council's Code(s) of Conduct in line with the Council's published Members' Complaints Procedure, and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work.

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 Rushcliffe Borough Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations
- b) support the active involvement of citizens in the process of local authority decision-making
- c) help Councillors represent their constituents more effectively
- d) enable decisions to be taken efficiently and effectively
- e) create an effective means of holding decision-makers to public account
- f) ensure that no one will review or scrutinise a decision in which they were directly involved
- g) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions, and
- h) provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution

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

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

ARTICLE 2 – COUNCILLORS

2.1 Composition and eligibility

(a) Composition

The Council comprises of 44 members, otherwise called Councillors. Between one and three Councillors are elected by the voters for the 25 wards in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State. Information about the wards and the elected Councillors for each ward is available on the Council's website www.rushcliffe.gov.uk

(b) Eligibility

Only registered voters of the Borough or those living or working in the Borough will be eligible to hold the office of Councillor.

2.2 Election and terms of Councillors

Election and terms

The regular election of Councillors will be held on the first Thursday in May every four years. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all Councillors

(a) Key roles

All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions
- (ii) act in the best interests of the Rushcliffe community as a whole
- (iii) be available to represent the Council on other bodies
- (iv) maintain the highest standards of conduct and ethics
- (v) effectively represent the interests of their ward and of individual constituents
- (vi) respond to constituents' enquiries and representations, fairly and impartially
- (vii) participate in the governance and management of the Council
- (viii) represent their communities and bring their views into the Council's decision-making process, i.e. become advocates of and for their communities.

(b) **Job profiles**

(i) **Cabinet Member**

Purposes:

1. To participate constructively in the good governance of an area and to provide strategic leadership
2. To contribute actively to the formation of the Council's policies, budget, strategies and service delivery
3. To represent effectively the interests of the ward for which the Councillor was elected, and deal with constituents' enquiries and representations
4. To champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment
5. To represent the Council on an outside body, if appointed
6. To ensure that the Council successfully discharges its overall responsibilities.

Key Tasks:

1. To fulfil the statutory and locally determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and to participate in those decisions and activities reserved to the full Council
2. To participate effectively to the decision-making process as a member of the Cabinet
3. To participate effectively as a member of any committee or group to which the Councillor is appointed, and to liaise with other public bodies to promote better understanding and partnership working
4. To participate in the activities of any outside body to which the Councillor is appointed, providing two-way communication between the organisations. Also for this purpose, to develop and maintain a working knowledge of the Council's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions

5. To participate, as appointed, in any area and service-based consultative processes with the community and with other organisations
6. To represent the Council to the community, and the community to the Council, through the various fora available
7. To develop and maintain a working knowledge of the Council's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the Council
8. To develop a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity
9. To contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area
10. To participate in the activities of any political group of which the Councillor is a member.

(ii) **Non-Executive Councillor**

Purposes:

1. To participate constructively in the good governance of an area
2. To contribute actively to the formation and scrutiny of the Council's policies, budget, strategies and service delivery
3. To represent effectively the interests of the ward for which the Councillor was elected, and deal with constituents' enquiries and representations
4. To champion the causes which best related to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment
5. To represent the Council on an outside body, if appointed.

Key Tasks:

1. To fulfil the statutory and locally determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant

codes of conduct, and to participate in those decisions and activities reserved to the full Council

2. To participate effectively as a member of any committee or group to which the Councillor is appointed, and to liaise with other public bodies to promote better understanding and partnership working
3. To participate in the activities of any outside body to which the Councillor is appointed, providing two-way communication between the organisations. Also for this purpose, to develop and maintain a working knowledge of the Council's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions
4. To participate in the scrutiny or performance review of the services of the Council including where the Council has so decided, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the Council
5. To participate, as appointed, in any area and service-based consultative processes with the community and with other organisations
6. To represent the Council to the community, and the community to the Council, through the various fora available
7. To develop and maintain a working knowledge of the Council's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the Council
8. To develop a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity
9. To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the government of the area
10. To participate in the activities of any political group of which the Councillor is a member.

Skills:

As Community Leaders:

1. Build effective relationships with all sections of the community to represent their views to the Council
2. Engage all sections of the community to learn and act upon issues of local concern
3. Seek opinion and new ways of representing others
4. Keep up to date with issues of concern
5. Speak for all sections of the community and work with partners
6. Mediate fairly in the community and campaign on behalf of others
7. Undertake casework for constituents and act as an advocate in resolving concerns
8. Contribute to the debate at full Council meetings
9. Represent the Council to the community and the community to the Council
10. Represent the Council on outside bodies and to participate effectively in the appointed role, and where appropriate, to represent those bodies within Rushcliffe
11. Participate in the activities of any political group of which you are a member.

In Partnership

1. Show awareness of the needs of other partners, e.g. Police
2. Use influence as an elected representative to develop links between groups and communities in the ward and local area
3. Forge local partnerships to ensure resources are used to meet the needs of the area
4. Work with Parish Councils taking into account the differences between rural and urban communities.

General

1. Fulfil the legal and local requirements placed on a Councillor, in accordance with the Councillor code of conduct and the protocol on Councillor: officer relations
2. Be responsible for your own personal development and undergo appropriate development and continuous improvement for any role undertaken
3. Lead and champion the interests of the local community
4. Influence and persuade, manage conflict and mediate where needed
5. Chair meetings and facilitate discussions
6. Develop relationships with key officers and partner agencies.

Communication

1. Talk and listen sensitively to people in the community
2. Develop a positive relationship with the local media
3. Provide information about Council decisions
4. Use 'plain' English – both written and spoken
5. Public speaking and presentation skills
6. Be realistic about what can be achieved.

Knowledge

1. How the Council works
2. Council structure, key contact officers, services and procedures
3. Councillor code of conduct and protocol on Councillor: officer relations
4. Decision making process
5. Strategic priorities and key policies of the Council
6. Local government finances and audit process
7. Council's customer feedback procedure
8. Understanding of legislation and Council policies which Councillors must follow, e.g. Freedom of Information, Data Protection, equality legislation
9. Impact of national policies on the Council.

Political understanding

1. Act ethically, consistently and with integrity when communicating values or representing political views in decisions and actions
2. Work across group boundaries without compromising values or ethics
3. Work as a team player within a wider team
4. Recognise the achievements of others.

(c) 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 that is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution
- (iv) Councillors will abide by the Protocol on Councillor: officer relations and the provisions within it.

2.4 **Conduct**

Councillors will at all times observe the Councillor Code of Conduct set out in Part 5 of this Constitution. They will also comply with the Council's Protocol on Councillor: officer relations.

2.5 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Councillors' allowances scheme set out in part 6 of this Constitution.

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.1 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the access to information rules in part 4 of this Constitution:

(a) Voting and petitions

Citizens on the electoral register for the area have the right to vote and sign a petition to request a referendum for an elected Mayor form of Executive.

(b) Information

Citizens have the right to:

- (i) attend meetings of the Council, Cabinet, Scrutiny Committees, committees, except where confidential or exempt information is likely to be disclosed
- (ii) find out from the forward plan what key decisions will be taken by the Cabinet and when
- (iii) see reports and background papers, and any records of decisions made by the Council and the Cabinet
- (iv) inspect the Council's accounts and make their views known to the external auditor
- (v) register and vote
- (vi) respond to consultations.

(c) Participation

Citizens have the right to present petitions to the Council in line with the Council's published Petitions Scheme and contribute to issues under consideration by scrutiny committees through the consultation process.

(d) Complaints

Citizens have the right to complain to:

- (i) the Council itself under its customer feedback procedure
- (ii) the Ombudsman after using the Council's own customer feedback procedure
- (iii) the Council about an alleged breach of the Councillors' Code of Conduct in line with the published Councillors' Complaints procedure.

3.2 **Citizens' responsibilities**

Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.

ARTICLE 4 – THE FULL COUNCIL

4.1 Meanings

(a) Policy Framework

The policy framework means the following plans and strategies:

- a) Corporate Strategy
- b) Crime and Disorder Reduction Strategy
- c) Local Plan Documents
- d) Licensing Statement of Policy
- e) Gambling Statement of Policy

(b) Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the Council Tax and 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 full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution
- (b) approving or adopting the policy framework and the budget
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget
- (d) appointing the Leader
- (e) approving the delegation scheme, including delegation of executive functions
- (f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them
- (g) appointing representatives to outside bodies

- (h) adopting an allowances scheme under Article 2.5
- (i) changing the name of the area, conferring the title of honorary alderman or freedom of the Borough
- (j) confirming the appointment of the Head of Paid Service; the S151 Officer and the Monitoring Officer in line with Part 4, Rules of Procedure, Officer Employment Procedure rules
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- (l) all local choice functions set out in part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet
- (m) 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
- (b) ordinary meetings
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 Responsibility for functions

Responsibilities for the Council's functions, which are not the responsibility of the Cabinet as set out in part 3 of this Constitution.

ARTICLE 5 – CHAIRING THE COUNCIL

Role and function of the Mayor

- a) The Mayor, and in his/her absence the Deputy Mayor, will have the following roles and functions:
 - i. Representing the Council through his/her civic role
 - ii. Chairing Council meetings.

- b) The Mayor will be elected by the Council annually and will have the following responsibilities:
 - i. to attend such civic and ceremonial functions as the Council and he/she determines appropriate
 - ii. to uphold and promote the purposes of the Constitution
 - iii. to preside over meetings of the Council so that:
 - I. its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community; and
 - II. proceedings comply with the Council Procedure Rules, Part 4 Rules of Procedure
 - iv. 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 Councillors who are not on the Cabinet are able to hold the Cabinet members and committee Chairmen to account.

ARTICLE 6 – SCRUTINY COMMITTEES

6.1 Terms of Reference

The Council has appointed the following scrutiny committees under Section 21 of the Local Government Act 2000, with the terms of reference set out in paragraphs 6.3 to 6.9 below;

- Performance Management Board
- Corporate Governance Group
- Community Development Group
- Partnership Delivery Group

6.2 The role of scrutiny committees is further explained in paragraphs 6.7 and 6.8 below.

6.3 Performance Management Board

To act as the Council's principal scrutiny committee in respect of the scrutiny of performance, including;

- performance monitoring
- service performance and effective use of resources
- customer Feedback.

6.4 Corporate Governance Group

The terms of reference of the Group include:

- (a) Statement of Accounts:
to examine the outturn and statement of accounts, making comments and recommendation to Council.
- (b) Report on Code of Corporate Governance:
 - i) to consider the annual report on compliance with the Council's Corporate Governance Code and making recommendations to Cabinet on improvements/changes in practice and acceptance of a draft Statement
 - ii) be designated with responsibility for the Governance of the Council (*as per Council recommendation on 28 June 2007 minute 17*).
- (c) Report on Statement of Internal Control:
 - i) to consider the annual report on the application of the Council's system of internal control and making recommendations to Cabinet on improvements/changes in practice and acceptance of a draft Statement.

- (d) Annual Treasury Management Activity report:
 - i) to consider the annual report on Treasury Management activity and ensure that practice has complied with the approved Treasury Management strategy, making comments to Cabinet as appropriate.
- (e) Fraud and Irregularities:
 - i) to consider the annual report on fraud and irregularities in support of making an informed judgement in respect of the corporate governance and internal control statements, making recommendations to Cabinet on improvements
 - ii) to consider any matters arising as a result of irregularity referred to it by Cabinet.
- (f) Capital and Revenue budget monitoring:
 - i) to consider regular reports on progress against the revenue and capital budget, making recommendations to Cabinet on matters requiring its approval and where progress is considered to be unsatisfactory.
- (g) Periodic reports on the findings of Internal Audit/due diligence/controls over key risk areas:
 - i) to consider periodic reports on the more significant findings of internal audit in support of making an informed judgement in respect of the corporate governance and internal control statements, making recommendations to Cabinet on improvements
 - ii) to consider periodic reports on controls over key risk areas as identified in the risk register in support of making an informed judgement in respect of the corporate governance and internal control statements, making recommendations to Cabinet on improvements.
- (h) Monitor and review the operation of the Constitution:
 - (i) to monitor and review the operation of the Constitution in line with Article 15, Review and Revision of the Constitution, Part 2 Articles of the Constitution.

6.5 Community Development Group

- (a) The terms of reference of this Group include policy scrutiny relating to:
 - i. community priorities and solutions
 - ii. engaging and identifying needs of other groups

- iii. building relationships to ensure policies are developed to empower and not constrain
- iv. reputation management through promotion, delivery and communication
- v. town and parish council shared working (identifying opportunities whilst establishing priorities).

6.6 Partnership Delivery Group

(a) The terms of reference of this Group include:

- i. driving forward existing partnerships
- ii. helping to bring partnership working into the Council's mainstream work
- iii. bringing together partners within the public sector for the benefit of the community
- iv. developing an approach to future partnership working with both the public and the private sector.

6.7 General Role

(a) Within their terms of reference, scrutiny committees will:

- i. review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions
- ii. make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions
- iii. consider any matter affecting the area or its inhabitants
- iv. exercise the right to call-in decisions made but not yet implemented by the Cabinet as set out within the Call-in section, overview and scrutiny procedure rules, part 4, rules of procedure.

6.8 Specific functions

(a) **Policy development and review**

Scrutiny committees may:

- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- (ii) establish Member Panels focusing on particular areas of policy development and review with a view to making recommendations to the Cabinet when necessary
- (iii) conduct research, community and other consultation in the analysis of policy issues and possible options
- (iv) consider and implement mechanisms to encourage and enhance community participation in the development of policy options

- (v) question members of the Cabinet and/or committees and senior managers about their views on issues and proposals affecting the area; and
- (vi) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny**

Scrutiny committees may:

- (i) review and scrutinise the decisions made by and performance of the Cabinet and/or committees and Council officers both in relation to individual decisions and over time
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- (iii) question members of the Cabinet and/or committees and senior managers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- (iv) make recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance
- (vi) question and gather evidence from any person (with their permission)
- (vii) deliver the 'Councillor Call for Action (CCFA)' process in line with the CCFA protocol as set out at part 5, codes and protocols of this Constitution.

6.9 **Proceedings of Scrutiny Committees**

Scrutiny committees will conduct their proceedings in accordance with the overview and scrutiny procedure Rules set out in part 4 of this Constitution.

ARTICLE 7 – THE CABINET

7.1 Role

The Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

7.2 Form and Composition

The Cabinet will consist of the Leader together with at least two, but not more than nine, Councillors appointed by the Leader.

The current composition of the Cabinet comprises the Leader and five members. One member is designated as the Deputy Leader and will act in the absence of the Leader. The Leader will retain the overall leadership and strategic role and the Deputy Leader and four Cabinet members will be allocated a portfolio for the following functions:

Strategic Direction (Leader)	<ul style="list-style-type: none">• Overall direction focus and vision• Corporate Strategy• Medium Term Financial Strategy (MTFS)• Budgetary policy (linking with MTFS and four year plan)• Economic and business growth
Finance and Economy (Deputy Leader)	<ul style="list-style-type: none">• Finance (budget and debt management)• Benefits• Procurement• Economic and business growth• Asset management• ICT• Business continuity• Member services• Transformation
Community Services	<ul style="list-style-type: none">• Leisure Strategy• Community engagement• Young people• Customer access and communications• Cultural services
Environment	<ul style="list-style-type: none">• Waste management<ul style="list-style-type: none">○ waste services○ fleet management○ grounds maintenance and street cleansing• Environmental promotion<ul style="list-style-type: none">○ recycling• Community emergency planning

Safety and Well-being	<ul style="list-style-type: none"> • Community safety • Public health protection • Performance management • Licensing • Police and crime panel • South Notts crime prevention • Member development
Sustainability	<ul style="list-style-type: none"> • Planning policy (Local Plan) • Strategic Housing Policy • Environmental protections in development • Development control • Building control

7.3 Leader

The Leader will be a Councillor elected by the Council at their annual meeting following the local government elections for a period of four years or until the Leader's term of office as a Councillor ends.

The Leader shall otherwise continue to hold office as above unless;

- the Council, by resolution, removes the Leader during his/her term of office whereupon his/her term of office as Leader shall end on the day of that Council meeting; or
- he/she resigns from the office; or
- he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension).

If the Council removes a Leader by resolution, the Council must elect a new Leader at the same meeting.

The Leader shall determine the number of Councillors who may be appointed to the Cabinet subject to a maximum of ten, including the Leader. The Leader will appoint Councillors to the Cabinet positions.

The Leader shall appoint one of the members of the Cabinet to be his/her Deputy.

The Deputy Leader shall hold office for the same term as the Leader unless;

- he/she is removed from office by the Leader or ceases to be a Councillor; or
- he/she resigns from the office; or
- he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume the role of Deputy Leader at the end of the period of suspension).

The Leader shall report to the Council on all appointments to, and changes to, the Cabinet.

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

If for any reason the Leader and Deputy Leader are both unable to act or their offices are vacant, then the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to do so.

7.4 Other Cabinet Members

Other Cabinet members will be appointed by the Leader on his/her appointment at the annual Council meeting and shall hold office until:

- (a) they are replaced by the Leader at any time; or
- (b) they resign from office; or
- (c) they cease to be a Councillor; or
- (d) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension).

7.5 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Executive procedure rules set out in part 4 of this Constitution.

7.6 Responsibility for Functions

The Leader shall allocate Cabinet portfolios to other Cabinet Members.

The Council will determine any delegation of responsibility to individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements for the exercise of particular executive functions. The delegations arrangements are set out in part 3, responsibility for functions of this Constitution.

ARTICLE 8 – REGULATORY AND OTHER COMMITTEES AND MEMBER GROUPS

8.1 Regulatory and other committees

The Council will appoint the following committees with the terms of reference indicated:

Development Control Committee

Make decisions or observations, as may be required, in respect of any planning application or matter, which must be referred to the committee by the executive manager – communities in accordance with the scheme of delegation or where the executive manager – communities considers that such application or matter should be considered by the committee;

PROVIDED THAT

- (i) The Executive Manager – Communities may refer to Council for decision any proposed decision of the committee that is contrary to his/her recommendation
- (ii) Any planning application which is refused or approved subject to conditions and which in the opinion of the Executive Manager – Communities and Senior Solicitor would be likely to lead to the serving of a purchase notice or attract a claim for compensation, shall be referred to Council for decision.

Licensing Committee

- (a) Consider and determine applications for the grant, renewal, transfer or variation of a licence or permit etc. in the following circumstances:
 - (i) where an objection has been received from the police, fire authority or any other statutory consultee
 - (ii) if granting the application would be contrary to an approved policy of the Council in respect of that licensing function; or
 - (iii) if the relevant executive manager considers that for other reasons the application should be determined by the committee.
- (b) Consider and determine appeals in respect of proposed decisions by the Executive Manager – Neighbourhoods in relation to hackney carriage and private hire licensing matters where an applicant or licensed driver has exercised a right of appeal against the proposed decision of the Executive Manager – Neighbourhoods under the scheme of delegation.

Alcohol and Entertainments Licensing Committee

To act as the Council's Licensing Committee under the Licensing Act 2003 and the Gambling Act 2005.

Employment Appeals Committee

Hear and determine appeals in accordance with the Council's procedures in respect of dismissal arising from misconduct, absence and capability only.

Interviewing Committee

Make appointments to the posts of:

- Chief Executive
- Executive managers

8.2 Other Member Groups

Civic Hospitality Panel

Consider civic hospitality matters and the organisation of civic functions.

Local Development Framework Group

The Local Development Framework Group shall consider and make recommendations to Council on all Development Plan documents and shall consider and make recommendations to Cabinet on all Supplementary Development Plan documents and any other relevant documents.

ARTICLE 9 – THE STANDARDS COMMITTEE

9.1 Standards Committee

The Council will establish a Standards Committee in pursuance of the Localism Act 2011 and associated legislation.

9.2 Composition

(a) Membership

The Standards Committee will comprise;

- six Councillors (other than the Leader)
- three independent members, two of whom should be members of a parish council.

(b) Independent members

Independent members will not be entitled to vote at meetings.

(c) Chairing the Committee

A member of the Cabinet may not chair the Committee.

9.3 Role and Function

The Standards Committee will have the following roles and functions:

- promoting and maintaining high standards of conduct by Councillors and co-opted members
- assisting the Councillors and co-opted members to observe the Councillor Code of Conduct
- advising the Council on the adoption or revision of the Councillor Code of Conduct
- monitoring the operation of the Councillor Code of Conduct
- advising, training or arranging to train the Councillors and co-opted members on matters relating to the Councillor code of conduct
- dealing with complaints about Councillors in accordance with the Council's published Councillors' complaints procedure approved under Section 28(6) of the Localism Act 2011
- the exercise of (a) to (f) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils
- granting dispensations to Councillors and co-opted members from requirements relating to disclosable pecuniary interests

- (i) considering any reference to the committee by the Chief Executive pursuant to paragraph 10 of the Councillors' allowance scheme relating to the failure of a Councillor to attend any meeting during a period of three months, with power to suspend the payment of allowances under the scheme to the Councillor concerned, unless the reasons for non-attendance are approved by the Committee.

ARTICLE 10 – AREA COMMITTEES AND CONSULTATION MEETINGS

10.1 Area Committees

The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

ARTICLE 11 – JOINT ARRANGEMENTS

11.1 Arrangements to Promote Well-being

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of the Borough, may:

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

11.2 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions, which are not Cabinet functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions, which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Cabinet may appoint only Cabinet members to a joint committee and those members need not reflect the political composition of the Council as a whole.
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances;
 - i. the joint committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the Council by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a member for a ward, which is wholly or partly contained within the area;
 - ii. the joint committee is between a county council and a single district council and relates to functions of the executive of the County Council. In such cases, the executive of the County Council may appoint to the joint committee any Councillor who is a member for an electoral division, which is wholly or partly contained within the area.

In both of these cases the political balance requirements do not apply to such appointments.

- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegation in part 3 of this Constitution.

11.3 Appointments to joint committees

Appointments to joint committees will be made by;

- (a) The Council, where all the functions of the joint committee are the responsibility of the Council
- (b) The Council with the agreement of the Cabinet, where some of the functions of the joint committee are the responsibility of the Council and some are the responsibility of the Cabinet
- (c) The Cabinet, where all of the functions of the joint committee are the responsibility of the Cabinet.

11.4 Access to information

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

11.5 Delegation to and from other local authorities

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

11.6 Contracting out

The Council, for functions which are not Cabinet functions, and the Cabinet, for Cabinet functions, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

11.7 **Budget and Policy Framework**

Any action taken by the Cabinet under this Article must either fall within the budget and policy framework, or it must be the subject of a recommendation to the Council to amend the budget and/or policy framework.

ARTICLE 12 – OFFICERS

12.1 Management structure

(a) General

The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) Executive Officers

The full Council or a committee appointed for this purpose will approve appointments to the following posts, who will be designated executive officers;

- Chief Executive
- Executive managers

The Chief Executive shall determine the nature and functions of the Council's management structure in line with the procedure rules – officer employment set out in part 4 of this Constitution.

(c) Monitoring Officer and Section 151 Officer

The full Council or a committee appointed for this purpose will approve appointment to the roles of Monitoring Officer and Section 151 Officer.

(d) Structure

The Head of Paid Service (who will be the Chief Executive) will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.

12.2 Functions and areas of responsibility

Chief Executive

- (a) Overall corporate management and operational responsibility (and Head of Paid Service) including overall management responsibility for all officers
- (b) Provision of professional advice to all parties in the decision making process
- (c) Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions
- (d) Representing the Council on partnership and external bodies
- (e) Chief advisor to the Council and principle advisor in all professional matters

- (f) Other duties as required by statute or the Council.

Executive Managers

- (a) Together with the Chief Executive and other executive managers, ensure that the Council's objectives are achieved and contribute to the development and implementation of strategic policy
- (b) At the direction of the Chief Executive, to oversee the delivery and development of services in line with the Council's scheme of delegation
- (c) At the direction of the Chief Executive, to act as lead sponsor for specific service areas and projects which contribute to the development and implementation of strategic policy.

12.3 Functions of the Head of Paid Service

(a) Discharge of functions by the Council

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) Restrictions on functions

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.4 Functions of the Monitoring Officer

(a) Maintaining the Constitution

Maintain an up-to-date version of the Constitution and ensure that it is widely available for consultation by Councillors, officers and citizens.

(b) Ensuring lawfulness and fairness of decision making

After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to any Cabinet function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting the Standards Committee

Contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(e) **Conducting investigations**

Conduct investigations into standards matters and make reports or recommendations in respect of them to the Standards Committee.

(f) **Proper Officer for access to information**

Ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(g) **Advising whether Cabinet decisions are within the budget and policy framework**

Together with the Chief Executive and Section 151 Officer, advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

(h) **Providing advice**

Together with the Chief Executive and Section 151 Officer, 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.

(i) **Complaints**

Co-ordinating the response to complaints referred to the Local Ombudsman.

(j) **Restrictions on posts**

The Monitoring Officer cannot be the S151 Officer.

12.5 Functions of the S151 Officer

(a) **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the S151 Officer will report to the full Council or to the Cabinet in relation to any Cabinet function, and the Council's external auditor, if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs**

Have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management**

Contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice**

Together with the Chief Executive and the Monitoring Officer 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) **Give financial information**

Provide financial information to the media, members of the public and the community.

12.6 Duty to provide sufficient resources to the Monitoring Officer and S151 Officer

The Council will provide the Monitoring Officer and S151 Officer with such officers, accommodation and other resources as are in the opinion of the Monitoring Officer and S151 Officer sufficient to allow their duties to be performed.

12.7 Conduct

Officers will comply with the officers' code of conduct set out in part 5 of this Constitution.

12.8 Employment

The recruitment, selection and dismissal of officers will comply with the officer employment rules set out in part 4 of this Constitution.

ARTICLE 13 – DECISION MAKING

13.1 Responsibility for Decision Making

The Council will issue and keep an 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, responsibility for functions, of this Constitution.

13.2 Principles of Decision Making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome)
- (b) due consultation and the taking of professional advice from officers
- (c) respect for human rights
- (d) a presumption in favour of openness
- (e) clarity of aims and desired outcomes; and
- (f) the record of any decision will include an explanation of the options which were considered and giving the reasons for the decision in accordance with the requirements of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

13.3 Types of Decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.2, Article 4, the full Council, will be made by the full Council and not delegated.
- (b) Key decisions:
 - (i) The regulations define a key decision to mean an executive decision taken by Cabinet which is likely:
 - (1) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates;

For this purpose significant expenditure or savings shall mean:

Revenue: Any contract or proposal with an annual payment of more than £100,000.

Capital: Any capital project with a value in excess of £250,000.

or

- (2) to be significant in terms of its effects on communities living or working in any wards or electoral divisions in the area of the local authority.

For the purposes of the Constitution, the Cabinet may determine that a decision, which will have a significant impact on only one ward, shall be regarded as a key decision.

In determining whether a decision is significant in terms of its effect on communities consideration should be given to;

- the number of residents/service users that will be affected in the wards concerned
- whether the impact is short term, long term or permanent
- the impact on the community in terms of the economic, social and environmental well-being.

- (ii) A key decision may only be taken in accordance with the requirements of the Cabinet procedure rules set out in part 4 of this Constitution.

13.4 Decision making by the full Council

Subject to Article 13.8, the Council meeting will follow the Council procedure rules set out in part 4 of this Constitution when considering any matter.

13.5 Decision making by the Cabinet

Subject to Article 13.8, the Cabinet will follow the Executive procedure rules set out in part 4 of this Constitution when considering any matter.

13.6 Decision making by Scrutiny Committees

Scrutiny Committees will follow the overview and scrutiny procedure rules set out in part 4 of this Constitution when considering any matter.

13.7 Decision making by other committees and sub-committees established by the Council

Subject to Article 13.8, other Council committees and sub-committees will follow those parts of the Council procedure rules set out in part 4 of this Constitution as apply to them.

13.8 Decision making by Council bodies acting as tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person 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.

13.9 Officers' role in support of decision-making

The Head of Paid Service will have primary responsibility for ensuring that all decisions taken by the Council, the Cabinet or any other Council body are taken according to a proper process and full consideration of all relevant facts and circumstances.

ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

14.1 Financial management

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

14.2 Contracts

- (a) Every contract which exceeds £50,000 in value or amount shall be under the Common Seal of the Council.
- (b) Every contract not required to be under the Common Seal of the Council under the preceding Standing Order shall be in writing and signed by the executive manager concerned or a nominated senior member of his/her staff.
- (c) The Common Seal of the Council shall be kept in a safe place in the custody of the Senior Solicitor. A decision of the Council, or any part of it, will be sufficient authority for sealing any document to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Senior Solicitor should be sealed.
- (d) The Seal shall be attested by an authorised officer of the Council which for this purpose will mean the Chief Executive, an executive manager, senior solicitor, legal services manager or such other senior officer as the Chief Executive may appoint from time to time, and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by a person who has attested the seal.

ARTICLE 15 – REVIEW AND REVISION OF THE CONSTITUTION

15.1 Duty to Monitor and Review the Constitution

The Corporate Governance Group will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.2 Changes to the Constitution

(a) Approval

Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Corporate Governance Group.

(b) Change from a Leader and Cabinet form of Executive to alternative arrangements, or vice versa

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

15.3 Minor amendments

The Monitoring Officer, in consultation with the Chief Executive, is authorised to make minor amendments to the Constitution. When determining if an amendment is 'minor' the following factors must be considered.

Does the amendment;

- substantially depart from original arrangements
- materially affect the decision making process
- change any delegations, responsibilities or duties
- need to be done to support delivery of the Council's priorities.

ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.1 Suspension of the Constitution

(a) Limit to suspension

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full 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.

16.2 Interpretation

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

16.3 Publication

The Chief Executive will:

- (a) Provide an electronic copy of this Constitution to each member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the Councillor first being elected to the Council
- (b) Ensure that copies are available for inspection at Council offices, on the Council's website, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee
- (c) Ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

SCHEDULE 1: DESCRIPTION OF EXECUTIVE ARRANGEMENTS

The following parts of this Constitution constitute the Executive arrangements:

1. Article 6 (Scrutiny Committees) and the Overview and Scrutiny Procedure Rules
2. Article 7 (The Cabinet) and the Cabinet Procedure Rules
3. Article 10 (Area Arrangements)
4. Article 11 (Joint arrangements)
5. Article 13 (Decision making) and the access to Information Procedure Rules.

RESPONSIBILITY FOR FUNCTIONS

1.1 Responsibility for Local Choice Functions

The strategies and plans set out in Article 4.1 of Part 2 include the local choice functions, which will be the responsibility of the full Council. Other plans and strategies will be the responsibility of the Cabinet.

1.2 Responsibility for Council Functions

The following committees will be appointed by the Council, with the terms of reference set out within the Constitution (Articles 6 to 9):

- Community Development Group
- Corporate Governance Group
- Partnership Delivery Group
- Performance Management Board
- Alcohol and Entertainments Licensing Committee
- Development Control Committee
- Licensing Committee
- Employment Appeals Committee
- Interviewing Committee
- Standards Committee.

The following member groups will also be appointed;

- Civic Hospitality Panel
- Local Development Framework Group
- Strategic Growth Board
- Member Development Group.

1.3 Responsibility for Executive Functions

Executive powers have not been granted to individual members of the Cabinet, with the following exceptions:

- the Cabinet Portfolio holder for Resources has been given delegated authority to approve capital grants in accordance with policy approved by the Council from time to time
- the Council will be responsible for the delegation of any functions, including executive functions, as set out in the scheme of delegation.

1.4 Scheme of Delegation

General

Pursuant to Section 101 of the Local Government Act 1972 and Section 15(2) of the Local Government Act 2000, the Council delegates the following powers:

- to each committee of the Council, full powers to act in all matters covered by the Committee's Terms of Reference

- to each officer (see 1.5 below), full powers to act in all matters within their area of responsibility (unless delegated to a Committee), including responsibility for all day to day management and operational decisions.

For the purposes of the scheme of delegation reference to delegation to an officer shall mean one of the following officers unless specifically indicated otherwise:

- Chief Executive (Head of Paid Service)
- Executive Manager – Operations
- Executive Manager - Communities
- Executive Manager – Transformation
- Executive Manager – Neighbourhoods
- Executive Manager – Finance and Corporate Services

The exercise of such powers shall be subject always to the provisions of any Standing Order or Financial Regulation for the time being in force, except where such Order or Regulation has been specifically waived by resolution of the Council or as otherwise provided for in this Constitution.

The areas of responsibility of each executive manager are set out (but not by way of limitation) in the relevant section of appendix 1 to this scheme of delegation, but subject to any qualification, requirement to consult others or to refer a matter to a committee or to the Council for consideration, as may be specified.

1.5 Delegation to Officers – General

- (a) In cases of doubt as to which officer has responsibility for a matter, the Chief Executive shall decide.
- (b) The delegation to officers shall include the power:
 - (i) to authorise the exercise of the delegated powers of decision by such other officers as may be deemed appropriate for the proper and efficient performance of the work
 - (ii) to designate particular officers as "appropriate" or "proper" officers for the purposes of any statutory provisions, including where necessary or convenient having regard to any professional or technical requirements, an officer who is not an employee of the Council
 - (iii) following consultation with the Chief Executive to authorise particular officers in accordance with Section 223 of the Local Government Act 1972 and Section 60(2) of the County Courts Act 1984 (conduct of court proceedings by officers who are not solicitors)
 - (iv) to make any determination, serve any notice or make any Order under statutory provisions
 - (v) to authorise the Monitoring Officer and the Senior Solicitor to prosecute in respect of any offence under any statute, order,

regulation or byelaw, subject to the Monitoring Officer or the Senior Solicitor being satisfied as to the evidence

- (vi) to sign cards of identity and cards of authorisation which, in the opinion of the officer, are required to enable an officer to enter premises for the proper performance of their duties.
- (c) Every officer may take any necessary emergency action for the safety of the public or the protection of the property of the Council.
- (d) Other officers, as designated by the Chief Executive, may act in place of the officer concerned in exercise of any power conferred on an officer by this Scheme of Delegation whenever a post is vacant or the officer is for any reason unable to act.

1.6 The Council

Notwithstanding the powers delegated to Committees or officers, the Council retains the right to exercise such powers.

For the avoidance of doubt, but not by way of limitation, the matters set out in Article 4 of the Constitution shall be reserved to the Council.

1.7 The Cabinet

Notwithstanding the powers relating to executive functions which are delegated to officers, the Cabinet retains the right to exercise such powers.

Delegation to particular officers – Corporate Matters

1.8 Chief Executive

The Chief Executive, as Head of the Paid Service, shall be authorised to:

- (a) deal with all matters relating to the recruitment, appointment, remuneration, conditions of service, discipline, dismissal, superannuation, qualifications, training, promotion, safety and provision of welfare facilities of all employees of the Council (save himself) which have not been delegated to a Committee, except that:
 - (i) a committee of Council will recommend the appointment of the Head of Paid Service (Chief Executive), and Executive Managers
 - (ii) appointment and dismissal of the roles of:
 1. Monitoring Officer as appointed pursuant to Section 5 of the Local Government and Housing Act 1989; and
 2. the officer having responsibility for the Council's financial affairs pursuant to Section 151 of the Local Government Act 1972,

shall be reserved to the Council.

NOTE: In exercising these powers the Chief Executive shall have regard to any procedures, code of practice or guidance approved by the Council in relation to the matter concerned.

- (b) to settle any claims against the Council in consultation with the Monitoring Officer and the Section 151 Officer
- (c) to make such arrangements as may be necessary or appropriate to facilitate management consultation with employees or employee representatives in respect of employment related issues
- (d) to make appointments to committees, including scrutiny committees, in respect of seats allocated to the respective political groups in accordance with the requirements of Section 16 of the Local Government and Housing Act 1989
- (e) to make appointments to other member groups in respect of seats allocated by the Council to the respective political groups in accordance with the wishes of those respective groups
- (f) to agree member nominations for conferences after consultation with the leaders of any political groups that would be entitled to nominate members for attendance if political proportionality principles are applied
- (g) to make any Order requested by the Chief Constable and authorised by the Home Office prohibiting the holding of public processions, and in the absence of the Chief Executive, the Executive Manager – Operations and Transformation shall be so authorised
- (h) in respect of any Order made above, the Chief Executive or other officers indicated above are authorised to affix the seal of the Council, such sealing to be witnessed solely by the officer concerned
- (i) to consent to police requests for authorisation under Section 30 of the Anti-Social Behaviour Act 2003 after consultation with the appropriate Cabinet portfolio holder
- (j) in consultation with the Leader of the Council and the appropriate Cabinet member with responsibility for the service area concerned, to authorise the taking or carrying out of action, notwithstanding anything in the Council's Standing Orders or Financial Regulations, where he/she considers that circumstances exist that make it expedient or necessary for action to be taken prior to the time when such action could be approved through normal Council procedures. A report on such action, and the circumstances justifying the exercise of the delegated powers, shall be made to the next meeting of the Cabinet or the Council as appropriate

PROVIDED THAT where an urgent decision relates to a key decision as defined in Article 13 of this Constitution, the procedures set out in rules 15 and 16 of the access to information procedure rules shall be followed.

AND PROVIDED THAT where an urgent decision is required in relation to any matter which falls outside the budget or policy framework, the procedure set out in the budget and policy framework rules (rule 9) shall be followed.

1.9 Section 151 Officer

The Section 151 Officer shall be authorised:

- (a) to make the necessary arrangements for the proper administration of the Council's financial affairs for the purposes of Section 151 of the Local Government Act 1972.
- (b) without prejudice to the generality of the above,
 - (i) to make arrangements for the provision and operation of any treasury management, banking and insurance services including the authorisation of any transaction; signing of cheques or other financial instrument; provision of indemnities; agreement of terms for the raising, repayment or cancellation of loans, investments and leases; and at the Section 151 Officer's absolute discretion to authorise other officers of the Council to perform all or any of the above
 - (ii) to take any action to recover debts due to the Council and to write off debts considered to be irrecoverable for any proper reason
 - (iii) to authorise arrangements for the disposal of surplus or obsolete assets and consequential accounting entries
 - (iv) to determine all financial matters specified within statutory provisions and not reserved therein to the Council
 - (v) to allocate budgetary provision from approved contingencies and earmarked reserves
 - (vi) to make arrangements for the provision of an Internal Audit service to the Council.

1.10 Monitoring Officer

- (a) The Monitoring Officer shall be authorised:
 - (i) to exercise the required discretion whether or not to prosecute or defend legal proceedings on behalf of the Council in accordance with Section 222 of the Local Government Act 1972
 - (ii) to take all necessary steps in legal proceedings against any person or body authorised by the Council
 - (iii) to take all necessary steps to defend the Council in legal proceedings against the Council brought by any person or body

- (iv) to certify resolutions and documents as being true copies and authorise the Senior Solicitor to do so
- (v) With the Senior Solicitor or his/her representative to obtain Counsel's Opinion or instruct Counsel to appear on behalf of the Council whenever he/she considers such action advisable
- (vi) to sign on behalf of the Council any deed or other document authorised by the Council or which it is necessary or desirable to give effect to any decision of the Council, unless any enactment otherwise requires or authorises or the Council has authorised some other person for some specific purpose
- (vii) To act as principal advisor on ethical standards issues and Councillor conduct.

Executive Manager – Operations (specific responsibilities)

Civil contingency
Data Protection
Emergency planning
Flood risk and prevention
Corporate health and safety

Executive Manager – Communities

Health promotion
Community partnership and development
Environment
Halls, pavilions and other facilities
Land availability – housing and employment
Civic Centre facilities management
Sport development
Planning policy
Country Park
Parks and playing fields
Health development
Home energy, conservation, arts and events
To approve community grants in consultation with the Cabinet Portfolio holder for Resources
Building Control
Dangerous structures
Demolition control
Conservation and design
Environmental improvements
Development Control (subject to Appendix 4)
Hedgerow regulation and protection
Listed buildings
Local land charges and local searches
Planning and transportation policy
Street naming and numbering
Tree advice and landscaping
Tree Preservation Orders

Monitoring Officer

Complaints and Ombudsman liaison
Constitution
Ethical Standards

Executive Manager - Transformation

Strategic human resources
Customer services
Corporate mail (incoming/outgoing)
Business support unit
Executive support
Capital works schemes and planned maintenance
Construction and design
Energy efficiency

Estates management
Information systems strategy
ICT security and procurement
ICT infrastructure and software development
Management of footpath and bridleway diversions and creation orders under T&CPA
Public Rights of Way¹
Property (acquisitions and disposals)²
Strategic asset management
Statutory compliance in respect of: asbestos, legionella, DDA, Energy Performance of Buildings Directive
Valuations and impairment review
Economic growth
Markets

Note: Executive Manager – Transformation

- (a) Ward Member(s) shall be consulted before commenting on proposals for diversions and other alterations to public rights of way.
- (b) Ward Member(s) shall be consulted before making any order relating to a public right of way and, in the event of any such Ward Members objecting, to consult the Cabinet before deciding whether to make the order.
- (c) The delegation in relation to the acquisition or disposal of land excludes the following:
 - i. where the consideration to be paid or received by the Council exceeds £10,000 in amount or value; and
 - ii. in the case of disposal, where the consent of the Secretary of State would be required (unless a general consent applies), or where there is a requirement to advertise the disposal of open space land under Section 123(2A) of the Local Government Act 1972.

Executive Manager – Neighbourhoods

Abandoned shopping and luggage trolleys – Schedule 4 Environmental Protection Act
Authorisation of surveillance under RIPA
Protection Act 1990
Affordable homes
Air quality management
Animal welfare
Anti-social behaviour
Choice Based Lettings
Community safety
Contaminated land
Dog control
Domestic violence
Fleet management
Food safety
Health and safety at work (enforcement)
Highway matters other than agency
Houses in Multiple Occupation
Housing advice and assistance

Housing strategy
Infectious diseases and food poisoning
Land drainage
Licensing and registration functions (as set out in Appendix 2)
Gambling functions (as set out in Appendix 3)
Overcrowding
Client function in relation to park maintenance, grass cutting and horticulture
Pest control
Pollution control
Private sector housing (including Disabled Facilities Grants and Discretionary Grants)
Public health
Statutory nuisances
Street trading consents including mobile snack bars on trunk roads
Client function in relation to street sweeping and litter collection
Waste management
Water quality

Executive Manager – Finance and Corporate Services

Strategic finance
Risk management
Procurement
Freedom of Information
Elections
Electoral registration
Legal services, and advocacy
Mayor's Office
Constitutional services
Performance and reputation
Transformation and projects
Car parks and parking enforcement
Communications
Administration of Housing and Council Tax Benefits
Action to recover debts and to write off debts considered to be irrecoverable
Collection and recovery of Council Tax
Collection and recovery of Business Rates
Contract management
Leisure facilities (partnerships)
Leisure policy
Payment of Housing and Council Tax Benefits

(a) In consultation with the Cabinet Portfolio holder for Resources

- (i) approve hardship relief from rates and Discretionary Rate Relief for categories of relief falling outside of the Council's policy on Discretionary Rate Relief and
- (ii) determine applications for a reduction of council tax under section 13A of Local Government Finance Act 1992.

Licensing and Registration Functions

Acupuncture, tattooing, ear piercing and electrolysis
Alcohol and Entertainments (Licensing Act 2003)
Animal boarding establishments
Caravan and camping
Dangerous wild animals
Dog breeding
Establishments for massage and special treatment
Food premises
Food registration
Gambling Act 2005
Hackney carriage/private hire (see following *note and table 1)
House to house collections
House in multiple occupation housing act 2004
Mobile home sites
Pet animals
Private water supplies
Processes subject to control under Part 1 of the Environmental Protection Act
Riding establishments
Scrap metal dealers act 2013
Sex establishments
Societies Lotteries
Street collections
To kill game

***NOTE:**

In respect of any proposed decision to refuse a hackney carriage or private hire driver's licence, or any proposal to revoke such a licence under delegated powers, the Executive Manager – Neighbourhoods shall give the applicant or licensed driver a right of appeal to the Council's Licensing Committee PROVIDED THAT no right of appeal to the Licensing Committee shall apply in the following cases:

- (a) where the Executive Manager – Neighbourhoods is of the opinion that information which he reasonably considers necessary to enable him to determine whether an applicant is a fit and proper person to hold a driver's licence has not been provided by the applicant
- (b) where an applicant has been convicted of an offence of a type shown in column 1 of Table 1 and the application is made within the period shown in column 2 of the date of conviction
- (c) where an applicant has failed the medical examination arranged by the Council; and
- (d) where the applicant has failed the Council's driving ability and knowledge test.

TABLE 1

Type of Offence (as described in the <i>Council's Guidelines Relating to the Relevance of Previous Convictions</i>)	No right of appeal to Licensing Committee within period of
Dishonesty Theft, burglary, fraud, benefit fraud, handling or receiving stolen goods, forgery, conspiracy to defraud, deception, taking a vehicle without consent	3 years
Violence Murder, manslaughter/culpable homicide while driving, Terrorism offences, Kidnapping or abduction) Arson, Malicious wounding or grievous bodily harm, robbery, racially aggravated offence, possession of a fire arm, riot, assault Police, violent disorder, threats to kill, resisting arrest, hate crime) Racially-aggravated criminal damage, racially-aggravated offence, hate crime against property Common assault/battery, assault occasioning actual bodily harm, affray, harassment, alarm or distress, obstruction, criminal damage, offences involving anti-social behaviour	Unless exceptional circumstances a licence will not normally be issued 10 years 5 years 3 years
Pocession of a weapon	3 years
Drugs More than one conviction related to the supply of drugs More than one conviction related to the procession of drugs Isolated conviction for an offence related to the procession of drugs If there is evidence of persistent drug use, misuse or dependency, a specialist examination may be required before a licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.	10 years 5 years 3-5 years
Alcohol An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases a	

<p>warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of licence.</p>	
<p>Sexual offences</p> <p>Rape, assault by penetration, offences involving children or vulnerable adults, grooming, trafficking or sexual exploitation related offences, making or distributing obscene material, possession of child pornography, sexual assault, indecent assault and exploitation of prostitution</p> <p>Indecency</p> <p>Making indecent telephone calls, importuning, indecent exposure, soliciting</p>	<p>Applicants with convictions for sexual offences will normally be refused a licence upon application, renewal or review.</p> <p>5 years A licence will not normally be granted if the applicant has more than one conviction for an indecency offence.</p>
<p>Motoring</p> <p>Causing death by dangerous driving, causing death by careless driving whilst under the influence of drink or drugs, causing death by driving: unlicensed, disqualified or uninsured drivers.</p> <p>Causing death by careless driving</p> <p>Driving offences involving alcohol and drugs</p> <p>Major traffic offences)(<i>isolated offence without disqualification</i>)</p> <p>Major traffic offences - (<i>more than one offence</i>)</p> <p>Minor traffic offences - (<i>more than one offence</i>)</p> <p>Insurance offence (<i>isolated offence</i>)</p> <p>Insurance offence (<i>more than one offence</i>)</p>	<p>A licence would not normally be granted</p> <p>10 years</p> <p>5 years</p> <p>6 months</p> <p>2 years</p> <p>6 months</p> <p>3 years A licence would not normally be granted</p>
<p>Disqualification</p> <p>Disqualification</p> <p>Totting up disqualifications</p>	<p>3 years free of conviction from restoration of licence</p> <p>1-2 years has lapsed from restoration of licence depending on seriousness of the offences.</p>

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976

Isolated offence - *para. (f)*

4 months

More than one offence - *para. (f)*

18 months

Licensing Act 2003

Matter to be dealt with	Full Committee	Sub Committee	Senior Licensing Officer
Application for personal licence		If a police objection	If no objection is made
Application for personal licence with unspent convictions		All Cases	
Application for premises licence/club premises certificate	If a relevant representation is made that means the creation of a new Saturation Zone.	If a relevant representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made that means the creation of a new Saturation Zone.	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate	If a relevant representation is made that means the creation of a new Saturation Zone.	If a relevant representation is made	If no relevant representation is made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint or objection is irrelevant, frivolous, vexatious etc			All cases
Decision to object when Local Authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	

NB: A particular case, where appropriate, may be dealt with otherwise than is indicated in the appendix 1 but no case will be dealt with at a lower level than prescribed.

Gambling Act 2005 - Delegation Scheme

1. The power to set fees under any regulations made under section 212 of the Gambling Act 2005 shall be delegated to the executive manager – neighbourhoods subject to the provisions of that section and such regulations.
2. The power of the Licensing Authority to;
 - (a) make representations as a responsible authority under Part 8 of the Act (i.e. premises licences, provisional statements etc)
 - (b) propose to attach a condition to a premises licence in accordance with section 169(1)(a) of the Act in addition to the mandatory or default conditions
 - (c) propose the exclusion of a default condition from a premises licence under S169(1)(b) of the Act
 - (d) as a responsible authority, request a review of a premises licence under sections 197 or 200 of the Act
 - (e) give a notice of objection to any of the following:
 - (i) temporary use notice under S221 of the Actshall be delegated to the Executive Manager – Neighbourhoods.
3. The power to:
 - (a) to determine that any representations received under Part 8 of the Act are vexatious, frivolous, or certainly will not influence the Authority's determination of an application
 - (b) reject all or part of any application for a review of a premises licence in accordance with Section 198 of the Act
 - (c) revoke a premises licence for non-payment of the annual fee (s193)
 - (d) to serve notification of intended refusal of any of the following:

- (i) Family Entertainment Centre Gaming Machine Permit (Schedule 10 paragraph 10)
- (ii) Prize Gaming Permits (Schedule 14 paragraph 11)
- (iii) Licensed Premises Gaming Machine Permits (Schedule 13 paragraph 6)

and also, in the latter case, notice of intention to grant the application but for a smaller number of machines than specified and/or a different category of machines from that specified in the application.

- (e) Serve notification of lapse of any of the following:
 - (i) Family Entertainment Centre Gaming Machine Permit (Schedule 10 paragraph 14 and 15 (1)(b))
- (f) Serve notice of intention to cancel or vary any of the following:
 - (i) Club Gaming Permit or Club Gaming Machine Permit (Schedule 12 paragraph 21)
 - (ii) Licensed Premises Gaming Machine Permits (Schedule 13 paragraph 16)
- (g) Create and amend the Authority's application procedures in relation to applications for the following in accordance with any relevant legislation:
 - (i) Family Entertainment Centre Gaming Machine Permits (Schedule 10 paragraphs 5 and 7)
 - (ii) Licensed Premises Gaming Machine Permits (Schedule 13 paragraph 2)
 - (iii) Prize Gaming Permits (Schedule 14 paragraphs 6 and 8)

shall be delegated to the executive manager – neighbourhoods.

4. The power to appoint authorised persons under section 304 of the Act shall be delegated to the executive manager – neighbourhoods.
5. The power to issue formal cautions and/or instruct the Senior Solicitor to commence and defend proceedings under the Gambling Act 2005, its subordinate legislation, (and any legislation which may subsequently amend or replace it) be delegated to the executive manager – neighbourhoods.
6. The power to commence and defend proceedings both criminal and civil under the Gambling Act 2005 and its subordinate legislation, (and any legislation which may subsequently amend or replace it) be delegated to the Monitoring Officer.
7. In relation to the following matters the Authority will, in the majority of cases, follow the table of delegated functions set out below. This table indicates the lowest level of the authority which will normally exercise the delegation, though the Authority reserves the right (where appropriate), for any particular matter to be dealt with at a higher level whilst having due regard to any statutory requirements. For example, an officer may choose not to exercise their delegated power and refer the matter to the Licensing Sub-Committee or the Sub-Committee itself may choose to refer the matter to the Alcohol and Entertainments Licensing Committee.

Matter to be dealt with	Alcohol & Entertainments Licensing Committee	Licensing Sub-Committee	Officer
Application for a premises licence (including applications for re-instatement under S195)		<ul style="list-style-type: none"> i. Representation made and not withdrawn (S154 (4)(a)) and/or ii. Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary 	No representation made or representations have been withdrawn
Application to vary premises licence		<ul style="list-style-type: none"> i. Representation made and not withdrawn (S154 (4)(b)) and/or ii. Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary (S187(3)) 	No representation made or representations have been withdrawn
Application for transfer of premises licence		Representation made and not withdrawn (S154 (4) (c))	All other cases

Matter to be dealt with	Alcohol & Entertainments Licensing Committee	Licensing Sub-Committee	Officer
Application for provisional statement		<ul style="list-style-type: none"> i. Representation made and not withdrawn (S154 (4)(d)) and/or ii. Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) 	No representation made or representations have been withdrawn
Review of a premises Licence		All cases	
Consideration of Temporary Use Notices (including notices modified under section 223)		<ul style="list-style-type: none"> i. All cases where an objection notice has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary and the executive manager - neighbourhoods is satisfied that a counter notice is not required (S 222 and 232). ii. All cases where a counter notice may be required (S232(3)) 	All other cases (S232)

Matter to be dealt with	Alcohol & Entertainments Licensing Committee	Licensing Sub-Committee	Officer
Application for Club Gaming/Club Machine permits, renewals and variations (including those leading to cancellation of permit) under Schedule 12 paragraph 15		<ul style="list-style-type: none"> i. Objection made and not withdrawn (Schedule 12 paragraph 28 (2)) ii. Refusal of permit proposed on the grounds listed in Schedule 12 paragraph 6(1)(a)-(d), or paragraph 10(3) as applicable unless Authority and all relevant parties agree that a hearing is unnecessary (Schedule 12 paragraph 7) 	All other cases
Cancellation of Club Gaming / Club Machine Permits under Schedule 12 paragraphs 21, and 22 (non payment of annual fee)		All cases	
Applications for other permits registrations and notifications			All cases

Matter to be dealt with	Alcohol & Entertainments Licensing Committee	Licensing Sub-Committee	Officer
Cancellation (under Schedule 13 paragraphs 16, and 17 (non payment of annual fee)) and variation of Licensed Premises Gaming Machine permits under Schedule 13 paragraph 16		All cases where permit holder requests a hearing under paragraph 16 (2) or makes representations	All other cases

8. The Executive Manager – Neighbourhoods be given delegated power to administer and carry out all other functions of the Licensing Authority capable of delegation under the Gambling Act 2005 and its subordinate legislation, (and any legislation which may subsequently amend or replace it), which is not otherwise delegated to the Licensing Authority, the Alcohol and Entertainments Licensing Committee or its Sub-Committees. This includes, but is not limited to, for example:
- to serve and receive service of all notices, counter notices, etc required or permitted to be served under the Act
 - to determine points of clarification required for hearings
 - to agree that a hearing is unnecessary
 - to adjourn hearings where all parties are in agreement
 - to determine applications where representations are withdrawn before the hearing
 - to extend time limits
 - to give effect to the decisions of the Magistrates Court on appeal

Executive Manager – Communities**Development Control**

1. applications made under the following statutory provisions shall be referred to Development Control Committee for decision or to make observations, as may be required, in the circumstances (a) to (f) set out below:
 - Town and Country Planning Acts
 - General Development Order
 - Planning (Hazardous Substances) Act
 - Advertisement Regulations
 - (a) where, following consultation in accordance with the codes and protocols – guidance on planning application procedures, the executive manager – communities and ward Councillor(s) have different views
 - (b) where the application has been submitted by the Borough Council
 - (c) where the application has been submitted by the County Council; except minor development relating to existing operational premises (eg school classrooms, fences, etc)
 - (d) where the Council is being consulted by an adjoining authority on an application (except where a response is required prior to the next meeting of the Development Control Committee)
 - (e) where the application involves any Councillor or senior officer* as applicant or agent, or where a ward Councillor declares an interest
 - (f) where a Section 106 planning agreement is required, unless the agreement relates to standard drainage requirements or the proposed agreement complies with the Council's Supplementary Planning Guidance.
2. to consult ward Councillor(s) before making a Tree Preservation Order or serving a Building Preservation Notice, except where immediate action is required
3. to refer to Development Control Committee any Tree Preservation Order where a valid objection has been received following the service of notice in accordance with the relevant Regulations
4. to refer to Development Control Committee for decision any application to lop, top or fell trees included in a Tree Preservation Order where compensation may be payable if the application is refused
5. to refer to the Monitoring Officer or the Senior Solicitor for determination applications for Certificates of Lawful Use or Development

6. to consult ward Councillors before commenting on proposed traffic regulation orders
7. to consult the relevant Cabinet portfolio holder before approving the expenditure of Section 106 agreement monies where such expenditure exceeds £5,000
8. in consultation with the relevant Cabinet member and ward Councillor(s) to exercise the power necessary to implement or amend conservation area boundaries as set out within Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

** Senior officer shall mean any officer of the Council at Grade LS11 or above, and shall also include any other post specified in the Officers' Code of Conduct for this purpose.*

RULES OF PROCEDURE

1. Annual Meeting of the Council

1.1 Timing and business

The annual meeting of the Council will be held at such places, on such dates and at such times, as may be fixed by the Council, subject to any statutory requirements as set out below.

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 March, April or May.

The annual meeting will:

- (a) receive any declarations of interest
- (b) elect a person to preside at the annual meeting if the Mayor or Deputy Mayor is not present
- (c) approve the minutes of the last meeting
- (d) receive an address from the outgoing Mayor
- (e) elect the Mayor
- (f) elect the Deputy Mayor
- (g) receive any announcements from the Mayor
- (h) to elect the Leader for a period of four years or until the Leader's term of office as a Councillor ends. (This appointment only occurs at the annual Council meeting following the local government elections).
- (i) appoint at least one scrutiny committee, a standards committee and such other committees or member groups as the Council considers appropriate and to deal with matters which are neither reserved to the Council nor are executive functions
- (j) appoint the Chairmen and Vice-Chairmen of committees and member groups
- (k) appoint representatives to outside bodies, unless previously appointed by the Council
- (l) agree the scheme of delegation or any amendments
- (m) approve a calendar of meetings for the year, if not previously approved by the Council; and
- (n) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will:

- (a) decide which committees or member groups to establish for the municipal year
- (b) decide the size and terms of reference for those committees or member groups
- (c) decide the allocation of seats to political groups in accordance with the political balance rules
- (d) receive nominations of Councillors to serve on each committee and outside body; and
- (e) appoint to those committees and outside bodies.

2. Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with the calendar of meetings approved by the Council. Ordinary meetings will:

- (a) receive any declarations of interest from Councillors
- (b) elect a person to preside if the Mayor and Deputy Mayor are not present
- (c) approve the minutes of the last meeting
- (d) receive any announcements from the Mayor, Leader, members of the Cabinet or the Head of Paid Service
- (e) receive petitions in accordance with Rule 10 and the Council's Petition Scheme
- (f) deal with any business from the last Council meeting
- (g) receive reports from the Cabinet and the Council's committees and receive questions and answers on any of those reports
- (h) receive and consider reports from officers of the Council
- (i) receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations (if any)
- (j) consider motions; and
- (k) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the scrutiny committees for debate.

3. **Extraordinary Meetings**

3.1 **Calling extraordinary meetings**

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

- (a) the Council by resolution
- (b) the Mayor
- (c) the Chief Executive
- (d) the Section 151 Officer
- (e) the Monitoring Officer; and
- (f) any five members of the Council if they have signed a requisition presented to the Mayor of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4. **Appointment of Substitute Members of Committees and Sub-Committees**

- 4.1 Whenever an appointment of a member of a committee or member group is made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the Chief Executive shall make or terminate such appointment accordingly. The wishes of the political group shall be given in writing to the Chief Executive.

Provided that the Chief Executive shall not be required to give effect to a request to terminate an appointment for any particular committee, unless the wishes of the group are notified in writing to him/her no later than the starting time of that meeting of the committee.

- 4.2 Substitute members are permitted in line with the following protocol which sets out:

- (a) meetings when substitute members are not permitted
- (b) meetings when they are permitted
- (c) how to decide if substitutes are permitted at newly established committees, groups or panels
- (d) the requirements of the group leaders or whips
- (e) the requirements of the Monitoring Officer and the Performance, Reputation and Constitutional Services Manager
- (f) the process for replacement members.

- 4.3 Substitutes are not permitted at:

- (a) Council

- (b) Cabinet
- (c) Alcohol and Entertainment Licensing Committee
- (d) Licensing Committee
- (e) Standards Committee.

4.4 Substitutes are permitted at:

- (a) Performance Management Board
 - (b) Community Development Group
 - (c) Partnership Delivery Group
 - (d) Corporate Governance Group
 - (e) Development Control Committee*
 - (f) Local Development Framework Group¹
 - (g) Member Development Group
 - (h) Employment Appeals Committee*
 - (i) Interviewing Committee*.
- * subject to appropriate training

4.5 Cabinet or scrutiny groups when commissioning a member group or panel will determine if substitutes are to be permitted at its meetings taking into account:

- (a) the purpose of the group or panel and if it is 'task and finish' based (looking at a particular issue over a specific time with a view to making some recommendations)
- (b) the anticipated timescale for the group or panel's work
- (c) its terms of reference
- (d) continuity of debate
- (e) consistency of approach
- (f) best use of expertise
- (g) that material already dealt with does not have to be reconsidered.

4.6 If substitutes are to be used at meetings when it is permitted, the group leaders, deputy leaders or whips will:

- (a) notify the Monitoring Officer or Performance, Reputation and Constitutional Services Manager, or their duly appointed representative, in writing as soon as possible in advance of the meeting of:
 - (i) the member to be substituted
 - (ii) the substitute
 - (iii) the anticipated period that a substitute will be used

¹ Subject to exclusions (as set out at point 4.5) based on agenda content and topics or issue being considered at meetings in short succession

(b) notify the Chief Executive, or their duly appointed representative, in writing in the event of a permanent replacement member due to exceptional circumstances (outlining the reasons for this).

4.7 Replacement members are permitted when exceptional circumstances mean that a member is unlikely to be able to attend future meetings through illness or legitimate external commitments.

4.8 In the event of such replacements, the group leaders or whips must notify the Chief Executive in writing in the event of a permanent replacement member due to exceptional circumstances (as per paragraph 4.6). They must outline the reasons for this. The Monitoring Officer will then make arrangements to notify the group leaders of the replacement member.

4.9 The rules in relation to the attendance of other members at member groups and panels are set out in the protocol within part 5 – codes and protocols of this Constitution.

5. Time and Place of Meetings

All meetings shall start at 7.00 pm and be held at the Civic Centre, subject to the right of the Chief Executive, in consultation with the relevant Chairman, to vary the starting time and location of any meeting.

6. Notice of, and Summons to, Meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him/her, or his/her representative, by post, or by such other means as he/she consider appropriate, to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. Chairman of Meeting

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor also include the Chairman of committees and sub-committees.

8. Quorum

The quorum of a meeting of the Council will be one quarter of the whole number of Councillors. During any meeting, if the Mayor counts the number of Councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

The quorum for a meeting of any committee or other member group shall be one quarter of the whole committee or member group. Provided that, in no case, shall the quorum be less than three Councillors.

9. Duration of Meeting

9.1 Close of Meeting

- (a) Meetings of the Council, committees and member groups (with the exception of the Development Control Committee) shall adjourn at 10.00 pm.
- (b) Provided that the Council, committee or member group may by resolution extend the closing time to no later than 10.30 pm.
- (c) At the closing time of the meeting, the matter then under discussion and all of the business that remains to be considered shall be adjourned to the next ordinary meeting of the Council, committee or member group or such other meeting that is determined. Provided that the Mayor/Chairman may at his/her discretion unless in his/her opinion the motion then under discussion at the closure time has been insufficiently discussed, put the motion to the vote without discussion, subject to the mover of the motion and any amendment under debate being given a right of reply under rule 14.9 before putting the motion to the vote. Otherwise, the matter, together with all other items of business remaining to be considered, will stand adjourned to the next ordinary meeting or such other meeting that is determined.

9.2 Recorded vote

If a recorded vote is called for during this process it will be taken immediately.

9.3 Motions which may be moved

During the process set out in Rules 9.1–9.2 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

9.4 Close of the meeting

When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

10. Petitions

10.1 The Council's Petition Scheme.

At a meeting of the Council any Councillor may present a petition which is relevant to some matter in relation to which the Council has powers and duties or which affects the Borough.

10.2 A petition cannot be presented to Council if it:

- (a) relates to a planning or licensing application, appeal or review or to a matter where there is already an existing right of appeal or separate complaints process; or
 - (b) is vexatious, abusive or defamatory.
- 10.3 At least seven working days before the meeting (not including the day of the meeting) at which the petition is to be presented, the person wishing to present it, shall give notice of his/her intention to do so.
- 10.4 Where the person proposing to present a petition is a member of the public, the Chief Executive shall determine whether or not it is proper to refer the petition to the Council, taking into account the exemptions set out at paragraph 10.2. If not, the Chief Executive shall refer the petition to the appropriate officer, committee or member group and advise the person presenting the petition accordingly.
- 10.5 The person presenting the petition shall be allowed up to five minutes to present the petition and any comments shall be confined to reading out or summarising the petition and making such further supporting remarks relevant to the petition. The petition would then be received without discussion and noted or stand referred to the relevant Executive Manager, committee or member group, as appropriate.
- 10.6 Petitions shall be presented in the order they are received by the Chief Executive.

11. Questions by Members

11.1 On reports of the Cabinet or committees or member groups

A Councillor may ask the Leader or the Chairman of a committee or member group any question without notice upon an item of the report of the Cabinet or a committee or member group when that item is being received or under consideration by the Council.

11.2 Questions on notice at full Council

Subject to Rule 11.3, a Councillor may ask:

- (a) the Leader
- (b) a member of the Cabinet; or
- (c) the Chairman of any scrutiny committee or member group

a question on any matter in relation to which the Council has powers or duties or which affects the Borough.

11.3 Notice of questions

A Councillor may only ask a question under Rule 11.2 if either:

- (a) they have given at least three clear working days (not including the day of the meeting) notice in writing of the question to the Chief Executive; or
- (b) the question relates to urgent matters, they have the consent of the Councillor to whom the question is to be put, and the content of the question is given to the Chief Executive by 10.00 am on the day of the meeting.

11.4 **Response**

Every question shall be put and answered.

An answer may take the form of:

- (a) a direct oral answer
- (b) (a reference to publication in which the desired information is published by the Council or other published work; or
- (c) a written answer circulated later to the questioner.

11.5 **Supplementary question**

- (a) One supplementary question in total may be asked by the Councillor asking the original question. A supplementary question must arise directly out of the reply and relate to the original question or it will not be permitted. The supplementary question and answer shall be given without discussion.
- (b) The Mayor, having due regard to the advice of the Monitoring Officer, may reject a supplementary question if it:
 - (i) does not arise directly from the reply
 - (ii) does not relate to the original question
 - (iii) is a statement and not a question
 - (iv) is a matter for which the Council does not have responsibility
 - (v) is a matter which does not affect the Borough
 - (vi) is defamatory, frivolous or vexatious
 - (vii) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - (viii) requires the disclosure of confidential or exempt information.

12. **Notice of Motions**

12.1 **Notice**

Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by the Councillor or Councillors moving the motion, must be delivered to the Chief Executive not later than mid-day seven clear working days (not including the day of the meeting) before the meeting.

12.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which they were received, unless the Councillor giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

12.3 Scope

- (a) Motions must be about matters for which the Council has a responsibility or which affect the Borough.
- (b) The Chief Executive, having due regard to the advice of the Monitoring Officer, may reject any motion submitted if it:
 - (i) is a matter for which the Council has no responsibility and which does not affect the Borough
 - (ii) is defamatory, frivolous or vexatious
 - (iii) is substantially the same as a motion which has been put at a meeting of the Council in the past six months; or
 - (iv) requires the disclosure of confidential or exempt information.
- (c) A Councillor who has moved a motion which has been referred to the Cabinet, committee or member group shall have notice of the meeting when the motion is to be considered. The Councillor will have the right to attend and be given the opportunity to explain the motion.

13. Motions Without Notice

The following procedural motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved
- (b) in relation to the accuracy of the minutes
- (c) to change the order of business in the agenda
- (d) to refer something to an appropriate body or individual
- (e) to appoint a committee or member group arising from an item on the summons for the meeting
- (f) to receive reports or adoption of recommendations of the Cabinet, committees, member groups or officers and any resolutions following from them
- (g) to withdraw a motion
- (h) to amend a motion
- (i) to proceed to the next business
- (j) that the question be now put

- (k) to adjourn a debate
- (l) to adjourn a meeting
- (m) to extend the meeting beyond 10.00 pm
- (n) to suspend a particular Council procedure rule
- (o) to exclude the public and press in accordance with the access to information rules
- (p) to not hear further a Councillor named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

14. Rules of Debate

14.1 No speeches until motion seconded

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

14.2 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 him/her before it is discussed.

14.3 Secunder's speech

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

14.4 Content and length of speeches

- (a) Speeches must be directed to the question under discussion or to a personal explanation or point of order.
- (b) A Councillor presenting a report of the Cabinet or other member moving a motion of which notice has been given under Rule 12, may speak for up to ten minutes. No other speech shall exceed five minutes. Provided the Council may, by resolution, extend the time limit on speeches.
- (c) The time limit does not apply to speeches by officers in presenting reports or advising the Council on any matter.

14.5 When a Councillor may speak again

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

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

14.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration
 - (ii) to leave out words
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.
 as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Subject to (f) below, only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of
- (c) If an amendment is not carried, other amendments to the original motion may be moved
- (d) 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
- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote
- (f) Provided that the Mayor may determine on the presentation of a report and recommendation being proposed and seconded, that the motions and any subsequent amendments would be debated together. In this case, at the conclusion of the debate, the amendments will be voted on separately in the order in which they were proposed.

14.7 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.

14.8 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.

14.9 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) The mover of the amendment shall also have the right of reply at the close of the debate immediately prior to the closing speech by the mover of the original motion.

14.10 Motions which may be moved during debate

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

- (a) to withdraw a motion
- (b) to amend a motion
- (c) to proceed to the next business
- (d) that the question be now put
- (e) to adjourn a debate
- (f) to adjourn a meeting
- (g) to extend the length of the meeting beyond 10.00 pm

- (h) to exclude the public and press in accordance with the access to information rules; and
- (i) to not hear further a Councillor named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

14.11 Closure motions

- (a) A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:
 - (i) to proceed to the next business
 - (ii) that the question be now put
 - (iii) to adjourn a debate; or
 - (v) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) 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, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.12 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 Council Rules of Procedure or the law. The Councillor must indicate the rule 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.

14.13 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.

15. Previous Decisions and Motions

15.1 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 seven Councillors. Provided that this rule shall not apply to a motion by way of a recommendation from the Cabinet, committee or member group.

15.2 Motion similar to one previously rejected

- (a) 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 seven Councillors.
- (b) Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.
- (c) Provided that this rule shall not apply to a motion by way of a recommendation from the Cabinet, committee or member group.

16. Voting

16.1 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 is put.

16.2 Mayor's casting vote

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

16.3 Show of hands

Unless a recorded vote is demanded under Rules 16.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting. A record of the vote taken shall be recorded in the minutes of the meeting.

16.4 Recorded vote

If any Councillor present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A recorded vote will also be taken when required by Rule 10 of the budget and policy framework.

16.5 Right to require individual vote to be recorded

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

16.6 Voting on appointments

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

17. Minutes

17.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting subject to such minutes having been proposed, seconded and approved by the meeting. The only part of the minutes that can be discussed is their accuracy.

17.2 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.

17.3 Form of minutes

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

18. 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.

19. 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 Rule 21 (disturbance by public).

20. Councillors' Conduct

20.1 Standing to speak

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

20.2 Mayor standing

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

20.3 Councillor 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.

20.4 Councillor 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.

20.5 General disturbance

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

21. Disturbance by Public

21.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

21.2 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.

22. Suspension and Amendment of Council Procedure Rules

22.1 Suspension

All of these Council rules of procedure except rule 16.5 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of the Councillors is present. Suspension can only be for the duration of that meeting.

22.2 Amendment

Any motion to add to, vary or revoke these Council rules of procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council unless contained in a written report.

23. Application to Committees, Sub-Committees and Other Member Groups

All of the Council rules of procedure apply to meetings of full Council.

Rules 20.3 and 20.4 in relation to Councillors not to be heard further and rules 20.5, 21, 21.1 and 21.2 in relation to general disturbance and disturbance by public apply to meetings of the Cabinet.

Only rules 4–9, 14, 16-22 (but not rule 20.1) apply to meetings of committees and member groups.

24. Interpretation of Rules

The ruling of the Mayor as to the construction or application of any of these rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

RULES OF PROCEDURE – ACCESS TO INFORMATION

1. Scope

- 1.1 These rules apply to all meetings of the Council, the Cabinet, scrutiny committees, area committees (if any), the standards committee; regulatory committees and, where appropriate, individual executive decisions.
- 1.2 Non-executive bodies shall accord with the provisions contained in the Local Government Act 1972 (as amended). Decisions by individual members of the Executive and bodies of the Executive shall comply with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 (hereafter referred to as “the Access Regulations”).
- 1.3 The following is a summary of those provisions.

2. Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. Rights to Attend Meetings

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

4. Notices of Meetings

The Council will normally give at least five clear days notice of any meeting by posting details of the meeting at the Council offices.

5. Access to Agenda and Reports Before the Meeting

The Council will normally make copies of the agenda and reports open to the public available for inspection at the Council Offices and on the Council’s website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Chief Executive shall make each such report available to the public as soon as the report is completed and sent to Councillors.

6. Private Meetings of an Executive Body

- 6.1 At any time when Cabinet or any other executive body is considering a confidential or exempt item as defined by the access regulations during that time the meeting is considered to be in private.
- 6.2 In order for a meeting (or part of a meeting) to be in private, the following requirements shall be met:

- (a) at least 28 clear working days before the private meeting, there shall have been made available at the Council's offices and published on the Council's website, a notice of the Council's intention to hold the meeting (or part thereof) in private that includes a statement of the reasons for the meeting to be held in private; and
- (b) at least five clear working days before the private meeting, there shall be made available at the Council's offices and published on the Council's website, a further notice of the intention of the Council to hold a private meeting (or part thereof) that includes a statement of the reasons for the meeting to be held in private, details any representations received by the Council about why the meeting should be held in public and a statement of its response to such representations.

6.3 Where the provisions above are impracticable as a result of the date by which such a meeting must be held, the meeting (or part thereof) may be held in private provided that agreement has been obtained from the Chairman of the relevant scrutiny committee that the meeting is urgent and cannot reasonably be deferred, or if he is unable to act, from the Chairman of the Council, or where there is no such Chairman, from the Vice-Chairman of the Council. Where such agreement has been obtained, then as soon as reasonably practicable a notice will be made available at the Council's offices and published on the Council's website, setting out the reason(s) why the meeting is urgent and could not be reasonably deferred.

7. Urgent Items for Non-Executive Decisions

7.1 Where by reason of special circumstances the Chairman of a body is of the opinion that an item should be considered at a meeting as an item of urgency, that item may be considered even though it is not identified as an item on the agenda. The special circumstances identified shall be specified in the minutes.

8. Supply of Copies

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Executive thinks fit, copies of any other documents supplied to Councillors in connection with an item

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

9. Background Papers

9.1 List of background papers

The Chief Executive will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in rule 11) and in respect of Cabinet reports, the advice of a political advisor.

9.2 Public inspection of background papers

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

10. Summary of the Rights of the Public

10.1 A written summary of the public's rights to attend meetings and to inspect and copy documents will normally be kept at and available to the public at the Council's offices.

10.2 The Council will make available copies of the following for six years after a meeting:

- (a) The minutes of the meeting or record of decision taken, together with reasons, for all meetings of the Council bodies, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclosed exempt or confidential information
- (b) A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record
- (c) The agenda of the meeting; and
- (d) Reports relating to items when the meeting was open to the public.

10.3 Where legislation allows, the Council may levy a charge if a copy of any documentation is requested.

10.4 Nothing contained within these rules or elsewhere in Constitution requires the production of any document that in the opinion of a relevant person (as identified in the access regulations) would contain confidential information or give rise to the disclosure of exempt information.

11. Exclusion of Access by the Public to Meetings

11.1 Confidential information – requirement to exclude public

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

11.2 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

11.3 Exempt information – discretion to exclude public

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

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.

11.4 Meaning of exempt information

Exempt information means information falling within the following 10 categories (subject to any condition):

Information falling within any of paragraphs 1-10 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.

Category	Condition
1. Information relating to any individual.	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 – see note on public interest at end of table.
2. Information which is likely to reveal the identity of an individual.	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 – see note on public interest at end of table.

Category	Condition
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>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 – see note on public interest at end of table.</p> <p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under –</p> <ul style="list-style-type: none"> (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993
<p>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.</p>	<p>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 – see note on public interest at end of table.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	<p>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 – see note on public interest at end of table.</p>
<p>6. Information which reveals that the authority proposes -</p> <ul style="list-style-type: none"> (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment. 	<p>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 – see note on public interest at end of table.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>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 – see note on public interest at end of table.</p>

11.5 Public interest

There is no legal definition of what the public interest is but Meredith Cook in her 2003 study “Balancing the Public Interest: Applying the public interest test to exemptions in the UK Freedom of Information Act 2000” identifies the following as some of the relevant considerations:

- (a) the public interest in disclosure is particularly strong where the information in question would assist public understanding of an issue that is subject to current national debate
- (b) the issue has generated public or parliamentary debate
- (c) proper debate cannot take place without wide availability of all the relevant information
- (d) the issue affects a wide range of individuals or companies
- (e) the public interest in a local interest group having sufficient information to represent effectively local interests on an issue
- (f) facts and analysis behind major policy decisions
- (g) knowing reasons for decisions
- (h) accountability for proceeds of sale of assets in public ownership
- (i) openness and accountability for tender processes and prices
- (j) public interest in public bodies obtaining value for money
- (k) public health
- (l) contingency plans in an emergency
- (m) damage to the environment.

12. Exclusion of Access by the Public to Reports

If the Chief Executive thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with rule 11, the meeting is likely not to be open to the public. Such reports will be marked “not for publication” together with the category of information likely to be disclosed.

13. Key Decisions

13.1 Article 13 in part 2 of this Constitution identifies what is meant by a Key Decision.

13.2 Key Decisions are subject to the same publication rules as other executive decisions but there are additional rules that also apply. These additional rules

are set out below. If it is intended that a Key Decision is to be made at a private meeting then further special rules apply (see section 17 below).

13.3 Subject to the rule relating to 'urgency' and the rule relating to 'special urgency' in the Cabinet procedure rules, a Key Decision may not be taken unless:

- (a) an appropriate notice has been published in connection with the matter in question; and
- (b) where the decision is to be taken at a meeting of the Cabinet, notice of the meeting has been given in accordance with the above rules.

14. **Publicity in Connection with Key Decisions**

14.1 Where a Key Decision is to be made (whether by a committee, individual Councillor or officer) then, subject as provided below, that decision must not be made unless at least 28 clear days beforehand, a document (whether as part of the Forward Plan or otherwise) has been made available for inspection by the public:

- (a) at the offices of the Council; and
- (b) on the Council's website,

which states:

- (i) that a Key Decision is to be made by the Council
- (ii) the matter in respect of which the decision is to be made
- (iii) where the decision maker is an individual, that individual's name, title, if any and, where the decision maker is a body, its name and list of members
- (iv) the date on which, or the period within which, the decision is to be made
- (v) a list of the documents submitted to the decision maker for consideration in relation to the matter
- (vi) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available
- (vii) that other documents relevant to those matters may be submitted to the decision maker; and
- (viii) the procedure for requesting details of those documents (if any) as they become available.

14.2 Where the Key Decision is to be made at a meeting at which the public may be excluded or documents relating to the decision need not be disclosed to the public (as it contains confidential or exempt information) the document referred to above must contain particulars of the matter but not the confidential or exempt information.

15. General Exception to Key Decision Publicity – “Urgency”

15.1 Where 28 clear days publicity of the intention to make a Key Decision is impracticable, that decision may only be made:

- (a) where the proper officer has informed the Chairman of the relevant scrutiny committee, or if there is no such person, each member of the relevant scrutiny committee by notice in writing, of the matter about which the decision is to be made; and
- (b) after five clear days have elapsed following the day on which the proper officer has also made available at the offices of the Council for public inspection and published on the Council’s website, a copy of the notice given in (a) above.

15.2 As soon as reasonably practicable after the proper officer has complied with the provision above, he/she shall also make available at the Council’s offices and on the Council’s website, a notice setting out the reasons why giving 28 clear days’ notice is impracticable.

16. “Special Urgency” in Relation to Key Decision

16.1 Where the date by which a Key Decision has to be made makes even compliance with the general exception procedure impracticable, the Key Decision may be made where the decision maker has obtained agreement from:

- (a) the chairman of the relevant scrutiny committee; or
- (b) if there is no such person, or if unable to act, the Chairman of the Council; or
- (c) if neither exist, the Vice-Chairman of the Council,

that the making of the decision is urgent and cannot reasonably be deferred.

16.2 As soon as reasonably practicable after the decision maker secures agreement as above, the decision maker must:

- (a) make available at the Council offices a notice setting out the reasons that the decision is urgent and cannot reasonably be deferred; and
- (b) publish such a notice on the Council’s website.

17. The Forward Plan

17.1 The Forward Plan will be prepared to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

17.2 The Forward Plan will normally include matters which the Leader or Chief Executive has reason to believe will be subject to a Key Decision to be taken by the Cabinet, individual members of the Cabinet, officers or under joint arrangements during the period covered by the plan. In the case of Key Decisions it will normally describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) that a Key Decision is to be made
- (b) the matter in respect of which a decision is to be made
- (c) where the decision maker is an individual, their name and title, if any and where the decision taker is a body, its name and details of membership
- (d) the date on which, or the period within which, the decision will be taken
- (e) a list of documents submitted to the decision maker for consideration in relation to the matter
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available; and
- (g) that other documents relevant to those matters may be submitted to the decision maker and the procedure for requesting details of those documents (if any) as they become available.

Notwithstanding the provisions above, where in relation to a matter:

- (a) the public may be excluded from the meeting at which the matter is to be discussed; or
- (b) documents relating to the decision need not be disclosed to the public,

the Forward Plan will contain particulars of the matter but will not contain any confidential or exempt information.

17.3 The Forward Plan will normally be made available for inspection at the Council's offices and published on the Council's website at least 14 days before the start of the period covered. In any event, notice of a Key Decision in accordance with the rules above will normally be made available and published no later than 28 clear working days before the decision is to be made.

17.4 The Forward Plan will also normally identify any proposal to hold any meeting (or part thereof) of the Cabinet (or any committee of Cabinet) in private and will include a statement of the reason(s) for that proposal. In any event, notice of an intention to hold any such private meeting (or part thereof) will also normally be made available and published on the Council's website at least 28 clear working days before the meeting.

18. Record of Decisions

18.1 After any formal meeting, whether held in public or private, the Chief Executive or other nominated officer, or where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include:

- (a) a record of the decision including the date it was made
- (b) a record of the reasons for the decision; and
- (c) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision making body and a note of any dispensation granted by the Head of Paid Service.

18.2 In the case of any decision made by an Executive body, the minutes should also identify any alternative options considered and rejected at that meeting and reasons for the decision. The record, and any reports on items considered when the meeting was open to the public, will be kept available for public inspection for six years from the date of the meeting.

19. Decisions by Individuals

19.1 For the purposes of these rules reference to a “significant executive decision” shall mean a decision in connection with the discharge of an executive function that in the opinion of the officer at the time of making the decision:

- (a) is a decision that:
 - (i) is not connected with the discharge of a function that is outside the responsibility of the Council’s Executive; or
 - (ii) is not connected with the discharge of a function that is excluded from being a function of the Executive;
- (b) will or is likely to incur the Council in expenditure or savings in excess of £50,000 or generate a revenue return / income in excess of £50,000 as a specific consequence of that decision; and/or
- (c) will or is likely to result in the issue or termination of legal proceedings (whether by way of action in a court, tribunal or otherwise); and/or
- (d) will or is likely to be the subject of legal challenge (i.e. action in a court, tribunal or otherwise), whether by way of a challenge to the decision itself or any document issued as a consequence of that decision; and/or
- (e) is a decision on which there was specific prior consultation by the officer with the Leader/portfolio holder before the decision was taken
- (f) is a Key Decision.

19.2 Subject as provided for below, as soon as reasonably practicable after:

- (a) a decision is made by an individual member of the Cabinet; or
- (b) a significant executive decision is made by an officer,

the officer decision maker will prepare, or the individual Councillor shall instruct the proper officer to prepare (as the case may be):

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected;
- (d) a record of any declared conflict of interest by any executive member consulted on the decision and a note of any dispensation granted; and
- (e) the delegated authority under which any such decision is made.

19.3 Following the preparation of the decision record, the officer or proper officer (as the case may be) shall as soon as reasonably practicable thereafter arrange to place the record on the Council's website and make it available for public inspection.

19.4 For the purposes of the requirements of the Constitution, failure to produce a decision record and/or place it on the Council's website and/or make it available for public inspection and/or otherwise fail to accord with any of the requirements relating to the making and publication of a decision record shall not invalidate or otherwise impact upon any decision.

20. **Report to Council**

20.1 Where an Executive decision has been made and:

- (a) was not treated as being a Key Decision; and
- (b) the relevant scrutiny committee consider that the decision should have been treated as a Key Decision,

the relevant scrutiny committee may require Cabinet to submit a report to the Council within such reasonable period as the committee may specify; such report to include details of:

- (a) the decision and the reasons for the decision;
- (b) the decision maker by which the decision was made; and
- (c) if Cabinet is of the opinion that the decision is not a Key Decision, the reasons for that opinion.

20.2 At least quarterly, the Leader will submit to full Council a report containing details of any Key Decision since the previous report that had been agreed as

urgent, including a summary of the matters in respect of which each decision was made.

21. Additional Rights of Access for Members in Relation to Executive Decisions

21.1 All Councillors will generally be entitled to inspect any document (except those in draft form) within the control of the Council that contains material relating to any business to be transacted at a public meeting of Cabinet or a committee of Cabinet at least five clear days before the meeting. Where, however, such a meeting is convened at shorter notice, or an item is added to the agenda at shorter notice, any such document may only be made available from that later time.

21.2 Where:

- (a) business is transacted at a private meeting of Cabinet (or committee of Cabinet)
- (b) an individual member of Cabinet makes a decision; or
- (c) an officer makes a decision which is a function of the Executive,

any document that is in the possession of the Council that contains material relating to any such business or decision (as the case may be) will normally be made available for inspection by all Councillors when the meeting concludes or decision has been made or within 24 hours thereof.

21.3 Subject to certain exceptions in relation to various financial information and information relating to notices and order as set out in the access regulations, none of the document disclosure provisions above require to be made available to a Councillor any document which appears to the proper officer to be exempt information or disclosure of advice provided by a political adviser / assistant.

21.4 Where:

- (a) business is transacted at a meeting of Cabinet (or committee of Cabinet)
- (b) an individual member of Cabinet makes a decision; or
- (c) an officer makes a decision which is a function of the Executive,

any document that is in the possession of the Council that contains material relating to any such business or decision (as the case may be) will normally be made available to a member of a scrutiny committee of the Council upon receipt of a request by the Chief Executive as soon as reasonably practicable and in any case no later than ten clear working days from receipt of the request.

21.5 The above additional disclosure provisions do not however entitle a member of a scrutiny committee to a copy of any document or part of a document that contains exempt or confidential information unless that information is relevant to:

- (a) an action or decision that the Councillor is reviewing or scrutinising; or
- (b) any review contained in any programme of work of a scrutiny committee (or sub-committee).

Furthermore, no such entitlement extends to a document or part of a document provided to a political adviser or assistant. Where, however, disclosure is not provided, a written statement must be provided to the scrutiny committee setting out the reason(s).

RULES OF PROCEDURE – BUDGET AND POLICY FRAMEWORK

These Rules incorporate (in paragraphs 3 to 6 and 10) the provisions which authorities are required to include in their Standing Orders regulating proceedings and business under the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) and shall be interpreted in accordance with those Regulations.

1. The framework for Executive decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for developing the framework

- (a) The Cabinet will publicise by including 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, and its arrangements for consultation after publication of those initial proposals. The Chairmen of scrutiny committees will also be notified
- (b) Following consultation, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If a relevant scrutiny committee wishes to respond to the Cabinet in that consultation process then it may do so. It is open to the scrutiny committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from a scrutiny committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response
- (c) Once the Cabinet has approved the firm proposals, the Chief Executive will refer them at the earliest opportunity to the Council for decision.

3. Conflict resolution procedure – policy framework

- (a) Where the Cabinet of the Council has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph 3 (2).
- (b) Before the Council:
 - (i) amends the draft plan or strategy
 - (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
 - (iii) adopts (with or without modification) the plan or strategy, it must inform the Leader of any objections which it has to the draft plan

or strategy and must give to him/her instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

- (c) Where the Council gives instructions in accordance with paragraph 3 (2), it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:
- (i) submit a revision of the draft plan or strategy as amended by the Cabinet (the “revised draft plan or strategy”), with the Cabinet’s reasons for any amendments made to the draft plan or strategy, to the Council for the Cabinet’s consideration; or
 - (ii) inform the Council of any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for any such disagreement.
- (d) When the period specified by the Council, referred to in paragraph 3(2), has expired, the Council must, when:
- (i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
 - (ii) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
 - (iii) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet’s reasons for those amendments, any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

4. Conflict resolution procedure – budget

- (a) Subject to paragraph 7 where, before 8 February in any financial year the Cabinet submits to the Council for its consideration in relation to the following financial year:
- (i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992
 - (ii) estimates of other amounts to be used for the purposes of such a calculation
 - (iii) estimates of such a calculation; or
 - (iv) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph 4 (2).

- (b) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 4 (1) (a) , or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him/her instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
5. Where the Council gives instructions in accordance with paragraph 4 (2), it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:
- (a) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
 - (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
6. When the period specified by the Council, referred to in paragraph 5, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 4 (1) (a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:
- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts
 - (b) the Cabinet's reasons for those amendments
 - (c) any disagreement that the Cabinet has with any of the Council's objections; and
 - (d) the Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.
7. **Decisions outside the budget or policy framework**
- (a) Subject to the provisions of financial regulations relating to the use of contingencies and variation of estimates, the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, area committees or joint arrangements discharging Cabinet functions may only take decisions which are in line with the budget and policy

framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to paragraph 8 below.

- (b) If the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, area committees or joint arrangements discharging Executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the S151 Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 8 (urgent decisions outside the budget and policy framework) shall apply.

8. Urgent decisions outside the budget or policy framework

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

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

- (b) Following the decision, the decision taker 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.

9. Call-in of decisions outside the budget or policy framework

- (a) Where a scrutiny committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Section 151 Officer.

- (b) In respect of functions, which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Section 151 Officer's report shall be to the Cabinet with a copy to every Councillor. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Section 151 Officer conclude that the decision was a departure, and to the scrutiny committee if the Monitoring Officer or the Section 151 Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Section 151 Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 7 days of the request by the scrutiny committee, or on such other date as the Chief Executive may determine in consultation with the Mayor. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Section 151 Officer.
- (d) The Council may either:
 - (i) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - (ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/Section 151 Officer.

10. Recording Votes

- (a) Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- (b) In paragraph 10 (1):

- (i) “budget decision” means a meeting of the Council at which it:
 - (1) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or
 - (2) issues a precept under Chapter 4 of Part 1 of that Act,and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;
- (ii) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

RULES OF PROCEDURE – CABINET

1. How does the Cabinet operate?

1.1 Who may make executive decisions?

Executive functions to be discharged by:

- (a) the Cabinet as a whole
- (b) a committee of the Cabinet
- (c) an individual member of the Cabinet, where the Council has agreed the delegation
- (d) an officer
- (e) an area committee
- (f) joint arrangements; or
- (g) another local authority.

1.2 Any delegation of Executive functions will be determined by the Council and will be reviewed from time to time. Details of the delegation will be included in the Constitution, which will include:

- (a) the extent of any authority delegated to Cabinet members individually (if any), including details of the limitation on their authority
- (b) the terms of reference and constitution of such Cabinet committees so appointed and the names of Cabinet members appointed to them
- (c) the nature and extent of any delegation of Executive functions (if any) to area committees, any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee; and
- (d) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of Cabinet functions

- (a) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for an Executive function, they may delegate further to an area committee, joint arrangements or an officer
- (b) Unless the Council directs otherwise, the Cabinet may delegate functions to a committee of the Cabinet or to an officer

- (c) Unless the Leader directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer
- (d) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's scheme of delegation and Executive functions

- (a) Subject to (b) below, the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in article 7.6 and set out in part 3 of this Constitution
- (b) If the scheme of delegation allows, the Leader to decide whether to delegate any executive functions, he/she may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the Chief Executive and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Councillor code of conduct in part 5 of this Constitution
- (b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Councillor code of conduct in part 5 of this Constitution
- (c) If the exercise of an Executive function has been delegated to a committee of the Cabinet, an individual Councillor or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Councillor code of conduct in part 5 of this Constitution.

1.6 Cabinet meetings – when and where?

The Cabinet will meet in accordance with a calendar of meetings reported to the annual meeting of the Council and at other times to be agreed by the Leader.

All meetings of the Cabinet will be open to the public subject to the access to information rules in part 4 of this Constitution.

1.7 **Quorum**

The quorum for a meeting of the Cabinet, or a committee of it, shall be three.

1.8 **How are decisions to be taken by the Cabinet?**

- (a) Executive decisions which fall to be determined by the Cabinet will be taken at a meeting convened in accordance with the access to information rules in part 4 of the Constitution.
- (b) Where Executive decisions are delegated to a committee of the Cabinet, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. **How are Cabinet Meetings Conducted?**

2.1 **Who presides?**

If the Leader is present he/she will preside. In his/her absence, the Deputy Leader shall preside.

In the event of both the Leader and the Deputy Leader being absent from a meeting, the Cabinet will appoint a person from among those present to preside at that meeting.

2.2 **Who may attend?**

All meetings of the Cabinet will be open to the public unless exempt or confidential information is being considered. All Councillors will be entitled to attend meetings of the Cabinet.

2.3 **What business?**

At each meeting of the Cabinet the following business will be conducted:

- (a) consideration of the minutes of the last meeting
- (b) declarations of interest, if any
- (c) matters referred to the Cabinet (whether by a scrutiny committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the overview and scrutiny procedure rules or the budget and policy framework procedure rules set out in part 4 of this Constitution
- (d) consideration of reports from scrutiny committees; and
- (e) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the access to information procedure rules set out in part 4 of this Constitution.

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant scrutiny committees as set out in the Forward Plan, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Cabinet agenda?

The Leader may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any Councillor or officer in respect of that matter.

2.6 Record of Decisions

As soon as reasonably practicable after a meeting of the Cabinet or a committee appointed by the Cabinet where an Executive decision has been made, the Chief Executive or an officer nominated by him/her, or in the event of the Chief Executive or nominated officer not being present at the meeting, the person presiding, shall ensure that a written statement is produced in respect of every Executive decision made at the meeting which must include:

- (a) a record of the decision
- (b) a record of the reasons for the decision
- (c) details of any alternative options considered and rejected
- (d) a record of any conflict of interest in relation to any matter decided which is declared by any Councillor
- (e) in the case of a declared conflict of interest, a note of any dispensation granted by the standards committee

Similarly, any Councillor or officer making delegated decisions is required to make a record of those decisions or requests the Chief Executive or other designated officer to do so, as set out above.

RULES OF PROCEDURE –OVERVIEW AND SCRUTINY

1. What will be the number and arrangements for scrutiny committees?

The Council will appoint the scrutiny committees set out in Article 6 and will appoint other scrutiny committees as it considers appropriate from time to time. Such committees may appoint sub-committees or member groups/panels. Scrutiny committees or other groups may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

The Council shall determine the size and membership of scrutiny committees giving effect to appointments in accordance with the wishes of any political group.

2. Who may sit on scrutiny committees?

All Councillors, except members of the Cabinet, may be members of a scrutiny committee. However, no Councillor may be involved in scrutinising a decision in which he/she has been directly involved.

3. Co-optees

Each scrutiny committee or sub-committee shall be entitled to recommend to Council the appointment of up to two non-voting co-optees.

4. Meetings of the scrutiny committees

(a) The Council shall approve a calendar of meetings of the scrutiny committees. In addition, special meetings may be called from time to time as and when appropriate.

(b) The Chairman of the relevant scrutiny committee may call a special meeting of a scrutiny committee.

(c) A special meeting may also be called by a quarter of the membership of the group but not less than three members of the group or by the Chief Executive if he/she considers it necessary or appropriate.

5. Quorum

The quorum for a scrutiny committee shall be one quarter of the total number of members of the committee, or three, whichever is the larger.

6. Who chairs scrutiny committee meetings?

The Council at the annual meeting will appoint the Chairman and Vice-Chairman of the scrutiny committees in accordance with any locally agreed convention.

7. **Work programme**

Each scrutiny committee will be responsible for preparing its own work programme and in doing so it shall take into account wishes of all members on that committee, including co-opted members. The work programme shall be reported annually to the Council.

8. **Agenda items**

Any Councillor shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda. The following procedures shall apply:

- (a) Councillors should raise any item with the appropriate officer for resolution prior to requesting an additional item for a scrutiny agenda. This contact should be at the service manager or management team level
- (b) if the issue is not resolved, then a Councillor should submit a request with background details for an item to be discussed at a future scrutiny committee meeting giving at least ten working days notice
- (c) this item will be placed as an item at the end of the next appropriate scrutiny committee meeting agenda
- (d) the item will consist of a short report detailing the question together with the brief background details provided by the Councillor raising the question and an officer consideration of likely resource requirements if action was agreed
- (e) there will be a maximum time period of fifteen minutes allowed for initial consideration of any additional item raised for a potential future scrutiny item. The scrutiny committee should then decide whether the item is suitable to be included within the scrutiny programme.

9. **Policy review and development**

- (a) The role of the scrutiny committees in relation to the development of the Council's budget and policy framework is set out in detail in the budget and policy framework procedure rules
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, scrutiny committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference
- (c) Scrutiny committees may review the available options for future direction in policy development. They may seek information and advice on the options, go on site visits, conduct public surveys, hold public

meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10. Reports from Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it to the Chief Executive for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from, or a change to, the agreed budget and policy framework).
- (b) If a Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then a minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- (c) The Council or Cabinet shall consider the report of the scrutiny committee at its next scheduled meeting.

11. Making sure that Overview and Scrutiny reports are considered by the Cabinet

- (a) Once a Scrutiny Committee report on any matter which is the responsibility of the Cabinet has been completed, it shall be included on the agenda of the next available meeting of the Cabinet, unless the matter which is the subject of the report is scheduled to be considered by the Cabinet at a later meeting. In such cases, the Cabinet shall consider the report of the scrutiny committee when it considers that matter.
- (b) Once a Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Chief Executive who will allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework.
- (c) Scrutiny Committees will in any event have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a scrutiny committee following consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

12. **Rights of scrutiny committee members to documents**

- (a) In addition to their rights as Councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the access to information procedure rules in part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and scrutiny committee as appropriate depending on the particular matter under consideration.

13. **Members and officers giving account**

- (a) Any scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require, any (other) member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance,

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

- (b) Where any Councillor or officer is required to attend a scrutiny committee under this provision, the Chairman of that committee will inform the Chief Executive. The Chief Executive shall inform the Councillor or officer in writing giving at least five working days' notice of the meeting which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the Councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.

If a Councillor is invited to attend a scrutiny committee meeting he/she shall have the right to be accompanied at the meeting by an officer.

- (c) Where, in exceptional circumstances, the Councillor or officer is unable to attend on the required date, then the scrutiny committee shall in consultation with the Councillor or officer arrange an alternative date for attendance.

14. **Member Question Time at Scrutiny Committees**

There will be an opportunity for a short question time at the commencement of each scrutiny committee meeting. The purpose of this question time is to enable non-executive Councillors to put questions (primarily relating to policy)

to the relevant Cabinet portfolio holder and/or Leader. The following protocol will apply:

- (a) the period allowed for questions shall be limited to 15 minutes
- (b) the Chairman shall have discretion to extend this period to enable a full reply to be given, but no further questions may be put after the 15 minutes have expired, unless the Chairman and the Cabinet member or Leader agree
- (c) any Councillor wishing to put a question under this procedure shall provide a copy of it to the Chief Executive at least three working days (not including the day of the meeting) before the relevant scrutiny committee meeting and the Chief Executive shall notify the relevant Cabinet member and Leader
- (d) any questions to be put must relate to a matter within the terms of reference of the scrutiny committee.
- (e) having received notice of a question under this procedure the relevant Cabinet member or Leader shall attend the scrutiny committee meeting to answer the question, or if unable to attend, may request another Cabinet member to attend and answer on their behalf
- (f) at the commencement of question time the Chairman shall invite the member who gave notice of the question to put it to the Cabinet member or Leader in attendance. If notice of more than one question has been given they shall be put and answered in order of receipt unless otherwise agreed by the Chairman and the Cabinet member or Leader
- (g) the questioner may put one supplementary related question following the receipt of the original reply
- (h) at the end of the Cabinet member question time the Chairman will ask the particular committee if there are any issues arising from the discussion that need to be followed up within the scrutiny work programme
- (i) a question which is the same or substantially the same as one which has previously been put to a Cabinet member or Leader under this procedure may not be put again before the expiry of six months from the date of the meeting at which it was last put
- (j) questions which relate to operational matters will normally be raised with executive managers in the first instance and not put under this procedure until the relevant service manager has had an opportunity to respond
- (k) nothing in this protocol shall override any provisions of the Council's Constitution.

15. Attendance by others

A scrutiny committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Councillors and officers in other parts of the public sector and shall invite such people to attend.

16. Call- In of Key Decisions Procedure

- (a) When a Key Decision is made by the Cabinet, or a committee of the Council's Cabinet, or under joint arrangements, or in line with any delegation within the Constitution's responsibility for functions, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two working days of being made.
- (b) Copies of the notice of decision will be provided to all Councillors.
- (c) Key Decisions of the Cabinet will come into effect seven working days (not including the day of the meeting) after the meeting unless five members give notice in writing to the Chief Executive requesting a Call-In of the decision. The facility to Call-In only applies to Key Decisions of the Council's Cabinet.
- (d) If no notice requesting the Call-In of a Key Decision is received in this seven working day period the decision will come into effect.
- (e) The Call-In submission should comprise a completed Call-In request form (Annex A) available to Councillors and include the names and signatures of the five signatories, the decision making principles (as set out in article 13 – decision making, in Part 2 of the Constitution) it is believed have been breached and also the reasons for this. The decision making principles are:
 - (i) proportionality (ie the action must be proportionate to the desired outcome)
 - (ii) due consultation and the taking of professional advice from officers
 - (iii) respect for human rights
 - (iv) a presumption in favour of openness
 - (v) clarity of aims and desired outcomes; and
 - (vi) the record of which options were considered and giving reasons for the decision.
- (f) Upon receipt of the Call-In form the Chief Executive will give due regard to the advice of the Monitoring Officer to ensure the correct information has been submitted by the signatories. At this stage a Call-In request could be rejected if it is believed:
 - (i) insufficient information has been provided
 - (ii) it is vexatious, malicious, or politically motivated

- (iii) it does not evidence the decision making principles breached and why
- (iv) the decision has previously been Called-In
- (v) the reasons given have been addressed in a previous Call-In

If necessary, reasonable steps will be taken to make the lead signatory aware of any issues regarding the validity of the Call-In request prior to the closure of the Call-In period.

- (g) Upon determining that the request is a valid Call-In, the Chief Executive will agree with the relevant scrutiny Chairman (giving due regard to the committees' terms of reference and role and remit) the scrutiny committee to consider the Call-In and instruct the Monitoring Officer to notify the Cabinet of the Call-In and also the relevant officers. He/she will then call a meeting of the relevant scrutiny committee.
- (h) The scrutiny committee must meet to consider the Call-In as soon as possible and at the latest within ten working days of the decision to call it in. If the meeting does not take place in this period then the decision will come into effect. Special meetings of the scrutiny committee will be called if necessary to consider Call-In requests within this period.
- (i) The first named Councillor (lead signatory) on the Call-In form will be entitled to attend the relevant scrutiny committee meeting to present the Call-In, outline the reasons for the request and take part in any debate on the matter (but not vote). The relevant Cabinet member(s) will also attend the meeting and be invited to address the scrutiny committee. The scrutiny committee may ask the lead signatory questions about the Call-In request as part of their deliberations. They may also ask the Cabinet member(s) questions as part of their deliberations. The format for the scrutiny committee meeting when the Call-In request is considered is set out at Annex B.
- (j) If having considered the decision, the scrutiny committee is still concerned about it, then it may refer the matter back to the Cabinet for reconsideration, setting out in writing the nature of its concerns. The Cabinet shall reconsider it at their next meeting, (or a special meeting if necessary) amending the decision or not, before adopting a final decision.
- (k) If the scrutiny committee concludes not to refer the matter back to the Cabinet the decision shall take effect on the date of the scrutiny committee meeting.
- (l) If the scrutiny committee concludes that the decision is outside the budget and policy framework then, it can refer the matter to Council for consideration. rule 10 within part 4 of the Constitution sets out the procedure in relation to the Call-In of decisions outside the budget and policy framework. When exercising this option the scrutiny committee should evidence how and why the decision is outside the framework and give due regard to the advice of the Chief Executive and Monitoring Officer on this matter. If the matter is referred to full Council

and the Council does not object to a decision that has been made, then no further action is necessary and the decision will take effect from the date of the Council's decision.

Notice of Call-In of Key Decision

In accordance with rule 16 of the overview and scrutiny procedure rules of the Council's Constitution, we the undersigned hereby give notice that we wish to Call-In the following key decision:

1. Decision.....
.....
2. Meeting at which the decision was made
.....
3. Date of the Meeting

We believe that the following principles of decision making have been breached by the making of this decision (tick relevant boxes):

Principle		Reasons why breached	Please tick
a.	Proportionality		
b.	Due consultation and the taking of professional advice from officers		
c.	Respect for human rights		
d.	A presumption in favour of openness		
e.	Clarity of aims and desired outcomes		
f.	A record of what options were considered and giving the reasons for the decision		

1. Signed.....
Name.....
Date.....
2. Signed.....
Name.....
Date.....
3. Signed.....
Name.....
Date.....
4. Signed.....
Name.....
Date.....
5. Signed.....
Name.....
Date.....

CALL-IN PROCESS – EXPLANATORY NOTE

This note provides a simple explanation of the format for the ‘Call-In’ at the meeting of a scrutiny committee. It sets out each stage to follow to ensure the meeting is effective and is not adversarial. The key stages are set out as follows:

Stage 1 – Lead signatory submission

As lead signatory, the first signatory to the ‘Call-In’ will be invited to address the scrutiny committee and to make a statement of explanation in respect of the decision called in. They should outline the reasons why the signatories have called the decision in. They should also aim to explain how the decision is in breach of the principles of decision making (as set out in article 13 of the Council’s Constitution).

The address should be limited to a maximum of 20 minutes and the lead signatory should stick to the reasons why the decision has been called in and why they believe it is in breach of the decision making principles.

Stage 2 – Cabinet member submission

Following the lead signatory’s address to the scrutiny committee the relevant Cabinet member(s) will be invited to address the committee. Relevant officers can be called upon to support this submission.

The address should be limited to a maximum of 20 minutes and it should aim to address the reasons given by the lead signatory for the Call-In. They should also aim to explain why the decision has not breached the principles of decision making.

Stage 3 – Scrutiny committee questions

Scrutiny committee members can then ask questions of the lead signatory, the Cabinet member and officers directly relating to the decision and the reasons for the Call-In (this should be questions about the decision and the Call-In and not a debate on the issue as a whole).

Stage 4 – Lead signatory closing statement

The lead signatory makes a closing statement (this should last a maximum of five minutes) responding to the submissions and questions previously heard. They are not allowed to question anyone.

Stage 5 – Cabinet member closing statement

The Cabinet member(s) then make a closing statement (this should last no longer than five minutes) responding to the submissions and questions previously heard. They are not allowed to question anyone.

Stage 6 – Scrutiny committee decision

At this stage, the scrutiny committee needs to make a decision based on the discussion that has taken place. The Chairman should make it clear that no further

submissions will be heard from the lead signatory or the Cabinet member(s) whilst the scrutiny committee deliberates and makes a decision.

The scrutiny committee has a number of options available for its decision which are:

- they agree with Cabinet's decision (the Cabinet decision can now be actioned)
- they disagree with it but this does not warrant referral back to Cabinet (the Cabinet decision can now be actioned)
- they disagree with the decision and agree that it should be referred back to the next Cabinet meeting (the scrutiny committee should expressly outline the reasons for disagreeing with Cabinet's decision in its recommendations).

Minutes of the meeting containing the decision will be circulated to all Councillors in due course.

CALL IN AND URGENCY

- (a) The Call-In procedure set out above shall not apply where the decision is urgent. A decision will be urgent if any delay likely to be caused by the Call-In process would prejudice the Council's or the public's interests
- (b) The Cabinet must decide that no Call-In may be made on the grounds of urgency at the time the decision is made, and not subsequently. This will be indicated at a set point on the agenda
- (c) If there is an urgent item, which it would not be practicable to Call-In, then the Cabinet decision can be implemented by the Chief Executive in consultation with the Leader of the Council, the relevant Cabinet member and the Chairman of the relevant scrutiny committee.

17. Procedure at scrutiny committee meetings

- (a) Scrutiny committees shall consider the following business:
 - (i) declarations of interest
 - (ii) Councillor question time
 - (iii) consideration of any matter referred to the committee for a decision;
 - (iv) in relation to Call-In of a decision
 - (v) responses of the Cabinet to reports of the scrutiny committee; and
 - (vi) the business otherwise set out on the agenda for the meeting.
- (b) Where the scrutiny committee conducts investigations (e.g. with a view to policy development), people may be asked to attend to give evidence at meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak
 - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Chairman of the scrutiny committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

18. Voting

- (a) Voting at a scrutiny committee shall be by a show of hands
- (b) In the event of an equality of votes, the Chairman shall have a second or casting vote.

19. Membership

The membership of the scrutiny committees shall comprise eight Councillors (or such number as the Council may determine) appointed on a politically proportionate basis, with power to co-opt up to two non-Council members to ensure a wide a range of appropriate interests for particular scrutiny reviews e.g. representatives of user groups etc.

FINANCIAL REGULATIONS

Financial regulations, which are approved by the Council, are fundamental to maintaining acceptable standards of financial administration supporting service delivery and the performance of functions. As a contractual condition of their employment, every employee shall comply with these regulations when carrying out their duties and no exceptions are permitted without the express consent of the Council.

FINANCIAL MANAGEMENT

Standards

Officers and Councillors have a duty to abide by the highest standards of probity in dealing with financial issues. It is therefore important that these standards are promoted throughout the authority and that compliance is monitored.

1. The Council's officer appointed in accordance with Section 151 of the Local Government Act 1972 (the Section 151 Officer) shall be responsible to the Council for the regulation, practical arrangements and control of the Council's finances and accounts, and in particular shall be authorised to:
 - (a) set financial management standards and monitor compliance with them
 - (b) determine the form of accounts and accounting systems of the Council
 - (c) select accounting policies and ensure that they are applied consistently
 - (d) issue codes of practice in respect of detailed requirements for financial control, according to the list under the section on systems and procedures below
 - (e) delegate such authority as appropriate, for operational purposes, to nominated officers.
2. Any codes of practice issued by the Section 151 Officer shall have force as though they are part of these financial regulations, unless specifically noted to the contrary.
3. Members of the executive management team, service managers and lead specialists of the Council shall be responsible for:
 - a) promoting the financial management standards set by the S151 officer and to ensure the relevant controls are properly applied
 - b) the proper, effective and efficient use of any resources under their control and allocated to them by the Council.
4. Executive managers of the Council shall be responsible for:
 - a) ensuring that any codes of practice issued by the S151 officer are implemented and maintained
 - b) ensuring that fees and charges are reviewed at least annually.
5. All financial systems shall comply with statutory requirements and relevant regulations.

Managing Expenditure

It is important that expenditure is only incurred in respect of approved budgets and for approved purposes that comply with the Council's policies and objectives. Monitoring of expenditure against budgets and budget virement are tools to ensure that these aims are achieved.

6. The Section 151 Officer shall be responsible for:
 - (a) monitoring expenditure at service level against approved budgets, setting thresholds for significant variances and obtaining explanations from members of the executive management team and service managers or lead specialists where such variances arise
 - (b) regularly reporting to the Cabinet the progress against approved budgets, together with relevant explanations for variances provided by members of the executive management team and service managers or lead specialists.
7. Executive managers and service managers or lead specialists shall be responsible for:
 - (a) regularly monitoring and controlling expenditure and income against approved budgets
 - (b) regular reporting to the executive management team of expenditure and income against approved budgets
 - (c) providing proper explanations to the executive management team for significant variances, together with the action being taken to correct the situation
 - (d) taking prompt action to deal with variances from approved budgets, such action to include reducing the rate of expenditure, generating further income, or obtaining proper approval for amended budgets
 - (e) exercising virement between budget heads within a service (excluding support service charges and notional capital accounting charges), in consultation with the Section 151 Officer.
8. Budgets for services may be varied subject to the following:
 - (a) expenditure that cannot be contained within the approved estimates, contingencies and reserves shall not be incurred, except in case of emergency, until a supplementary estimate has been approved by Council
 - (b) expenditure incurred in an emergency, and for which a supplementary estimate is necessary, shall be reported to the Cabinet as soon as possible thereafter, and appropriate action then recommended to Council for approval
 - (c) budgetary provision in the estimates for a particular service may be transferred to other executive managers, subject to:
 - (i) the service not being reduced; and
 - (ii) the gross expenditure or income budget for a service (other than notional capital accounting charges and management and

- administration recharges) not varying by more than 5% of the service, or £20,000, whichever is the greater; and
- (iii) the agreement of the Chief Executive or relevant executive manager and the Section 151 Officer but where a transfer of provision in excess of £20,000 is proposed, the Section 151 Officer shall consult with a designated Cabinet member prior to reaching such agreement.
 - (d) Budgetary provision in the estimates for a service head may be amended by a transfer from a particular contingency or reserve, subject to the agreement of the Chief Executive or relevant executive manager and the Section 151 Officer but where a transfer of provision in excess of £20,000 is proposed, the Section 151 Officer shall consult with a designated Cabinet member prior to reaching such agreement.
 - (e) Variation of estimates outside that determined by financial regulations 7 c) and d) shall be submitted to the Cabinet for consideration and forwarded to Council for approval.
 - (f) The Section 151 Officer shall approve variation of management and administration and notional capital accounting charges.
 - (g) Each member of the executive management team or relevant service manager or lead specialist shall consult the Section 151 Officer with respect to any matter that is likely to go beyond the approved budget of the Council.
9. Carry forward of unspent revenue budget provision shall be permitted in the following circumstances:
- (a) The carry forward should be in respect of unusual items of expenditure that are sufficiently committed, but cannot be accounted for in the original year and cannot be absorbed in the new year's budget.
 - (b) The carry forward should be recommended by the Section 151 Officer and approval is reserved to Council.

Accounting records and returns

These are important in demonstrating stewardship and accountability in the application of public resources.

10. The Section 151 Officer shall:
- (a) Ensure accounts are prepared in accordance with proper practices and in accordance with the statutory timetable for the production of the statement of accounts
 - (b) Examine all financial returns and to certify all claims for payment in respect of grants awarded by any external body.

11. Members of the executive management team and service manager or lead specialist shall:
 - (a) Consult and obtain approval of the Section 151 Officer before making any changes to accounting records and procedures
 - (b) Provide the Section 151 Officer with information required for the preparation of the Statement of Accounts in accordance with agreed timescales and guidance provided by the Section 151 Officer.

FINANCIAL PLANNING

Revenue Budgets

Revenue budgets are the mechanism by which the Council allocates resources to the achievement of its objectives. It is important that the budget is consistent with the various performance plans and strategies of the Council. These explain overall priorities and objectives, current performance and proposals for improvement. They must be consistent and form the basis from which revenue and capital budgets are prepared.

12. The Section 151 Officer shall prepare a five-year projection of the revenue budget to demonstrate the affordability and sustainability of the Council's spending plans in accordance with prudential guidelines. The Cabinet shall consider this projection when making recommendation to the Council in respect of the medium term financial strategy, revenue budget and capital programme.
13. The Section 151 Officer shall be responsible for:
 - (a) Determining the form of revenue estimates to be presented to the Cabinet and Council
 - (b) Determining the estimates of external factors affecting the estimates, including those for inflation, pay awards, general income increases and interest rates
 - (c) Co-ordinating and consolidating the spending plans of the executive management team, service managers and lead specialists for presentation to Cabinet.
14. Members of the executive management team, service managers and lead specialists shall:
 - (a) Prepare revenue estimates in consultation with the Section 151 Officer and planned developments in support of the Council's performance plans and strategies and in support of the five-year projection of expenditure
 - (b) Ensure that the above revenue estimates are in accordance with any relevant cash limits
 - (c) Ensure that proper approval for new proposals is obtained, especially those that create financial commitment in future years, change existing policies, initiate new policies or cease existing policies.

Capital Budgets

Capital expenditure involves acquiring or enhancing fixed assets with a long term benefit to the authority, such as land, buildings and major items of plant and equipment. It is important that the capital programme is drawn up in accordance with the capital strategy, asset management plans and the corporate objectives of the Borough. These regulations and the associated Code of Practice are designed to ensure that capital schemes are fully justified, that alternative options are considered and that best value in the use of capital resources is achieved.

15. Members of the executive management team and service managers shall prepare capital estimates in a rolling programme covering five financial years, in consultation with the Section 151 Officer and shall submit them to the Cabinet for consideration and approval by the Council in a form determined by the Section 151 Officer.
16. Officers shall be authorised to commence projects in the capital programme where the Council has received and approved a capital appraisal when considering the capital programme, except that costs may be incurred prior to scheme approval where necessary to undertake work and investigations essential to drawing up plans and estimating the cost of the project.
17. Capital appraisals shall address the following matters:
 - (a) A detailed description of the project
 - (b) How the project contributes to the Council's aims and objectives
 - (c) Anticipated outcomes and outputs
 - (d) A consideration of alternative solutions
 - (e) An estimate of the capital and revenue costs and sources of funding
 - (f) Other aspects relevant to the appraisal of the scheme as the Section 151 Officer may determine.

Except those schemes that are deemed by the Section 151 Officer as being for regular maintenance of the Council's property, linked to the Asset Management Plan, or regular grant support will not require a full justification prior to inclusion in the programme.

18. Where capital expenditure, unforeseen at the time of approving the capital programme, is proposed and is to be funded from within the overall approved capital programme including contingency, a separate appraisal shall be carried out and approved by the executive management team, except that such schemes over £50,000 but under £100,000 shall be approved in consultation with the relevant Cabinet portfolio holder and those over £100,000 will be referred to Cabinet for approval.
19. Capital estimates may be amended in the following circumstances:

- a) On full appraisal of the scheme
 - b) On receipt of tenders
 - c) On new information becoming available during the monitoring of the project.
20. Consequent to any of the circumstances set out in regulation 17 demonstrating a need to vary capital estimates they shall be amended, subject to the consent of the Section 151 Officer, as follows:
- (a) By supplementary estimate provided that sufficient capital contingency has been approved by the Council and remains uncommitted
 - (b) By transfer from one capital scheme provision to another, subject to no scheme total changing by more than 5% or £20,000, whichever is the greater, and there being no material change to the appraised viability of the scheme, assessed in consultation with the Section 151 Officer.

Where a variation in excess of £20,000 is proposed, the Section 151 Officer shall consult with a designated Cabinet member prior to giving such consent.

21. Members of the executive management team and service managers shall be responsible for ensuring that progress on schemes is properly monitored, and that approved outcomes are achieved.

RISK MANAGEMENT AND CONTROL OF RESOURCES

Risk Management

Risk management is the planned and systematic approach to the identification, evaluation and control of risk. This is important in order to safeguard against the possibility of loss, damage, injury or failure to achieve objectives of the Council. The management of risk is the responsibility of all managers as part of their day to day activities. Strategically, the Council operates a risk management strategy through the risk management group.

22. The Section 151 Officer shall effect corporate insurance cover and deal with all claims in consultation with other officers as necessary.
23. Members of the executive management team, service managers and lead specialists shall take steps to minimise risks in accordance with the corporate risk management strategy.

Internal Control

Internal controls are an important element in ensuring that the Borough's financial arrangements are operated in a secure and proper manner. The authority has statutory obligations and internal controls assist in identifying, meeting and monitoring compliance with those obligations.

24. The Section 151 Officer shall approve arrangements for internal control to ensure the proper administration and security of the Council's financial affairs.
25. Executive managers and service managers shall ensure that any proposed changes to the control environment are discussed with the Section 151 Officer before implementation and authorisation.
26. Executive managers and service managers shall ensure that such controls are being adhered to and ensure that officers have a clear understanding of the consequences of lack of control.

Internal Audit

Internal audit is a statutory requirement. It needs to provide an independent and objective review to assist in evaluating the adequacy of internal control.

27. The Section 151 Officer shall maintain a continuous, up-to-date internal audit of the activities of the Council.
28. Such officers as nominated by the Section 151 Officer shall have authority to visit all Council premises and have access to all records of the Council, and shall be entitled to require and receive such explanations as they consider necessary to satisfy themselves of the correctness of any matter under examination.
29. Where any irregularity occurs or is suspected, from whatever source, except in the case of suspected Housing Benefit fraud committed by external agencies, the Chief Executive, the relevant member of the executive management team and the head of internal audit (if contracted out, the designated individual) shall be notified, in accordance with published codes of practice. The Head of Internal Audit shall carry out an investigation in conjunction with the relevant member of the executive management team or service manager in accordance with proper practice.
30. Investigations of external Housing Benefit fraud are investigated by the Department of Works and Pensions.
31. Members of the executive management team, service managers and lead specialists shall consider and respond promptly to recommendations in audit reports.
32. Members of the executive management team, service manager and lead specialists shall ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient manner.

Preventing Fraud and Corruption

33. Members of the executive management team, service managers and lead specialists shall ensure adherence to the Borough's anti-fraud and corruption policy and ensure that all suspected irregularities are reported to the Chief Executive, the Monitoring Officer, the Section 151 Officer and the Head of Internal Audit.

Assets

It is important that all the Borough's assets are safeguarded and used efficiently in service delivery. An up to date register of assets is a prerequisite for proper asset management and accounting.

34. The Section 151 Officer shall maintain an asset register in accordance with good practice and accounting code requirements.
35. Members of the executive management team, service managers and Lead Specialists shall:
 - a) inform the Section 151 officer of the acquisition or disposal of such assets in a prompt manner
 - b) ensure the proper security of all buildings and other assets under their control
 - c) maintain inventories and records of stocks and stores as detailed in Codes of Practice issued under financial regulations.

FINANCIAL SYSTEMS AND PROCEDURES

General

36. Financial regulations in respect of systems and procedures are detailed in the relevant Codes of Practice issued by the Section 151 Officer under regulation 1. These are as follows:
 1. Orders for goods and services
 2. Building and civil engineering contracts
 3. Payment of accounts
 4. Receipt and accounting for income
 5. Stocks and stores
 6. Loans and investments
 7. Insurances and protection of assets
 8. Inventories
 9. Raising and recovery of debts
 10. Petty cash
 11. Payroll
 12. Capital schemes
 13. Money laundering
 14. Grants and external funding
 15. Suspected irregularities
 16. Budget monitoring.

EXTERNAL ARRANGEMENTS

Partnerships and external funding

The Council is increasingly involving other bodies and partnerships in achieving its objectives. It is important that arrangements with other bodies are as rigorously controlled, with the highest level of probity as for any other arrangement. In

particular, the Council's financial regulations will apply except where, in specific circumstances the Section 151 officer agrees that some alternative may be used.

37. The Section 151 officer shall:

- (a) advise on the relevant controls that should apply to any arrangement, whether through the Council's own financial regulations or some adequate alternative
- (b) ensure satisfactory accounting arrangements
- (c) ensure that any match funding requirements are considered prior to entering into any such agreements
- (d) certify all claims for payment in respect of grants awarded by any external body.

38. Members of the executive management team, service managers and lead specialists shall:

- (a) consult with the Section 151 Officer in respect of financial controls
- (b) ensure that all agreements and arrangements are properly documented
- (c) provide appropriate information to the Section 151 Officer to enable proper accounting arrangements to be made
- (d) ensure that conditions of funding are complied with.

STANDING ORDERS RELATING TO CONTRACTS

(a) General and interpretation

- (a) All contracts for the supply to the Council of goods, materials, services or work shall comply with these Standing Orders. Apart from the permitted exceptions listed in Standing Order 12 below, no variations, waivers or suspensions to any of these provisions shall be made, other than with the written approval of the Section 151 Officer in consultation with the Chief Executive and the Monitoring Officer
- (b) The letting of contracts, and every step taken in respect of them, shall be in conformity with all directives of the European Union. In particular, where any such directive requires the publication of notices of contracts to be let, those requirements shall be complied with notwithstanding that they may exceed or modify the requirements of any of these Standing Orders
- (c) E-procurement procedures shall be used wherever possible and it is expected that officers obtaining quotations or tenders will use the "Due North" portal. These include e-purchasing, e-tendering, purchase cards and others. Where appropriate, e-auctions may be used, so long as provision is made for this in the OJEU adverts. The Council may also make use of contracts set up by other public bodies where electronic auctions have been used, so long as the advert and contract contain provision for this

- (d) Requests for quotations, pre-qualification questionnaires and invitations to tender should wherever practical be issued to tenderers by electronic means
- (e) Unless considered inappropriate, quotation documentation shall also be made available on the Council's website to allow electronic downloading of the documents by prospective bidders. Where practicable completed quotations and tenders shall be submitted electronically to the Council's secure folder set up specifically for this purpose provided that:
 - (i) evidence that the transmission was successfully completed is obtained and recorded
 - (ii) electronic tenders shall be kept in a separate secure folder under the control of the Monitoring Officer, which is not opened until the deadline has passed for receipt of tenders
- (f) A framework agreement is an agreement which allows the Council to call off from a supplier supplies, services or works in accordance with the terms of the agreement. The framework agreement itself would usually constitute a non-binding offer with no obligations on the Council to call off from the supplier. If the Council calls off from the supplier a binding contract comes into being.

2. Agency Work

This Standing Order shall apply where the Council executes work for or on behalf of a principal authority under the terms of an agreement with that authority or on behalf of any consortium, collaboration or similar body of which the Council is a member. In that event the appropriate member of the executive management team or service manager shall comply with the relevant requirements of the principal authority or other body. To the extent that the principal authority or other body has no requirements governing contracts, appropriate parts of these Standing Orders shall apply.

3. Estimates

Before obtaining tenders for any contract likely to cost more than £10,000, the appropriate member of the executive management team, service manager or lead specialist shall obtain an estimate of the probable expense and shall record such estimate in accordance with the requirements of any Code of Practice issued under financial regulations.

4. Advertising

All tenders over £50,000 shall be advertised and, where appropriate, be available for download on the regional electronic tendering website. Contract award notices shall be published on the website and, where possible, advance notice of tenders must also be advertised.

In the case of goods and services tenders advertised in the European Journal, officers should consider whether the contract will be of benefit to other public

sector bodies, and if so, include the following text in the OJEU notice: "Tenderers should be aware that although the contracting authority for the purposes of this procurement is Rushcliffe Borough Council one or more other local authorities and/or public bodies may choose to access the concluded contract, without creating any obligation on behalf of any of them to do so". All related contracts should also include a provision to enable other public bodies to access the terms and conditions within the prime contract.

5.0 Contracts under £10,000

Quotations should also be obtained for contracts estimated to cost less than £10,000 where the member of the executive management team or service manager considers it is desirable in the interest of economy or efficient management.

5. 1. Contracts up to £50,000

- (a) Where it is estimated that a contract will exceed £10,000 but not £50,000 in value or amount at least three quotations must be obtained by the appropriate member of the executive management team or service manager. Where this is not possible the member of the executive management team or service manager shall record the reason in accordance with the requirements of any Code of Practice issued under financial regulations.
- (b) If a list of suppliers or contractors is maintained, then invitations to quote for the supply of goods, materials or services or for the execution of works shall be sent to at least three of those persons whose names appear on it or, if there are fewer than three such persons, to all such persons. All persons whose names appear on the list shall, so far as practicable, be given an opportunity to quote during the period that the said list is operative.
- (c) Where, in pursuance of this Standing Order, invitation to quote is required, every notice of such invitation shall state the last date on which quotations will be received and that no quotation will be accepted except in a plain sealed envelope which shall bear the words "quotation for" followed by the subject to which it relates. The envelope shall not bear any name or mark indicating the sender.
- (d) Quotations, other than electronic quotations, shall be sent to the appropriate member of the executive management team or service manager and they shall be opened at one time in the presence of the member of the executive management team or service manager or contracts officer. Quotations shall be immediately initialled and dated by the opener. The names of those submitting quotations and the amounts shall be recorded.
- (e) The appropriate member of the executive management team or service manager may accept the most economically advantageous quote subject to there being adequate budgetary provision.

- (f) A quote other than the lowest if payment is to be made by the Council, or other than the highest if payment is to be received by the Council, may only be accepted by the appropriate member of the executive management team or service manager having complied with the requirements of any Code of Practice issued under financial regulations.

5.2. **Contracts Over £50,000**

- (a) Where it is estimated that the contract will exceed £50,000 in value or amount the appropriate member of the executive management team or service manager shall (subject to Standing Orders 12) obtain tenders in accordance with one of the methods set out in Standing Orders 6 to 10.
- (b) The appropriate member of the executive management team or service manager, in consultation with the Section 151 Officer, shall determine which of those methods of obtaining tenders is the most suitable having regard to the nature and value of the contract, and shall be authorised to determine, where necessary, the names of the persons to whom the invitations to tender should be sent.

6. **Standing Approved List**

- (a) Tenders may be invited from a list of persons who have been invited by public notice given in such trade journals or national newspapers, or invited electronically (see paragraph 4) as the appropriate member of the executive management team or service manager considers desirable to have their names placed on a list of persons approved, able and willing to tender for contracts of specified categories, values or amounts. This list shall:
 - (i) be compiled and maintained by the appropriate member of the executive management team or service manager in a form which provides for an indication of which firms have been invited to tender for each contract
 - (ii) contain the names of all persons who wish to be included in it and are approved by the appropriate member of the executive management team or service manager using a method of approval agreed with the Section 151 Officer
 - (iii) indicate whether a person whose name is included in it is approved for contracts for all, or only some of the specified values or amounts or categories
 - (iv) be amended as required from time to time and reviewed following public notice in the manner described above at intervals not exceeding four years.
- (b) The invitation to tender shall state the nature of the contract and the last date for receipt of tenders and shall be sent to at least four of those persons whose names appear on the list as being approved for a contract of that value or amount or of that category, or if there are fewer than four persons to all such persons provided that in the case of

contracts estimated to exceed £100,000 in value, invitation to tender shall be sent to at least five of those persons.

National or Regional Lists

- (c) As an alternative to using such a list, use may be made, if appropriate, of a recognised national database, e.g. Constructionline.

7. Advertisement for Special Tender List

- (a) This Standing Order shall apply where the appropriate member of the executive management team or service manager is of the opinion that invitation to tender for a contract should be limited to persons chosen by the member of the executive management team or service manager from those persons who reply to a public notice
- (b) In any such case public notice shall be given electronically (see paragraph 4), or in one or more local newspapers circulating in the district and (where applicable) in one or more newspapers or journals circulating among such persons as undertake such contracts, setting out particulars of the contract into which the Council wishes to enter and inviting persons interested to apply, within such period, not being less than ten days from the date of the advertisement as may be specified for permission to tender
- (c) After the expiration of the period specified in the public notice the appropriate member of the executive management team or service manager shall determine which persons shall be invited to tender, and shall send invitations to tender stating the nature of the contract and the date for receipt of tenders to not less than four of the persons who applied for permission to tender, or if there are fewer than four to all such persons, provided that in the case of contracts estimated to exceed £100,000 in value invitation to tender shall be sent to at least five of those persons, or if there are fewer than five, to all such persons.

8. Open Advertisement

- (a) This Standing Order shall apply where the appropriate member of the executive management team or service manager is of the opinion that invitation to tender for a contract should be sent to all persons who reply to a public notice
- (b) In any such case at least ten days public notice shall be given electronically (see paragraph 4), or in one or more local newspapers circulating in the district and (where applicable) one or more newspapers or journals circulating among such persons who undertaken such contracts, expressing the nature and purpose thereof, inviting tenders for its execution and stating the last date on which tenders will be received.

9. Serial Tendering

- (a) Where the appropriate member of the executive management team or service manager considers it to be advantageous to the Council, tenders may be invited from persons whose names appear on a list compiled in accordance with Standing Order 6 or 7 on a serial basis for the proposed execution of works of a similar character provided that the full extent of the serial works is made known to the tenderers before the submission of tenders either by way of estimated total quantity or of estimated monetary value
- (b) The allocation of work on a serial basis shall be reviewed by the appropriate member of the executive management team or service manager annually and competitive quotations obtained at intervals not exceeding three years.

10. Schedule of Rates Tenders

- (a) When the appropriate member of the executive management team or service manager considers it to be in the Council's best interest, schedule of rates tenders shall be obtained from suitable persons taken from a list compiled in accordance with Standing Order 6 for categories of work of a similar character
- (b) All valid schedule of rates tenders shall be accepted and shall be used to establish the lowest acceptable tender for each specific project. Only in the event of the lowest tenderer being unable to meet the Council's required programme shall a contract be awarded to any person other than the lowest tenderer. In such circumstances the contract shall be awarded to the next lowest tenderer who can meet the programme requirements.

11. Consultancy and Professional Services

In respect of research, consultancy or professional service contracts, a member of the executive management team or service manager may decide that it is not in the Council's best interest to use any of the tendering methods provided for in the preceding Standing Orders. In these circumstances, the member of the executive management team or service manager concerned may instead employ such method of selecting a suitable service provider as he/she thinks best serves the Council's purposes, having regard always for the need to obtain good value and following consultation with the Chief Executive or the Section 151 Officer. If the estimated spend is in excess of the OJEU threshold for services then the opportunity must be advertised through the OJEU.

12. Exceptions from Tendering Requirements

- (a) Nothing in these Standing Orders shall require tenders to be invited if:
 - i. in the case of contracts for the supply of goods and materials:-

1. the goods or materials are proprietary articles or are sold only at a fixed price and no reasonably satisfactory alternative is available;
 2. the prices of the goods or materials are wholly controlled by trade organisations or Government order and no reasonably satisfactory alternative is available; or
- ii. the work to be executed or the goods or materials to be supplied consists of repairs to, or the supply of parts of, existing proprietary machinery or plant, or
 - iii. the work to be executed or the goods or materials to be supplied constitute an extension of an existing contract, subject to guidance contained in any Code of Practice issued under financial regulations, or
 - iv. tenders have been invited on behalf of a partnership, collaboration or similar body, of which the Council is a member, or
 - v. in respect of a contract for the supply of goods or materials, where the relevant member of the executive management team or service manager, in consultation with the Section 151 Officer, considers that best value can be obtained by purchasing through a recognised purchasing consortium.
 - vi. Framework agreements may be used where the Council wishes to contract for the supply of supplies, services or works without conducting a new procurement exercise. However, the framework agreement may include within its terms a requirement for a mini-competitive exercise between those suppliers who are parties to the framework agreements. Any framework agreement shall be tendered in accordance with these contract procedure rules. Where the Council has entered into such a framework agreement or is able to call off from existing framework agreements procured through joint procurement arrangements, then it may utilise the same without entering into a separate procurement.
 - vii. Where the Council has entered into a framework agreement through procurement or is able to call off from existing framework agreements procured by central government agencies, buying consortia, or other public bodies, then the Council may benefit from using those agreements without entering into a separate procurement. The Council should perform a due diligence exercise to ensure that the framework is available for it to use.
- (b) The relevant member of the executive management team or service manager shall in each case make a record of the justification for not

obtaining tenders or quotations in the normal way and this should be placed in the project file.

13. Submission of Tenders

Tenders should be received electronically using the “Due North” portal. In exceptional circumstances where tenders are received via post no tender will be received except in a plain sealed envelope which shall bear the word "tender" followed by the subject to which it relates, but shall not bear any name or mark indicating the sender, and such envelopes shall remain in the custody of the Chief Executive, or their appointed officer, until the time appointed for their opening.

14. Opening and Acceptance of Tenders

- (a) Tenders under Standing Orders 5,6, 7 or 8, 9 or 10 by opening tenders in the Due North vault and / or opening tender return envelopes shall be opened at one time and only in the presence of:
 - (i) the Chief Executive or a designated officer ; and
 - (ii) the member of the executive management team or service manager concerned or a senior member of their staff
- (b) The names of tenderers and the amount of the tenders shall be immediately recorded in a register kept by the Chief Executive or the persons present at the opening of such tenders shall record their presence in the said register
- (c) The member of the executive management team or service manager concerned may accept the most economically advantageous tender (assessing both quality and price) subject to there being adequate budgetary provision
- (d) A tender other than the lowest if payment is to be made by the Council, or other than the highest if payment is to be received by the Council, may only be accepted by the appropriate member of the executive management team or service manager following agreement with the Section 151 Officer and the Chief Executive (or other senior officers designated by them in their absence) and following consideration of a report prepared by the appropriate executive manager or service manager setting out such matters as may be required by any Code of Practice issued under financial regulations
- (e) Information on the number and value of the tenders received, including whether a tender other than the lowest has been accepted, will be reported in quarterly financial reports to Cabinet.

15. **Tenders Over-Budget and Errors**

- (a) Where the lowest tender received is for an amount in excess of the approved budgetary provision then the appropriate member of the executive management team or service manager may:
 - (i) invite further tenders in accordance with these Standing Orders, or
 - (ii) apply for approval to a revised estimate for the scheme in accordance with financial regulations, or
 - (iii) enter into negotiations with the lowest tenderer to reduce the tender amount on the basis of a revised specification and/or design to bring the value of the work within the approved budget provided that such revision is not to the material detriment of the original standards or objectives pertaining to the contract or materially impact on the financial value of the contract.
- (b) Persons tendering shall not be allowed to alter their tenders after the date fixed for their receipt, although arithmetical errors may be corrected. If a tender has been accepted before such arithmetical correction, the acceptance shall be confirmed if the alteration has not increased the amount, but otherwise the appropriate member of the executive management team or service manager in consultation with the Section 151 Officer may decide whether or not to confirm acceptance of the altered price. This discretion shall only be exercised where the tender concerned would still be the most favourable to the Council.

16. **Nominated Sub-Contractors and Suppliers**

Where a sub-contractor or supplier is to be nominated to a main contractor the following provisions shall have effect:

- (a) Where the estimated amount of the sub-contract or the estimated value of goods to be supplied by a nominated supplier exceeds £50,000 then tenders shall be invited in accordance with Standing Orders 5.2, 6, 7 or 8 as the case may be.
- (b) Where the estimated amount of the sub-contract or the estimated value of goods to be supplied by a nominated supplier is less than £50,000 then tenders shall be invited in accordance with Standing Order 5.0 and 5.1.
- (c) In respect of the invitations to tender under (a) and (b) above:
 - (i) the terms of the invitation shall require an undertaking by the tenderer that if selected, the tenderer will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against his/her own obligations under the main contract in relation to the works and goods included in the sub-contract

- (ii) the tenders shall be received, opened and recorded in accordance with the procedure laid down in Standing Orders 13 and 14
- (iii) the member of the executive management team or service manager concerned or an officer designated by him/her shall nominate to the main contractor the person whose tender is, in the member of the executive management team or service manager opinion, the most satisfactory one, provided that where the tender is other than the lowest received the circumstances shall be reported periodically in the "Members' Matters" publication.

17. Contracts under Seal

- (a) Every contract which exceeds £50,000 in value or amount shall be under the Common Seal of the Council
- (b) The Common Seal of the Council shall be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or any part of it, will be sufficient authority for sealing any document to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Senior Solicitor should be sealed
- (c) The Seal shall be attested by an authorised officer of the Council which for this purpose will mean the Chief Executive, an executive manager, Senior Solicitor, Legal Services Manager or such other senior officer as the Chief Executive may appoint from time to time and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by a person who has attested the seal.

18. Contracts in Writing

Every contract not required to be under the Common Seal of the Council under the preceding Standing Order shall be in writing and approved as follows for contracts:

- (a) up to £100k service managers;
- (b) from £100k to £250k executive managers; and
- (c) greater than £250k Section 151 Officer and the Chief Executive

19. Contents of Contracts

- (a) Every contract shall specify:
 - (i) the work, materials, matters, or things, to be furnished, had or done
 - (ii) the price to be paid, with a statement of discounts or other deductions; and
 - (iii) the time or times within which the contract is to be performed.

- (b) Contracts for the execution of work or for the supply of goods, materials or services otherwise than at one time which exceed £50,000 in value or amount (net of provisional sums and prime cost items) shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed. In the case of such contracts the Council shall also require and take sufficient security for the due performance of any such contract where the member of the executive management team or service manager in consultation with the Monitoring Officer considers it desirable to do so.

20. **British Standards**

All contracts where an appropriate British Standard Specification or British Standard Code of Practice issued by the British Standards Institute is current at the date of the tender shall, as a minimum requirement, be in accordance with that Standard or equivalent European Standard, without prejudice to any higher standard required by the Contract.

21. **Prevention of Corruption**

- (a) There shall be inserted in every contract exceeding £50,000 a clause to secure that the Council shall be entitled to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if:
 - (i) the contractor has offered, given or agreed to give any person any gift or consideration of any kind as an inducement or reward for doing or declining to do or for having done, or declined to do any action in relation to the obtaining or execution of the contract or any other contract with the Council; or
 - ii) the contractor has shown favour to any person in relation to the contract or any other contract with the Council, even if done by a person or body employed by the contractor with or without the contractor's knowledge; or
 - iii) in relation to any contract with the Council, the contractor or any principal employed by the contractor or acting on the contractor's behalf shall have committed any offence under the Prevention of Corruption Acts, 1889 to 1916, or shall have given any fee or reward, the receipt of which is an offence under sub-section (2) of Section 117 of the Local Government Act 1972.
- (b) In the case of contracts exceeding £50,000 tenderers shall be required to submit with their tender a declaration relating to collusive tendering in a form agreed by the Monitoring Officer
- (c) A member of the executive management team or service manager shall also apply the requirements of (a) and (b) above to contracts not exceeding £50,000 when he/she considers it desirable to do so.

22. Employment of Persons to Supervise Contractors

It shall be a condition of the employment by the Council of any person (not being an officer of the Council) to supervise a contract that, in relation to such contract, he/she shall comply with the requirements of these Standing Orders as if he/she were a member of the executive management team or service manager of the Council.

RULES OF PROCEDURE – OFFICER EMPLOYMENT

These procedure rules incorporate (in paragraphs 5 to 10) the provisions which authorities are required to include in their Standing Orders relating to officers under the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) and shall be interpreted in accordance with those regulations.

1. Recruitment and Appointment

(a) Declarations:

- (i) the Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are related to an existing Councillor or senior officer of the Council; or of the partner of such persons
- (ii) no candidate so related to a Councillor or a senior officer will be appointed without the authority of the Chief Executive or an officer nominated by him/her.

(b) Seeking support for appointment:

- (i) Subject to (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information
- (ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council
- (iii) This would not preclude a Councillor from providing an official reference for an applicant, provided the Councillor did not participate or seek to influence in any other way in the appointment.

2. Recruitment of Head of Paid Service and Executive Managers

Where the Council proposes to appoint a Chief Executive, Executive Manager - Operations or other executive manager it should determine the scope of intended applicants, and whether the stated post(s) should be advertised internally, externally or both. In all cases, the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) 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, Monitoring Officer and Section 151 Officer

The full Council will approve the appointment of the Head of Paid Service, and designation of the roles of Monitoring Officer and the Section 151 Officer.

4. Appointment of Executive Managers

A committee of the Council will appoint executive managers.

5. Appointment of Head of Paid Service and Dismissal of Head of Paid Service, Monitoring Officer and Section 151 Officer

- a) Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the appointment of an officer designated as Head of the Council's Paid Service, the Council's Section 151 Officer, or the Council's Monitoring Officer, the Council must approve that appointment before an offer of appointment is made to that person.
- b) Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the dismissal of an officer designated as the Council's Head of Paid Service, as the Council's Section 151 officer, or as the Council's Monitoring Officer, the Council must approve that dismissal before confirmation is given to that person.

6. Cabinet Member on Committees

Where a committee or sub-committee is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in the Appendix, at least one member of the Cabinet must be a member of the committee or sub-committee.

7. Member Involvement

- (a) Save as provided for in sub-paragraphs (b) and (c) below, the function of the appointment and dismissal of, and taking disciplinary action against, an officer must be discharged, on behalf of the Council, by the Head of Paid Service or by an officer nominated by him / her.
- (b) The above requirement shall not apply to the appointment or dismissal of, or disciplinary action against an officer referred to in the Appendix.
- (c) Sub-paragraph (a) above shall not prevent any Councillor from serving as a member of the employment appeals committee.

8. Dismissal of Head of Paid Service, Monitoring Officer and Section 151 Officer

- (a) In the following paragraphs:
 - (i) "the 2011 Act" means the Localism Act 2011

- (ii) “Chief Finance Officer”, “disciplinary action”, “Head of the Authority’s Paid Service” and “Monitoring Officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001
 - (iii) “independent person” means a person appointed under section 28(7) of the 2011 Act
 - (iv) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts
 - (v) “the panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority
 - (vi) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
 - (vii) “relevant officer” means the Chief Finance Officer, Head of the Council’s Paid Service or Monitoring Officer, as the case may be.
- (b) A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with
- (c) The Council must invite relevant independent persons to be considered for appointment to the panel, with a view to appointing at least two such persons to the panel
- (d) In paragraph 3 “relevant independent person” means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate
- (e) Subject to paragraph 6, the Council must appoint to the panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order:
- (i) a relevant independent person who has been appointed by the Council and who is a local government elector
 - (ii) any other relevant independent person who has been appointed by the authority
 - (iii) a relevant independent person who has been appointed by another authority or authorities.
- (f) The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.
- (g) The Council must appoint any panel at least 20 working days before the relevant meeting.
- (h) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular:
- (i) any advice, views or recommendations of the panel
 - (ii) the conclusions of any investigation into the proposed dismissal
 - (iii) any representations from the relevant officer

- (iv) comply with the regulations and the revised Standing Orders; and
 - (v) give effect to any relevant provision in the officer's contract.
- (i) Any remuneration, allowances or fees paid by the Council to an independent person appointed to the panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

The posts listed in paragraph 3 of Part II of Schedule 1 the Local Authorities (Standing Orders) (England) regulations 2001, namely:

- (a) The Head of Paid Service (Chief Executive)
- (b) Statutory Chief Financial Officer (Section 151 Officer)
- (c) Non-statutory chief officer (executive managers)
- (d) Assistant for a political group.

Note: The above posts are defined more specifically in the regulations and the Strategic Human Resources Manager will advise which posts on the establishment fall within the definitions.

CODES AND PROTOCOLS – COUNCILLOR CODE OF CONDUCT

You are a Councillor or co-opted member of Rushcliffe Borough Council and as such are committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

Accordingly, when acting in your capacity as a Councillor or co-opted member:

- (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 the Council and should be prepared to give reasons for those decisions and actions
- (f) you must declare any private interests, both pecuniary and non-pecuniary, including your membership of any trade union, 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 in the box below
- (g) you must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
- (h) 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 by example
- (i) you must have regard to any relevant advice provided to you by the Council's Monitoring Officer, Section 151 Officer and Chief Executive where they are acting pursuant to his or her statutory duties
- (j) you must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it
 - (ii) you are required by law to do so
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (1) reasonable, in the public interest and
 - (2) made in good faith and in compliance with the reasonable requirements of the Council.
- (k) Councillors must promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a Councillor or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State (see attached schedule), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a Councillor or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the Council's register, then the Councillor must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions the Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Council.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a Councillor or co-opted member of an authority having an interest, and the nature of the interest being such that the Councillor or co-opted member, and the Authority's Monitoring Officer, consider that disclosure of the details of the interest could lead to the Councillor or co-opted member, or a person connected with the Councillor or co-opted member, being subject to violence or intimidation.

SCHEDULE

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Councillor in carrying out duties as a member, or towards the election expenses of the Councillor.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority -</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>
Land	Any beneficial interest in land which is within the area of the relevant Authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Councillor's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<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 relevant authority; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

CODES AND PROTOCOLS – PROTOCOL FOR THE REGISTRATION OF GIFTS AND HOSPITALITY

1. Councillors should treat with extreme caution any offer or gift, favour or hospitality that is made to them personally. The person or organisation making the offer may be doing, or seeking to do, business with the Council, or may be applying to the Council for planning permission or some other kind of decision.
2. There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that they are approved by the Council and that no extravagance is involved. Likewise, it may be reasonable for a member to represent the Council at a social function or event organised by outside persons or bodies, for example corporate hospitality at approved conferences.
3. Each Councillor is personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to the public confidence in the Council and in local government generally.
4. A Councillor must within 28 days of receiving any gifts or hospitality over the value of £25 provide written notification to the Council's Monitoring Officer of the existence and nature of that gift or hospitality.
5. A Councillor must also notify the Council's Monitoring Officer of any offer of any gift or hospitality, whether or not the Councillor accepts that offer, which a member of the public with knowledge of the relevant facts might reasonably regard as intended to influence the discharge of their responsibilities as a Councillor.
6. Such notification shall be made as soon as reasonably practicable after the Councillor is aware of the offer and in any case within 28 days of such offer.
7. Gift or hospitality includes any opportunity to acquire goods or services at a price or on terms at which they are not readily available to the general public.

CODES AND PROTOCOLS – GUIDANCE ON PLANNING APPLICATION PROCEDURES

1. Introduction

- 1.1 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects property interests, particularly the financial value of land holdings and the quality of their settings. It is important, therefore, that planning decisions are made openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for any reasonable person to suggest with any justification that a decision has been partial, biased or not well founded in any way.
- 1.2 It is important that Councillors receive open and impartial professional advice from their planning officers. Councillors should make planning decisions on the basis of relevant material planning considerations and should have good reasons, based on land use planning grounds, for resisting such advice.
- 1.3 The public is entitled to expect the highest standards from both Councillors and officers in their duties and they are expected at all times to act fairly, in good faith and impartially in all aspects of their work. Accordingly, the Local Government Association has recommended that planning authorities should agree a local Code of Practice to guide Councillors in the way they go about their business. The Code also gives guidance to officers involved in dealing with planning applications.
- 1.4 This Code of Practice applies to Councillors at all times when involving themselves in the planning process, whether as a member of the Development Control Committee, as a ward Councillor consultee, as an applicant, or in some other capacity. If you have any doubts about the application of this Code to your own circumstances, you should seek advice at the earliest opportunity, preferably well before any meeting takes place.

2. Relationship to the Councillors' Code of Conduct

- 2.1 Councillors should always start by applying the rules in the Councillors' Code of Conduct. The rules in this Planning Code seek to explain and supplement the Code of Conduct in the context of planning control. This Planning Code goes beyond the probity concerns of the Councillors' Code of Conduct to give more detailed advice on the operation of the system, to ensure the preservation of the integrity of the planning process as open and fair to all parties.

- 2.2 If you do not abide by this Code, you may put:
- (a) the Council at risk of proceedings on the legality or maladministration of the related decision; and/or
 - (b) yourself at risk of either being named in a report made to the standards committee or Council if the failure is likely to also be a breach of the Councillors' Code of Conduct.

3. Planning application procedures

- 3.1 The following principles shall be followed by the Council in dealing with planning applications:
- (a) Councillors and officers will, wherever possible, avoid indicating the likely decision on an application or otherwise committing the Council during contact with applicants or objectors
 - (b) details of all applications will be sent to local ward Councillors and parish councils with the opportunity to comment
 - (c) the Executive Manager – Communities will be responsible for determining all applications except those which, in accordance with the Council's scheme of delegation, must be referred to the Development Control Committee for determination.

4. Application discussions with applicants

- 4.1 Discussions between a potential applicant and the Council prior to the submission of an application, or discussion on submitted applications, is normal and beneficial to applicants. However, it would be easy for such discussions to become, or to be seen, particularly by objectors, to become, part of a lobbying process on the part of the applicant. To avoid any meetings being misunderstood, they will normally be at officer level.
- 4.2 In any event:
- (a) it should be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are provisional
 - (b) advice should be consistent and based upon the Development Plan and other material considerations.
- 4.3 Officers should make it clear that the decision on the application would be made either by the executive manager – communities under delegated powers, or by Councillors through the Development Control Committee. In addition:
- (a) a written note should be made of all potentially contentious meetings and telephone conversations
 - (b) care should be taken to ensure that advice is not partial (or seen to be).

5. Reports to Committees

5.1 All applications to the Development Control Committee will be the subject of a full, written report incorporating all relevant considerations and responses to consultations and clear recommendations from the executive manager – Communities. In particular, the following points should be taken into account in the preparation of reports:

- (a) reports should be accurate and cover, among other things, the substance of objections and the views of people who have been consulted
- (b) there should be a clear explanation of relevant development plan policies, where appropriate, the site or related history and any other material considerations
- (c) reports should have written recommendations of action, oral reporting (except to update a report) should be avoided wherever possible and minuted when it does occur
- (d) reports should contain a technical appraisal which clearly justifies the recommendation
- (e) if the report's recommendation is contrary to the development plan, the material considerations which justify this must be clearly stated.

6. Decisions contrary to officer recommendations and/or the development plan

6.1 If the Development Control Committee makes a decision which is contrary to the advice of the executive manager – communities, the Committee should clearly indicate the reasons for the decision and these should be minuted.

6.2 Similarly, if the Committee makes a decision which is contrary to the development plan, the material considerations taken into account in reaching that decision should be minuted.

7. Declaration of interests

7.1 The requirements and procedures relating to the declaration of interests by Councillors are fully set out in the Councillors' Code of Conduct. Councillors must disclose the existence and nature of all personal interests, as defined in the Code, but it does not then necessarily follow that the personal interest debars the Councillor from participation in the discussion and voting. If, however, the personal interest is also a prejudicial one, as defined in the Code, then the Councillor must withdraw from the room and not participate in the discussion of the matter.

7.2 If, when consulted on an application in their capacity as ward Councillor, a Councillor recognises that they have a prejudicial interest in the matter, the consultation form should be marked accordingly and the Councillor should not express their view as a Councillor.

7.3 Although Councillors are not normally obliged to return these consultation forms they should upon receipt use their best possible endeavours to do so whenever they have a prejudicial interest

8. Applications by Councillors and Officers and Council development

8.1 The impartiality of the planning process requires particular care when dealing with an application by anyone who might ordinarily be involved in the planning process. Accordingly, when any Councillor, or any officer who might be involved in the planning process (or who holds a post of a type or level of seniority referred to in the officer code of conduct for this purpose), submits an application to the Council for themselves or on behalf of any person, they should inform the executive manager – communities and take no part in processing or determining the application. The executive manager – communities will ensure that all such applications are determined by the Development Control Committee and not under delegated powers.

8.2 The requirements placed on Councillors by paragraph 8.1 shall also apply when a Councillor has any other significant interest in a planning application such as would amount to a prejudicial interest and the reference to “agent” in the Council’s scheme of delegation (Development Control (i)(e)) shall be construed accordingly.

8.3 Following receipt of notification from a Councillor under paragraph 8.1 or 8.2, the executive manager – communities shall notify the Monitoring Officer.

8.4 Proposals for the Council’s own development will be treated in the same way as those of private developers, in accordance with Government advice (currently to be found in DoE Circular 19/92), particularly in relation to officers’ advice.

9. Lobbying of and by Councillors, and fettering discretion

9.1 It is essential for the proper operation of the planning system that local concerns are adequately raised and taken into consideration. The most effective and suitable way that this can be done is via the local representatives, the Councillors themselves. (*Nolan Committee report 1997*)

9.2 Lobbying of local Councillors is a normal and perfectly proper part of the political process.

9.3 When being lobbied (whether by the applicant or an objector), ward Councillors, and members of the Development Control Committee in particular, should take care in expressing an opinion which may be taken to mean that they have come to a final view on the issue before they have

considered all the evidence and arguments. Advice on procedural matters in relation to the application can be properly given, but if an opinion on the merits of the application is given it should be emphasised that a final decision can only be made after all the evidence and arguments have been considered.

- 9.4 Ward Councillors sitting on the Development Control Committee when dealing with a local application which is controversial and the subject of extensive local lobbying may find themselves in a difficult position. The overriding duty of a Councillor sitting on the Development Control Committee is to the whole local community and, whilst a Councillor may properly raise and represent the views of local constituents, Councillors should not put the interests of local constituents above the general interest.
- 9.5 If a Councillor does find that they no longer retain an open mind on the matter, but that their impartiality has been compromised, then the proper course of action would be to make an open declaration to that effect at the meeting and not vote on the matter. The Councillor may not necessarily have a prejudicial interest in the application under the Councillor Code of Conduct, but if a Councillor has (in legal parlance) “fettered their discretion” or “pre-determined” the issue, their continued involvement in the decision making process could jeopardise the validity of the final decision and/or lead to a formal complaint being made.
- 9.6 Membership of a parish council which has expressed a view on an application does not by itself give rise to a conflict, provided that the Councillor retains an impartial viewpoint.
- 9.7 The following issues should also be taken into account:
- (a) on the basis that decisions can only be made when the relevant Committee has considered all the evidence and argument, political groups should not use the Group Whip to determine how the group Councillor should vote
 - (b) Councillors should in general avoid organising support for or opposition to a planning application, and avoid lobbying officers or other Councillors
 - (c) Councillors should not put pressure on officers for a particular recommendation
 - (d) Councillors should seek the Monitoring Officer’s advice if they are unsure about the application of these principles in any situation.

10. **Councillor training**

- 10.1 Councillors should not generally serve on the Development Control Committee unless they have received training on the planning system. Periodic training sessions will be organised by officers to ensure that

Councillors are kept informed of developments in planning legislation, procedures and probity issues. In view of the use of substitutes at Committee meetings, all Councillors should endeavour to attend such training sessions.

CODES AND PROTOCOLS – PROTOCOL ON COUNCILLOR: OFFICER RELATIONS

“Every local authority should have its own written statement or protocol governing relations between members and officers.” (third report of the Committee on Standards in Public Life – the Nolan Committee).

1. INTRODUCTION

1.1 Rushcliffe Borough Council recognises that the relationship between its Councillors and its officers is of vital importance in its work on behalf of the people of the Borough. The Council believes that a public statement of rules and guidance on this relationship demonstrates its commitment to act with integrity and helps both Councillors and officers in carrying out their different but interrelated duties. This Protocol forms part of the Borough Council’s Constitution and has been approved by its standards committee. It builds on the Council’s Codes of Conduct for Councillors and officers and should be read in conjunction with them.

1.2 The principles on which the protocol is based are that:

- (a) both Councillors and officers are servants of local people but with distinct roles
- (b) the best service will be provided to local people by Councillors and officers working as one team
- (c) the service given to local people must be efficient, open and accountable
- (d) both Councillors and officers have a duty to act in accordance with the Council’s ethical standards
- (e) officers serve the Council as a whole but this service is expressed through the management structure
- (f) the political impartiality of staff must be maintained
- (g) effective working relationships between Councillors and officers must be based on trust and mutual respect.

2. THE ROLES OF COUNCILLORS AND OFFICERS

2.1 Councillors are elected by local people and are democratically accountable to local people. Councillors set the policy framework and budget for the Council through meetings of the full Council. Councillors on the Executive take key decisions in implementing, and initiatives within, the policy framework and budget. Councillors are responsible for holding decision takers to public account through the work of overview and scrutiny committees. Councillors

are responsible for ensuring that the Council considers issues of concern to local people. It is Councillors who are responsible for taking the lead in representing and leading their communities. It is Councillors who must ensure that the Council works effectively with its partners in the public, private and voluntary sectors in promoting and maintaining the economic, social and environmental well-being of the Borough and local people. These roles are detailed in article 2 of the Constitution. In addition to these official roles, most Councillors belong to a political group. Political groups meet together and may consider issues before the Council takes a decision. Political groups do not meet to consider planning applications. These group meetings are not part of the Council's constitutional arrangements. To ensure openness they are covered in this protocol.

- 2.2 With limited exceptions Councillors do not have any decision taking powers as individuals. They do not have any responsibility for the day-to-day management of officers or the delivery of services. They do not give orders to officers. They do not use their influence to secure for themselves or any other person an improper advantage or disadvantage from the Council or any of its partners. Councillors do not do anything that would compromise the impartiality of officers. Councillors do not lobby on behalf of any individual seeking employment with the Council or in other personnel matters.
- 2.3 All officers serve the Council as a whole and support Councillors in their roles. Officers use their professional expertise and best judgement in advising Councillors how they can achieve their objectives. They are free to make their impartial recommendations without pressure from Councillors, individually or collectively. Officers implement the lawful decisions of Councillors taken in accordance with the Constitution. Officers ensure that Councillors are aware of changes to legislation or other external influences on the Council's operation, and advise on how best the Council should respond. Officers manage the resources of the Council for which they are responsible in providing services to local people. Officers propose new policies or changes to existing policies where they consider that these would improve the Council's performance or service to local people. Officers take the day-to-day managerial and operational decisions within the Council. Officers liaise with colleagues working for other local authorities and the Council's partners to share best practice and to co-operate where necessary in achieving the Council's objectives. Some officers have particular statutory responsibilities as detailed in article 12 and part 3 of the Constitution and perform these roles in accordance with their own judgement and without fear or favour.
- 2.4 Officers do not allow their personal or political opinions to interfere with the exercise of their responsibilities to the Council. Officers do not treat any individual Councillor less favourably than any other but provide the same level of service to all Councillors consistent with the demands of the Councillor's roles within the Council and their workloads.

3. THE AGREEMENT BETWEEN COUNCILLORS AND OFFICERS

- 3.1 The protocol takes the form of an agreement between Councillors and officers and sets out what each can expect from the other in a range of situations. It is not possible to cover every circumstance in which Councillors and officers interact. The protocol sets out the most common areas where Councillors and officers come into contact. In other situations the protocol, and especially the principles in paragraph 1.2, sets the framework and acts as a guide to the relationship that is to be followed.

3.2

Supporting Front-line Councillors

	Councillors will	Officers will
Casework	<p>(a) Raise caseworking issues with:</p> <ul style="list-style-type: none"> • an appropriate executive manager, or • such other officer as may be arranged with an executive manager, or • a designated officer within Customer Services. <p>(b) Ask for, or provide, information on a particular case, seek clarification on the application of the Council's policies or procedures but:</p> <ul style="list-style-type: none"> • will balance the interests of their constituents with the interests of other local people in a fair and objective way • not raise issues in which they have a personal interest except by correspondence only (making sure that they clearly state both the existence and nature of their personal interest) • not do anything which could be interpreted as a direction to, or pressure on, an officer in relation to an issue but to raise any concerns with the relevant executive manager. 	<p>(a) Respond promptly to enquiries by providing a reply within five working days of the receipt of the request, or, if a full response is not possible, provide an interim reply explaining why a full response is not possible with an estimate of when the full reply will be made</p> <p>(b) Treat enquiries from Councillors in which they have a personal interest no more, or less, favourably than they would an enquiry from any other local person, and provide them with the same information that a member of the public would receive</p> <p>(c) Report to a senior manager any contact from a Councillor that does not comply with this protocol.</p>
Public Consultations	<p>Inform the appropriate officer of any formal consultation exercise they intend to conduct in their ward on particular issues, except where that consultation is used for party political purposes.</p>	<p>(a) Provide support at a level agreed with an executive manager in arranging and conducting consultations undertaken by Councillors, subject to the availability of designated resources and to such support not compromising either the political impartiality or professional obligations of officers.</p> <p>Executive managers shall seek to ensure that</p>

	Councillors will	Officers will
		Councillors are informed of issues which affect their wards as soon as possible.

3.3 Supporting overview and scrutiny

	Councillors will	Officers will
Scrutiny	<ul style="list-style-type: none"> (a) Conduct their scrutiny role through the appropriate committee on decisions taken or proposed and their merits (b) Not raise the conduct or capability of an officer at meetings or in any public forum (c) Conduct overview and scrutiny meetings in accordance with the overview and scrutiny procedure rules in part 4 of the Constitution (d) Exercise their individual rights to place items on the agenda with due regard to the overall work programme of the committees and the capacity of officers to provide the support needed (e) Treat admissions of failure or mistakes made by officers as an opportunity to improve the service provided for local people (f) Welcome the opportunity to congratulate officers on a job well done, bearing in mind the potential positive impact on staff morale and Councillor/officer relations (g) Not ask staff to explain the actions of Councillors (h) Be open about failures or mistakes for which they have responsibility and be supportive of others, be they Councillors or officers who may have made an error. 	<ul style="list-style-type: none"> (a) Ensure that overview and scrutiny committees have access to appropriate internal resources within the overall resources of the Council (b) Be no less accountable to overview and scrutiny committees as to the Executive and provide the overview and scrutiny committees with uninhibited objective professional support to assist them in their work for the benefit of local people (c) Be open in responding to the enquiries of overview and scrutiny committees and never seek to obstruct their work (d) Explain and justify the advice they have given to decision takers, but not criticise decision takers in committees or public forums where lawful decisions have been taken which do not follow that advice (e) Be open about failures or mistakes for which they have responsibility and be supportive of others, be they Councillors or officers who may have made an error (f) Not ask Councillors to explain the advice given by officers.

	Councillors will	Officers will
Policy Development	Conduct their policy development role through the appropriate body with due regard to the overall work programme of the body and the capacity of officers and partner organisations to provide the support needed.	Provide advice, expertise and their professional judgement to support policy development proposals whether these have been initiated by the Executive or by overview and scrutiny committees or by partnership structures, and according to any protocols within the Council's current policy framework.

3.4 Supporting the Cabinet and other decision making bodies

	Councillors will	Officers will
Taking decisions	<ul style="list-style-type: none"> (a) Always consider the advice and recommendations submitted to them by officers (b) Where possible, seek clarification on the content or recommendations contained in a report from officers prior to discussions in formal meetings (c) Recognise that officers are not always able to defend themselves in meetings and other public forums and therefore make any negative observations privately to the Chief Executive or executive managers wherever possible. If in exceptional circumstances that proves impossible, they will ensure that any criticism of reports or actions is never personal (d) Never seek to pressurise an officer to make a recommendation that is against their professional judgement (e) Give reasons for their decisions, particularly on those occasions when they do not accept the recommendation of officers. 	<ul style="list-style-type: none"> (a) Regardless of their personal or political views, officers will provide decision takers with professional advice within their areas of expertise on how best the Council can achieve its objectives. Officers will diligently seek to implement decisions taken. Officers at all times will strive to act fairly, in good faith and in an impartial way to achieve the objectives set by the Council. (b) Be entitled to request that the minutes of a meeting record their advice on any matter where Councillors have decided not to follow that advice.

3.5 General

	Councillors will	Officers will
Access to information	<ul style="list-style-type: none"> (a) Only seek information that they have a need to know to perform their duties (b) Not knowingly seek information which is not publicly available and which they do not have a need to know to perform their duties, in which they are professionally interested, in which they have a prejudicial interest or which they intend to put to wider political purpose rather than constituency purpose. 	<ul style="list-style-type: none"> (a) Respond promptly to requests for information (b) Refer a request for information which is not publicly available and in which it would seem to the relevant executive manager that a Councillor may have an interest. This will enable appropriate action to be taken in consultation with the Monitoring Officer (c) Refer a decision to refuse a Councillor access to requested information to the Monitoring Officer at the Councillor's request (or to the Chief Executive if the refusal was by the Monitoring Officer) for decision.
Access to staff	<ul style="list-style-type: none"> (a) Be provided with the direct line work telephone numbers of all senior officers (b) Only approach officers via the executive manager or in accordance with any guidance issued by the Chief Executive. (also see 3.2 above) (c) Exercise their right to contact officers during the working hours of the Council between Monday and Friday. 	<ul style="list-style-type: none"> (a) Ensure that Councillors are able to leave messages for them out of normal working hours (b) Other than in exceptional circumstances, agree to any requests for a meeting received from the group leaders on behalf of individual Councillors (having consulted the Chief Executive or Executive Manager – Operations if considered appropriate).

	Councillors will	Officers will
Access to premises	<p>When making visits as individual Councillors:</p> <ul style="list-style-type: none"> (a) whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge (b) comply with health and safety, security and other workplace rules (c) not disrupt the services or activities being provided at the time of the visit (d) take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour. 	<ul style="list-style-type: none"> (a) Endeavour to accommodate visits by Councillors subject to the exigencies of the service (b) Advise Councillors making such visits of any relevant safety or security requirements as appropriate.
The Leader, members of the Cabinet, chairs and deputy chairs of committees.	<ul style="list-style-type: none"> (a) Have a high regard for: <ul style="list-style-type: none"> • the rights of officers to have a personal and family life • the need to comply with the working time regulations • honouring and respecting the published timetable of meetings, briefings and consultative events agreed at the commencement of the municipal year (b) Have regard to the need for officers to research and prepare reports in exercising their right to direct that any item of business (within the terms of reference of that meeting) as they may specify is included on the agenda for that meeting. 	<ul style="list-style-type: none"> (a) Have a high regard for <ul style="list-style-type: none"> • the rights of Councillors to have a personal and family life • the demands placed on Councillors who are in full time employment • the need to comply with the working time regulations • honouring and respecting the published timetable of meetings, briefings and consultative events agreed at the commencement of the municipal year. (b) Be entitled to make whatever recommendation in a report that they may decide in the exercise of their professional judgement.

	Councillors will	Officers will
Use of Council facilities	<ul style="list-style-type: none"> (a) Ensure that their use of any facilities or equipment provided for them such as stationery, reprographics, secretarial services, computers and telecommunications equipment is strictly for their duties as a Councillor and for no other purpose, and in accordance with any agreements made as to their use. (b) Never use facilities or equipment so provided for party political or personal use. 	<p>Provide assistance on request to Councillors to enable them to make use of any facilities provided within agreed timescales and current policy.</p>
Media relations	<ul style="list-style-type: none"> (a) Comply with the Code of Recommended Practice on Local Authority Publicity (b) Not disclose confidential or exempt information to the media (c) Not request assistance from officers in facilitating any media contact which is intended or likely to criticise the Council, its partners or its policies. 	<ul style="list-style-type: none"> (a) Assist Councillors in explaining proposals and policies to journalists but not in promoting individual Councillors, their political views or criticising the Council, its partners or its policies (b) Promptly pass media requests for interviews and contributions on to Councillors and make arrangements to bring these about (c) Not divulge to other Councillors any media contact made or planned by a Councillor without their consent unless such disclosure is essential to the interview or event (d) Make available for inspection by Councillors all media releases which are issued on behalf of the Council.

	Councillors will	Officers will
Political Group meetings	<ul style="list-style-type: none"> (a) Direct requests for staff attendance at group or other political meetings to the Chief Executive or in his/her absence the executive manager – operations at whose absolute discretion attendance rests (b) Not discuss party political business in the presence of officers (c) Not ask officers to divulge confidential or exempt information at political group meetings where there are persons present at the meeting who are neither Councillors nor officers. 	<ul style="list-style-type: none"> (a) Inform the leaders of the other political groups of any such attendance and the subject matter involved (b) Not divulge confidential or exempt information at political group meetings where there are persons present at the meeting who are neither Councillors nor officers (c) Provide all groups with copies of information provided to any one group which is likely to be cited in support of a particular option or decision at a meeting of the Council, the Executive or a committee.
Councillors appointed to outside bodies	Report back to the appropriate Council body on the activities of the outside body where such information would assist the Council's service to local people and not breach any requirement of confidentiality or duty owed by the Councillor to the outside body.	<ul style="list-style-type: none"> (a) Provide reasonable assistance to support Councillors in their membership of outside bodies to which they have been appointed by the Council, subject to the availability of designated resources (b) On request provide information about the body prior to appointment and a named contact for briefing purposes.

	Councillors will	Officers will
Management of staff	<ul style="list-style-type: none"> (a) Not become involved in staffing matters except at the request of the executive management team or as provided in the Constitution (b) Not enter into discussion with any other Councillors or officers about any employment decisions or an applicant for employment or day-to-day staffing issues (except when an agreed agenda item being considered by a committee or other formal member group) (c) Always make employment decisions on merit (d) Not seek to become involved in operational issues except at the request of the executive management team. 	<ul style="list-style-type: none"> (a) Not lobby any Councillor about any employment decisions or an applicant for employment or day-to-day staffing issues (b) Not seek Councillors' involvement in staffing matters except at the request of the executive management team or as provided in the Constitution, for example staffing policy formation (c) Always make employment decisions on merit (d) Not seek to involve Councillors in operational issues except at the request of the executive management team.
Confidentiality	<ul style="list-style-type: none"> (a) Comply with requests by officers that information they provide should remain confidential subject only to it being information which should be made available under a statutory obligation on the Council, under the Council's Constitution or by the lawful decision of the Executive, a committee or sub-committee (b) Ensure that as much information as possible shall be available to the public through the proper channels. 	<ul style="list-style-type: none"> (a) Comply with requests by Councillors that information they provide must remain confidential subject only to it being information which should be made available under a statutory obligation on the Council, under the Council's Constitution or by the lawful decision of the Executive, a committee or sub-committee (b) Not communicate Councillor correspondence relating to political or sensitive matters to other Councillors without the original Councillor's consent (c) Ensure that as much information as possible shall be available to the public through the proper channels.

	Councillors will	Officers will
Complaints	Bring any knowledge or reasonable suspicion that there has been a failure to comply with the provisions of this protocol to the attention of the Monitoring Officer or their deputy, or in the absence of both the Head of Paid Service, or follow the Council's whistleblowing policy and procedure.	Bring any knowledge or reasonable suspicion that there has been a failure to comply with the provisions of this protocol to the attention of their line manager or follow the Council's whistleblowing policy and procedure.

4. **REVIEW**

This Protocol will be reviewed by the standards committee after the first year and subsequently every four years, or as required.

CODES AND PROTOCOLS – COUNCILLOR CALL FOR ACTION (CCFA) PROTOCOL

1. Introduction

- (a) Councillor Call for Action (CCFA) was introduced under Section 119 of the Local Government and Public Involvement in Health Act 2007. It came into force on 1 April 2009 and applies to all councils in England (with the exception of parish councils) regardless of their executive arrangements.
- (b) This protocol sets out how CCFA works in Rushcliffe. It runs alongside the 'Guidance for Councillors' document which provides more detailed advice on the practicalities of the process.
- (c) The protocol and guidance document set out the rules for the use of CCFA which show how it can be used by Councillors and when it can be used. To ensure the process adds value to how the Council delivers its services and makes decisions CCFA should not be used for politically motivated reasons and Councillors should take into account this protocol and guidance when considering the use of CCFA.
- (d) In very simple terms CCFA enables Councillors, in certain circumstances, to refer a relevant 'local government' matter¹ to scrutiny for consideration. This protocol sets out simple rules to ensure CCFA is used properly and aims to provide a common understanding of how the process will work.
- (e) This protocol has been endorsed by:
 - (i) elected Councillors of the Council
 - (ii) the Council's executive management team

2. Coverage

- (a) CCFA gives powers to all Borough Councillors in Rushcliffe to call for debate at a meeting of the relevant scrutiny committee a topic of 'neighbourhood' concern. These powers sit alongside provisions within the Council's Constitution relating to agenda items for scrutiny. CCFA is designed to sit alongside existing arrangements in Rushcliffe for local Councillors to resolve local issues.
- (b) The use of CCFA is limited to issues affecting single Council wards only. More general issues must be dealt through the rules within the Council's Constitutional on items for inclusion in scrutiny committee's work programmes.

¹ Further guidance on relevant matters is provided in Appendix 1.

3. Objectives

- (a) The objectives of CCFA are:
 - (i) to provide a mechanism for Councillors acting as 'Community Leaders' to resolve issues within their wards when all other methods have been exhausted
 - (ii) to set out a transparent process for resolving ward based issues
 - (iii) to add value to the role and work of the scrutiny process in Rushcliffe
 - (iv) to ensure services are responsive to local needs and able to address issues of concern
 - (v) to help the Council build on its existing partnership working mechanisms in resolving issues at a neighbourhood level.

4. Exclusions

- (a) CCFA should only be used as a 'long stop' when all other attempts at a resolution have failed.
- (b) To ensure CCFA remains a positive and valuable process there are exclusions to when it can be used. This is to make sure it is used when it should be and when it is able to make a difference. The rules about what is excluded from the process are set out in 'The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008'.
- (c) CCFA cannot be used to deal with:
 - (i) individual complaints concerning personal grievances or commercial issues
 - (ii) any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:
 - planning and licensing applications and appeals
 - Council Tax/Housing Benefits complaints and queries
 - issues currently under dispute in a court of law
 - (iii) any matter which is vexatious, discriminatory or not reasonable².

5. Responsibilities

Borough Councillors acting as 'referring Councillors'

- (a) All Borough Councillors are eligible to use CCFA, but it is only available when the matter is of direct concern to the ward they represent. A Councillor can refer a matter even if no citizen has asked him/her to

² Further guidance on relevant matters is provided in Appendix 1.

consider it, and there is no requirement for Councillors in multi-member wards to agree – any of them can refer a matter.

- (b) When using CCFA Councillors will ensure compliance with the protocol and not misuse the process through ‘vexatious’, ‘persistent’, ‘discriminatory’ or ‘not reasonable’ usage³. Councillors must not use the CCFA process for political purposes for to damage the reputation of the Council or its partners.
- (c) Additionally when using the process they will ensure they operate within the established ‘Councillor: officer relations protocol’ and give due regard to the advice of Council officers and representatives from partner organisations. If Councillors have any concerns about a proposed CCFA they should notify the Council’s Monitoring Officer.
- (d) Prior to referring a matter as a CCFA, a Councillor must have tried to resolve the issue/problem themselves by using all mechanisms and resources available to them at ward level. Councillors should:
 - (i) ensure that all relevant internal potential routes to solution have been followed, in line with the Councillor: officer relations protocol including raising it with the relevant executive manager
 - (ii) satisfy themselves that all relevant partner organisations have been informed of the issue and given enough time to resolve the issue, for example through formal letters written on behalf of constituents, discussion at public meetings, petitions, communication with local MPs and Councillors in other authorities etc
 - (iii) ensure that this is not an issue that is currently being or should be pursued via the Council’s customer feedback procedure or the Local Government Ombudsman
 - (iv) ascertain whether or not any other form of local scrutiny is investigating the issue (or has recently investigated it) e.g. inclusion in any internal scrutiny work programme, Nottinghamshire County Council
 - (v) take advice to consider if the Councillors’ Community Support Grant funding allocated to them could be used to help address the issue.
- (e) When making a CCFA, Councillors will have to demonstrate that they have taken the necessary steps to resolve the issues as set out above. If they are unable to do this the CCFA will not be valid.
- (f) If a Councillor believes that the matter should be dealt with by using CCFA then they should notify the Monitoring Officer as soon as possible. At this stage the Monitoring Officer will consider the issue and the information available. They will then advise and signpost the Councillor on how best the matter can be dealt with. This may result in

³ Further guidance on relevant matters is provided in Appendix 1.

the Councillor, having considered the Monitoring Officer's advice, rejecting the CCFA at this stage.

- (g) If the Councillor, having considered the matter in detail feels that it is not appropriate to use CCFA to deal with the issue then the Monitoring Officer can provide advice on what to do next and how, if necessary to communicate this.
- (h) At this stage ways of resolving the issue informally are explored. This could involve discussing the matter with a Cabinet member, scrutiny Chairman, or executive manager. It could also involve discussions with partners and relevant organisations. If informal ways of resolving the issue are successful then the CCFA ends.
- (i) Councillors must follow this protocol and the guidance when considering a CCFA. When using a CCFA they must submit, electronically or by hand, the recognised request form⁴ to the Monitoring Officer. They must also give due regard to the advice of the Monitoring Officer and other statutory officers in relation to the process and its operation.
- (j) When submitting a CCFA, a Councillor should complete a CCFA request form by hand or electronically, outlining what the issue is and what steps have been taken towards a resolution. The request for a CCFA should include:
 - (i) The name of the Councillor and ward they represent
 - (ii) Confirmation they have notified other ward Councillors
 - (iii) Title of the CCFA
 - (iv) Why they think the issue should be looked at by the scrutiny committee
 - (v) A brief synopsis of what the main areas of concern are
 - (vi) How the issue links to delivery of the Council's strategic priorities
 - (vii) What evidence they have in support of the CCFA
 - (viii) Which areas or community groups are affected by the CCFA
 - (ix) What have they done to try and resolve the issue prior to requesting a CCFA
 - (x) Is the CCFA currently the subject of legal action by any party (to their knowledge) or is being examined by a formal complaints process
 - (xi) Are there any deadlines associated with the CCFA of which the scrutiny committee needs to be aware
 - (xii) Details of the potential impact of the CCFA (i.e. residents, wider community, financial, legal etc)

⁴ CCFA request form as set out in 'CCFA - Guidance for Councillors' document

- (k) The Monitoring Officer will receive the request form either by post or electronically, log it to track its progress and assess the issue to ensure that it is not a matter excluded from referral to scrutiny.
- (l) If the Monitoring Officer, taking into account the information submitted, believes the CCFA is valid they will notify the scrutiny committee Chairmen in order for them to determine which scrutiny committee should consider the CCFA. This is to ensure the CCFA is considered by the most relevant scrutiny committee. The Monitoring Officer will also notify the executive management team. Arrangements will then be made to include the matter in the agenda for the scrutiny committee's next meeting. The Monitoring Officer will also formally notify the relevant ward Councillors that the request has been submitted.
- (m) At this stage the referring Councillor will be informed whether or not their referral has been successful. If the CCFA is not successful the Monitoring office will notify the referring Councillor of the reasons.

Council officers

- a) Council officers will ensure they support the CCFA process at all stages by advising and informing Councillors when necessary. This could include discussions with external agencies and Council officers from other service areas. In doing so officers will ensure they operate within the established 'Councillor : officer relations protocol'.
- b) If any officers have any concerns about a proposed CCFA they should notify the Monitoring Officer who will advise as necessary. This may include raising the matter directly with the Councillor who has submitted the CCFA.
- c) The Monitoring Officer will:
 - (i) be responsible for ensuring the necessary arrangements are in place to administer CCFA in Rushcliffe. This will include the administrative processes for calling meetings, the production of agendas, notifying those involved, and making any necessary enquires
 - (ii) receive referral forms and make an initial assessment to determine the matter is not excluded. The Monitoring Officer will also notify the Chairman of the relevant scrutiny committee and the executive management team that a CCFA has been received
 - (iii) take into account the information submitted as part of a CCFA and if it is valid they will notify the Chairman of the relevant scrutiny committee and the executive management team. They will then make the necessary arrangements for the matter to be an agenda item at the scrutiny committee's next meeting. Notify the referring Councillor whether or not their referral has been successful and if it is not outline the reasons why.

Scrutiny committees

- (a) The scrutiny committee that considers the CCFA will be determined by the Scrutiny Chairmen and Vice Chairmen once a formal submission has been made. This process will help to ensure that the CCFA is considered by the most relevant committee. In deciding whether or not to take the matter further scrutiny committees will consider:
- (i) Anything that the referring Councillor has done in relation to this matter; and
 - (ii) Representations made by the Councillor as to why the scrutiny committee should take the matter up.
- (b) The criteria the scrutiny committee will use to decide whether or not to take the matter further include:
- (i) is the scrutiny committee satisfied that all reasonable attempts have been made to resolve the issue by the ward Councillor and do the responses received by the referring Councillor demonstrate that the matter is not being progressed?
 - (ii) has the scrutiny committee considered a similar issue recently – if yes have the circumstances or evidence changed?
 - (iii) is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCFA hearing. Relevant time pressures on resolving the CCFA should be taken into account
 - (iv) have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?
 - (v) is this a case that is being or should be pursued via the Council’s corporate customer feedback procedure?
 - (vi) is it relating to a “quasi-judicial” matter or decision such as planning or licensing?
 - (vii) is the issue part of an individual’s own personal agenda (an issue of genuine local concern should have an impact on the local community)
 - (viii) is this an issue currently being looked at by another form of local scrutiny, e.g. Nottinghamshire County Council?
 - (ix) and, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring Councillor’s ward?
- (c) In considering the CCFA, the scrutiny committee will invite the referring Councillor to speak if they wish to do so. The scrutiny committee may also invite relevant Councillors (including Cabinet members), Council officers or representatives from external organisation to discuss the issue and answer any questions. The Council recognises the need to support witness involved in the CCFA process and the valuable contribution they can make.

- (d) Having considered the CCFA and taken into account evidence from witnesses and the referring Councillor, the scrutiny committee can:
- (i) decide that no further action should be taken on the matter at this time, or at all (perhaps because it is not considered the right time to consider a particular issue)
 - (ii) make recommendations to the relevant Council service area, the Cabinet, or partner organisation on the matter
 - (iii) determine that it is a complex issue that requires further investigation and commission a working group to undertake a review of the matter.
- (e) If the scrutiny committee decides to take no further action on the CCFA, the referring Councillor will be notified in writing within five working days. The scrutiny committee will provide valid reasons why no action should be taken and the Monitoring Officer will advise the scrutiny committee on this issue.
- (f) If the scrutiny committee determines that the matter should not be considered further, then the CCFA cannot be pursued.
- (g) Should the scrutiny committee make recommendations to a service area or partners on the matter then a response should be provided to the referring Councillor and the scrutiny committee within 28 days setting out any actions it is proposed to take and why. This should be considered at the scrutiny committee's next meeting. If necessary a special meeting may be scheduled to facilitate this. If necessary the referring Councillor will be invited to attend this meeting. The scrutiny committee should be mindful that partner organisations requested to respond to recommendations are under no legal obligation to do so.
- (h) If the scrutiny committee decides that further investigation is necessary and commission a working group it will establish the 'terms of reference' for this group and determine its membership and timescale. The working group's composition will be established in line with the Council's Constitution. This working group should be established at the scrutiny committee's meeting when the CCFA has been considered in order to ensure the process is not unnecessarily delayed. Substitute members will not be permitted at meetings of the working group to ensure continuity of membership and consistency of debate.
- (i) Any working groups established, should aim to conclude their investigations within a maximum of two months, unless there are extenuating circumstances. The working group may request further evidence and/or witnesses to be brought to its meeting to help consider the matter in detail. The referring Councillor responsible for the CCFA may be required to participate in meetings of the working group to answer questions.

- (j) The working group will report back to the scrutiny committee its findings and recommendations. The scrutiny committee will consider the report and comment on it.
- (k) If the scrutiny committee does not agree with the report, then it is referred back to the working group for further consideration. Having reconsidered the report the working group will refer the report back to the scrutiny committee. If the report is then agreed by the scrutiny committee, it is forwarded to the Council's Cabinet for consideration.
- (l) If the report cannot be agreed then the CCFA cannot be pursued.
- (m) If the scrutiny committee approves the report and its recommendation it will then be referred to Cabinet for consideration. When considering the working group's findings and recommendations, the Cabinet can:
 - (i) accept the recommendations in full
 - (ii) partially accept the recommendations and refer those it does not accept back to the scrutiny committee for further consideration
 - (iii) note the recommendations but take no action on them at this stage (Cabinet would have to provide valid reasons why it made this decision).
- (n) Once the matter has been considered by the Cabinet, the CCFA cannot be pursued further.
- (o) Cabinet's response will be reported to the next meeting of the scrutiny committee and copies provided to the referring Councillor and relevant Council officers and partner representatives. If necessary, special meetings of the relevant committees may be called to prevent delays to consideration of the working group's report.
- (p) The scrutiny committee will then consider the Cabinet's response to the working group report and recommendations determining if it is necessary to make arrangements to monitor its progress. If necessary the matter will be added to the work programme of the scrutiny committee or other relevant scrutiny committee by way of a recommendation and referral.

6. Revision

This protocol will be reviewed annually by the Monitoring Officer, in consultation with the executive management team. Minor amendments will be made if necessary following this review, however any significant changes, such as those arising from new or revised legislation, will be subject to the same approval process in place for changes to the Council's Constitution.

CCFA – Explanatory Notes

The following definitions come from the legislation (Local Government and Public Involvement in Health Act 2008) and aim to assist when determining the relevance of CCFA for dealing with a particular matter. Further advice on this is available from the Monitoring Officer.

Local government matter - For the purposes of the Act, a local government matter, in relation to a CCFA, is one which:

- relates to the discharge of any function of the authority
- affects all or part of the electoral area for which the referring Councillor is elected or any person who lives or works in the area (i.e. it must be specific to a particular locality); and
- is not an excluded matter.

Local crime and disorder matter - A local crime and disorder matter, in relation to a CCFA, is defined to mean a matter concerning:

- crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- the misuse of drugs, alcohol and other substances that affects the electoral area represented by the Councillor, or the people who live or work in that area.

‘Vexatious’, ‘persistent’, ‘discriminatory’ and ‘not reasonable’ - The Act makes provision for excluding some matters from CCFA in that:

‘Any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee is to be excluded’.

Vexatious/Persistent

Deciding whether a request is vexatious requires a balanced judgement, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.

Issues around persistency are implied by this definition. However, a persistent request may well be entirely valid – it may relate to a systematic problem that has not been effectively resolved. Similarly, a request which some Councillors may regard as vexatious, for political reasons, may actually be entirely reasonable.

CCFAs need to be looked at on their merits, rather than on the basis of who is bringing them, or whether somebody thinks there is an ulterior motive for them being brought.

Where a request for a CCFA is clearly vexatious, detailed reasons for coming to this decision will be given to the referring Councillor. There could, however, be instances where changes to the scope of the CCFA, or its focus, could make it more acceptable while still meeting the Councillor's requirements.

Discriminatory - A modern interpretation of the word "discrimination" is provided at Section 45 of the Equality Act 2006, in relation to religion and belief, as follows:

Person (A) discriminates against another (B) if on the grounds of the religion or belief of B or of any other person except A, A treats B less favourably than he treats others. This definition can easily be amended to deal with other forms of discrimination, such as discrimination for reasons of sex and/or race. So a discriminatory CCFA might be one which implies or states that a group of people or an area receives better, or worse, services on account of that group's predominant religion, race, sex or other characteristic, as covered by discrimination legislation.

Not reasonable - In the interests of transparency 'not reasonable' is not interpreted as being the same as 'unreasonable'. It is considered as a qualifier to the word "vexatious", as a vexatious request is likely not to be reasonable and a request that is not reasonable is likely to be vexatious.

CCFA – Guidance for Councillors

1. Introduction

This guidance document sets out the following:

- What is Councillor Call for Action (CCFA)?
- When is something a matter for using CCFA?
- When is something not a matter for using CCFA?
- What to do if I believe I have a CCFA issue?
- What happens next?
- Who can give me further help?

This guidance is designed to sit alongside the Council's agreed protocol for CCFA in Rushcliffe and aims to help Councillors best use the mechanisms available to them to resolve issues as community leaders. It also aims to protect the integrity of our decision making processes and prevent vexatious and political use.

2. What is CCFA?

Amendments to the Local Government Act 2000 bring in new powers for Councillors to call for debate at the relevant scrutiny meeting a topic of 'neighbourhood' concern. These powers sit alongside those set out in the Council's Constitution relating to matters for consideration by scrutiny. CCFA is designed to sit alongside existing arrangements at Councillors' disposal to resolve local issues.

These new powers are limited to issues affecting single council wards only. More general issues must be dealt through the existing scrutiny arrangements, in line with the Council's constitutional rules on items for inclusion on the agenda.

3. When is something a matter for using CCFA?

CCFA should only be used when all other methods of dealing with the issue have been exhausted. It is not to be used for vexatious or political purposes and its operation and use is covered by the Council's established Councillor: officer relations protocol.

CCFA should only be used when it:

- is brought by a ward Councillor and solely relates to an issue in their ward
- focuses on neighbourhood or locality issues specifically the quality of Council services at a local level
- represents a genuine community concern
- is a persistent problem which the Councillor has been unable to resolve through other channels and mechanisms available to them at ward level.

4. When is something not a matter for using CCFA?

CCFA should not be used for:

- political purpose
- vexatious reasons
- dealing with individual complaints
- issues that relate to 'quasi judicial' decisions (i.e. planning or licensing matters) or to council and non domestic rates and budget setting as these are subject to their own statutory processes
- looking at a matter already subject to some form of review or management / external assessment or intervention
- matters relating to any criminal or civil proceedings.

5. What to do if I believe I have a CCFA issue?

If you believe that an issue has arisen that CCFA could be used for then you need to consider a number of factors to determine if this is the most appropriate way to deal with it.

You should consider the Councillor Call for Action Protocol particularly the part setting out the responsibilities of Borough Councillors acting as 'referring Councillors'. By considering the protocol Councillors can 'test' if CCFA is the right way to deal with the matter. In addition to this, the Council's Monitoring Officer can provide help and advice on the process and how best an issue can be dealt with.

This is the initial stage that Councillors need to go through. If a Councillor believes that the matter should be dealt with by using CCFA then they should notify the Monitoring Officer as soon as possible. At this stage the Monitoring Officer will consider the issue and the information available. They will then advise and signpost the Councillor on how best the matter can be dealt with. This may result in the Councillor rejecting the CCFA at this stage.

If the Councillor, having considered the CCFA criteria, feels that it is not appropriate to use CCFA to deal with the issue then the Monitoring Officer can provide advice on what to do next and how, if necessary to communicate this.

To help you when considering the use of CCFA the stages to the process are set out below⁵. Only by following these stages properly, can it be determined that CCFA is the correct way to deal with a matter.

The key stages of the CCFA process are follows:

Stage 1 – Initial test and checklist

Councillor receives details of the issue and applies this against the initial checklist⁶. The Monitoring Officer can help and advise the Councillor with this. Following application of the checklist two things can happen:

⁵ CCFA process flowchart – Appendix3

- Councillor believes CCFA could be a way to deal with the issue and informs Monitoring Officer; or
- Councillor does not believe CCFA should be used and the Monitoring Officer can help and offer advice on what to do next.

Stage 2 – Informal resolution

Ways of resolving the issue informally are explored. This could involve discussing the matter with a Cabinet member, committee Chairman, or executive manager. It could also involve discussions with partners and relevant organisations. The Monitoring Officer can help with this.

If informal ways of resolving the issue are successful then the CCFA ends.

Stage 3 – Referral as a CCFA

If informal methods cannot resolve the issue, and the matter is judged to be right for the use of CCFA, you should complete the request form⁷ and return it to the Monitoring Officer. At this stage the Monitoring Officer will formally notify the relevant ward Councillors, the executive management team and the Chairmen of the scrutiny committees. The Chairmen will then determine which scrutiny committee should consider the CCFA to ensure it is considered by the most relevant committee.

The Constitutional Services team will then make arrangements for the matter to be referred to the next meeting of the relevant scrutiny committee who will determine if:

- no action should be taken at this time
- whether the issue should be reviewed by a working group
- recommendations on the matter should be made to the relevant Council service area or partner organisation.

If the Scrutiny Committee determines that the matter should not be considered further then the CCFA cannot be pursued.

Stage 4 – Recommendation for a ‘working group’

If the scrutiny committee determines that a ‘task and finish’ working group should consider the matter in more detail then a group will be established from the relevant scrutiny committee. Its terms of reference will be agreed and its work should take no longer than two months. Its composition will be established in line with the Council’s Constitution.

This working group will undertake a focused time-limited review of the issue and, if necessary make recommendations. The ward Councillor responsible for the CCFA may be required to participate in meetings of the working group to answer questions. The relevant Cabinet member, Council officers and partner representatives may also be required to participate when necessary.

⁶ CCFA initial checklist – Appendix 4

⁷ CCFA Request form – Appendix 5

Stage 5 – Working group report

The working group will consider the matter in more detail and present its findings by way of report and recommendations to a future meeting of the scrutiny committee for consideration. If the report and its recommendations are agreed by the scrutiny committee the report is forwarded to the Council's Cabinet for consideration.

If the scrutiny committee does not agree with the report then it is referred back to the working group for further consideration. Having reconsidered the report, the working group will refer the report back to the scrutiny committee.

If the report cannot be agreed, then the CCFA cannot be pursued.

If the report is agreed by the scrutiny committee it is then forwarded to the Council's Cabinet for consideration.

Stage 6 – Cabinet consideration

When considering the working group's findings and recommendations the Cabinet can:

- accept the recommendations in full
- partially accept the recommendations and refer those it does not accept back to the scrutiny committee for further consideration
- note the recommendations but take no action on them at this stage (Cabinet would have to provide valid reasons why it made this decision).

Cabinet's response will be reported to the next meeting of the scrutiny committee and copies provided to the referring Councillor and relevant Council officers and partner representatives.

Stage 7 – Scrutiny committee 'Cabinet's response'

The scrutiny committee will consider the Cabinet's response to the working group report and recommendations determining if it is necessary to make arrangements to monitor its progress. If necessary the matter will be added to the work programme of the relevant scrutiny committee by way of a recommendation and referral.

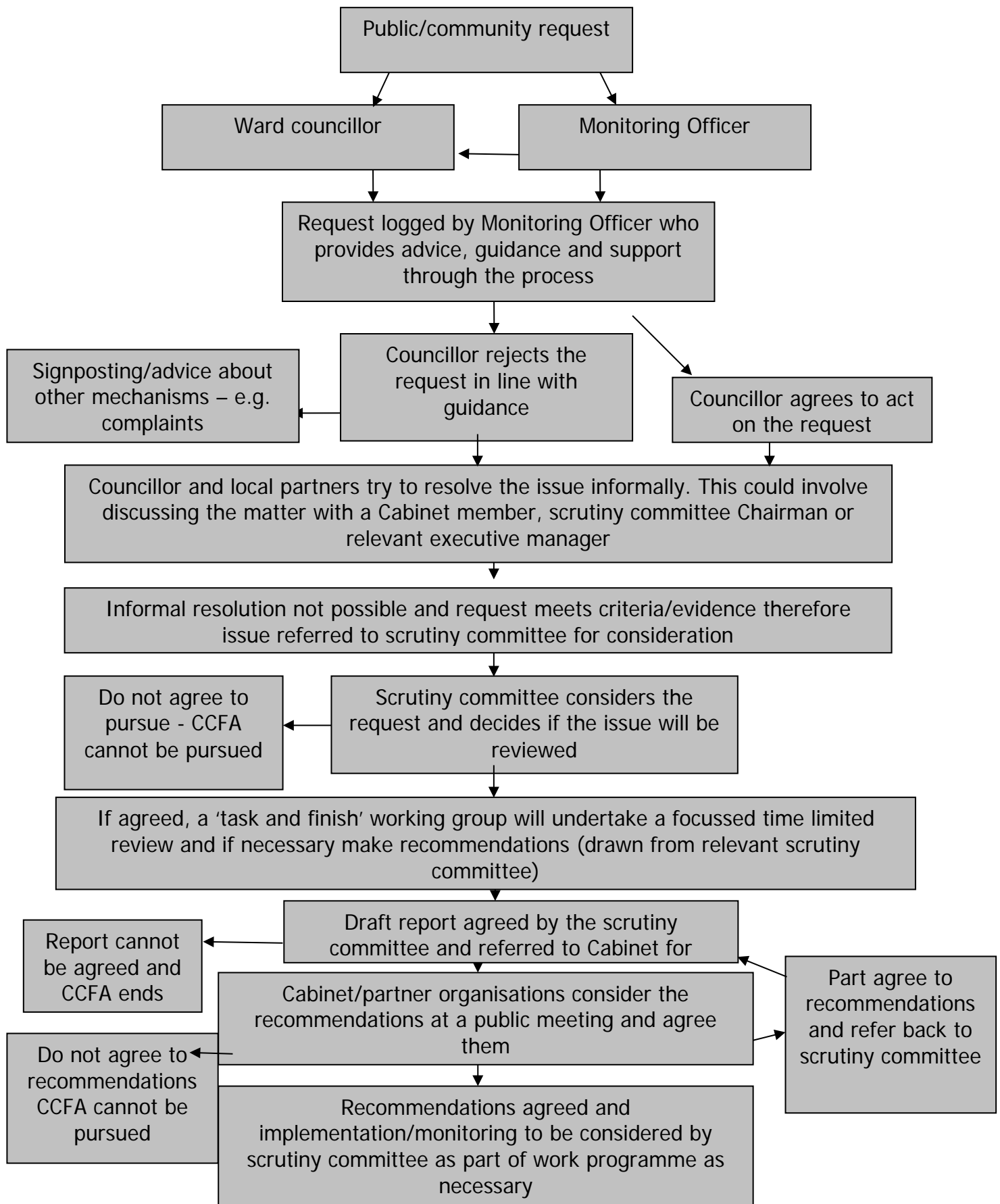
6. Who can give me advice and help?

The Monitoring Officer can offer advice and guidance on this issue. He can be contacted via:

Telephone 0115 981 9911

Email: monitoring.officer@rushcliffe.gov.uk

CCFA – Summary Flowchart



CCFA – Initial Checklist Test

This checklist will help you to do an initial test to determine if CCFA is the right way to deal with the matter.

Read these questions and apply them to the matter to determine if CCFA is relevant. The Council's Monitoring Officer can help you with this:

- Are you satisfied that the concerns are not just individual complaints?
- Are you satisfied that the concerns do not relate to individual 'quasi judicial' decisions (e.g. planning licensing) or to Council Tax or Non-domestic Rates?
- Are you satisfied that the concerns are to do with the quality of public service provision at a local level?
- Are you satisfied that the focus of concern is on a neighbourhood or locality issue?
- Are you satisfied that the issue a genuine local concern?
- Have you ensured that all relevant internal potential routes to solution have been followed, for example informal discussions with Officers and/or Councillors, questions at committees etc?
- Have you ensured that this is not an issue that is currently being or should have been pursued via the Council's customer feedback procedure?
- Have you ascertained whether or not any other form of local scrutiny is investigating the issue, e.g. Nottinghamshire County Council?

If you have answered no to any of the questions above, then the CCFA may not be the correct mechanism to deal with the issue.

If you have answered yes to all of the questions above, the CCFA mechanism can be applied. The Monitoring Officer can offer advice on what to do next.

CCFA – Request Form

This form should be used by any Councillor at Rushcliffe Borough Council who would like a scrutiny committee to consider a Councillor Call for Action in their ward.

Your contact details: Name (print):
Address:
Contact Number:
Email address:
The ward you represent:
Title of your Councillor Call for Action:
Date of submission:
Would you like the opportunity to speak to the scrutiny committee? Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you approached the scrutiny committee on the same issue in the past six months? Yes <input type="checkbox"/> No <input type="checkbox"/>
Would you like your response by: Email <input type="checkbox"/> Letter <input type="checkbox"/>
Why you think the issue should be looked at by the scrutiny committee:

Please give a brief synopsis of the main areas of concern:

How does the issue of concern link to the delivery of the Council's strategic priorities?

What evidence do you have in support of your CCFA:

Which areas or community groups are affected by the CCFA:

How have you tried to resolve the issue:

Is the CCFA currently the subject of legal action by any party (to your knowledge) or is being examined by a formal complaints process?

Are there any deadlines associated with the CCFA of which the scrutiny committee needs to be aware:

What is the potential impact of the CCFA? (consider residents, wider community, financial, legal etc)

Please complete and return this form to:
Rushcliffe Borough Council – Monitoring Officer
monitoringofficer@rushcliffe.gov.uk

CODES AND PROTOCOLS – OFFICERS’ CODE OF CONDUCT

1. Introduction

The public is entitled to expect the highest standards of conduct from all employees who work for Rushcliffe Borough Council. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist employees in their day-to-day work and is based on the Code of Conduct for Local Government Employees proposed by the Local Government Employers Organisation on behalf of the Local Authority Associations.

2. Status of the Code

The Code forms part of each employee's conditions of service and sets out the minimum standards that should apply. The aim of the Code is to help maintain and improve standards and protect employees from misunderstanding. Whilst the opportunity has been taken to highlight some of the conditions of employment which affect an employee's conduct, employees should always refer to the employee handbook held in each department for fuller details.

3. Who is the Code Aimed At?

The Code applies to all employees of Rushcliffe Borough Council.

Inevitably some of the issues covered by the Code will affect some employees more than others.

4. Standards

Rushcliffe Borough Council employees are expected to give the highest possible standard of service at all times, and where it is part of their duties, to provide appropriate impartial advice to Councillors and fellow employees. Employees will be expected to bring to the attention of the appropriate level of management any impropriety, breach of procedure or deficiency in the provision of service.

Employees should at all times be appropriately dressed and conduct themselves in an acceptable manner, especially where they are required to work in public areas.

Whilst at work, employees represent Rushcliffe Borough Council and are expected to be polite and courteous. If a member of the public wishes to make a complaint, their attention should be drawn to the customer feedback procedure or they should be referred to the senior manager or supervisor responsible for the matter.

Employees should also make themselves aware of the contents of the customer services handbook and customer service charter, which provide guidance for employees in more detail.

5. **Disclosure of Information**

Local authorities are by law required to make certain types of information available to Councillors, auditors, government departments, service users and the public.

Employees must be aware of which information within the Council is open and which is not, and act accordingly. Where an employee is in any doubt, they should as a matter of course refer the matter to the appropriate executive manager or service manager for guidance.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

Unless specifically authorised, employees should not pass on any information, view or opinion on Council business to representatives of the media. All enquiries should be promptly referred to the relevant service manager or the performance and reputation team leader.

All employees should make themselves aware of their responsibilities in respect of computerised information. The Council's policy in this respect is attached at Appendix 1.

6. **Political Neutrality**

Employees serve Rushcliffe Borough Council as a whole. It follows that they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.

Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

Some employees, because of the nature of the work they do are restricted by law from taking part in, or expressing opinions on political issues or activities.

7. Relationships

7.1 Councillors

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are employed to carry out the Council's work. Mutual respect between employees and Councillors is essential. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

7.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

7.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the relevant service manager responsible for the contract. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

Employees, who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare, and register, that relationship to the Chief Executive.

Rushcliffe Borough Council requires any employee of the Council to declare any pecuniary or other interest in a contract to the Chief Executive.

8. Outside Commitments

An employee's off duty hours are his or her personal concern but they should not subordinate their duty to their private interests, or put themselves in a position where their duty and their private interests conflict. The Council will not preclude employees from undertaking additional employment except where, in the view of the Council, it conflicts or reacts detrimentally to the Council's interests, or in any way weakens public confidence in the conduct of the Council's business.

Employees have a specific conditions of service requirement which requires them to obtain written consent to take any outside employment or appointment. All employees should be clear about their contractual obligations to inform their executive manager of any outside employment or appointment

and no employee should take, or be party to, outside employment or appointment which conflicts with the Council's interests.

Where an employee has any doubts they should discuss the matter with their executive manager before considering any outside employment who will consult with the strategic human resources manager before any request is approved.

Employees on local scales 11-1 must not engage in any other business, or take up any additional appointment, without first receiving the express consent of the Chief Executive. Any outside employment should be declared and entered in the appropriate register maintained by the Chief Executive.

9. Personal Interests

Employees must declare in writing to the Chief Executive any financial and non-financial interests that they consider could bring about conflict with the Council's interests.

Employees should also declare membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

Employees should be aware that the membership of any organised body may lead to claims of unfair behaviour where that membership is seen to have influenced, or been likely to have influenced an employee's decision. Employees should therefore declare membership of any organisation where the membership of that organisation may include other members who can benefit directly from the actions of the employee.

10. Public Speaking

Where you are invited to address public meetings, undertake radio or television interviews etc., it is expected that you should clearly understand the basis upon which the invitation was extended and you should obtain the consent of your executive manager before agreeing to the interview or attend the meeting. As a representative of the Borough Council you should communicate the policies and procedures of the Borough Council in a factual and unbiased way. You should avoid expressing personal views in such situations, and if during the course of the debate or discussion your personal views are sought, then you should consider most carefully whether this would place you in a position of public conflict with the Council. It may be appropriate in such circumstances for you to decline to make further comment and terminate the discussion or interview. Where you have any doubt you should talk to your executive manager and seek his/her guidance.

11. **Separation of Roles During Tendering**

Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contractor units or roles must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

12. **Fraud and Corruption**

Employees must be aware that it is a serious criminal offence for them 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 their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

The Council has well defined procedures to deal with suspected financial irregularity or corruption, whether perpetrated by its employees or Councillors or by members of the public or contractors in their business dealings with the Council.

Should employees become aware of any suspicion of fraud or corruption affecting the Council they should raise the issue through the confidential reporting procedure.

13. **Use of Financial Resources**

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

Employees entrusted with public funds should make themselves aware of the Council's financial regulations and standing orders and should adhere to those regulations at all times.

14. **Hospitality**

Invitations, hospitality and gifts should only be accepted with the prior approval of the executive manager or service manager and should be recorded in the appropriate register.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, and where the executive manager or service manager gives consent in advance.

When hospitality has to be declined, the individual or company offering should be courteously but firmly informed of the procedures and standards operating within the Council.

When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

15. **Appointment and Other Employment Matters**

15.1 **Recruitment**

Employees involved in appointments should ensure that these are made on the basis of merit and should follow the guidance contained in the recruitment and selection code of good practice at all times. A copy of the code is held in each service area and in the human resources section and may be inspected during normal office hours.

It would be unlawful for an employee to make an appointment that was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment at any level where they are related to an applicant, or have a close personal relationship outside work with him or her.

Where an employee is aware that an applicant for a position with the Council is related to, or have a close personal relationship outside of work with him or her, that relationship should be declared and registered with the Chief Executive.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

15.2 **Use of Resources and Equipment**

Employees should follow the Council's rules on the ownership of intellectual property or copyright created during their employment.

Unless authorised to do so, employees should not use Council equipment or property (e.g. vehicles, phones, tools, materials, computer software and

hardware etc.) for the personal or private use of themselves or others not authorised by the Council.

Employees should also make themselves aware of the procedures for the use of and payment for private telephone calls from work.

Where employees use Council equipment or property in the performance of their duties they should always ensure that such resources are used for their proper purpose and all proper care should be taken in their use and safe storage.

15.3 Customer Services

Employees will comply with the standards set out in the customer service handbook and, where required, will wear the approved identification name badge provided in a clear and prominent position at all times.

15.4 Working Hours

The Council operates a staggered working hours scheme for most employees that sets the employee's start, finish and lunch times.

The working hours of all employees is set by the departmental management and must not be varied without their prior consent. The actual working hours will vary from section to section and may also vary during different times of the year.

Because of the nature of the work of some employees, the working times and days of their place of work may also differ from that of other employees.

15.5 Standard of Dress

Employees should, at all times, be appropriately dressed and conduct themselves in an acceptable manner, especially where they are required to work in public areas.

Executive managers and service managers will determine and inform employees of what constitutes appropriate dress and conduct and will consult with the strategic human resources manager to ensure consistency across the Council.

15.6 Security

In order to protect the welfare and safety of employees and Councillors and the security of Council buildings, a number of security measures, including identity cards, access control cards etc. are in force. Employees should ensure that all security measures are followed in full and at all times.

Employees should also familiarise themselves with the evacuation and other procedures relevant to their place of work.

15.7 Car Parking

To assist with security around the Civic offices, all car users parking a vehicle should display the official car park permit in a prominent position on their vehicle at all times. Employees not complying with this requirement will have their car park permit withdrawn.

Employees should also notify the Strategic Human Resources Manager of any changes to their vehicle details immediately.

15.8 Sickness

In order to avoid the disruption to the working of the Council and to help manage problems arising from sickness absence, a sickness absence management procedure has been introduced.

Employees are reminded that they should always comply with that procedure.

15.9 Employees Facing Criminal Charges

Employees facing any criminal charges are expected to inform their executive manager of such without delay. Whilst proper consideration of the nature of the charges will be given in respect of its relevance to their job, employees are nevertheless required to notify their executive manager in all circumstances, whether they personally feel the matter is relevant or not.

16. General

All employees should make themselves aware of both the general and particular requirements of this code of conduct and it is their personal responsibility to apply them on every relevant occasion. Whenever there is any doubt employees should seek advice from their executive manager or service manager.

Employees are expected to make themselves aware of the appropriate statutes, the Council's standing orders and financial regulations as they affect employees, together with any service specific rules of conduct issued to them from time to time. Copies of these regulations may be inspected during normal office hours in the employee's service.

Officer Code of Conduct – Information Security Policy Statement

1. Policy

- 1.1 The purpose of this policy is to protect Rushcliffe Borough Council's information assets from all threats whether internal or external, deliberate or accidental.
- 1.2 Information takes many formats and includes data stored on computers, transmitted across networks, printed out or written on paper, stored electronically, or spoken in telephone conversations.
- 1.3 It is the policy of Rushcliffe Borough Council to ensure that:
- (a) information will be protected against unauthorised access
 - (b) confidentiality of information will be assured. This includes the protection of valuable or sensitive information from unauthorised disclosure
 - (c) only authorised personnel will modify information
 - (d) regulatory and legislative requirements will be met including requirements of the Data Protection and Freedom of Information acts
 - (e) business continuity plans will be produced, maintained and tested in order to ensure that vital services are available to the community when they need them
 - (f) all breaches of information security, actual or suspected, will be reported to and investigated by the Chief Information Officer.
- 1.4 Standards to support this policy are:
- (a) protocol for use of Personal Data and the Data Protection Act
 - (b) employee usage policies
 - (c) business continuity plans
 - (d) information security training
 - (e) responding to incidents and security breaches.
- 1.5 Business requirements for the availability of information systems as set out in the IT service level agreements will be met.
- 1.6 The Chief Information Officer has responsibility for managing information security and as such has direct responsibility for maintaining the policy and providing advice and guidance on its implementation.
- 1.7 The executive manager and service managers are responsible for implementing the policy in their individual service areas and for adherence by their employees.
- 1.8 This policy forms one element of the Officers' code of conduct that can be viewed in the employee's service area or on the Council's intranet. It is the responsibility of each employee to adhere to the policy.

2. Protocol For Use Of Personal Data And The Data Protection Act

- 2.1 The rules that govern the storage and use of personal data are laid down by the Data Protection Act 1998. These rules are intended to protect individuals. Formerly, only the processing of electronic personal data was covered by data protection legislation, but the 1998 Act extended this to include many types of manual records – where they constitute a “relevant filing system”. The meaning of this phrase and some other terms associated with data protection are explained in the glossary at the end of this part of the information security policy statement.

3. Registration/Notification

- 3.1 The processing of personal data which the Council carries out has been registered with (or “notified” to) the Information Commissioner – previously known as the Data Protection Registrar – in accordance with the statutory requirements. A copy of the Council’s current registration can be obtained from your executive manager, intranet or from the senior solicitor who acts as the Council’s data protection officer.
- 3.2 The provisions of the Data Protection Act and the Council’s registration under it place restrictions on the purposes for which data may be processed and on the people or organisations to whom the Council is allowed to disclose personal data. Rushcliffe Borough Council prohibits its employees from processing personal data on its behalf except in accordance with the rules set out in the Act and as provided for in its registration with the Information Commissioner.

4. Breaches of the Rules

- 4.1 Individuals who suffer damage or distress as a result of a contravention of any provision of the Act (e.g. loss of data, unauthorised destruction of data or unauthorised disclosure of data) may be able to claim compensation from the Council. All employees should remember that they have an obligation to comply with the principles of the Data Protection Act. Failure to do so, as well as possibly leading to a compensation claim, could also result in the prosecution of the Council or even the employee him/herself. Failure to comply is likely to result in disciplinary action.

5. Data Protection Principles

- 5.1 The Data Protection principles that must be complied with are set out in Schedule 1 to the Data Protection Act 1998. In summary, they provide that:
- (a) personal data shall be obtained and processed fairly and lawfully. In most cases this will mean that the data subject has given consent to the processing, but there are exceptions to this. In the case of sensitive personal data, special rules apply and these are set out in Schedule 3 to the Act

- (b) personal data shall be obtained only for one or more specified and lawful purposes
- (c) personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed
- (d) personal data shall be accurate and kept up to date
- (e) personal data processed for any purpose or purposes shall not be kept longer than is necessary for that purpose or those purposes
- (f) personal data shall be processed in accordance with the rights of data subjects under the Act
- (g) appropriate technical and organisation measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or damage to personal data
- (h) personal data shall not be transferred to a country outside the EU unless that country ensures an adequate level of data protection.

5.2 It is not possible or appropriate to cover all of the provisions of the Act in this protocol. If an employee needs guidance on any data protection issues that arise during the course of their employment, they should discuss the matter with their manager and/or seek advice from the senior solicitor as necessary. More detailed information on the Data Protection Act can be found on the intranet, in the information security policy centre under information management.

6. Freedom of Information Act 2000

6.1 The Freedom of Information Act 2000, which came into force in January 2005, gave persons (including companies and other bodies) a general entitlement to many types of information held by public authorities such as the Council. However, as regards personal data, the Act merely provides a 'gateway' to the Data Protection Act 1998 and the subject access rules under the Data Protection legislation will continue to apply.

7. Induction and Training

7.1 Data protection is one of the matters covered by induction training. Further data protection training will be provided to officers in-house periodically. However, officers whose work may involve difficult data protection issues on a regular basis, should be encouraged to take up more specialised training provided by external providers if this is needed to enable them to perform their job more efficiently and to minimise the risk of non-compliance.

Glossary

Data

Recorded information whether stored electronically on computer, or in paper-based filing systems.

Personal Data

Means data that relates to a living individual who can be identified from that data or from that data and other data held by the data controller.

Sensitive Personal Data

Includes information about someone's racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, health, sexuality or criminal proceedings or convictions. Sensitive personal data can only be processed under strict conditions. In most cases, this means getting express permission from the person the information is about.

Processing

Is virtually any activity that involves the data. This includes collecting, recording or retrieving the data or doing work on the data such as organising, adapting, changing, erasing or destroying it.

Relevant Filing System

The Data Protection Act definition of this is rather complex. However, the key elements are that there must be a set of paper-based information about an individual and there is a structure to this set; and the structure works so that specific information about a particular individual is readily available.

Data Controller

Is the person or organisation who hold and use personal information, e.g. the Council

Data Processor

May be a separate organisation which process information on behalf of a data controller who must also follow the Act to ensure information is handled properly.

Data Users

Include employees whose work involves processing personal information. Data users have a legal duty to protect the information they handle and should follow their employer's data protection and security policies.

Data Subjects

Are the people the information is about. All data subjects have certain legal rights under the Data Protection Act in relation to their personal information.

Officer Code of Conduct – Corporate Information Security Employee Usage Policy

1. Introduction and definitions

- 1.1 Many of us deliver our services using information technology (IT). It is an important part of our day-to-day work. This guide sets out standards that should be followed when using IT. It forms part of our overall code of conduct for officers.
- 1.2 When using the term 'IT', it means computers and any systems used to create, store or exchange information, for example, the Internet. It is important that you read and understand this guide. If you are not sure about any part of it, you should ask your manager or any member of the ICT team.
- 1.3 Whilst electronic means of communication are growing and replacing more traditional methods of storing and processing information, paper records that contain personal data must be treated with great care and should be disposed of correctly. Arrangements for the disposal of confidential paper records and documents are in place and you should familiarise yourself with these.
- 1.4 If you do not follow the standards in this guide, or in any other corporate or service area standards, the Council may take formal action against you, which could include dismissal. These standards also apply when you are using the Council's equipment, data or paper records at home.
- 1.5 The Council reserves the right to monitor the use of your computer and any other associated equipment, including the interception of e-mail communications, where necessary to ensure that the information security policy is being complied with or for any other legitimate purpose.
- 1.6 More detailed information on the user policies covering: administrative rights, computer usage, email and internet usage, GCSX policy and statement, legal responsibilities, and telephone can be found on the intranet in the information security policy centre under information management.

2. Using and caring for information

- 2.1 You must take all reasonable steps to make sure that:
 - (a) all information you are responsible for is safe and accurate
 - (b) you only amend, remove, or add information which can be used to identify any living person if you have permission to do this
 - (c) you only give information, including information about any person, to any people, groups or organisations who have authority to see that information and you have your manager's permission

- (d) you do not produce or send to anyone information that goes against our equal opportunities or data protection policies or which breaks the law (this includes any offensive, threatening, insulting or discriminatory information); and
- (e) you do not produce, send or load onto any of our computers or equipment any information (from the Internet or any other source) that contains sexual or pornographic material, goes against any part of our equal opportunities policy or breaks the law. This includes 'pin-ups' of men or women, offensive, threatening, insulting or discriminatory information.

3. Disposal of Confidential Waste Paper

3.1 There will be arrangements in place for confidential recycling.

For added security, you may wish to shred confidential paper records.

4. Using and caring for equipment

4.1 You must do the following:

- (a) only use computer equipment and systems for the purpose for which they have been provided
- (b) take all reasonable steps to make sure that any IT equipment provided is kept in a safe working condition
- (c) report any problem with your computer equipment to the IT service desk immediately.

4.2 You must **not** do the following:

- (a) install any unlicensed software or files of information which need a licence or which may break copyright law
- (b) attach any other hardware or communication equipment without authorisation from the ICT delivery manager
- (c) allow maintenance engineers to use their diskettes on our equipment without a check being carried out by the IT section
- (d) allow any equipment not provided by or approved by IT or your executive manager to be used for Council business.

5. Access security

5.1 If given access to a particular computer system or part of the network, you must make sure that your password is at least eight characters long unless IT tell you otherwise. Do **not**:

- (a) tell anyone your password or write it down
- (b) try to gain access to areas of any computer systems or the network that you are not authorised to enter; or
- (c) give any information or help to any unauthorised person or group that may help them to gain access that they are not entitled to.

6. Choice of password

6.1 When you first use your ID, you will be asked to change the password provided for you by ICT. This is to allow you to set up your own secure password. A good password is difficult to guess and easy to remember:

- (a) try to avoid using passwords based on months of the year, days of the week, or any other aspect of the date
- (b) it is not a good idea to choose names of children, spouse, dogs, cats, football teams, car registration numbers, telephone numbers etc. as these are easily guessed
- (c) your password must have 3 of the following
 - (i) capital letter
 - (ii) lowercase letter
 - (iii) number
 - (iv) special character
- (d) when you change your password it is recommended that you also change all passwords on all other systems at the same time. A complex password used for all systems is better than several simple passwords per system.

7. Unattended screens

7.1 It is good practice to ensure that unattended equipment has appropriate security protection and that you:

- (a) terminate active sessions when finished
- (b) secure PC screens with a screen saver and password
- (c) where information is particularly sensitive an automatic screen shutdown (followed by the need to re-access the application using a password) should be built into the application.

8. Using the Internet

8.1 Many of us use the Internet to do our jobs or to get valuable information to help us to do them. Here are the standards you must follow:

- (a) you are allowed access to the Internet from any PC connected to our corporate network. You are not allowed to access the Internet by any other means (for example, through a local modem)

- (b) you can use the Internet for personal activities, in your own time, if your manager has given you permission and as long as you do not break the principles of this guide
- (c) the network has been set up to stop you from accessing certain inappropriate types of website including for example pornographic, homophobic, racist, on-line gaming, terrorist and computer-hacking sites. However, you may still be able to inadvertently access sites that contain this sort of material. If so, you should report it to the ICT service desk immediately and you must not deliberately access, or try to access, these sites
- (d) you must only register for subscription services and Internet forums for business reasons and download web pages and documents that do not infringe copyright laws
- (e) you must not download software (including screensavers) from the Internet. If you need to do this for business reasons, you should first get permission from ICT.

8.2 Remember, while you are using the Internet you are being monitored, so please browse carefully!

9. E-mail

9.1 E-mail sent from the Council's e-mail addresses is treated as an official communication. Monitoring software checks the content of e-mails and will be used to investigate any suspected abuse.

- (a) you must not send anything that would be unlawful or breach any of the Council's policies on such matters as equal opportunities or data protection
- (b) you must be careful that you do not say anything that may be defamatory or libellous about either another individual or another company or body
- (c) if you receive an e-mail that goes against the Council's equal opportunities policy, or which breaks the law, you must tell your manager
- (d) when you are sending an e-mail think of its effect on the person who will receive it
- (e) you cannot show your mood and emotion in an e-mail. Would it be easier to phone the person or walk down the corridor to speak to them in person?
- (f) the easier your e-mails are to read, the better you and your work area will look, have you made any assumptions about the person who will

receive your e-mail? For example, their sex or cultural values, or that they are up to date with all the relevant information

- (g) plan your message carefully, get rid of any unnecessary wording, and check the spelling and grammar
- (h) imagine you are the person receiving your e-mail – how would you feel about receiving it?
- (i) you can use e-mail for private activities if this is essential, if your manager has given you permission and as long as you do not break the principles of this guide
- (j) although you are allowed to access web-based e-mail services (for example, Hotmail, Yahoo, Rocketmail) this is for personal use only and must be agreed by your manager. You must not use these sites to send or receive e-mails on Council business
- (k) a disclaimer is automatically added to any Internet e-mail sent in case it is wrongly addressed or reaches the wrong person. However, you must take steps to make sure that you address e-mail correctly. If you find out that someone has received e-mail other than the person you meant to send it to, you must take steps to ensure that this does not happen again.

10. Computers for working at home (including personal use)

10.1 The Council are looking at new ways of working, and you may be given computer equipment to use for working from home or other places when you are on our business. If this is the case, the following standards apply:

- (a) you can use the equipment for personal use if it has been set up to allow this and you do not break any of the principles of this guide. You will be responsible for any tax that might arise from personal use
- (b) if you have a problem with any equipment and it transpires that the problem was caused by personal use, you may be liable for the costs of putting the problem right
- (c) when using Council equipment at home you must comply with all relevant health and safety policies and procedures.

11. More information

11.1 You can get more information from:

- (a) Your line manager
- (b) The ICT service desk, extension 333; or
- (c) The human resources section at the Civic offices.

Officer Code of Conduct – Corporate Information Security Employee Training

1. Information Security Training

- 1.1 The corporate information security policy sets out standards that should be followed when using either paper or technology based information. It forms part of the Council's overall code of conduct.
- 1.2 The policy and accompanying guidance will be issued to all new starters in the induction pack and will be discussed with new employees as the induction process.
- 1.3 Managers have the responsibility to make sure that all of their employees are made aware of information security concerns and that employees are equipped to support the information security policy in the course of their work.
- 1.4 Your manager will, as part of your induction and on-going training and development, make sure that you are aware of your responsibilities for data security and in particular your responsibilities with regard to the Data Protection Act.
- 1.5 Periodically, employees will be required to complete data security training on the Council's e-learning package.
- 1.6 As part of your performance and development interview you may identify with your manager an additional need for 'specialised' security training and your manager will arrange this where appropriate.

Officer Code of Conduct – Corporate Information Security Business Continuity

1. Business Continuity Plans and Data back-up.

- 1.1 The corporate information security policy sets out standards that should be followed when using either paper or technology based information. It forms part of the Council's overall code of conduct.
- 1.2 In the event of an incident rendering the Civic offices or other place of business becoming partly or wholly unoccupiable, or in the event of a major systems failure our business continuity plan aims to:
 - (a) ensure the safety of all employees, Councillors and visitors to the Civic offices or place of business
 - (b) enable the Council to continue delivering essential services
 - (c) enable the Council to continue to operate critical internal functions
 - (d) enable the Council to re-establish normal working in the shortest possible time.
- 1.3 To meet these objectives, executive managers have a responsibility to:
 - (a) develop and maintain contingency plans for the maintenance of business
 - (b) ensure that all information required to continue operations are securely maintained
 - (c) ensure that where appropriate off-site copies of information are held securely.
- 1.4 The chief information officer has responsibility to ensure that centrally held computer data is backed-up securely and that adequate off-site security copies are kept. Data back-up standards for all centrally held computer data can be found in the information technology service level agreement.
- 1.5 The Council's business continuity plans are co-ordinated and maintained by the emergency planning officer. Executive managers will review their service area plans annually and copies may be viewed at your place of work or on the Council's intranet site.

Responding To Incidents

1. Objective

- 1.1 To minimise the damage from security incidents and malfunctions, and to monitor and learn from such incidents.

2. General

- 2.1 Any security incident, perceived security weakness or malfunction should be reported in the first instance to the relevant line manager or the ICT service desk (ext. 333) as quickly as possible.

3. Reporting of security incidents

- 3.1 Any security incident (i.e. any event that has, or could have, resulted in loss or damage to the Council's IT assets, or an action that is in breach of the Council's information security policy) should be reported to the relevant line manager or the ICT service desk as quickly as possible.
- 3.2 Contractors should also be made aware of the procedure for reporting security incidents, and should be required to report such incidents as quickly as possible to the ICT service desk.
- 3.3 Where an employee suspects that a malicious piece of software (e.g. a computer virus) has been introduced, the following actions are to be undertaken:
- (a) note any symptoms (messages on screen etc.)
 - (b) stop using the computer and isolate it if possible
 - (c) do not use any flash drives that have been read by the computer
 - (d) do not attempt to remove the suspected software.
- 3.4 Recovery should only be carried out by appropriately trained and experienced employees.

4. Reporting of security weaknesses

- 4.1 Users of ICT services are required to note and report any observed or suspected security weaknesses in, or threats to, systems or services. Users should report these matters either to their line management or directly to the IT service desk as quickly as possible. For their own protection, users should not attempt to prove a suspected weakness as this might be interpreted as a potential misuse of the system.

5. Reporting of software malfunctions

- 5.1 Users of ICT services are required to note any software that does not appear to be functioning correctly, i.e. according to specification, and to report the matter to the ICT service desk.

6. Investigation Process

- 6.1 All incidents should be recorded by the service desk and reported to the chief information officer, who should notify the malpractice disclosure response team in accordance with the Council's malpractice disclosure response plan if malpractice is suspected.

7. Disciplinary process

- 7.1 Employees who commit breaches of security will be dealt with through the Council's disciplinary procedures.

Officer Code of Conduct – Corporate Information Security Access Policies

1. Rushcliffe Borough Council holds large amounts of sensitive data whether personal or business related. Information security is very important to help protect the interests and confidentiality of the Council and its customers. Information security cannot be achieved by technical means alone. Rushcliffe Borough Council has a number of policies to safeguard its data, summarised below. More detailed information on the access policies (network; physical; remote; system; user) can be found on the intranet in the information security policy centre under information management.
2. Non-compliance with these policies may affect the efficient operation of the Council and may result in financial loss and an inability to provide necessary services to our customers.

Network Policy

3. The purpose of this policy is to define the requirements to manage and control the access between the Rushcliffe Borough Council computer and telephone network (hereafter, the 'RBC network') and the Internet or other organisation's networks.

Physical Access Policy

4. Information systems and equipment are critical business assets. Rushcliffe Borough Council commits to effectively control the physical access to these assets and assure the confidentiality and integrity of business data and information.

Remote Access

5. The purpose of this policy is to define the requirements to manage and control the access of remote connections to the RBC network.
6. The policy applies to all users remotely connecting to the RBC network from outside the Council's premises.
7. Connections covered by this policy include, but are not limited to: dial-in modems, ISDN, ADSL and cable modems which provide narrowband or broadband access to the RBC network via the Internet, or other networks.
8. External threats to the RBC network are real and constant. These threats range from hoaxes and viruses to malicious attempts to corrupt and damage business data. Unauthorised access to the RBC network compromises the duty to protect data and information and breaches statutory legislation.
9. Non-compliance with this policy may result in financial loss, an inability to provide services to our customers, and adversely impact the Council's reputation.

Assertions

10. Remote access users must note that by connecting to the RBC network they become part of the network and must treat any computer connected this way as if it were on Council premises. In particular they must adhere to the user access policy, the computer usage policy and the email and internet usage policy (see the information security policy centre on the intranet under information management)
11. Remote access to the RBC network must be made over a secure, encrypted connection whenever this is available. Acceptable secure communication services include virtual private network (VPN) and secure sockets layer (SSL). Insecure communications services will be restricted but may be allowed in exceptional and controlled circumstances.
12. Remote access to services that do not provide a secure connection should be tunnelled through a secure connection whenever possible. It is recommended that a VPN is used.
13. Users will only connect to computers or services on the RBC network for which they are authorised. The facility must not be used by family members or other persons.
14. When using Citrix to remotely connect to computers or services on the RBC network, users must only do so from their home environment or from a corporate or personal device, and not from publicly accessible devices, such as are found in libraries and internet café's.
15. Connections from remote locations will be logged and may be monitored.
16. Remote access to Council services should use two factor authentication.

System Access

17. The purpose of this policy is to define the measures to be implemented to control access to information systems and applications. The policy applies to all system owners and administrators who are authorised to provide access to users to Council information systems and applications. Users designated as system owners or administrators should familiarise themselves with the full system access policy, available on the intranet, in the information security policy centre under information management.

User

18. The policy applies to all Rushcliffe Borough Council Councillors, employees, partners, and contractual third parties and agents of the Council who require access to Council information systems or information of any type or format (paper or electronic).

19. Where access is granted to any third party (e.g. contractors, service providers, voluntary agencies and partners) compliance with the user access policy must be agreed and documented.

Principles

20. Rushcliffe Borough Council commits to effectively manage the use of its information and information systems, and therefore anyone given access to Council information systems must:
 - (a) be suitable for their roles
 - (b) fully understand their responsibilities to assure the security of information
 - (c) request that access to information and associated systems be removed as soon as it is no longer required.

Assertions

21. Executive managers and lead specialists are responsible for ensuring that creation of new users, changes in role, and termination of users are notified to the ICT service desk in a timely manner.
22. The information security responsibilities of users are defined and documented in the computer usage policy and guide and are incorporated into the induction process and contracts of employment. As a minimum this should include a statement that every user is aware of, and understands, the following Council policies:
 - (a) information security policy
 - (b) information classification policy
 - (c) computer usage policy and guide
23. Access to Council information systems is not permitted until the requirements of the user access policy have been met.
24. All access rights of users of Council information systems will be removed in a timely manner upon termination or suspension of their employment, contract or agreement.
25. Emergency suspension of a user's access will be implemented when that access is considered a risk to the Council or its systems.

Officer Code of Conduct – Corporate Information Security Assets

1. Rushcliffe Borough Council commits to ensuring all data and information is held securely at all times. Every user should be aware of, and understands, the basic level of protection to be afforded when handling data including specific information handling guidelines to be followed. More detailed information on the asset policies (data and information; data retention; information classification; software; technical infrastructure architecture; third party data sharing protocol) can be found on the intranet in the information security policy centre under information management.

Using and caring for information

2. You must take all reasonable steps to make sure that:
 - (a) all information you are responsible for is safe and accurate
 - (b) you only amend, remove, or add information which can be used to identify any living person if you have permission to do this
 - (c) you only give information, including information about any person, to any people, groups or organisations who have authority to see that information and you have your manager's permission
 - (d) you do not produce or send to anyone information that goes against our equal opportunities or data protection policies or which breaks the law (this includes any offensive, threatening, insulting or discriminatory information); and
 - (e) you do not produce, send or load onto any of our computers or equipment any information (from the Internet or any other source) that contains sexual or pornographic material, goes against any part of our equal opportunities policy or breaks the law. This includes 'pin-ups' of men or women, offensive, threatening, insulting or discriminatory information.

Data Retention

3. It is important for the Council's managers, and indeed any officers who have responsibility for managing Council information, to have an understanding of how long that information should be held before it is disposed of. Information or records can exist in a variety of formats and the underlying principles of this policy are applicable to all forms of record, whether they be written documents and files, electronic records, photographs, DVDs, tape recordings or any other type of recorded data.
4. There are many reasons why this policy is important. Previously, the simple cost and resource implications of keeping large numbers of physical files for a long time was a key factor, but with the increased use of electronic records, this is not necessarily the primary driver any more. More important now are the relatively recent legislative requirements that apply to local authorities as public bodies, which provide the imperative for such policies. Managers and

officers who have responsibility for managing Council information should familiarise themselves with the data retention policy which can be found on the intranet in the information security policy centre under information management.

Information Classification

5. Identifying the value of information is pivotal to understanding its relative sensitivity so that the appropriate level of security and associated controls can be implemented to prevent loss, damage or compromise of these assets.
 - (a) Principle one:
All information that the Council needs to collect, store, process, generate or share to deliver services and conduct Council business has value and requires an appropriate degree of protection
 - (b) Principle two:
Everyone who works with the Council (including officers, Councillors, contractors and service providers) has a duty of confidentiality and a responsibility to safeguard any Council information or data that they access, irrespective of whether it is marked or not, and must be provided with appropriate training
 - (c) Principle three:
Access to sensitive information must be controlled and only be granted on a genuine 'need to know' basis. Appropriate security controls must be in place to ensure that this happens
 - (d) Principle four:
Information assets received from or exchanged with external partners must be protected in accordance with any relevant legislative or regulatory requirements.

Assertions

6. All council material will have a classification of 'official' this may include some data that we deem to be of a sensitive nature.
7. 'Official'
This is routine Council information that does not have any potentially damaging consequences for individuals, the Council or another organisation if it were lost, stolen or published in the media.
8. 'Official (SENSITIVE)'
This is information or data that could have damaging consequences for individuals, the Council or any organisation if it were lost, stolen or published in the media, such as:
 - personal information
 - sensitive legal information
 - third party contractual information

- highly sensitive information that should only be distributed to explicitly identified individuals such as senior management
9. For comprehensive details of labelling information appropriately all staff must familiarise themselves with the information classification policy, which can be found on the intranet in the information security policy centre under information management.

Officer Code of Conduct – Politically Restricted Posts

General

1. Under this part, politically restricted post holders are prohibited from announcing (or authorising or permitting anyone else to announce) their candidature for election to a local authority, the House of Commons or the European Parliament.
2. The regulations also prohibit politically restricted post holders from being an officer of a political party or any of its branches or a member of any of its committees or sub-committees where the duties would be likely to require:
 - participation in the general management of the party or branch
 - acting on behalf of the party or the branch in dealings with non-party members.
3. Politically restricted post holders are also restricted from canvassing on behalf of a political party or for a person who is, or seeks to be, a candidate for election to a local authority, the House of Commons, or the European Parliament.

Restrictions on Speaking and writing in public

4. Under Section 2, politically restricted post holders are not permitted to speak in public where there is an apparent intention to affect public support for a political party. Such post holders are also not permitted to publish any such written or artistic work by them or which they may have edited, nor can they authorise or permit another person to publish such work if the work appears to be intended to affect public support for a political party.
5. These restrictions are to be construed so as not to preclude employees in politically restricted posts from engaging in the proper performance of their official duties.
6. The following regulations apply to all politically restricted posts.

General

7. The employee shall not announce or cause, authorise or permit anyone else to announce that he is, or intends to be, a candidate for election as a member of the House of Commons, the European Parliament; or a local authority within the meaning of section 21(1) or (2) of the Act.
8. Notwithstanding any contrary provision in his/her terms of appointment or his/her contract of employment, upon the appointee giving notice in writing to the local authority under which he/she holds his/her appointment that he/she wishes to resign his/her appointment because he/she intends to announce or cause, authorise or permit anyone else to announce that he/she is, or intends

to be, a candidate for election to the House of Commons at a pending election, his/her appointment shall terminate forthwith.

9. For the purposes of this paragraph an election shall be taken to be pending:
 - (a) in the case of a general election, if the date proposed for the dissolution of Parliament preceding that election has been officially announced
 - (b) in the case of a by-election, if the vacancy giving rise to that election has occurred.
10. The appointee shall not act as an election agent or sub-agent within the meaning of section 67 or section 68 of the Representation of the People Act 1983(a) for a candidate for election as a member of a body mentioned in paragraph 1.
11. The appointee shall not be an officer of a political party or of any branch of such a party or a member of any committee or sub-committee of such a party or branch if his/her duties as such an officer or member would be likely to require him/her:
 - (a) to participate in the general management of the party or the branch; or
 - (b) to act on behalf of the party or branch in dealing with persons other than members of the party or members of another political party associated with the party.
12. The appointee shall not canvass on behalf of a political party or on behalf of a person who is, or proposes to be, a candidate for election to any of the bodies mentioned in paragraph 1.

Additional Terms and Conditions in the Case of Officers not Appointed Under Section 9 of the Act.

13. The appointee shall not speak to the public at large or to a section of the public with the apparent intention of affecting public support for a political party.
14. The appointee shall not:
 - (a) publish any written or artistic work of which he/she is the author (or one of the authors) or any written work or collection of artistic works in relation to which he/she has acted in an editorial capacity; or
 - (b) cause, authorise or permit any other person to publish such a work or collection, if the work appears to be intended to affect public support for a political party.
15. Sub-paragraph (1) only applies to publication to the public at large or to a section of the public; and nothing in that sub-paragraph shall preclude the display of a poster or other document on property occupied by the appointee as his dwelling or on a vehicle or article used by him/her.

16. Nothing in paragraph 13 or 14 shall be construed as precluding the appointee from engaging in the activities there mentioned to such extent as is necessary for the proper performance of his/her official duties.

Officer Code of Conduct – Confidential Reporting Code

1. Preamble

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express 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 rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This confidential reporting code is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The code applies to all employees and those contractors working for the Council on Council premises, for example, agency staff or builders. It also covers suppliers and those providing services under a contract with the Council in their own premises.
- 1.5 These procedures are in addition to the Council's customer feedback procedures and other statutory reporting procedures applying to some departments. Service users should be made aware of the existence of these procedures.

2. Aims and Scope of this Code

- 2.1 This code aims to:
 - (a) encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
 - (b) provide avenues for you to raise those concerns and receive feedback on any action taken
 - (c) ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
 - (d) reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The confidential reporting code is intended to cover major concerns that fall outside the scope of other procedures. These include:

- (a) conduct which is an offence or a breach of law
- (b) disclosures related to miscarriages of justice
- (c) damage to the environment
- (d) the unauthorised use of public funds
- (e) possible fraud and corruption
- (f) unlawful discriminatory, sexual, or racist behaviour or physical abuse of clients, or
- (g) other unethical conduct.

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or councillors or others acting on behalf of the Council can be reported under the confidential reporting code. This maybe about something that:

- (a) makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- (b) is against the Council's standing orders and policies; or
- (c) falls below established standards of practice; or
- (d) amounts to improper conduct.

2.4 This policy does not replace the corporate customer feedback procedure.

3. Safeguards

3.1 Harassment or Victimisation

- (a) The Council is committed to good practice and high standards and wants to be supportive of employees.
- (b) The Council recognises that the decision to report a concern can be a difficult one to make. If the allegation is made in good faith, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

- (c) The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.
- (d) 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 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

5. Anonymous Allegations

- 5.1 This policy encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful and difficult to follow up. Consideration will be at the discretion of the Chief Executive and will take into account:
 - (a) the seriousness of the issues raised
 - (b) the credibility of the concern; and
 - (c) the likelihood of confirming the allegation from attributable source.

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.

7. How to Raise a Concern

- 7.1 As a first step, you should normally raise concerns in confidence with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues and personnel involved. For example, if you believe that management is involved, you should approach, in the first instance, the Council's Monitoring Officer or, alternatively if you wish, you may approach any of the officers indicted in paragraph 7.5 below.
- 7.2 Concerns may be raised verbally or in writing. Officers who wish to make a written report are invited to use the following format:
 - (a) the background and history of the concern (giving relevant dates);
 - (b) the reason why you are particularly concerned about the situation.
- 7.3 The earlier you express the concern the easier it is to take action.

- 7.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.5 Obtain advice/guidance on how to pursue matters of concern from:
- Chief Executive
 - Section 151 Officer
 - Monitoring Officer
 - Strategic Human Resources Manager
 - Internal audit – RSM.
- 7.6 You may bring your concerns forward with a colleague who shares them with you if you wish and you may invite your trade union representative or a colleague or 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 respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may:
- (a) be investigated by management, internal audit, or through the disciplinary process
 - (b) be referred to the police
 - (c) be referred to the external auditor
 - (d) form the subject of an independent inquiry.
- 8.3 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 principal that the Council will have in mind is the public interest. Concerns or allegations that fall within the scope of specific procedures (for example, conflict of interest or discrimination issues) will normally be referred for consideration under those procedures.
- 8.4 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.
- 8.5 Within ten working days of a concern being raised, you will receive an acknowledgement in writing from an officer listed in paragraph 7.5:
- (a) acknowledging that the concern has been received
 - (b) indicating how we propose to deal with the matter
 - (c) giving an estimate of how long it will take to provide a final response
 - (d) telling you whether any initial enquiries have been made
 - (e) telling you whether further investigations will take place and if not, why not.

- 8.6 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.
- 8.7 Where any meeting is arranged, off-site if you so wish, a union representative or a friend can accompany you.
- 8.8 The Council will take steps to minimise any difficulties that 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.
- 8.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9. The Responsible Officer

- 9.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy. To monitor the operation of the policy a record of concerns raised and the outcomes (but in a form that does not endanger your confidentiality) will be maintained and reported as necessary to the Council.

10. How the Matter Can Be Taken Further

- 10.1 This policy is intended to provide you with an avenue within the Council to raise concerns. 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:
- (a) relevant professional bodies or regulatory organisations
 - (b) a relevant voluntary organisation
 - (c) the police.
- 10.2 If you do take the matter outside the Council, you should take into consideration the requirements in relation to the disclosure of confidential information as set out in this code.

Officer Code of Conduct – Anti-Fraud Policy Statement

Rushcliffe Borough Council is committed to the proper use, administration and protection of public funds.

The Council condemns fraud and corruption in public life and expects Councillors and officers to comply with the Council's codes of conduct and promote an environment that clearly supports this stance.

The Council will make every effort to deter and detect all forms of fraud and corruption. The Council will work with other anti-fraud agencies, when appropriate.

The Council has well defined procedures to deal with suspected financial irregularity and corruption, whether perpetrated by Councillors or officers or by members of the public or contractors in their business dealings with the Council.

Any suspicion of irregularity or corruption in the Council's activities, should be reported to the appropriate executive manager or to internal audit, or for suspected benefit fraud a dedicated benefit fraud hotline is provided.

The Council guarantees a full and thorough investigation that respects confidentiality for all parties involved until such time as allegations can be substantiated.

COUNCILLORS' ALLOWANCES SCHEME

1. Councillors' Allowances Scheme

- 1.1 The Council is required, in accordance with the provisions of the Local Authorities (members' allowances) (England) Regulations 2003 ("the regulations"), to make a scheme providing for the payment to Councillors of the following allowances:
- (a) basic allowance
 - (b) special responsibility allowance (optional)
 - (c) dependants' carers' allowance (optional)
 - (d) travel and subsistence allowance (optional)
 - (e) co-optees' allowance (optional)
- 1.2 A copy of the current Councillors' allowances scheme is attached at Appendix 1.
- 1.3 In accordance with the regulations, an independent remuneration panel has been established to review and make recommendations to the Council on the Councillors' allowances scheme.
- 1.4 The independent panel last reviewed the scheme in December 2014 and the principles set out in Appendix 2 attached were reaffirmed by Council on 5 March 2015.

2. Approved Duties

- 2.1 The regulations prescribe the approved duties in respect of which dependants' carers' and travel and subsistence allowances may be paid. Those which are relevant to the Council are as follows:
- (a) attendance at Council meetings
 - (b) attendance at meetings of the Cabinet, committees (including joint committees), sub-committees and other member groups by Councillors who have been appointed to serve on them
 - (c) attendance at a meeting of any association of authorities of which the Council is a member (e.g. LGA)
 - (d) the carrying out of any other duty approved by the Council, or any class of duty so approved, for the purposes of, or in connection with, the discharge of the functions of the Council or any of the committees or sub-committees. Under this category the Council has approved the following duties or class of duty:
 - (i) attendance at meetings of the Development Control Committee by Councillors who are not members of the committee but who are allowed to speak on applications relating to the area which they represent

- (ii) attendance at meetings of a committee or member group although not a member of that committee or group, if attendance follows a specific invitation by the committee or group or its Chairman or is otherwise specifically authorised by the Council
- (iii) attendance at site visits and other meetings arranged by the Council or a committee or member group within their terms of reference
- (iv) attendance as the Council's representative on outside bodies as approved by the Council, (excluding school governing bodies)
- (v) representing such outside bodies on any formally constituted committees, if nominated by the body concerned and no other arrangements for the payment of allowances in respect of such duties exist
- (vi) attendance at conferences or training events authorised by the Council
- (vii) attendance at any meeting or event following the specific request of the Chief Executive to attend as the Council's representative
- (viii) attendance at meetings (other than ward party meetings), consultations and visits to constituents
- (ix) attendance at any meeting or event following the specific request of the Chief Executive for the purpose of, or in connection with, the discharge of the functions of the Council.
- (x) attendance by non-executive members at Cabinet
- (xi) attendance by Cabinet members at meetings of scrutiny committees.

3. **Co-optees' Allowance**

The independent and parish members of the Council's standards committee will be paid a co-optees' allowance at the rate specified in schedule I of the scheme.

LOCAL GOVERNMENT AND HOUSING ACT 1989 - SECTION 18

COUNCILLORS' ALLOWANCE SCHEME

The Rushcliffe Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:

1. This scheme may be cited as the Rushcliffe Borough Council Councillors' Allowances Scheme
2. In this scheme:
 - "Councillor" means a member of the Rushcliffe Borough Council who is a Councillor
 - "year" means the 12 months ending with 31 March.

Basic Allowance

3. Subject to paragraph 7, for each year a basic allowance in the sum specified in Schedule 1 shall be paid to each Councillor.

Special Responsibility Allowances

- 4.1. For each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme and (subject to paragraph 4.3 below) at such rates as are therein specified.
- 4.2. For the purposes of the Councillors' allowances scheme, only political groups comprising five or more members shall be recognised for the payment of special responsibility allowances.
- 4.3. No councillor may claim more than one special responsibility allowance.

Dependants' Carers' Allowance

- 5.1. Councillors will be entitled to claim a childcare and dependants' carers' allowance in respect of expenditure incurred for the care of dependant relatives or children whilst carrying out approved duties. This will be paid at cost up to a maximum of £7 per hour, but that limit will not apply in the event of specialist care being required. The allowance shall be on the basis of the reimbursement of actual expenses incurred on the production of receipts. Councillors will be requested to complete a form giving details of their circumstances.
- 5.2. Councillors will not be entitled to claim such an allowance in respect of any payment made to a relative who also normally resides with the Councillor concerned.

- 5.3 In respect of payments made to other relatives, reimbursement will be made provided that the rate claimed is not in excess of the rate which the Section 151 Officer considers to be the normal commercial rate having regard to other claims under paragraph 5(1).

Renunciation

6. A Councillor may, by notice in writing given to the Chief Executive, elect to forego any part of his or her entitlement to an allowance under this scheme.

Part-Year Entitlement

- 7.1 The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility is payable.

- 7.2 If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:

- (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or
- (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

- 7.3 Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office subsists bears to the number of days in that year.

- 7.4 Where this scheme is amended as mentioned in sub-paragraph (2) and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (2) (a), the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of the days during which his term of office as a Councillor subsists bears to the number of days in that period.

- 7.5 Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities as entitle him or her to a special

responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

- 7.6 Where this scheme is amended as mentioned in 7.2 and a Councillor has during part, but does not have throughout the whole, of any period mentioned in 7.2 (a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

Claims and Payments

- 8.1 Payments shall be made monthly for all allowances.
- 8.2 Where a payment of one twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 7, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- 8.3 Claims for dependants' carers' allowances and travel and subsistence allowances shall be submitted to the Section 151 Officer within 3 months of the date of entitlement.

Revision of amounts payable

9. The Allowances Scheme shall be updated annually on 1 April each year to reflect changes in comparable salary and inflation levels, and be subjected to a more formal review every four years. The measure by which this annual review is achieved shall be the inflation provision in the Council's budget for salaries and wages and the Section 151 Officer shall be authorised to determine and pay the relevant amounts.

Suspension of Payments

- 10.1 If a Councillor fails to attend any meeting during a period of three months, the Chief Executive, in consultation with the group leaders, may refer the question of the non-attendance of the member to the standards committee for consideration. The standards committee has authority to suspend the payment of allowances under the scheme, unless the reasons for non-attendance are approved by the standards committee.
11. Where a Councillor is also a member of another authority, that Councillor may not receive allowances from more than one authority in respect of the same duties.

Pensions

12. No Councillor of the Council shall be entitled to a pension in accordance with a scheme made under Section 7 of the Superannuation Act 1972.

Travel and Subsistence

13. Councillor shall be entitled to receive travel and subsistence allowances in accordance with Schedule 2 when necessarily incurred in carrying out any approved duty and, in the case of subsistence allowances, the approved duty exceeds four hours in duration.

RATES OF ALLOWANCES

1. The following allowances are payable with effect from May 2015.
2. The amount of basic allowance payable to all Councillors is £5,188 per annum.
3. The following are specified as the special responsibilities in respect of which special responsibility allowances are payable and the amounts of those allowances:

Full Year

	£
Leader of the Council	14,545
Deputy Leader	8,606
Other Cabinet members	5,670
Leader of the principal opposition	4,684
Leader of other political groups (5 members or more)	2,359
Chairmen of scrutiny committees	3,276
Vice Chairmen of above committees	1,092
Chairman of Development Control Committee	4,823
Vice-Chairman of Development Control Committee	2,411
Chairman of Alcohol and Entertainments Licensing Committee	1,200
Chairman of Standards Committee*	1,200
* to be paid as a co-optees allowance if an independent member	

4. The independent and parish council members of the Standards Committee shall each be paid a co-optees allowance of £293
5. The Council has also agreed that the following additional allowances be paid under Sections 3 and 5 of the Local Government Act 1972:

Mayor - £6,444 per annum

Deputy Mayor - £2,048 per annum.

PART 1

Rates of Travelling Allowance and Provisions Relating Thereto (from 1 April 2010)

1. The rate for travel by public transport (which, for the avoidance of doubt, excludes air travel) where more than one class of fare is available shall be determined by reference to first class fares.
- 2.1 The rate for travel by a Councillor's own solo motor cycle will be 24.0p per mile.
- 2.2 The rate for travel by a Councillor's own private motor vehicle, or one belonging to a member of his family or otherwise provided for his/her use, other than a solo motor cycle, shall (subject to sub-paragraphs (3) and (4)) be in accordance with the National Joint Council (NJC) rates for officers applying at the relevant time, which, from 1 April 2010, are:
 - for the use of a motor car of cylinder capacity not exceeding 999 cc 46.90p a mile
 - for the use of a motor car of cylinder capacity exceeding 999 cc, but not exceeding 1199 cc 52.20p a mile; and
 - for the use of a motor car of cylinder capacity exceeding 1199 cc, 65.0p a mile.
- 2.3 The rates specified in sub-paragraphs (1) and (2) may be increased by not more than the amount of any expenditure incurred on tolls, ferries or parking fees and overnight garaging.
- 2.4 The rates specified in sub-paragraph (2) shall be reduced by 10% in respect of cars with CO₂ emissions greater than 185 g/km.
3. The rate for travel by bicycle shall be 14.9p per mile.
4. The rate for travel by taxi-cab or cab shall not exceed:
 - in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid, and
 - in any other case, the amount of the fare for travel by appropriate public transport.

The rate for travel by a hired motor vehicle other than a taxi-cab shall not exceed the rate which would have been applicable had the vehicle belonged to the Councillor who hired it provided that where the body so approves the rate may be increased to an amount not exceeding the actual cost of hiring.

The rate for travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in subsistence allowance consequent on travel by air. Provided that if the Council resolves, either generally or specifically, that the saving in time is so substantial as to justify payment of the fare for travel by air, there may be paid an amount not exceeding:

- (a) the ordinary fare or any available cheap fare for travel by regular air service; or
 - (b) where no such service is available or in case of urgency, the fare actually paid by the Councillor.
5. As per the independent panel recommendations, approved March 2015, the rate of allowances will remain in parity with officer allowance rates.
6. The cost of travel outside of the UK shall not be reimbursed unless it has previously been authorised by the Council.
7. Travel allowances to be payable from home to place of duty, or another location (if applicable and less), except that where a Councillor's main residence is no longer in Rushcliffe and is a greater distance than their last qualifying address in the Borough, such allowances shall be payable from the latter.

Part 2

Rates of Subsistence Allowance, and Provisions Relating Thereto

- 1.1 The rate of subsistence for Councillors' allowances will be in accordance with the Council's policy at that time.

**COUNCILLORS' ALLOWANCES SCHEME
PRINCIPLES IN REVIEWING SCHEME**

The following principles were restated by the independent remuneration panel in reviewing the Councillors' allowances scheme in 2003, 2007 and in 2014.

1. The system of Councillors' allowances should not restrict the possibility of any group in society from standing for the Council, and should ideally have the effect of encouraging groups currently under-represented on Councils to become Councillors.
2. The voluntary public service principle should be one of the factors influencing the allowances scheme but not the only one.
3. There should be established proper processes for holding Councillors to account in the performance of their duties. Transparency and accountability are essential components of a new system.
4. There should be a basic payment received by all Councillors, irrespective of their formal responsibilities on the Council, reflecting the demands of their representative roles and other duties.
5. Special allowances for Councillors holding positions of responsibility should be categorised into a limited number of "bands" with related job descriptions. Special responsibility allowances paid should reflect these different levels of responsibility.
6. Levels of remuneration in Rushcliffe should bear comparison with those agreed in comparable authorities.
7. The allowances paid to Councillors should take into account those paid in relation to comparable positions of responsibility in the public sector.
8. The system of Councillors' allowances should be as uncomplicated as possible; easy for Councillors and members of the public to understand.
9. Internal political roles and activities (party group leadership excepted) should not be eligible for allowances.
10. The allowances scheme should be updated annually to reflect changes in comparable salary and inflation levels, and subjected to a more fundamental review every four years.